

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.

VIDEOCONFERENCE

DEPOSITION OF: SERGEANT JOHN GIBSON

DATE TAKEN: April 9, 2024

TIME: 9:50 a.m. to 10:20 a.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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C O N T E N T S

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CERTIFICATE OF REPORTER	25
EXHIBITS	NONE

1 The deposition of SERGEANT JOHN GIBSON was taken
2 pursuant to notice by counsel for the Defendant on the
3 9th day of April, 2024, commencing at 9:50 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.

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8 SERGEANT JOHN GIBSON,
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. Please state your full name and rank.

15 A. John Gibson, sergeant, Tarpon Springs Police
16 Department.

17 Q. And Sergeant Gibson, how long have you been
18 employed with the Tarpon Springs Police Department?

19 A. Just over ten years.

20 Q. Any other law enforcement prior to Tarpon
21 Springs Police Department?

22 A. I worked for Pasco County Sheriff's Office
23 11 and a half years before that.

24 Q. Okay. All right. Any other?

25 A. No, sir.

1 Q. Okay. Did you prepare a report or multiple
2 reports detailing your involvement in this particular
3 case?

4 A. I do have a report; just one report. And I
5 have it here to refer to if need be. I'll let you know
6 if I need to.

7 Q. Well, I'll tell you what. Feel free to refer
8 to it at any time if you feel that would be helpful.

9 A. Okay.

10 Q. So I have a report and it says TS237856.
11 Doesn't have any type of supplement number, so maybe
12 it's the original one. And the one I have is four
13 pages, and the narrative part is a page and a half.

14 Does that appear to be the same report?

15 A. Yes, sir.

16 Q. All right. Have you had an opportunity to
17 review that report?

18 A. Yes.

19 Q. And in reviewing that report, does it appear to
20 be complete and accurate?

21 A. Yes.

22 Q. What was your first involvement in this case?

23 A. I got a phone call from a Largo detective
24 indicating that they were looking for a red Toyota
25 Corolla. Gave me the tag number, and he advised me that

1 it was spotted on a camera near Punta Gorda heading back
2 north, and asked me to try to intercept the vehicle if
3 it did, in fact, make it to Tarpon.

4 Q. Okay. So when do you receive that call?

5 A. I believe it was approximately 1357, according
6 to my report.

7 Q. Okay so shortly before 2:00?

8 A. Correct.

9 Q. And was it your understanding that the vehicle
10 that had just then been seen in Punta Gorda, or at an
11 earlier time?

12 A. I believe it was at an earlier time.

13 Q. Okay. All right. Do you know approximately
14 how much earlier?

15 A. I don't.

16 Q. All right. The information that's in that
17 first paragraph of your narrative, is that all coming
18 from the Largo police detective?

19 A. Yes.

20 Q. And do you recall the name of the Largo police
21 detective?

22 A. I do not.

23 Q. Okay. I'll find it out.

24 Should I assume it was not a Largo police
25 detective that you had any previous contact with?

1 A. I talked to a few detectives that day. I'm
2 just not sure which one it was.

3 Q. Okay. All right. All right. It appears that
4 he, the detective, indicated to you that he was in the
5 process of getting a warrant for the vehicle, and that
6 he requested that you intercept the vehicle and detain
7 the driver given the opportunity?

8 A. Correct.

9 Q. Okay. So at 1509 hours, a little bit after
10 3:00, about nine minutes after 3:00 p.m. in the
11 afternoon, it says, "Officers received a Flock hit on
12 the vehicle from a camera located at Keystone Road and
13 East Lake Road monitoring westbound traffic."

14 Tell me how that -- how that works, and give me
15 a little insight on that.

16 A. So the Flock -- excuse me. The Flock system,
17 it's a program we have on the patrol computers that,
18 basically, you keep it up in the background. And you
19 can set it up for different hits or indicators, such as
20 like a stolen vehicle, missing, endangered person.
21 There's a bunch of criteria you can put in there to
22 monitor. And if the vehicle matching any of those
23 specific hits, or the tag number itself, if it comes
24 back to a felony vehicle or stolen vehicle or something
25 like that, it gives an audible alert to your computer

1 and you can pull up the camera see if it actually, in
2 fact, matches.

3 Q. Okay. Okay. At that point in time, you'd
4 indicated in the initial paragraph that the driver or
5 the owner of the vehicle had a residence in Tarpon
6 Springs.

7 Did you at that point know where in Tarpon
8 Springs the residence was?

9 A. I remember that it -- I know it had been out
10 west. I had never personally been there.

11 Q. How did you know that information?

12 A. I don't recall. I think when the Largo police
13 detective and I first talked to him he said his
14 residence was on the west side of town out there.

15 Q. All right. All right. So you get this Flock
16 hit at Keystone Road and East Lake Road. How far is
17 that from downtown Tarpon Springs?

18 A. If I had to guess, I'd say probably a few
19 miles. Basically Keystone and East Lake is our
20 easternmost jurisdictional, I'll say, boundary, but
21 close to our easternmost jurisdictional boundaries a
22 couple miles east of downtown.

23 Q. Okay. So you indicate at that point it says,
24 "At this time there was a Largo detective on scene at
25 the subject's home, 511 Seaview Drive, and multiple

1 Tarpon Springs units monitoring access and egress to the
2 west side of town."

3 How do you -- how do you gather that
4 information?

5 A. I was running the shift at that time, so I told
6 the guys to monitor and basically strategically place
7 people on the main thoroughfares to get inside there
8 into the west side of town. There's only certain ways
9 you can get out there to try to intercept the vehicle
10 especially with the given Flock hit.

11 Q. Okay. As far as the Largo detective on scene
12 at the subject's home, how did you know that?

13 A. That was communicated to me. Like I say, they
14 were out there awaiting. At some point that was
15 communicated to me.

16 Q. Okay.

17 A. I don't know the detective who was out there or
18 what time they got there or anything like that.

19 Q. Okay. So it says you positioned yourself near
20 the downtown corridor, and then there's a second hit
21 about 16 minutes past 3:00 at Tarpon Avenue and Huey
22 Avenue; is that correct?

23 A. Yes, sir.

24 Q. Is that real close to the Tarpon Springs Police
25 Department?

1 A. Yes. It's about a block north of the Tarpon
2 Springs Police Department.

3 Q. Okay. And you were, at that time, at Tarpon
4 Avenue and Hibiscus.

5 How far away is that?

6 A. It's about five or six blocks west of that
7 location.

8 Q. Okay. "At 1519 hours the vehicle in question
9 passed me heading westbound on Tarpon Avenue at Pinellas
10 Avenue, which is Alternate 19."

11 That's basically downtown Tarpon Springs right
12 before you get to the bayou there; is that accurate?

13 A. That intersection is probably about a block
14 west of -- or block east of the bayou.

15 Q. Right.

16 A. This is another block east of that
17 intersection, past the downtown. We call it ground
18 zero, essentially, 'cause all your addresses start from
19 0 and work their way from that point.

20 Q. Okay. You indicated, "I observed a single
21 occupant in the vehicle wearing a blue paper
22 surgical-type face covering."

23 A. Yes.

24 Q. What do you do next?

25 A. At that point, I positioned my patrol vehicle

1 behind the subject's vehicle and verified the tag, in
2 fact, is correct, relayed that information to dispatch,
3 and I waited for an opportunity to pull the vehicle over
4 that'd be advantageous. I don't know if you've ever
5 been to Tarpon, but some of our roads are very narrow
6 and heavily congested, so...

7 Q. Okay. So once you find this area that you
8 think is appropriate for what, stopping the vehicle,
9 then what do you do?

10 A. I initiate a traffic stop, turn on my emergency
11 equipment.

12 Q. And what happens when you do that?

13 A. The vehicle pulls off to the right side of the
14 road into a parking spot, I think around the hundred
15 block of West Orange Street. At that point, the vehicle
16 stops, I exited my vehicle. At that point another
17 officer, Officer Rose, had pulled up next to me and we
18 conducted a felony traffic stop. I instructed him to
19 turn the vehicle off and get out and come back to us.

20 Q. Did he turn the vehicle off?

21 A. Yes.

22 Q. Okay. Did he follow your instructions?

23 A. He did.

24 Q. And tell me again, what were the instructions
25 that you gave him?

1 A. I instructed him to turn the vehicle off. I
2 ordered him to face away from me and keep his hands up
3 and begin walking back towards the sound my voice, which
4 he complied with. I gave him clear orders, you know,
5 where to step, when to step. He followed the orders I
6 gave him. And once he got back to a safe distance, he
7 was ordered to his knees and then Officer Rose took over
8 from there, because given my position where he was at in
9 relation to me.

10 Q. Okay. Were you wearing a body camera at this
11 time?

12 A. Yes, sir.

13 Q. Okay. And was Officer Rose also wearing a body
14 camera video?

15 A. It's typical for everybody to wear a body
16 camera. I didn't review any of hers. I can only assume
17 that it was on, but I can't swear to it.

18 Q. What about Officer Faugno?

19 A. Again, that would be same thing. Anybody on
20 scene should have been wearing a body camera.

21 Q. Okay. You indicated in your report that you --
22 during the interaction with the driver he was compliant
23 and emotionless. What does that mean?

24 A. He had a very, like, still look on his face,
25 wasn't smiling, wasn't frowning, wasn't anything. Just

1 very matter of fact.

2 Q. Okay. Was he advised as to why he was being
3 stopped?

4 A. I didn't advise him at that point, no.

5 Q. Okay. Did he question you as to why he was
6 being stopped?

7 A. No.

8 Q. Okay. Did he make any statements in your
9 presence?

10 A. No, he did not.

11 Q. After he is secured what, if anything, happens
12 after he is secured?

13 A. After he's secured, a short while later the
14 detectives showed up on scene to work on the warrant or
15 got the warrant. I sent Officer Faugno back to the
16 police department to retrieve the warrant for the
17 vehicle. And when they got back on scene, I gave it to
18 Officer Rose to effect.

19 Q. Okay. Did you remain at the scene?

20 A. For part of it.

21 Q. Okay.

22 A. My vehicle remained on scene the whole time. I
23 didn't step away to use the restroom. That was up in
24 the next segment. No, my vehicle remained on scene as
25 it was the one that initially pulled the car over. So

1 my in-car camera was going the whole time.

2 Q. My recollection of watching some of the body
3 cam video is shortly after Kosowski is taken into
4 custody that there was sort of a team of
5 significantly -- of law enforcement that approached the
6 vehicle.

7 A. Yes, there's myself included. So basically we
8 went up to the vehicle to clear it and ensure that there
9 was no other occupants inside.

10 Q. Okay. Tell me about that process.

11 A. Any time we conduct a felony stop there in that
12 manner, especially we got the driver out and detained,
13 so basically stacked up a couple of us and safely
14 approached the vehicle, including for any other
15 occupants.

16 Q. The vehicle that was a Toyota --

17 A. Corolla.

18 Q. -- Corolla.

19 Did it have tinted windows or did it have no
20 tint on the windows? Do you recall?

21 A. I don't recall. I don't believe it was tinted.

22 Q. Okay. So basically what we see at that point
23 is a precautionary thing to make sure there's no one
24 else in the car?

25 A. Correct.

1 Q. Did that include opening the trunk?

2 A. It did not.

3 Q. Okay. Were you present -- well, let me ask you
4 this: On the bottom of page -- I don't know if your
5 page numbers are the same. I have mine as 304, it says,
6 "I made contact with the Largo detective who followed
7 Officer Palmer to the scene to the Seaview address." It
8 says, "A short time later Detective Hunt advised that he
9 had a warrant for the vehicle and request that we serve
10 the warrant."

11 The Largo detective that you reference who was
12 following Officer Palmer, is that Detective Hunt or is
13 that a different detective?

14 A. I don't recall.

15 Q. Okay.

16 A. I don't believe it was. I'm pretty sure I'm
17 not -- I can't say for sure, but I don't believe it was
18 the same detective. There was multiple of them there.

19 Q. Okay. Do you recall when you say "a short time
20 later, Detective Hunt advised he had a warrant for the
21 vehicle and requested that we serve the warrant," what
22 is a short time later?

23 A. I couldn't -- I don't recall without looking at
24 the body camera or looking at the video camera when in
25 fact --

1 Q. Okay.

2 A. -- the warrant was read.

3 Q. Okay. Do you know, was that a warrant to seize
4 the vehicle or a warrant to search the vehicle, or both?

5 A. I'm not sure. I didn't read the warrant
6 myself.

7 Q. Okay. It appears Officer Rose was the one who
8 actually served the warrant.

9 A. That's correct.

10 Q. Okay. Do you recall members of law enforcement
11 opening the trunk of the Corolla prior to being in
12 possession of a search warrant?

13 A. Not that I recall, no.

14 Q. Okay. Do you recall any law enforcement -- do
15 you recall law enforcement opening the trunk for the
16 Corolla?

17 A. Not specifically, no.

18 Q. Okay.

19 A. I was pretty hands off at that point.
20 Basically we just took a hands-off approach, and Largo
21 was handling whatever they needed to handle with it.

22 Q. Okay. Do you know why in searching the home it
23 was deemed necessary for Largo -- I mean for Tarpon to
24 actually conduct the search because it was in Tarpon
25 Springs, but it appears in searching the car it was

1 Largo that did the search for the Tarpon Springs? Do
2 you know why the distinction, if there is a distinction?

3 A. I can't speak to the home or anything that
4 happened there. That didn't have anything to do with
5 me.

6 Q. Okay.

7 A. I'm not sure what, if anything, took place with
8 that. As far as the vehicle, that was the instructions
9 I was given, is that they wanted -- it was their case
10 and had nothing to do with us except for the fact I
11 stopped the vehicle for them.

12 Q. Okay. All right. Do you recall how long
13 Dr. Kosowski was detained in your custody or Tarpon
14 Springs' custody prior to being turned over to either
15 Largo or whoever transported him to the jail?

16 A. I don't recall. I wasn't on scene when that
17 took place. Excuse me. He was transferred to another
18 officer, and I was working day shift at the time. So my
19 involvement had concluded and I had gone home. I'm not
20 sure. I'm not even sure what time I went home. Excuse
21 me. What time it all ended.

22 Q. The body cam would then be helpful in
23 determining those times, I would imagine?

24 A. The body camera, the vehicle camera. As I
25 said, my vehicle camera was activated the entire time he

1 was there until I left the scene.

2 Q. When you were asked by Largo to stop and detain
3 the driver of the Toyota Corolla, what was the reason to
4 detain the driver?

5 A. It was just at their request. It was -- I
6 believe I put in there is consistent; had with the
7 vehicle flagged as a felony vehicle, missing person
8 involuntary. That's all the information I was given.

9 Q. Okay. So basically, did you do your
10 independent evaluation as to whether or not you have any
11 legal basis to detain him or do you -- are you relying
12 on Largo's representations to you?

13 A. Largo's representations as well as the vehicle
14 being entered into the system.

15 Q. Right.

16 The vehicle being entered into the system, what
17 does that mean as far as being able to detain someone
18 and how long you might be able to detain someone?

19 A. Well, I said, depends on how it was entered.
20 Like I said, it flags for different reasons, like a
21 missing person, a person with probable cause for their
22 arrest, person with warrants and so forth. I said that
23 that was the basis of me stopping the vehicle at Largo's
24 request. As far as the time of the detention, I can't
25 speak to that.

1 Q. Okay. Was it your understanding that Kosowski
2 was being placed under arrest at the time or he was
3 being detained, or is there a distinction in your mind?

4 A. There's definitely a distinction. A detention
5 is different than an arrest. A detention can be
6 short-term or, you know, that's all this was, in my
7 mind, was that they asked us to detain him. And whether
8 or not they placed him under arrest at a later time,
9 that's up to them.

10 Q. Okay.

11 A. As far as I'm concerned, we stopped the vehicle
12 and detained him, pass it off to Largo.

13 Q. Okay. Were you familiar with any of the BOLOs
14 that had been issued as it relates to Kosowski at the
15 time?

16 A. No, not particularly.

17 Q. Do you know if anyone else, yourself included,
18 with Tarpon Springs Police Department were searching for
19 Kosowski prior to your involvement in this?

20 A. Not that I'm aware of. I can't speak for
21 anybody else, but me particularly, no.

22 Q. Do you recall whether or not after Officer Rose
23 arrested or detained Kosowski, whether or not you closed
24 the door -- the front driver's side door of the Corolla?

25 A. I don't recall without reviewing the camera.

1 Q. Okay. It might have been you. You just don't
2 recall?

3 A. It may have. I don't recall.

4 Q. Okay. But it should show up on the camera;
5 right?

6 A. Yes, sir.

7 Q. I think we've discussed you clearing the rest
8 of the vehicle for any other occupants; right?

9 A. Yes, sir.

10 Q. That's when you guys went up with the firearms
11 and sort of surrounded the vehicle?

12 A. Correct.

13 Q. Okay. Had there been any suggestions that
14 there was a person in the trunk of the car?

15 A. Not that I recall, no.

16 Q. As far as the Largo Police Department detective
17 that you contacted to alert him that Kosowski had been
18 detained, who was that?

19 A. I don't recall the detective that I spoke with.

20 Q. How did you communicate? How did you contact
21 this detective?

22 A. I believe it was -- I can't remember if it was
23 over the phone or there was another officer at Tarpon
24 Springs Police Department, Officer Palmer, that was out
25 there, that detective followed her to the scene.

1 Q. Okay. If it was by phone, would it be by cell
2 phone or...

3 A. It would be by cell phone, correct.

4 Q. Would that be a Tarpon Springs issued cell
5 phone?

6 A. Yes, sir.

7 Q. Okay. Would it be via text or phone call?

8 A. A phone call.

9 Q. Okay. Do you guys have a policy on whether you
10 can text on your department-issued cell phones?

11 A. I'm not sure of the policy. To be honest with
12 you, I'm not sure if the policy covers texts or phone
13 calls or differentiates.

14 Q. Okay. Do you do both?

15 A. It depends on the situation.

16 Q. Right.

17 Depending on the situation, do you do both?

18 A. Yes.

19 Q. Okay. I think you had indicated earlier that
20 the detective that you don't know with certainty whether
21 or not the detective who followed Officer Palmer to the
22 scene from the Seaview address, whether or not that's
23 the same detective that you had contacted about Kosowski
24 being detained?

25 A. Correct.

1 Q. Okay. Do you have any information about how
2 long Tarpon Springs Police Department personnel had been
3 stationed at the Seaview address?

4 A. I don't know. I don't have that information.

5 Q. Do you know if they were stationed there the
6 day before March 24th, 2023?

7 A. I don't have that information.

8 Q. Okay. Was it an option for Kosowski to be
9 allowed to drive home?

10 A. At that point, no.

11 Q. Was there any discussions about whether or not
12 he should be stopped and detained prior to getting to
13 his home?

14 A. There was no clear indication on, like, when,
15 where; just if we can intercept the vehicle to stop him
16 and detain him.

17 Q. Okay. All right. Is there anything else that
18 you did in this case that's not discussed in your
19 narrative and that we've not discussed during this
20 deposition today?

21 A. No, sir.

22 MR. BRUNVAND: All right. I don't have any
23 other questions. The State may have some questions.

24 MR. VONDERHEIDE: I don't have any questions.

25 MR. BRUNVAND: All right. So if this is

1 transcribed, would you like to read or waive reading
2 of the transcript?

3 THE WITNESS: I'll waive.

4 MR. BRUNVAND: Waive. Okay. Very good.
5 That's all I have. I greatly appreciate your time.

6 THE WITNESS: Thank you, sir.

7 MR. BRUNVAND: Have a good day.

8 THE WITNESS: You too.

9 (At 10:20 a.m., no further questions were
10 propounded to this witness.)
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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Lori A. Seiden, RPR, FPR-C, Notary Public,
State of Florida, certify that SERGEANT JOHN
GIBSON virtually appeared before me on the 9th day of
April, 2024, and was duly sworn.

WITNESS my hand this 26th day of December 2024.

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

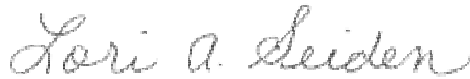
1 CERTIFICATE OF REPORTER

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 SERGEANT JOHN
9 GIBSON; that a review of the transcript was not
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 26th day of December, 2024.

19
20 

21 _____
22 Lori A. Seiden, RPR, FPR-C
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