

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 KATHERINE HOOK

DATE TAKEN: DECEMBER 6, 2023

TIME: 1:01 p.m. - 2:08 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

DECEMBER 6, 2023

WITNESS

Called by the Defendant:

KATHERINE HOOK

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CERTIFICATE OF REPORTER..... 45

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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: Yes, I do.

7 KATHERINE HOOK, 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 My name is Bjorn Brunvand. We're here on  
13 State of Florida versus Tomasz Kosowski. I represent  
14 Tomasz Kosowski. And Nathan Vonderheide is present.

15 And can you please state your name.

16 A Katherine Hook.

17 Q And how are you employed?

18 A I'm a forensic science specialist with the  
19 Pinellas County Sheriff's Office.

20 Q And how long have you been so employed?

21 A I've been working at the sheriff's office for  
22 23 years and I've been in the forensic sciences  
23 division for 21 years.

24 Q And did you prepare reports detailing your  
25 involvement in this case?

1           A     Yes, I did.

2           Q     So I'm looking at what I have. I have a  
3 supplement number five that's a five- -- I'm sorry,  
4 supplement number seven that's a five-page report.

5           A     Yes.

6           Q     And then I have a supplement 31 that's a  
7 two-page report.

8           A     Yes.

9           Q     Is there anything -- any other reports that  
10 you authored in this case?

11          A     No.

12          Q     So did you first become involved in this case  
13 on March 22nd, 2023?

14          A     Yes, I did.

15          Q     And before we start talking about this. Have  
16 you had a chance prior to today to review both of your  
17 reports for accuracy?

18          A     Yes, I did.

19          Q     And when you reviewed them for accuracy, did  
20 they appear to be accurate?

21          A     Yes.

22          Q     And did you also review them for  
23 completeness?

24          A     Yes.

25          Q     And did they appear to be complete? That is,

1 do they include everything you did that you consider to  
2 be of evidentiary significance?

3 A Yes, they do.

4 (Ms. Sellers joins the virtual  
5 deposition.)

6 Q Okay. All right, so March 22nd it looks like  
7 you received a call at 7:02 a.m. and you arrived to  
8 1501 South Belcher Road Suite B at 7:18 a.m. Is that  
9 correct?

10 A That's correct.

11 Q Okay. And looks like Amanda Sellers who's my  
12 cocounsel has joined today's deposition as well.

13 Prior to or -- prior to arriving at 7:18  
14 in the morning, did you talk to anyone about this  
15 case? Did you get any updates or any information  
16 about the case?

17 A No. I didn't know anything about this case  
18 at all --

19 Q Okay.

20 A -- the morning.

21 Q And so you respond to the location and it's  
22 your understanding that you're processing the scene of  
23 a missing person?

24 A That's what I was told, yes.

25 Q Okay. Is it unusual to be processing scenes

1 of missing people?

2 A No. We've done them. I've done a couple.

3 Q Okay. What else were you told about upon  
4 your arrival about the investigation and by whom?

5 A I was told by Supervisor Lisa Murphy that the  
6 man that worked at the office building was missing and  
7 I was told that he had gone out to the restroom and  
8 didn't come back.

9 Q Okay, all right. What were your duties when  
10 you first arrived at the scene?

11 A I processed the men's bathroom door and  
12 doorframe. That's what I did first. And then I  
13 basically most of the time just focussed on the men's  
14 bathroom. But I did do other things afterwards. But  
15 mainly I stayed in the men's bathroom.

16 Q Okay. And do you recall when you walked --  
17 when you arrived and walked into the men's bathroom,  
18 was there anything on, on the floor outside the men's  
19 bathroom that you noticed?

20 A I'd have to look at the, at the photographs.  
21 I don't recall. I know that outside of the actual  
22 exterior door to go from the hallway in the men's  
23 bathroom I had put my equipment down there.

24 Q Okay.

25 A I would have to look in the photos to see

1 once you entered the men's bathroom door if there's  
2 anything on the floor in the, in the bathroom itself.  
3 I don't recall.

4 Q Okay. Might it be helpful if we pull up your  
5 photos?

6 A Sure.

7 Q Okay. Let me see if I can find those.

8 I believe the first set of photos that I  
9 have for you start with the letter G. Does that  
10 sound correct?

11 A I don't know.

12 Q Okay.

13 A I'm sorry.

14 Q That's okay. We'll pull this up and we'll  
15 take a look and see if this might be it.

16 Looks like I missed photo number one. The  
17 photo before this has your name on it and then it  
18 says 5328 payroll. Would that be --

19 A That's my payroll, yes.

20 Q Okay, all right. So it looks like these  
21 photos are photos that are taken inside one of the  
22 bathrooms.

23 A Inside the stall, yes.

24 Q Bathroom stall. But it doesn't really help  
25 us with what you're seeing outside.



1           A     Right. Those photos were all completed by  
2 different specialists prior to my arrival.

3           Q     Okay. But so you, yourself, do you have any  
4 independent recollection of what you may have seen as  
5 you walked in other than you said you put some of your  
6 things down?

7           A     Outside of the bathroom itself, I put my  
8 things down in the hallway.

9           Q     Okay.

10          A     Outside the exterior door.

11          Q     Do you remember seeing a cardboard box on the  
12 floor outside the entrance to the bathroom?

13          A     I don't recall.

14          Q     Okay.

15          A     I'm not sure.

16          Q     That's fine. And so that basically -- that  
17 wasn't your focus, right?

18          A     Of what was on the floor, or?

19          Q     Yeah, what was on the hallway from outside  
20 the bathroom.

21          A     That was all equipment that myself I brought  
22 as well as Supervisor Murphy and Supervisor Camacho.  
23 The other specialist had already processed the scene,  
24 the majority of it, prior to my arrival.

25          Q     Right. So I'm not talking about the things

1 that you may have put on the floor. What I'm asking is  
2 if you remember seeing a cardboard box that was sitting  
3 on the floor outside the bathroom or a tissue or napkin  
4 that may have had what appeared to be blood drops on  
5 it.

6 A No, I don't recall seeing those items.

7 Q Okay, all right. Do you recall looking at --  
8 were you there when -- after the Evidence markers had  
9 been put up, in that hallway?

10 A When I got there, there were no more Evidence  
11 markers in the hallway.

12 Q Those had already been moved?

13 A Correct.

14 Q Okay. Very good. So let's talk about image  
15 number two here. What's the significance of this? It  
16 looks like there's some dust on the, on the toilet  
17 seat.

18 A Yes. I believe, I am not 100-percent sure, I  
19 believe that was processed by Supervisor Camacho black  
20 powder processed or magnetic powder processed.

21 Q Okay.

22 A So that's why the toilet seat looks like  
23 that.

24 Q Okay. You didn't process that?

25 A No.

1           Q     What else are you seeing on this photo that,  
2     that you consider significant?

3           A     What I ended up photographing, this was just  
4     an overall before I had placed a scale on the floor, I  
5     believe it's the next photo in 03, at the very top of  
6     the photo it's the bottom of the toilet bowl.

7           Q     Okay.

8           A     It kind of gave you a reference of where I  
9     was. So that was just a pattern mark on the floor in  
10    front of the toilet bowl.

11          Q     And this pattern mark, what does that appear  
12    to be? I mean do you know?

13          A     I don't know. A possible shoeprint. I'm not  
14    sure what it is.

15          Q     Okay.

16          A     A pattern.

17          Q     Okay. So it could be a possible shoeprint.  
18    Any other ideas of what it might be?

19          A     Anything that would have touched the ground,  
20    the floor, and left a pattern.

21          Q     Okay.

22          A     It could be anything.

23          Q     All right, okay. Anything else on image  
24    number three that stands out to you as a -- wait, what  
25    is your title again?

1 A My job title?

2 Q Yeah.

3 A Forensic science specialist.

4 Q Okay.

5 A So I'm a specialist.

6 Q All right. So anything else about this image  
7 that you want to bring to our attention as a forensic  
8 science specialist?

9 A No. That was the purpose of the photo was  
10 just to show where that pattern was in relation to the  
11 toilet bowl. That's the same photo just with a flash  
12 in a different area.

13 Q Okay. That's image number four we're talking  
14 about.

15 A Yes.

16 Q Number five, same --

17 A Same area. Yes.

18 Q Okay. Number six, is that the same thing?

19 A It's the same sort-of looking pattern. But I  
20 believe this one is in a different location. Oh, no,  
21 it is. It's the same thing. I'm sorry. I just have  
22 to look this way.

23 So, yes, the toilet bowl's in the upper  
24 right-hand side now.

25 Q Okay. So it looks like it's just from a

1 different angle maybe?

2 A Yes.

3 Q Okay. Number seven, same?

4 A The same.

5 Q Just a close-up. Number eight, another  
6 close-up of the same pattern?

7 A Yes.

8 Q Same with number nine?

9 A Yes.

10 Q Is there anything in particular that you're  
11 seeing on those close-ups that, you know, you think we  
12 should be aware of?

13 A Not particularly. Just that there was some  
14 sort of pattern there.

15 Q Okay, all right. Same with ten. Looks like  
16 eleven is the same. Twelve was the same. Thirteen, is  
17 that in a different area or is that still in the same  
18 area?

19 A It's -- I'm sorry, is there a possible way to  
20 see -- I think is number fifteen a darker photo of the  
21 whole -- okay, I just wanted to see where we are here.

22 Q Yes, number fifteen is a darker photo.

23 A Okay. So I'd have, I'd have to -- it's kind  
24 of hard to see because it's a little small. But I  
25 believe that this is a pattern in a different area. I

1 photographed two different areas inside the stall on  
2 the floor. One was the one that's kind of in front of  
3 northwest of the toilet and then there were two that --  
4 of a pattern like that on the floor underneath the  
5 toilet paper dispenser --

6 Q Okay.

7 A -- where there was the partition of the  
8 toilet and the partition was on the side. It was kind  
9 of in between there.

10 Q Okay, all right. Let's go to fifteen. What  
11 are we looking at here?

12 A This is the bathroom floor after Luminol had  
13 been applied to the bathroom.

14 Q And who applied the Luminol?

15 A I'd have to check my report. One second. I  
16 photographed it. I don't want to tell you the wrong  
17 thing.

18 Q Sure. Take your time. Feel free to refer to  
19 your report.

20 A Okay. Okay, I just wrote in my report that  
21 Supervisor Murphy and Supervisor Camacho were the ones  
22 that processed it with the Luminol and I photographed  
23 the results.

24 So both of them, you know, would have been  
25 the ones that were applying it.

1           Q     Okay. And, so we can see a bluish-purplish  
2 color in this photo in number sixteen. What does that  
3 tell you? Or what does that tell us?

4           A     What the -- what this photo that's up right  
5 now?

6           Q     Right.

7           A     Just that area that the Luminol was sprayed  
8 on the floor in front of the toilet had luminescence.  
9 So that's what I photographed.

10          Q     And what does the luminescence tell us or  
11 tell you as an investigator?

12          A     It tells me that there is something in the  
13 area, possible blood, possible cleaning products.  
14 Luminol is very sensitive but not specific.

15          Q     Okay.

16          A     So if we get an area like that for  
17 luminescence, it tells you either that could be an area  
18 that blood was, it could be cleaning products, it could  
19 be -- you get luminescence from different things, plant  
20 material, metals.

21          Q     This is men's bathroom. Like spilled urine,  
22 could that also be something that would maybe give the  
23 same reaction?

24          A     I personally never seen urine luminesce.

25          Q     Okay.

1           A     So I don't want to -- I don't know if it does  
2 or not. I've never seen it myself.

3           Q     Okay. But, so the answer is you don't know?

4           A     Correct.

5           Q     Okay. And so it indicates that there may  
6 have been some sort of substance in that area, but  
7 exactly what the substance is you don't know?

8           A     Correct.

9           Q     Okay. And it's, it's not even really a  
10 presumptive of anything, it just tells you that maybe  
11 some additional testing might want to be conducted in  
12 that area?

13          A     Yes.

14          Q     Okay. Cleaning -- you indicated one of the  
15 things that might cause this type of a display would be  
16 cleaning products.

17          A     Yes.

18          Q     Do you know if there's a time window as to,  
19 you know, the time period from when the cleaning  
20 products were applied until the time that they're no  
21 longer going to show up in this type of testing?

22          A     I don't know. A timeframe, no.

23          Q     Okay. That would be for someone else who  
24 have additional expertise in this area beyond what you  
25 do?



1           A     Yes.

2           Q     All right, okay. Sixteen, we're looking at  
3 the wall in that same, same bathroom --

4           A     Yes.

5           Q     -- stall?

6           A     Yes, in the stall.

7           Q     And, again, are we -- what are we seeing?

8           A     Just areas of luminescence on the wall kind  
9 of below the bar there that's mounted to the wall. A  
10 little bit on the bar and the -- what the bar's mounted  
11 on.

12                     So just more areas of luminescence.

13          Q     Okay. And, again, could be evidence of  
14 cleaning fluids, could be evidence of blood, could be  
15 evidence of something else. But whatever it is it's  
16 presumptive and you can't really tell from this image  
17 what, what is causing it to light up the way it is?

18          A     Correct.

19          Q     Okay. That I think was sixteen. Move to  
20 seventeen. What are we seeing -- where are we  
21 seeing -- or what are we seeing in this image?

22          A     That's above the bar that's in the stall.  
23 And there's a little bit -- some luminescence on the  
24 actual bar and then on the wall up above towards the  
25 left of the photo. A couple areas there as well.

1 Q Now, these black --

2 A That would be --

3 Q What are we seeing?

4 A -- fingerprint powder. Whether it's black  
5 powder or magnetic powder, it would be one of those  
6 fingerprint powders on the wall.

7 Q Okay. So before you do the Luminol testing,  
8 you actually -- they actually did the fingerprint  
9 testing first?

10 A Correct. Luminol is typically the last thing  
11 that we do.

12 Q Okay. Do you know whether or not Luminol  
13 sometimes reacts to the fingerprint powder?

14 A I have not seen it react with fingerprint  
15 powder, no.

16 Q Okay, all right. So it is your assumption  
17 that it does not?

18 A Well, not that I've ever seen.

19 Q Okay, all right. But, again, that's not  
20 something that you have specialized expertise in other  
21 than just what you've seen in doing your work?

22 A Correct.

23 Q All right. Eighteen, what are we looking at  
24 here?

25 A This would be a photo from -- my camera would

1 be outside of the stall in the bathroom but outside of  
2 the actual stall. And that's looking into the stall  
3 the floor.

4 And you can kind of see the han- -- the metal  
5 handle on the wall on the right-hand side. But that  
6 would be right when you walk into the stall, the toilet  
7 would be to your right in this photo.

8 Q Okay. And the, the -- and again we see  
9 remnants of the fingerprint powder, right?

10 A Yes. All that kind of -- the darkened  
11 streaks, if you will, that's all fingerprint powder.

12 Q Okay. And did you have any involvement in  
13 doing that fingerprint examination or applying the  
14 powder?

15 A I didn't powder that area.

16 Q Okay.

17 A I powdered other areas in the bathroom but  
18 not that particular area.

19 Q Not that area. And do you know whether or  
20 not that was done during the night before you arrived?

21 A No. That was done either by Supervisor  
22 Murphy or Supervisor Amber Camacho.

23 Q And when did they do this, the powder?

24 A When I was doing the other side of the  
25 bathroom, the sink area and the urinal, they were doing

1     that side.

2                 I believe it's Supervisor Camacho that did  
3     that part, but I don't want to say 100 percent. But I  
4     remember her being on that side of the bathroom.

5                 Q     Okay, all right. So nineteen is another  
6     photo of the Luminol on the floor entering the stall  
7     area?

8                 A     Yes.

9                 Q     Twenty, what are we looking at here in  
10    twenty?

11                A     This would be me standing with the camera  
12    towards the urinal and this would be the inside of the  
13    interior stall door. So if you go to the right, that  
14    would be the actual stall.

15                But what I'm looking at, there is the  
16    interior stall door and then to the left is the  
17    interior men's bathroom door that leads out to the  
18    hallway.

19                Q     Okay. When I'm looking to the left, so it  
20    looks like -- I don't know if that's another door, or.

21                A     Yes.

22                Q     Okay. It doesn't appear that there's any  
23    Luminol lighting up on that. Am I mistaken by that or  
24    am I correct?

25                A     You're correct.

1           Q     Okay. But it still appears to have this --  
2 these things that are running down.

3           A     I don't -- I'm not 100-percent sure because  
4 Supervisor Murphy and Camacho also processed certain  
5 areas with Amido Black. So that may be Amido Black.  
6 Which is another chemical that's -- because it looks so  
7 runny.

8           Q     Okay. And what is Amido Black? What is that  
9 used for?

10          A     That is also just another chemical that we  
11 use to try to bring up ridge detail, possible ridge  
12 detail.

13          Q     Okay.

14          A     It's like a stain that -- a protein stain.

15          Q     All right. And twenty-one, looks like it's a  
16 similar image but it's with the door to the stall  
17 closed.

18          A     Correct.

19          Q     Okay. And, let's see, let's go to  
20 twenty-two. What -- twenty-three, are you using a  
21 flash? Is that why it's lighting up more than the  
22 others?

23          A     I used a flash on all of those. It just is  
24 one flash at the very end of the exposure. So this I  
25 think just looks lighter because the actual stall

1 partitions and doors are lighter than the walls.

2 Q Okay. Then twenty-four. Okay. This is the  
3 urinal. The black stuff, what is the black stuff that  
4 we're looking at on the urinal?

5 A It's fingerprint powder. It's magnetic  
6 fingerprint powder on the walls, on the toilet, on the  
7 urinal, on the partitions, yes. That's all powder.  
8 And down at the bottom is a little area of  
9 luminescence.

10 Q Okay, all right. Twenty-six, what are we  
11 seeing in twenty-six?

12 A Just another view of the urinal and the wall  
13 that's facing the urinal. Some luminescence on that  
14 wall as well.

15 MR. BRUNVAND: Okay. I want to pause for  
16 a second and -- because Sandra-Leigh Copeland,  
17 that's Sandra-Leigh King, right?

18 MR. VONDERHEIDE: Um-hum.

19 THE WITNESS: Yes.

20 MR. BRUNVAND: Okay. I'm probably going  
21 to ask her -- see if she might be available to  
22 come back a little bit later today.

23 Let's go off the record for a second.

24 (Discussion off the record. Ms. Spadaro  
25 joins the virtual deposition.)

1           Q     I think -- did we discuss twenty-six? Why  
2     don't you tell me. If we did, I would rather err on  
3     the side of caution.

4           A     It was just the urinal with fingerprint  
5     powder. That's why it's all -- the whole area is all  
6     black and streaky. And then on the right on that side  
7     of the partition there's luminescence that was  
8     photographed.

9           Q     Okay. And that could be bodily fluids, could  
10    be cleaning supplies, could be -- we don't know what it  
11    is?

12          A     Correct.

13          Q     All right. Twenty-seven, what do you see in  
14    here?

15          A     I'm seeing that it's hard to see.

16          Q     Yeah. See if I can get a --

17          A     I feel like I'm seeing the urinal in the  
18    back.

19          Q     Right.

20          A     And that's the floor.

21          Q     Does the pattern, what you're seeing on the  
22    floor, what does that mean? Anything?

23          A     No, not to me.

24          Q     Okay. And twenty-eight, this is the same  
25    door that we were looking at earlier but now it appears

1 to have, like, instead of a dark color it's almost like  
2 a light bluish color. What is that?

3 A I believe that's Amido Black. But  
4 Specialist -- or, I'm sorry, Supervisor Murphy and  
5 Supervisor Camacho could tell you more about what they  
6 did to the door, that door.

7 Q Okay, all right. Twenty-nine?

8 A That is Michael Montgomery.

9 Q Okay.

10 A And those are just overall photographs of him  
11 and how he looked when I saw him when he arrived on  
12 scene.

13 Q Okay. And this is on the 22nd?

14 A It's the same day, yes, March 22nd.

15 Q Okay, all right. So I assume someone  
16 instructed you to take his photos?

17 A Yes.

18 Q Okay. Who was that?

19 A It would have been Supervisor Murphy.

20 Q Okay. And these poses I assume are the  
21 standard poses that you do when you take these type of  
22 photos?

23 A Yes. When we do any of these kind of photos,  
24 they're usually all going to look the same. And this  
25 was just the bottom of -- the bottoms of his shoes.



1           Q     And what was the purpose of taking the photo  
2 of the bottom of his shoes?

3           A     To show the pattern, if there was a pattern  
4 on the bottom.

5           Q     Okay, all right. Then thirty-seven, do you  
6 know who this is?

7           A     I don't. But I wrote in my report I believe  
8 it's Sergeant Recla. Yes.

9           Q     Oakly. And we can see his actual name on  
10 the --

11          A     Yes. And I don't know him other than  
12 photographing him here.

13          Q     And, again, why are you taking all these  
14 photographs of him?

15          A     Just to show how he looked and I was told  
16 that he had gone into the business and possibly the  
17 bathroom. So they just wanted me to photograph him and  
18 show what the bottoms of his shoes looked like, the  
19 pattern.

20          Q     Did you confirm that both him and  
21 Mr. Montgomery wore the same shoes the day before?

22          A     That's what I was told, yes.

23          Q     By who?

24          A     The -- my supervisors got with the detectives  
25 on scene.

1           Q     Okay.  So your supervisors talked to the  
2     detectives outside your presence and then they told  
3     you --

4           A     Yes.

5           Q     -- that they had --

6           A     Yes.  I don't know if they had gone home or  
7     if -- I don't know what their schedules were.  But when  
8     they came to me, I was asked to photograph them and  
9     what they were wearing at the time and their shoe  
10    patterns.

11          Q     Okay.  And forty- -- forty-four, I'm sorry,  
12    who is in forty-four?

13          A     That's Officer Jones.

14          Q     Okay.  And go through the same, same photos,  
15    shoe pattern?

16          A     Correct.

17          Q     And it appears that's the -- that's it for  
18    that set of photos.  Let me get out of that.

19                Do you recall if you took any other  
20    photos?

21          A     I don't believe I did.  But let me just scan  
22    my supplement really quick.

23          Q     Okay.

24          A     No, I didn't.

25          Q     Okay.  One second here.

1           In your report on page four of five of  
2   this supplement number seven --

3           A     Okay.

4           Q     -- you indicate, "I tested the area with  
5   phenolphthalein, phenolphthalein and obtained positive  
6   results for the presence of possible blood.

7           A     Hold on, I'm just trying to find the -- where  
8   you're at.

9           Q     Sure. Yeah, page four. It's right under the  
10   line that says, "I collected a role of paper towels  
11   from the bottom drawer in the bathroom." It's about  
12   halfway down the page.

13          A     Okay. Paper towels. Okay, I see where I  
14   said I collected.

15          Q     You say, "I tested the area with  
16   phenolphthalein and obtained positive results for the  
17   presence of possible blood."

18          A     Correct.

19          Q     Okay. Knowing that there are many other  
20   potential substances that may show up when you do this  
21   testing, why do you limit this to say possible  
22   presence -- or presence of possible blood?

23          A     Because it's not a -- it's just the way the  
24   test is. It would have to go to a lab to be confirmed.

25               And when we get a positive on a

1 phenolphthalein test, it will say -- it gives us a  
2 positive as to whether it's the possible blood, but it  
3 doesn't differentiate between human blood or animal  
4 blood.

5           So that's something that would need to go to  
6 the lab to have confirmed if it is indeed blood and if  
7 it is human blood, if it's animal blood.

8           Q     Could it be -- what else could it be that  
9 would have a -- so does it actually say possible  
10 presence of blood or is that, is that your -- are those  
11 your words?

12          A     That's the way we word things here.  
13 That's -- when you get a positive, you get a positive.  
14 But since I can only tell you what the test tells me,  
15 it would have to go to a lab to be analyzed to say,  
16 yes, this is in fact blood.

17          Q     Do you know what other agents could cause a  
18 false positive result using the phenolphthalein test?

19          A     No, I don't. I've, I've -- we test our kit  
20 before we use it with a -- there's a little swab inside  
21 the kit. So that will tell us if it's working. So if  
22 we do swab something, it's not gonna give us false  
23 positive.

24                So we test the kit ahead of time to say,  
25 okay, all the chemicals are working. But I've never

1 had a -- swabbed something and had a positive result  
2 that -- something that didn't appear to be blood. If  
3 that makes any sense.

4 Q So, so let me make sure that I understand.  
5 When you get a positive for possible blood using the  
6 words that you used --

7 A Um-hum.

8 Q -- it's presumptive positive and it has to be  
9 sent on to the lab for further testing?

10 A Correct, yes.

11 Q Right?

12 A Yes.

13 Q Okay. Are you saying that you've never had a  
14 case where you had the presumptive positive that was  
15 sent off to the lab that came back as not being blood?

16 A No, I'm not saying that. I'm just saying  
17 that I've never had a -- I've never swabbed, like, just  
18 a table, if I -- just this table next to me, if I would  
19 swab it and test it with phenolphthalein I've never had  
20 that turn positive if there was nothing there. Usually  
21 there's a substance.

22 Does that make sense what I'm trying to --

23 Q Sure. Sure. There has to be some sort of  
24 substance for it to react with. Right?

25 A Right.

1 Q So, but my question is so one of the agents  
2 that it presumptively reacts to is blood, right?

3 A Right.

4 Q Another -- well, one would be human blood,  
5 right?

6 A Yes.

7 Q One might be animal blood I think you had  
8 indicated?

9 A Yes.

10 Q But there may also be other agents that would  
11 also react that you're not familiar with?

12 A I am not familiar with anything reacting --  
13 giving a positive on a phenolphthalein test other than  
14 blood. As opposed to Luminol which you'd get false  
15 positives, it will tell you that something's positive.  
16 You don't know whether it's cleaning products, blood,  
17 whatever.

18 Q Sure.

19 A I've never had any kind of a -- that I know  
20 about personally that a phenolphthalein test would give  
21 you a positive result unless the chemical was bad. But  
22 you would know that when you did your -- tested your  
23 chemicals before you did anything.

24 Q Do you necessarily always get the results  
25 back from the, from the lab as to whether or not the

1 presumptive positive was, in fact, blood?

2 A No, I don't. I don't get the results back  
3 ever. I'd have to go to look for them. But they don't  
4 send us the results.

5 Q Okay. So for purposes of you making that  
6 assessment, I mean you're not saying that there are no  
7 other agents, you're just saying that as far as your  
8 experience is concerned you're not aware of any?

9 A Correct.

10 Q Okay, all right. Remind me who processed the  
11 men's bathroom with Luminol. Was that you or someone  
12 else?

13 A Supervisors Camacho and Murphy placed the  
14 Luminol and I just photographed the results.

15 Q Okay. And we discussed those. Is there some  
16 sort of a quality control test for the Luminol? You  
17 talked about the test for the phenolphthalein. But is  
18 there one for the Luminol as well?

19 A Yes.

20 Q Okay. Do you know if that was done?

21 A They could tell you that. I didn't do it  
22 personally because I didn't mix the chemicals. But  
23 either Supervisor Murphy or Supervisor Camacho would be  
24 able to tell you that.

25 Q Okay. What is the significance, if any, to

1 you of the multiple areas of luminescence in the  
2 bathroom?

3 A Of me photographing them, or?

4 Q So you seeing them. What's, what's the  
5 significance of what you see to you? What does it, if  
6 anything, what does it say to you?

7 A That there is something in those areas that  
8 luminesce. Possible blood, possible cleaning products,  
9 possible plant material, metal. There's just areas of  
10 luminescence.

11 Q Okay. Anything beyond that?

12 A No. Not my, not -- not significant to me.  
13 That's the reason I photographed those areas.

14 Q Right. So that other people can view it and  
15 render any opinions they may have depending on their  
16 expertise?

17 A Yes.

18 Q Okay. Do you, do you know if any blood was  
19 recovered by you from the men's bathroom into evidence?

20 A I swabbed an area on the floor. Swabbed and  
21 tested it for possible blood and it had a positive  
22 phenolphthalein test. So I collected that and submit  
23 it to property and evidence. Whether that went to the  
24 lab I'm not sure about. But that's the area that I  
25 collected of possibly blood.



1 Q Okay. So one swab, or?

2 A I would take -- in our sterile swabs there  
3 are two in a package. So when you open the package,  
4 you swab the area with both swabs. So you get the  
5 substance, the possible blood on the -- both of the  
6 cotton tips.

7 And then we separate one test, one with  
8 phenolphthalein, and whether that's a positive or  
9 negative, the other swab that has that I swabbed same  
10 exact area is not tested, that one swab will be put  
11 back in the sleeve of the sterile swab and then  
12 submitted to property and evidence.

13 Q Okay. And then someone else makes the  
14 decision as to whether or not they're sent off for  
15 additional testing?

16 A Yes.

17 Q So, so the possible blood that you recovered  
18 that may have been sent off for additional testing,  
19 basically is one swab that remains for testing  
20 purposes?

21 A Correct.

22 Q And that is swabbing of an area where --  
23 without the assistance of the Luminol and what have  
24 you, you wouldn't necessarily be able to see any blood  
25 in that area?

1           A     Well, the reason I swabbed that specific area  
2     was because I actually saw it without any chemicals on  
3     it. I just saw it and I thought, oh, it looks like  
4     wet -- it may be blood, it may not be blood. But I  
5     wanted to --

6           Q     Okay.

7           A     -- test it to see.

8           Q     Okay. Did you, did you take a photograph of,  
9     of that area that you, that you tested and where you  
10    could actually see it?

11          A     No. I did not myself, no.

12          Q     Do you know if anyone else did?

13          A     I know that detailed photographs were taken  
14    in the bathroom I believe by Sandra-Leigh now Copeland  
15    now. I keep wanting to say King. But Sandra-Leigh  
16    Copeland.

17          Q     Okay. But are you able to say where was this  
18    blood that -- what appeared to you to possibly be  
19    blood, where did you see it and how much of it were you  
20    seeing?

21          A     It was on the floor by the drain. Inside the  
22    stall where the toilet was there was a drain there.  
23    And it was on the floor east of the drain.

24          Q     Okay.

25          A     And so when I was taking -- I mean it would

1 have just been something that I, I saw and swabbed  
2 just -- it might have already been swabbed. I'm not  
3 sure because I didn't check with the specialists.

4 Q Was it a -- was it like a drop? Was it a  
5 larger area? How, how big of a spot are we talking  
6 about?

7 A I don't recall offhand.

8 Q Okay. Would it be fair to say it was  
9 probably fairly small?

10 A I don't want to, I don't want to guess. I'm  
11 not sure. I'd have to go back and look at the  
12 photographs of the, of the floor before, like someone  
13 else's photographs.

14 Q See here. Okay. So it would be whatever we  
15 see on the photographs in that area, because those  
16 would have been taken prior to you coming in there,  
17 right?

18 A Yes.

19 Q Whatever's on the photograph, whatever we can  
20 see on the photograph is what you saw?

21 A Yes.

22 Q Okay, all right. I'm gonna -- let me see if  
23 I can find those photos so we can take a look at them.

24 A Okay.

25 Q I'm thinking maybe it was Klein. But let

1 me -- I'm gonna pause for a second. Probably take me  
2 about five minutes for me to locate this. So --

3 A Okay.

4 Q -- if you need to step away for a few  
5 minutes, that's fine. I just don't want to have you  
6 guys to just have to sit here and watch me try to find  
7 these photos.

8 (Pause in proceedings.)

9 Q We're back on. I know you have very limited  
10 memory as to the size of this area that you swabbed.  
11 And would it be fair to say that you did not see a  
12 large amount of what appears to be blood to the naked  
13 eye on the floor in that bathroom? A large --

14 A I -- like a pool, I did not see a pool of  
15 blood.

16 Q You didn't see anything that would be  
17 described and quantified in liters. Would that be a  
18 fair statement?

19 A Yes, that's a fair statement.

20 Q Or even in ounces?

21 A I don't, I don't want to say that. I'm not  
22 too sure. But I can, I can commit to liters.

23 Q Okay. You certainly -- as far as what you  
24 collected as far as the blood is concerned was  
25 basically microscopic through a swab. Right?

1           A     Well, it was enough to -- for me to swab on  
2     two swabs, the cotton tips on the two swabs. So it  
3     would have to be enough for me to be able to see it to  
4     swab it. So it wouldn't be microscopic. Because --

5           Q     Okay.

6           A     -- I would be able to see it. But a small  
7     amount, yes, I could --

8           Q     It's a small amount. I mean it's -- you  
9     didn't gather up cups of blood or spoonfuls of blood or  
10    anything like that?

11          A     Correct. I just swabbed the ends of two  
12    swabs, cotton tips on two swabs.

13          Q     Okay. Do you normally only do one set like  
14    that or do you -- if there is ample blood might you do  
15    multiple swab kits?

16          A     It would depend on the area of the blood, you  
17    know, different circumstances. Normally we do two, but  
18    if you have a large area of blood, it would be  
19    different areas. So you would swab.

20          Q     Different areas.

21          A     It just would depend on each individual scene  
22    and what --

23          Q     Sure.

24          A     -- you have there.

25          Q     Sure. And based on what you saw with the

1 naked eye, you took one set of swabs?

2 A Yes.

3 Q Okay. Did you discuss your findings with  
4 either one of Largo Police Department Detectives Bolton  
5 or Hart?

6 A What do you mean by findings?

7 Q Well, did you -- I guess let me ask you this.  
8 Did you tell anyone that you found blood?

9 A Well, my -- the two supervisors that were in  
10 the bathroom with me, they would have known because we  
11 were all in the same room.

12 Q Okay.

13 A But that's the only person that I usually  
14 talk to. Usually this -- our scene supervisors kind of  
15 coordinate with the detectives.

16 Q Okay. But presumably even to the supervisors  
17 you would say possible blood not blood?

18 A Yes. I would say I tested the  
19 phenolphthalein and obtained positive test for the  
20 presence of possible blood.

21 Q Possible blood. And so based on that, you  
22 would never say I found blood until it's actually  
23 confirmed by a laboratory?

24 A Right. I could just say what appeared to be  
25 blood, possible blood. But I'm not gonna say it's

1 blood.

2 Q Okay, all right. And you did not convey that  
3 to anyone other than to your supervisors?

4 A Yes. They would have known because we were  
5 all in the one room, so yes. I didn't say anything to  
6 anybody else.

7 Q And, again, those two supervisors were?  
8 Their names?

9 A Oh, I'm sorry. Lisa Murphy and Amber  
10 Camacho.

11 Q Okay, thank you. Did -- I think I said Hart  
12 earlier. I meant to say Hunt. But did you see either  
13 one of the detectives in the bathroom at the scene  
14 while you were there?

15 A No. There were no detectives in the bathroom  
16 while I was there.

17 Q Okay. Were you and your supervisors wearing  
18 any type of shoe covers when you were in the bathroom?

19 A I -- no, I don't believe so.

20 Q Okay. Is that -- do you normally wear the  
21 shoe covers in scenes like this?

22 A It just depends on the scene.

23 Q Okay, all right. I assume you guys were  
24 wearing, like, latex gloves?

25 A I wear nitrile gloves. That's just my

1 preference. I don't know what the supervisors were  
2 wearing. But either latex or nitrile.

3 Q Okay. What's the difference between the two?

4 A I have a latex sensitivity. So the -- if I  
5 wear them, it makes my hands terrible. So the nitrile  
6 is just a protective glove, but it's just without the  
7 latex.

8 Q And then basically does the same, same thing  
9 as latex, it protects --

10 A Yes, it's the same thing --

11 Q -- you from contaminating evidence?

12 A -- just the latex. Yes.

13 Q All right. If there is a positive  
14 phenolphthalein result at the crime scene but a  
15 negative confirmatory result of the same sample in the  
16 laboratory and a positive Luminol result of the same  
17 sample at the scene, what, if anything, would that  
18 signify to you?

19 A Well, I would -- I don't usually find out  
20 about the results. So that, that would be something  
21 that the lab could tell you.

22 Q Sure, sure. You indicate that you processed  
23 various areas for -- with magnetic powder and obtained  
24 some positive results for ridge detail and then you  
25 described the areas where you, where you did that.



1                   Do you preserve that? How -- and how do  
2 you preserve it?

3           A       You mean what do I do once I see the ridge  
4 detail?

5           Q       Correct.

6           A       Lift it with fingerprint tape and put the  
7 tape with the lift on it onto a latent print card.

8           Q       Okay. And do you photograph it as well, or  
9 no?

10          A       No.

11          Q       Would there ever be a reason to go back and  
12 lift prints from the same area where you had found  
13 prints with ridge detail and then preserved?

14          A       Do you mean like reprocess or --

15          Q       Right.

16          A       -- reprocess with powder?

17          Q       Yeah.

18          A       Sometimes I have. But I would usually -- I  
19 didn't do it on the scene because normally when we  
20 process something and then process it again that  
21 usually will occur if you -- it will be like a second  
22 lift.

23                   So on my actual latent print card I would  
24 write number two of two, number one of two if I did --  
25 if I processed something again and lifted the same

1 area.

2 Q Okay.

3 MR. BRUNVAND: Amanda, do you have any  
4 questions?

5 MS. SELLERS: No questions.

6 MR. BRUNVAND: Nathan?

7 MR. VONDERHEIDE: I don't have any  
8 questions either.

9 MS. SPADARO: No questions.

10 MR. BRUNVAND: Do you want to read or  
11 waive?

12 THE WITNESS: I'll read.

13 (The deposition was concluded at 2:08  
14 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: DECEMBER 6, 2023

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.

\_\_\_\_\_  
KATHERINE HOOK

CERTIFICATE OF OATH

STATE OF FLORIDA     )  
COUNTY OF POLK       )

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

WITNESS my hand and official seal this 8th  
day of January 2025.

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 KATHERINE HOOK, 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 8th day of January 2025.

18   
19

20 TAMMY KELLEY  
21  
22  
23  
24  
25

January 8, 2025

Ms. Katherine Hook  
khook@pcsonet.com

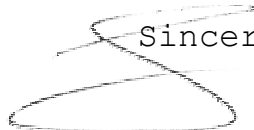
Dear Ms. Hook:

Your deposition taken in State of Florida versus Tomasz Kosowski on December 6, 2023, 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