

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 STEPHEN GIBSON

DATE TAKEN: MARCH 7, 2024

TIME: 1:02 p.m. - 2:02 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:

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I N D E X

MARCH 7, 2024

WITNESS

Called by the Defendant:

STEPHEN GIBSON

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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 STEPHEN GIBSON, 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 Good afternoon. My name is Bjorn Brunvand.
13 Present for this deposition is Mr. Vonderheide,
14 Ms. Spadaro, and court reporter.

15 If you could please state your name.

16 A Officer Stephen Gibson.

17 Q And how are you employed?

18 A I'm employed with the Tarpon Springs Police
19 Department as an officer.

20 Q And how long have you been employed with the
21 Tarpon Springs Police Department?

22 A Approximately six years.

23 Q Any previous law enforcement experience
24 prior to Tarpon Springs Police Department?

25 A Yes, sir.

1 Q Where was that?

2 A That was with the Pasco Sheriff's Office.

3 Q And how long were you with the Pasco
4 Sheriff's Office?

5 A That was approximately three years.

6 Q Okay. Any prior to that?

7 A No, sir.

8 Q Okay. Did you prepare a report detailing
9 your involvement in this case?

10 A Yes, sir, I completed a supplement for this
11 case.

12 Q All right. And was it just one or were
13 there multiple reports?

14 A There was just one.

15 Q Okay. So I have a report that's -- my copy
16 is three pages with a narrative on one page. Then it
17 details -- it starts out, "On March 25th, 2023, at
18 1705 hours I arrived at the area West Orange Street
19 and North Pinellas Avenue in reference to a traffic
20 stop initiated by Corporal Gibson."

21 Is that your report?

22 A Yes, sir.

23 Q Okay. And is it -- have you had a chance to
24 review it?

25 A Yes, sir.

1 Q Is it complete and accurate?

2 A Yes, sir.

3 Q Okay. Does it, does it include everything
4 that you did in this case?

5 A Yes, sir.

6 Q All right. And let's talk about what you
7 did in this case. It indicates that you arrived at
8 1705 hours, which is five minutes past 5:00 in the
9 afternoon. Presumably you received some sort of
10 communication prior to that from someone to alert you
11 to respond to this location.

12 A Yes, sir. So when I go available for calls,
13 I look at the CAD screen, see what day shift's on to
14 see if I can relieve them, assist them so they can go
15 home. Because our shift changes at 5:00 p.m.

16 Q Okay. So, so you had just gone on duty
17 then?

18 A Yes, sir.

19 Q All right. And so had anyone indicated to
20 you what was, what was taking place at the West Orange
21 Street and North Pinellas Avenue location?

22 A Other than the CAD notes, I saw the CAD
23 screen, saw what was going on. I responded.

24 Q What did the CAD screen tell you?

25 A It was just the traffic stop that day shift

1 units were on.

2 Q It didn't say anything beyond that it was a
3 traffic stop?

4 A It was -- I mean there was call notes in
5 that. I don't have the call notes verbatim what they
6 said. But there was a traffic stop and there was
7 several units on scene.

8 Q Okay. So anything else about, that you
9 recall, about why there was a traffic stop, who was
10 being stopped?

11 A There was -- I'll explain it like a -- what
12 we call like a BOLO. Basically like a detailed
13 description just when a tag's ran --

14 Q Right.

15 A -- that it was involved in a case. And, like
16 I said, there was several officers on scene.

17 Q Okay. So there was a BOLO. And that was
18 referenced in the CAD notes?

19 A Yes, sir.

20 Q Okay. And specifically what do you recall
21 about the BOLO?

22 A That it was like a felony vehicle -- I don't
23 know how they exactly had it worded. But it was along
24 those lines. It was involved in a case that was being
25 currently worked.

1 Q Okay. Any indication of what type of a
2 case?

3 A I don't recall what stood out when I looked
4 at the screen. Like I said, when I went available,
5 there was several units on scene. And what I usually
6 do is I go to see what I can do to assist them. I
7 don't remember exactly what, you know, exactly said in
8 the call notes.

9 Q Okay, all right. So what do you see when
10 you arrive at that scene?

11 A I saw our units on scene. I also saw other
12 units who were later identified as Largo Police
13 Department. And then I met with the supervisor on
14 scene from our agency, which is Sergeant John Gibson.

15 Q So how many Tarpon Springs units did you see
16 on the scene?

17 A I don't recall how many exactly there were.
18 But there was -- for sure it was Officer -- I'm sorry,
19 Sergeant Gibson, Officer Rhodes, and Officer Fogno
20 (phonetic spelling).

21 Q Okay. Did you wear a recording device
22 that's referred to as a body cam?

23 A Yes, sir, I did.

24 Q Okay. And was the body cam that you had,
25 was it activated?

1 A It was during my, my involvement.

2 Q Okay. So, so when did you activate it? As
3 soon as you arrived, or?

4 A No, not when I arrived. A lot of -- when I
5 arrived on scene, I was just kind of standing back
6 trying -- they were trying to figure out what they
7 needed for me to do.

8 Anytime that I made contact with anybody,
9 Mr. Kosowski, was activated. That was about the only
10 time that I had involvements that it needed to be
11 activated.

12 Q So let me ask you. Because sometimes people
13 or officers will have the video feed running but the
14 audio is turned off. Was that the case or you just
15 didn't have it on at all except when you had contact
16 with Dr. Kosowski?

17 A So how our cameras work is we have body
18 cameras. We also have dash cameras that include a back
19 seat camera. Whenever our body cams are activated, the
20 vehicle activates.

21 However, whenever -- our policy is that
22 whenever we are making contact involving the case,
23 such as like investigative stuff, that's when it needs
24 to be activated.

25 So it was not activated when I was just

1 standing around with the supervisor trying to figure
2 out what is needed that we do.

3 Q Okay. When you first arrived, what was,
4 what was happening at the scene when you first
5 arrived?

6 A I don't recall exactly what was going on when
7 I got there. Like I said, I met with Sergeant Gibson
8 and I was trying to figure out what they needed me to
9 do.

10 Q Okay. Do you know whether or not was there
11 a Toyota Corolla present at the scene?

12 A Yes, sir, there was.

13 Q Okay. Do you know whether or not that
14 Toyota Corolla had been searched at the time when you
15 arrived?

16 A Not to my knowledge.

17 Q Okay. Was Tomasz Kosowski present at the
18 scene?

19 A He was secured in a vehicle.

20 Q Okay. What does that mean?

21 A He was placed in the back seat of a police
22 vehicle, one of our marked agency vehicles.

23 Q Okay. Was he free to leave?

24 A As -- from what I gather, he was -- they were
25 still investigating. So he was detained for the

1 investigation portion of it.

2 Q Okay. So not free to leave, right?

3 A Correct.

4 Q Okay. IN the first paragraph of your report
5 it says, "Upon arrival I met with Corporal Gibson."

6 A He might have been a corporal at that time.
7 He's been since promoted to a sergeant.

8 Q Okay. What's his full name?

9 A Now it is Sergeant John Gibson.

10 Q Okay. Are you guys related?

11 A No, sir, we're not.

12 Q Okay. But same last name?

13 A Yes, sir.

14 Q All right. So when you asked him what you
15 could do to assist due to the shift change, he asked,
16 according to your report here, he asked you to
17 complete a vehicle impound receipt for the vehicle
18 that is the red Toyota Corolla.

19 A That's correct.

20 Q Okay. And so you completed the vehicle
21 impound receipt for the vehicle but you did not do a
22 vehicle impound search due to Largo Police Department
23 Detective Bolton having a search warrant for it and
24 the reason for the tow was to assist them in having it
25 transported to Pinellas County to be processed.

1 Did you witness any search of that Corolla
2 while you were there?

3 A Not that I recall, no, sir.

4 Q Okay. Do you have any idea how long prior
5 to your arrival the stop and then detention of
6 Kosowski happened?

7 A No, sir. I don't recall the times the call
8 came out or was initiated.

9 Q Okay. Were you present at the scene until
10 the Corolla was removed from the scene, towed from the
11 scene?

12 A Yes, sir.

13 Q Okay. And so you -- and you reference that
14 using a Bradford's Towing later arrived and took
15 custody of the vehicle. Approximately what time did
16 that happen?

17 A I don't recall the exact time that Bradford's
18 arrived on scene. They have 30-minute timeframe to get
19 to our scene per our contract with any tow companies.

20 So if I had to guess, it would be in between
21 those times. But, like I said, I'm not certain of the
22 time that it was -- that they arrived on scene.

23 Q Okay.

24 A It would be in the CAD -- I'm sorry to
25 interrupt. It would be in the CAD notes in our call

1 logs.

2 Q Okay. Do you have information handy, or no?

3 A I have it on the computer. If you would like
4 me to go to the computer.

5 Q Yeah, feel free to reference it, sure.

6 A It says that Bradford's arrived on scene at
7 1729 hours, which would be 5:29 p.m.

8 Q Okay, all right. So basically 24 minutes
9 after you arrived on scene?

10 A Correct.

11 Q Okay. So, and then shortly thereafter they
12 take the vehicle and transport it to, to another
13 location?

14 A Yes, sir.

15 Q Okay. And then when it indicates that you
16 took custody of Officer B. Rose's marked patrol
17 vehicle which had a male who was identified by other
18 officers as Tomasz Kosowski, what does that mean that
19 you took custody of it?

20 A So we have our own issued vehicles. Like I
21 said, it was shift change, they were going to be going
22 home. I ended up taking my equipment out of my patrol
23 car that I needed for my shift and she took her
24 equipment out of her vehicle and placed it in my
25 vehicle.

1 So we kept him in her vehicle. I just took
2 her vehicle the remainder of my shift and throughout
3 this involvement.

4 Q All right. So before you took custody of
5 Officer Rose's marked patrol vehicle, presumably you
6 were provided some information about the status of
7 Tomasz Kosowski?

8 A Yes, sir.

9 Q Okay. Tell me about the information that
10 you were updated on as far as his status.

11 A Like I, I don't know exactly what was -- the
12 conversation was. It was along the lines of there was
13 a male detained in reference to a felony investigation
14 and that they were -- Largo Police Department was
15 working with our jurisdiction, they were in the process
16 of working with the state attorney to obtain a search
17 warrant for his person.

18 So I was asked to stand by with him while
19 they conducted that with the State Attorney's Office
20 and then the courts.

21 Q It is your understanding that he was under
22 arrest at that time?

23 A Not as far as I know. He was detained and
24 not free to leave --

25 Q Okay.

1 A -- while they conducted that investigation.

2 Q And the investigation, what did you know
3 about the investigation? What was, what was the
4 investigation all about?

5 A It was involving some kind of possible murder
6 investigation.

7 Q Okay. Did the CAD notes that you had access
8 to, did they tell you the time that Tomasz Kosowski
9 was initially detained by Tarpon Springs Police
10 Department?

11 A Yes, sir.

12 Q What time is that?

13 A That was at 1520 hours, which is 3:20 p.m.

14 Q Okay. That's when he was pulled over and
15 stopped and detained?

16 A Yes, sir.

17 Q Okay. Based on your law enforcement
18 experience and background, do you have an opinion as
19 to how long someone can be detained without being
20 arrested?

21 A Well, it wouldn't be an opinion. But based
22 off -- while we're trying to conduct our investigation.
23 I mean this was not my investigation.

24 Q Sure.

25 A This was another agency's investigation.

1 However, they had more information than I have. So
2 there was some kind of grounds that they felt that they
3 had to keep him detained while they were working with
4 the State Attorney's Office to obtain whatever
5 information they needed to obtain.

6 Q Okay. But in your general practice as a
7 police officer, do you have any guidelines as to how
8 long someone can be detained without being arrested?

9 A Well, like I said, it's while we're
10 conducting an investigation. I mean it just depends on
11 how long that investigation would be for -- every case
12 is different. Every situation is different. So it
13 varied throughout.

14 Q In your opinion based on your training and
15 experience, are there no time limitations? You know,
16 as long as you're conducting an investigation, there
17 are no limitations?

18 A We have, like, we have policies in place for,
19 like, our police department, being detained inside of
20 our holding cells.

21 There's nothing that specifically says in
22 our, in our general orders that in a police vehicle
23 while we're conducting an investigation we have a
24 certain timeframe to -- that we have to have them --
25 where we have to basically release them.

1 Q Okay, all right. So you're standing by the
2 vehicle with Tomasz Kosowski inside the vehicle and it
3 says periodically checking on him inside the vehicle.

4 Can you elaborate on that.

5 A Yes. So I was standing outside the police
6 vehicle along the sidewalk of East -- or would be West
7 Orange Street. I'm sorry. And I would -- after a
8 period of time I would walk up to the police vehicle,
9 I'd open the back door, I'll ask him if he was doing
10 okay, if he needs anything.

11 And that was my involvement with speaking
12 with him.

13 Q And when you would go up and -- so is the
14 door closed and the window closed, you had to open the
15 door in order to ask him if he's okay?

16 A Yes, sir.

17 Q Okay. And so when you ask him if he's okay,
18 do you activate your body cam recording device for --
19 during those encounters?

20 A Yes, sir.

21 Q Okay, all right. And have you had a chance
22 to review those recordings?

23 A I reviewed the back seat camera of the
24 vehicle that he was in which has audio and video.
25 However, I had some issues with trying to locate my

1 body cam footage from our system that we have.

2 Q Okay. Why don't you explain how does that
3 work, the body cam recordings. How are they preserved
4 and --

5 A So basically we have a system, it's called
6 WatchGuard. And after our tour of duty is over we take
7 our cameras and we upload them into our police
8 department -- there's like a server board. They sync
9 in.

10 Kind of like you would hook a phone up I
11 guess you would say, but it's just like a big board.
12 They have, like, individual spots where the cameras
13 would go.

14 Once those cameras upload into the server of
15 WatchGuard, sometimes they could take five minutes,
16 sometimes they could take several hours, just depends
17 on how much footage you have on your camera, then the
18 video goes into a, like, a library in the system.

19 Once the videos are into the system, they
20 have to be individually tagged into a case file
21 either -- by the, by the case agent of the case.

22 Q Okay, all right. So you wouldn't
23 individually tag it then?

24 A Me personally, I would normally. I don't
25 remember what happened with this situation.

1 Q Okay.

2 A I don't know. If I was -- say, you know,
3 just for an example so you understand, if I was the
4 case agent for the entire case, I would go in and I
5 would select and figure out where each officer's body
6 camera footage is, I would retag them.

7 It's -- it all varies. Sometimes it -- when
8 there's several officers involved, the other officers
9 will assist. It just depends on the situation and the
10 circumstances.

11 Q Okay. So your particular body cam footage,
12 however, you had not been able to locate. Is that
13 correct?

14 A That's correct, sir.

15 Q When it's tagged, if you or someone else
16 inadvertently puts in the wrong report number, could
17 that direct it to another file and then cause it
18 difficulty to locate?

19 A It could be. It's -- I'm not a master with
20 this website by any means. However, it could, it
21 could, it could have been tagged into a different
22 number. It's 100 things could happen. I'm not too
23 sure.

24 After a certain time if it's not uploaded
25 into a case, then the server basically -- I would say

1 wipes is the word. It completely -- the videos go
2 away.

3 Q Okay. Presumably the -- you did what you
4 were supposed to do by putting it on the device that
5 uploads it. Right?

6 A Yes, sir.

7 Q Okay. And you believe that you tagged it to
8 this investigation, or you're not sure?

9 A I'm not sure, sir.

10 Q Okay, all right. But either you or any of
11 your supervisors could have tagged it to this
12 investigation?

13 A That's correct. Well, if it was tagged, then
14 I would have been able to locate it.

15 Q Okay, all right. It indicates then that you
16 were asked by Largo Police Department to transport
17 Tomasz to the Tarpon Springs Police Department so he
18 could use the bathroom.

19 What time does that happen?

20 A That was at 2019 hours.

21 Q Okay. So I think you had indicated that he
22 was initially stopped at 1520 hours, if I'm not
23 mistaken.

24 A The time that he was detained was 1520 hours.

25 Q Would that be consistent with when he was

1 stopped?

2 A It looks like the CAD time was billed at 1519
3 hours, which is --

4 Q There a minute earlier.

5 A Yes. And I stand corrected. The time that I
6 transported back to the police department was at 2014
7 hours. I'm sorry.

8 Q Okay. So about almost five hours after he
9 was initially detained is when you're taking him to
10 the Tarpon Springs Police Department to use the
11 bathroom?

12 A Correct.

13 Q Okay. And, again, during that time period
14 he is still detained, has not yet been arrested?

15 A Yes, sir.

16 Q Not free to leave?

17 A Correct.

18 Q Is he handcuffed?

19 A Yes, sir, he was.

20 Q And how far away is the Tarpon Springs
21 Police Department from this scene at the street?

22 A I don't have the exact distance of how far it
23 is. It's a couple blocks --

24 Q Okay.

25 A -- give or take.

1 Q So a few minutes?

2 A Yes, sir.

3 Q Okay. And so then you bring Tomasz Kosowski
4 back to the, to the scene of the stop after he used
5 the bathroom. Right?

6 A Yes, sir.

7 Q All right. How long of a time period does
8 your -- I mean your CAD notes, does it indicate what
9 time you arrived back at the scene?

10 A The time I arrived back at the scene was at
11 2030 hours.

12 Q Okay. So about 16 minutes after you had
13 left?

14 A Yes, sir.

15 Q All right. Then what happens?

16 A I went back to staying outside the vehicle
17 while Largo continued to work on whatever they needed
18 to work on at that time.

19 Q What is Largo working on at this time? I
20 mean the Corolla is gone, right?

21 A Yes, sir.

22 Q In fact, the Corolla has been gone for many
23 hours at that point in time?

24 A Yes, sir.

25 Q Is there anything else at that particular

1 scene that they're looking at or working on?

2 A They were working with the State Attorney's
3 Office. I don't know the details of all that. All I
4 know is that they were working on obtaining a search
5 warrant for this person.

6 Q Okay. So everyone is kind of in a holding
7 pattern?

8 A Yes, sir.

9 Q Okay.

10 A Other than, I mean, the ones that were
11 working on what they were working on. Like I said, I
12 don't know who was working on what. That's their
13 investigation. I was just kind of assisting them
14 because they were in our jurisdiction.

15 Q So at this point your -- you've exceeded the
16 five hours since this initial stop and detention. Is
17 he being provided any food or drinks, water, anything
18 like that during this time period?

19 A I don't recall. I believe he did get -- I
20 don't remember if he had a drink or not. When I would
21 check on him, he would say he was okay.

22 Q Okay. And so at some point you're asked by
23 Largo Police Department to transport him back to the
24 Tarpon Springs Police Department so that a search
25 warrant could be served on his person. What time does

1 that happen?

2 A We were en route back to the police
3 department at 0052 hours.

4 Q Okay. That's eight minutes to 1- -- prior
5 to 1:00 a.m. in the morning, right, the following day?

6 A Yes, sir.

7 Q Okay. And that's, what, almost ten hours
8 since the initial detention if my math skills are
9 correct?

10 A Yes, sir, roughly.

11 Q And the same thing, other than the one
12 bathroom break, did he have other bathroom breaks?

13 A No, sir.

14 Q And no food?

15 A As far as I remember. I'm not too certain.

16 Q Yeah. While he was in your custody. Which
17 is not the entire time. But while he was in your
18 custody, right?

19 A Yes, sir.

20 Q And when he is detained, I mean he was in
21 your custody. Would that be a fair statement?

22 A Yes; he was in our, in our agency patrol
23 vehicle.

24 Q Right. Okay.

25 A While I'm watching over him.

1 Q Okay. So tell me about what happens when
2 you get back to the Tarpon Springs Police Department
3 shortly before 1:00 a.m.

4 A So when I arrived on scene at the police
5 department, I was met with Detective, Detective -- or,
6 I'm sorry, Largo detectives. And Deputy Spicer from
7 the Pinellas County Sheriff's office as well as the
8 Pinellas County forensics tech that was on this call.

9 Q Okay. And is your body cam activated?

10 A As far as I remember, yes, sir.

11 Q Okay. And whatever recording may have been
12 recorded at that time, that's also missing at this
13 point?

14 A Yes, sir.

15 Q Okay. How long does, does that take? You
16 brought him back, they're executing the search warrant
17 on his person. How long does that take? If you
18 recall. Or if you can --

19 A I don't -- I'm sorry, go ahead.

20 Q Can you -- maybe from the CAD notes are you
21 able to --

22 A I don't recall the time. My CAD notes don't
23 say the time arrived back on scene to the police
24 department. In the patrol vehicle camera you would be
25 able to hear me when I said I was on scene at the

1 police department, it's not in the CAD notes.

2 Q Okay. What about at some point Detective
3 Bolton placed Tomasz Kosowski under arrest for
4 first-degree murder, were you present when that
5 happened?

6 A I can't remember if I was sitting in the
7 police car in the driver's seat or if I was outside the
8 vehicle. He was -- at that point they escorted him
9 back out to the police car and they spoke with him
10 again.

11 I don't recall the -- where I was at during
12 that, that time.

13 Q Okay. Does your CAD notes reflect the time
14 that that happened?

15 A He was -- I don't have the exact time that
16 they placed him under arrest. That's not -- that
17 wouldn't be on our CAD notes. We don't have their --
18 they don't have our CAD system.

19 Q All right. What about the time that you
20 contacted prisoner transport?

21 A Yes. So I contacted prisoner transport at --
22 it looks like it would be at 2:10 in the morning, 0210
23 hours.

24 Q Okay. And you don't recall whether or not
25 it was a few minutes prior to this that he was placed

1 under arrest, or?

2 A That's correct, sir.

3 Q Okay.

4 A So -- I'm sorry. I just want to explain so
5 you understand. So they were working on their thing.
6 I wasn't sure if they were going to contact transport
7 themselves, if they needed us to. It was kind of we
8 were trying to work together. We're obviously two
9 different agencies.

10 So the second that they asked me to contact
11 transport is when I had our dispatch generate the call
12 for transport.

13 Q Okay. It indicates in your report that your
14 body worn and -- or in-camera cameras were activated
15 during the incident. It looks like sort of a standard
16 paragraph that's in there that you made. Sort of cut
17 and paste I assume?

18 A Yes. It's what I put in for my body camera
19 to show that it was activated, it could be paused, and
20 so on, so forth.

21 Q Okay, all right. And I think you had said
22 that if your body cam is activated it automatically
23 also activates the camera footage in the vehicle?

24 A Yes, sir. So how -- so in our vehicles we
25 have a port up by our front seat that we sync our body

1 cameras with our dash cameras. In this situation it
2 was already activated prior to me arriving on scene
3 because it's not my patrol vehicle.

4 I, like I said, I took custody of Officer
5 Rose's patrol vehicle and her camera was already
6 going. Her dash camera was already going.

7 Q Okay. Could that be the explanation for the
8 missing video, that it could be listed under Officer
9 Rose's information?

10 A No, sir.

11 Q Okay. Were you, were you part of the SWAT
12 team that entered 511 Seaview the evening of
13 March 23rd --

14 A Yes, sir.

15 Q -- 2023?

16 A Yes, sir.

17 Q Okay. Was there a briefing prior to
18 entering the property?

19 A Yes, sir, there was.

20 Q And who conducted that briefing?

21 A I can't recall if it was Major Trill who was
22 our SWAT commander at the time or if it was one of the
23 Largo detectives, supervisors. I'm not too sure.
24 There was several of us that met at a location to go
25 over.

1 Q And where was that location?

2 A We met at the Tarpon Springs Fire Department
3 on Gulf Road. I don't have the exact numeric or the
4 address. There's a church there. It was halfway on
5 the church property, halfway on the fire department
6 property.

7 Q Were you outside or inside?

8 A We were outside.

9 Q And who was your SWAT leader?

10 A Our SWAT commander at the time was Major
11 Michael Trill.

12 Q Do you recall what time the briefing was
13 held?

14 A No, sir, I do not.

15 Q Would there be any CAD notes that would
16 assist in getting that information?

17 A I don't even know. I could try to look and
18 see.

19 Q All right.

20 A It would take me a minute. I'm sorry.

21 Q That's fine. Take your time.

22 A I don't know what units were assigned to the
23 call. I have to know like a unit number. I'm not able
24 to find -- I'm not sure who -- what these officers
25 I.D.s were that they assigned the call.

1 Q Okay. Is that something that you would be
2 able to further explore after the deposition and maybe
3 get the information to the State, to the prosecutor?

4 A If it's not blocked from my view, then yes.

5 Q Okay. Why would it be blocked for your
6 view?

7 A Depending on certain cases some stuff is not
8 able to be viewed by patrol. It would be either
9 detective aspect or some of our command.

10 Q Okay.

11 A I have that case number if you would like.
12 There's --

13 Q What is it?

14 A It's TS23, dash, 7723.

15 Q I'm assuming you did not prepare any type of
16 report as it relates to that evening.

17 A No, sir.

18 Q Okay. What about when you, when you were
19 part of the SWAT team, did you have a body camera
20 activated or no body cam activated?

21 A Yes, sir, I had a body cam activated.

22 Q Okay. Have you been able to locate that
23 body cam?

24 A Yes, sir.

25 Q Okay, all right. Does the -- so would the

1 body cam have been active during the briefing?

2 A No, sir.

3 Q Okay. But it's active shortly after the
4 briefing I'm assuming?

5 A Yes, sir.

6 Q As you are approaching the house, or?

7 A When we were driving. I'm not sure where
8 exactly it was. It was prior to us arriving at the
9 house. We were in our SWAT vehicle and it was
10 activated. It was dark. So I couldn't see where we
11 were at when it was activated.

12 Q Sure, sure. So would it be a fair
13 assumption that the briefing was shortly prior to the
14 activation?

15 A Yes, sir.

16 Q Okay. Do you recall what information you
17 were provided with during the briefing?

18 A I don't remember. I know we were given the
19 house of that address. We were given a layout of how
20 the house was which we need to know when we're making
21 entry into a residence.

22 Can't recall what the details were that they
23 told us about the case or what -- who we were going
24 to -- whose house it was.

25 Q Okay. Would you normally be advised of what

1 type of a crime the homeowner is suspected of having
2 committed?

3 A Normally, yes, sir.

4 Q Do you recall whether or not that
5 information was provided?

6 A I don't recall if that was, if that was. But
7 normally we would know what -- why we're going in to
8 conduct a search warrant at a house.

9 Q Okay. What about any information about
10 whether or not the homeowner was likely to be home?

11 A We were told -- as far as I remember, we were
12 told that they weren't sure if he was gonna be there or
13 not or if anybody was gonna be in the residence.

14 Q Okay, all right. Any information that they
15 had information that the homeowner was outside of the
16 area, like in South Florida?

17 A I don't recall.

18 Q Okay. Were there any photographs of Tomasz
19 Kosowski circulated during the briefing?

20 A I don't recall if there was or not.

21 Q Do you recall a BOLO printout being
22 collected?

23 A I don't recall that either, sir.

24 Q One or multiple BOLO printouts?

25 A Not that I recall.

1 Q What's the reason for not having the body
2 cam activated during the briefing?

3 A Our, our policy is while we're conducting
4 that investigation when we're going over information,
5 it's not always activated during our briefings because
6 some of the information that we have at the time is
7 confidential or could vary.

8 Q Okay. Do you -- did you have any
9 involvement in the decision to use armed SWAT team to
10 enter the home of Kosowski?

11 A No, sir. I'm just an operator of the team.

12 Q Okay. Do you know who made that decision?

13 A I don't know who made that decision. I know
14 that our commander has more of that information. He
15 has since passed away. So I'm not sure if he was the
16 one or who, who would have that information.

17 Q Okay. Did you review any photographs of the
18 home or the outside of the home prior to entering the
19 home?

20 A I believe so. I can't remember if it was on
21 Google, like Google the map or --

22 Q Google Earth.

23 A Yeah. Or if it was a printout. I can't
24 recall which way it was.

25 Q Okay. Do you recall seeing any photos that

1 may have been taken by Detective Bolton with the
2 camera or his phone or what have you?

3 A Not that I recall.

4 Q Do you recall seeing any photographs
5 depicting the back yard of 511 Seaview during the
6 briefing?

7 A Not that I recall.

8 Q Back going back to the -- when you first
9 came on scene. Well, let me ask you this before I go
10 to that. Did you enter the home the night of the, of
11 the search on March 23rd?

12 A The night we conducted the search warrant,
13 yes, sir, I did.

14 Q Okay. And what was your involvement in
15 entering the home? Where did you go?

16 A Me as well as my entry team were -- our focus
17 is any humans to basically apprehend while the -- for
18 the search warrant aspect of it.

19 Q Okay. Apprehend or secure?

20 A Detain. Like secure them. I'm sorry.

21 Q All right. And so do you go through the
22 entire house or do you have certain section of the
23 house that you are responsible for?

24 A When I, when I made entry into the house, I
25 was -- I can't remember how far back in the stack I

1 was. But there was a hallway to the left. That's
2 where I was moving towards.

3 Q So did you enter on the upper level or did
4 you enter through the garage?

5 A We entered -- there's a upper level -- I'm
6 sorry, upper level staircase right next to the front
7 door.

8 Q Okay, all right. Then once you enter there,
9 you went to the left?

10 A Yes, sir.

11 Q Okay. So as you go to the left, go down
12 that hallway, to your left there's a bedroom?

13 A Yes, sir.

14 Q And inside the bedroom there's a bathroom?

15 A Yes, sir.

16 Q Then there's a room that had a bunch of
17 guitars in it?

18 A I don't know what was in that room. That
19 wasn't the room I went into.

20 Q Okay. Did you have to break any doors or
21 force entry into any of the, any of the rooms?

22 A Me personally, no.

23 Q Okay. But you had to secure the area and
24 make sure that it's safe for the search team to come
25 in. Right?

1 A Yes, sir.

2 Q So did someone else enter the room that had
3 the guitars?

4 A Somebody had to have. I don't know who, who
5 that was.

6 Q So when you go to the left and you go down
7 that hallway and then you turn to the left and that
8 takes you into the bedroom, immediately across from
9 there there's a door that takes you into a large
10 closet. Did you not see that?

11 A So when you -- so when I come -- I'm sorry, I
12 just want to make sure I'm clear.

13 Q Yeah.

14 A So when I come through the front door,
15 there's a hallway to the left. There was a elevator.
16 There was a couple, there was a couple doors on the
17 right.

18 Q Yeah.

19 A And there's a hallway that cuts left. There
20 was a laundry room --

21 Q Yeah.

22 A -- that I went into and then there's a
23 bedroom that's -- basically would be the front of the
24 house. That's the bedroom I went into.

25 Q Okay, all right. So the other doors on your

1 right you didn't, you didn't enter any of those doors,
2 someone else did that?

3 A If the staircase is on that door that goes
4 downstairs, that's the only doorway that I walked
5 through. I just can't remember where that everything
6 was in the house. Everything was so fast.

7 Q Sure, understood. As it relates to the --
8 when you first arrived at Orange Street in Tarpon
9 Springs on May -- I mean March 25th, was something
10 signed out to you at that time? Does that make sense?

11 A Something signed out to me?

12 Q Yeah.

13 A Not that I recall. Do you know what
14 particular that means? I don't know what that means.

15 Q I'm not sure. So I know that you took over
16 Rose's marked patrol vehicle. I'm not sure.

17 You took over her patrol vehicle. Was
18 something signed out, is there something that's
19 signed out to you when you switch cars, or?

20 A I have my SWAT gear that I -- it's my gear.
21 I don't know if that's what that means.

22 Q I'm not talking about when you guys were
23 there doing the search warrant. I'm now back at when
24 you first arrived on the 25th.

25 A Yes, sir.

1 Q Okay, go ahead.

2 A When it comes to my patrol vehicle, I have my
3 issued gear --

4 Q Um-hum.

5 A -- the tools, my firearms, other equipment
6 that I might need if we were to get a SWAT call out.

7 Q Right.

8 A That's the only equipment that I know of.
9 Sometimes we check out equipment from a supply closet
10 in our police department. I don't know if, if that's
11 what that means. I don't know.

12 Q Okay. So, so just so I understand, when you
13 swap cars you maintained or you took things from your
14 patrol car that included what?

15 A As far as I remember, it was my SWAT
16 ballistic vest, my helmet, my EarPro, which are our com
17 systems --

18 Q Okay.

19 A -- my firearms, my issued rifle.

20 Q Okay.

21 A I can't remember if I pulled out my gear
22 weapon systems that I had at the time or whatnot.

23 Q Okay, all right. During the time that you
24 were with Tomasz Kosowski on the 25th of March 2023,
25 did he ever ask you for a lawyer?

1 A Not that I recall.

2 Q If he did, it would be on your body cam
3 recording?

4 A Yes, sir.

5 Q And/or on the recordings in the, in the
6 patrol vehicle?

7 A That's correct, yes, sir.

8 Q If he had had asked for a lawyer, what would
9 you have told him?

10 A I would have gone and spoke to the Largo
11 detectives. I wasn't, I wasn't asking him any
12 questions that would pertain to that. Like I said, it
13 was their investigation. I would have gone and
14 notified the case agent or the detectives from Largo
15 Police Department that were on scene with me.

16 Q Okay. And you don't remember if he did or
17 he didn't. But if he did, you would have then brought
18 it to the attention of Largo?

19 A Yes, sir.

20 Q Okay. Do you recall Tom Kosowski
21 complaining to you about the handcuffs being too tight
22 or tight?

23 A I don't recall that.

24 Q If, in fact, that happened, it would be on
25 the recording from the -- either your body cam

1 recording or on the patrol car recordings, right?

2 A Yes, sir.

3 Q Do you recall at any point in time offering
4 to loosen up the handcuffs for him or anything like
5 that?

6 A I don't recall. That would also be on the
7 video footage.

8 Q Okay. Would you do that if -- would you
9 check them, I mean if someone complained that they
10 were too tight?

11 A Yes.

12 Q Did you overhear -- did you tell Tom
13 Kosowski that once, once his car was seized that he
14 would be allowed to go back home?

15 A No, sir.

16 Q Or that he would be released?

17 A No, sir.

18 Q Did you overhear anyone else tell Tom
19 Kosowski that once the vehicle was seized that he
20 would be released or allowed to go home?

21 A No, sir.

22 MR. BRUNVAND: I think that's all the
23 questions I have.

24 MR. VONDERHEIDE: Hey, Bjorn, I got the
25 CAD notes during the depo.

1 MR. BRUNVAND: Okay.

2 MR. VONDERHEIDE: I just emailed them to
3 you. If you want to look at them and ask
4 questions off of them, I sent them to you,
5 like, maybe five minutes ago.

6 MR. BRUNVAND: All right, let me take a
7 look.

8 Q When it says in the CAD notes under the
9 column radio and it says TS and it has a number like
10 309, 304, 302, 301, what do those numbers mean?

11 A Okay. So those are our, our call signs when
12 we're on duty. We have a -- my squad would be the 400
13 units. Which would be 402, which is me at the time.
14 409 which is my corporal at the time. The 300 units
15 which would be the day shift units. That's just how
16 their call signs are at the time that they were on the
17 CAD.

18 Q Okay. And what about the user? It says
19 user and then it has that number and letter or
20 sometimes just a number.

21 A I'm sorry, what was that?

22 Q So when I go all the way across to the right
23 there's a column that says user. So, for example,
24 at -- you said you were at TS-402.

25 A Yes.

1 Q So --

2 A Okay, I located where you're talking about.

3 Q -- 201501 I go all the way across and it
4 has user 9383C.

5 A So you're asking what those, those numbers
6 are?

7 Q Yeah. What does that mean? What is that?

8 A So those are -- we have a radio I.D. assigned
9 to us. So the -- whoever the radio I.D. would be for
10 that would be the one that would -- so if I was to
11 transmit something to my dispatch, they would be
12 entering the notes. So it would be their radio I.D.

13 If I was to manually go in and add comments
14 into a call screen, it would say my radio I.D. which
15 is -- you see next to our names above where you ask
16 where the unit numbers were.

17 So you see my name, which is Gibson, comma,
18 Stephen M. and then there's a 9377 next to it. That's
19 the -- our radio I.D. That's my radio I.D. number.

20 Q Okay. Got it. All right.

21 MR. BRUNVAND: Okay, I don't have any
22 other questions.

23 I'm gonna see if the State has any
24 questions.

25 MR. VONDERHEIDE: I don't have any further

1 questions. Thank you.

2 MS. SPADARO: I don't have any questions
3 either.

4 MR. BRUNVAND: Okay, Officer, if this
5 deposition is transcribed, are you familiar
6 with reading and waiving?

7 THE WITNESS: Yes, sir. I'll read.

8 (The deposition was concluded at 2:02
9 p.m.)
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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.

STEPHEN GIBSON

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF POLK)

I, the undersigned authority, certify that
STEPHEN GIBSON, 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



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 STEPHEN GIBSON, that a view of the transcript was requested
9 and that the transcript is a true and complete record of my
10 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 30th day of December 2024.

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21 TAMMY KELLEY
22
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December 30, 2024

Mr. Stephen Gibson
sgibson@tspd.us

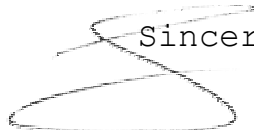
Dear Mr. Gibson:

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