

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 RHONDA KLEIN

DATE TAKEN: MARCH 7, 2024

TIME: 9:03 a.m. - 10:02 a.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:

NATHAN VONDERHEIDE, Esquire  
Office of State Attorney  
Post Office Box 17500  
Clearwater, Florida 33762-0500

Counsel for the Defendant:

BJORN BRUNVAND, Esquire  
Brunvand & Wise, P.A.  
615 Turner Street  
Clearwater, Florida 33756

I N D E X

MARCH 7, 2024

WITNESS

Called by the Defendant:

RHONDA KLEIN

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ERRATA SHEET..... 43

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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, ma'am.

7 RHONDA KLEIN, 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 morning. This is Bjorn Brunvand. I  
13 represent Thomas Kosowski. We're here on State of  
14 Florida versus Tomasz Kosowski. Present are Tammy  
15 Kelley, the court reporter, and Nathan Vonderheide.  
16 There may be others joining as we go.

17 If you could please state your full name.

18 A Rhonda Klein.

19 Q And how are you employed?

20 A Pinellas County Sheriff's Office forensic  
21 science division.

22 Q And how long have you been so employed?

23 A I've been with the agency for 23-and-a-half  
24 years. I started in the property and evidence division  
25 in 2000 and I transferred over to forensics in 2004.

1           Q     Okay. And in March of 2023, what was your  
2 position with the sheriff's department?

3           A     Assistant forensic science shift supervisor.

4           Q     Is that the same position that you have  
5 currently?

6           A     Correct.

7           Q     All right. Did you prepare reports detailing  
8 your involvement in this case?

9           A     I did.

10          Q     Okay. Do you know how many reports you  
11 prepared?

12          A     Four.

13          Q     Okay. So I'm gonna go through what I have  
14 and just confirm that we both have the same reports.  
15 So the first report that I have -- and it has Bates  
16 stamps on it, but I have a feeling those are Bate  
17 stamps that my office may have added to them.

18                 So the first one I have is a three-page  
19 report which includes the basic information and then it  
20 has a -- on page two it starts the narrative.

21                 And it starts by indicating, "Supervisor  
22 Stropes, Specialist Briggs, and I responded to a call  
23 at the above-listed location. Upon arrival, Detective  
24 Allred informed us of the incident."

25                 Is that one of the reports that you have?

1           A     That's correct.

2           Q     Okay. And I think that's a March 21st, 2023,  
3 report.

4           A     Yes.

5           Q     Okay. And then I have a four-page report  
6 that appears to be a March 24th, 2023, report. And the  
7 narrative in that report indicates, "At the request of  
8 Largo P.D., Supervisor Stropes, Specialist Briggs, and  
9 I responded to the forensic science processing garage  
10 to process the above-listed vehicle."

11                     And then it goes on to describe what was done  
12 as it relates to the vehicle. I believe the vehicle  
13 was a Toyota Tundra?

14          A     Yes.

15          Q     That's one of your reports?

16          A     Correct.

17          Q     Okay. And then I have a report that  
18 indicates 3/25/23 and the narrative on that report, it  
19 starts on page three of my report, it says, "Specialist  
20 Briggs and I responded to 34 West Orange Street. Upon  
21 arrival, detectives informed us of the incident."

22                     Is that one of your reports?

23          A     It is.

24          Q     Okay. And then the last report that I have  
25 is a two-page report. It appears to have been prepared

1 and completed on March 26th, 2023. And the narrative  
2 report on that, which is very brief, indicates, "At the  
3 direction of Lieutenant Groves, I called the  
4 communications center to request a tow truck."

5 Is that your final report?

6 A It is.

7 Q Okay. Prior to appearing here today -- and I  
8 apologize. I'm supposed to record these. Do you have  
9 any objections to the video deposition being recorded?

10 A No.

11 Q Okay. I'm gonna start the recorder.

12 Okay. So we're back on. I neglected to  
13 initially turn on the recording. We're now recording.

14 Have you had a chance to review the four  
15 separate reports that we just identified prior to  
16 coming in here today?

17 A I have.

18 Q Okay. In reviewing those, do they appear to  
19 be complete and accurate?

20 A They do.

21 Q And they include everything of evidentiary  
22 significance that you did in this case?

23 A Yes.

24 Q And there are no significant errors, you  
25 know, other than possibly a typo or something like

1     that?

2           A     Correct.

3           Q     And I'm not suggesting there are any typos,  
4     but I'm not too concerned about typos if there were  
5     some.

6                     All right. Let's talk about March 21st. Why  
7     don't you tell us what you did on March 21st. And you  
8     can refer to your report.

9           A     Okay. I responded out to the initial scene  
10    on March 21st to complete OSCR360 photographs of the  
11    exterior and the interior of the scene excluding three  
12    areas, the men's bathroom, women's bathroom, and  
13    utility room, at that time.

14                    And then I passed over the OSCR360 tablet and  
15    camera to Specialist Levesque that responded to the  
16    scene to relieve me and then she finished completing  
17    the scans of the scene and then she was responsible for  
18    uploading all the images and submitting the USB to the  
19    photo lab.

20          Q     So could you tell us what is OSCR360  
21    photography.

22          A     It's a 360-camera that takes 360-degree  
23    photos of the scene. So it's kind of like the  
24    realtor's camera where you can do -- when you click on  
25    a picture and you can click an arrow and it takes you

1 to the next room and you can, like, spin the picture  
2 around when you're looking at it --

3 Q Okay.

4 A -- after the fact. So that's what that is.

5 Q Okay. And what areas did you conduct this  
6 OSCR360 photography?

7 A I did the exterior of the building and then I  
8 went into the doors on the north side of the building  
9 and did the foyer area and then just inside the foyer  
10 area off to the left, which would be the east, was the  
11 location of the law offices and I did that area.

12 And then I did the hallway area in front of  
13 the restrooms back down to the utility room. And then  
14 back near the utility room there's a door on the east  
15 side that led into other offices that weren't occupied,  
16 they were vacant, and I scanned those areas too.

17 Q Okay. And when you scanned the outside, you  
18 scanned the outside of both buildings or one or just  
19 the one building?

20 A The -- I scanned all around the building that  
21 the lawyer's office is in. Because I think there's  
22 a -- if I recall right, when you're at the north door  
23 to go inside the lawyer's office, I think there's a  
24 little, like, grass area and then there's another  
25 building just to the north. I didn't do anything with

1     that building.

2           Q     Okay. In order to view the OSC360  
3     photography, does it require a certain type of driver  
4     to review it? Is it Mac compatible? Do you know?

5           A     I know that we had to download a program on  
6     our computers at work to be able to view it. I'm not  
7     sure how you guys do it. Maybe the State knows. But I  
8     think you have to have a program installed on your  
9     computer, but I'm not sure.

10          Q     Okay. Did you view the -- and it says  
11     photography, but it's almost like a interactive  
12     three-dimensional image. Right?

13          A     It's a picture. So it's still a photo that  
14     it's taking. But, yes, you're -- you can spin it  
15     around. Instead of me standing there with a camera  
16     doing, like, 20 pictures of me going around in a circle  
17     to show you the whole scene, that device is doing that  
18     in one shot.

19          Q     Okay. So it's kind of similar to Google  
20     Earth when you can go down on the street and walk  
21     around. Right?

22          A     Correct.

23          Q     Okay. It says in your report, "I completed  
24     35 pictures of the exterior and interior." Is that 35  
25     pictures using the OSC360?

1           A     It is.

2           Q     Okay. And do you review those images after  
3 you take them?

4           A     I, I do not.

5           Q     Okay, all right. So you just take them and  
6 then -- and submit them to Specialist Levesque? Is  
7 that --

8           A     Correct. I mean, like, as in review, I look  
9 at it on the tablet and spin it around to make sure it  
10 captured everything I wanted to. But, like, later on,  
11 like, at the office, I don't pull it back up.

12          Q     But as far as -- and as far as looking at it  
13 and identifying certain things, do you do any of that  
14 or do you leave that to someone else?

15          A     Well, for identifying certain things, that  
16 would be if something needed to be specifically done,  
17 that's where regular photography comes in. This is  
18 just a general overall to basically give you guys and a  
19 jury, like, a walk-through so they can see the scene  
20 easier than still photographs.

21          Q     Okay, all right. Is that everything that you  
22 did on March 21st?

23          A     It is.

24          Q     So the next time you have any involvement in  
25 this case is March 24th. Is that correct?

1           A     That's correct.

2           Q     And what did you do on March 24th?

3           A     I responded to our vehicle processing garage  
4 with Supervisor Stropes and Specialist Briggs and I  
5 assisted Specialist Briggs in collecting touch DNA from  
6 multiple different areas of the vehicle and then also  
7 collecting possible blood swabs and doing and  
8 completing blind swabs of several areas of the vehicle  
9 and also processing for latent fingerprints --

10          Q     Okay. And then --

11          A     -- and Luminol.

12          Q     Okay. So as to the collecting possible touch  
13 DNA, you list certain areas. And this is all from the  
14 Toyota Tundra?

15          A     It is.

16          Q     Okay. And it looks like you describe 15  
17 different areas that you tried to collect touch DNA.  
18 Right?

19          A     Correct.

20          Q     And tell us how do you, how do you do that.  
21 What's the procedure that you go through when you try  
22 to collect touch DNA from --

23          A     So I --

24          Q     -- 15 different areas?

25          A     So I take a sterile swab and I wet one of the

1 Q-Tips with distilled water and then put them back  
2 together and you swab over the surface that you're  
3 trying to get the possible touch DNA from vigorously.

4 And then once we're done swabbing, we place  
5 the swab back into the sleeve it came out and then we  
6 submit it to property and evidence.

7 Q Okay. Do you wear some sort of gloves while  
8 you're doing this?

9 A I do.

10 Q Okay. Do you, do you replace the gloves on a  
11 regular basis or do you wear the same gloves throughout  
12 the 15 collected swabs?

13 A I change my gloves in between.

14 Q So do you change it 15 times then for  
15 collecting 15 swabs?

16 A Correct.

17 Q Okay. And what do you do with the gloves as  
18 you're changing the gloves?

19 A The used ones.

20 Q Yeah.

21 A We throw them away.

22 Q Okay, all right. Anything else that you do  
23 to -- and I'm assuming the reason you replace the  
24 gloves for each item that's collected is in an effort  
25 to avoid any type of cross-contamination?

1           A     That's correct.

2           Q     Okay. And cross-contamination would be for  
3 either DNA might move from one item that's being  
4 collected to another location where it's being  
5 collected. Right?

6           A     Correct.

7           Q     Or you may also have contamination from  
8 yourself. Do you wear any type of mask or anything  
9 like that?

10          A     No, I didn't. We don't wear masks generally  
11 when we're doing regular touch DNA. But we have all of  
12 our -- the lab has our lead samples in the event they  
13 do have something.

14          Q     Okay, okay. Is there anything else that you  
15 do to avoid cross-contamination other than replacing  
16 the gloves?

17          A     When collecting touch DNA?

18          Q     Right, right.

19          A     No.

20          Q     Okay, all right. Are you actually entering  
21 the car when you're doing all this or are you just  
22 reaching into the car?

23          A     Just reaching. I never sit in the car or  
24 anything. We just reach.

25          Q     Okay, all right. When it says radio and AC

1 controls, how big of an area are we talking about?

2 A It's if they were all together in the one  
3 area on the dash.

4 Q Right.

5 A So when the lab wants everything that's in a  
6 specific area like that, swab as one swab.

7 Q And do you -- for each of these areas that  
8 you're swabbing do you start in the center and sort of  
9 circle in an outward direction? Or how does that work?

10 A Just swab the whole entire area. It doesn't  
11 matter where you swab. It just -- you just go over the  
12 whole entire area. Because it's picking up all your  
13 skin cells and stuff that you're leaving behind.

14 Q Okay, all right. So it's not necessarily  
15 circular, it can be back and forth, up and --

16 A It can be --

17 Q -- down?

18 A Yep. You just press and rub it vigorously.

19 Q Okay, all right. Then it says, "A positive  
20 and negative quality control test was conducted by  
21 Supervisor Stropes using phenolphthalien and proper  
22 results were received."

23 What does that mean?

24 A So each time we use our phenolphthalien kit,  
25 we have to test the kit to make sure it works. So each

1 kit has blood -- a known blood standard in it.

2 Q Okay.

3 A So we take a, we take a swab and we wet it  
4 with distilled water and we wipe that known blood  
5 standard and we test our chemicals to make sure that  
6 we're getting the reaction we need.

7 Q Okay.

8 A And then the negative quality control side of  
9 that is you just take the sterile swab out of the  
10 package and you wet it with distilled water only, and  
11 you run all the chemicals across those swabs to make  
12 sure that it's not -- and you shouldn't get a reaction.  
13 So basically it shouldn't turn pink.

14 And that's just showing that the kit isn't  
15 reacting falsely.

16 Q Okay. Then it indicates that you collect the  
17 possible blood from the following areas and you list  
18 ten areas.

19 A Yes.

20 Q Did you, did you also photograph these ten  
21 areas?

22 A Robert has the overall pictures. I would --  
23 I don't know what he did. I did not do any photos.

24 Q You did not do photos. Okay.

25 A No.

1           Q     And it then indicates when tested using  
2 phenolphthalien the results were positive. Does that  
3 mean they were positive to each of the ten areas that  
4 are listed above?

5           A     Correct. So each of the ten areas tested  
6 positive for possible blood.

7           Q     Okay. So it's a presumptive positive  
8 basically for those ten areas?

9           A     Correct.

10          Q     And what does that mean?

11          A     So it means that it most likely is blood.  
12 But we don't say it is until it gets sent to the lab  
13 and 100 percent identified. Because I'm not a lab  
14 analyst.

15          Q     Okay.

16          A     So that's why I always write possible for  
17 everything.

18          Q     What else could it be other than blood?

19          A     I've never had anything come back other than  
20 blood. So I -- it could be --

21          Q     You have no training about other potential  
22 things that might give a false presumptive positive?

23          A     It could -- it would just be blood, like  
24 animal blood or human blood.

25          Q     Okay. So it's either going to be animal

1 blood or human blood is your understanding of whenever  
2 there's a presumptive positive --

3 A Correct.

4 Q -- using this method, right?

5 A Correct.

6 Q Okay. "The following areas received negative  
7 results when tested" and it says "driver's side rail on  
8 truck, driver's side rail on truck number six and  
9 number eight."

10 What do these numbers mean, the number six  
11 and number eight?

12 A Supervisor Stropes numbered the areas.  
13 Because they were both on the bed rail of the truck.  
14 So she numbered them to note the different locations.

15 Q So how do I -- in reviewing the evidence, how  
16 do I know where to locate number six and number eight?  
17 Is there a photograph maybe that has markers for number  
18 six and number eight?

19 A There should be.

20 Q Okay, all right. But you didn't take those  
21 photos, if they exist?

22 A I did not.

23 Q But you saw the markers in those areas?

24 A Yes.

25 Q Okay.

1           A     They were -- yes.

2           Q     Okay. Then you indicate that, "I also blind  
3 swabbed the following." And there --

4           A     Correct.

5           Q     -- lists 19 items.

6           A     Yes.

7           Q     What does that mean --

8           A     So blind --

9           Q     -- blind swabbed them?

10          A     A blind swab is when detectives request us to  
11 swab all the areas that the person they believe can  
12 come in contact with to test to see -- like if you  
13 don't see blood with your own eyes you take the swab  
14 like you would originally collect it, you would put  
15 distilled water on it, and just blind swab the area and  
16 then test it with the phenolphthalein kit. And if it,  
17 if it turns pink, the reaction, then we collect it. If  
18 not, we don't collect anything.

19                It's just another way to try to locate blood  
20 that we can't see with the visible eye.

21          Q     Okay. So if it turns pink, you collect it  
22 for further examination?

23          A     Correct.

24          Q     And if it does not turn pink, then you don't  
25 collect it because there's no indication that it's

1 blood?

2 A That's correct.

3 Q And then so it's basically at that point  
4 satisfactory evidence of the absence of blood in those  
5 areas?

6 A Yes, because it didn't come back.

7 Q Okay, all right. So basically just so I  
8 understand, when there's blind you're not necessarily  
9 suspecting that there is blood there because you don't  
10 see any indication of it versus the other itemized  
11 locations there was something there that suggested that  
12 maybe there might be blood in those areas?

13 A Correct. The regular blood swabs is when we  
14 actually physically see something on the surface versus  
15 the blind is when you don't see anything and you're  
16 trying to see if there is.

17 Q Right, okay. So when it says when tested  
18 using phenolphthalein the results were negative, that's  
19 as to all 19 spots?

20 A That is correct.

21 Q Okay. Then it says, "I collected the driver  
22 front floorboard mat."

23 A Yes.

24 Q Then it says I -- then it says, "I processed  
25 the following areas using black powder." Does that

1 relate to the driver front floorboard mat or to  
2 something else?

3 A No. All of the areas below that where I  
4 number one through ten, that's what I processed using  
5 black powder.

6 Q Okay. So when you say I collected the driver  
7 front floorboard mat, that's just a statement that you  
8 collected it as evidence?

9 A Correct, to put it into property.

10 Q Okay, all right. And then for the ten items  
11 that you did the black powder processing -- and the  
12 black powder processing is for what purpose?

13 A Fingerprint.

14 Q Okay. And so for those ten items, it appears  
15 that you have positive results for ridge detail on two  
16 items?

17 A I did.

18 Q Okay. So does that mean that for the  
19 remaining eight items those did not have any positive  
20 results for ridge detail?

21 A That is correct.

22 Q What does that mean, positive results for  
23 ridge detail?

24 A So when I apply my powder to it, that means  
25 it brought up a like -- it can be partial fingerprints

1 or whatever. Ridge detail is the raised ridges on your  
2 fingers or palms.

3 So if we see it, then we lift it and we  
4 submit it into our fingerprint division.

5 Q Okay. And do you make any assessment of the  
6 partial ridge detail that you're seeing as to whether  
7 or not it's suitable for comparison?

8 A No. I just submit everything to them and  
9 that's their expertise and leave it to them to say it's  
10 good or not good.

11 Q Okay. Then it indicates, "A positive quality  
12 control test was conducted using Luminol and proper  
13 results were received."

14 And explain to us what does that mean.

15 A So we test our Luminol kit using a penny  
16 because it reacts positive with copper. So if we -- so  
17 with Luminol it has to be completely dark. And when we  
18 spray it on the penny it will luminesce a blue color.

19 So if the penny luminesces, it means our  
20 chemical's working. That's how we test to make sure  
21 that it's properly working.

22 Q Okay.

23 A And then we proceed in spraying the areas we  
24 want to try to see if blood will luminesce with the  
25 chemical. And if it does luminesce, the results are

1 photographed.

2 And then a collection of the area that  
3 luminesces is collected the same way we do all our  
4 other blood swabs and that swab is also then tested  
5 using the phenolphthalein to see if the result reacts.

6 Q Okay. It then indicates that you assisted  
7 Specialist Briggs by spraying Luminol on the bed of the  
8 truck and we received positive results for areas of  
9 luminescence and he photographed the results.

10 A Correct.

11 Q Okay. And what do you recall about those  
12 positive results for luminescence?

13 A I recall them glowing the bright blue in  
14 color.

15 Q Okay.

16 A And then -- yeah.

17 Q And as far as what that means, can you  
18 elaborate on that. What does it mean when it's -- when  
19 it turns bright blue in color?

20 A It's just the chemicals reacting with the  
21 heme in the blood. So that indicates that it's  
22 possible blood and that's when that swab comes in to  
23 reconfirm it with the phenol swab.

24 Q Okay. So the luminescence is -- again, it's  
25 just a presumptive indication, it could be an

1 indication of other things other than blood?

2 A Oh, yeah. Luminol reacts with several other  
3 things like, hence, we test it with the copper penny.  
4 It reacts with certain acids in juices, like orange  
5 juice, grapefruit juice. It could react with cleaning  
6 chemicals, stuff like that.

7 Q Okay. So variety of things --

8 A (Nods head affirmatively.)

9 Q -- can cause reaction?

10 A Correct.

11 Q Okay. And so when it says Supervisor Stropes  
12 collected samples from various areas of luminescence,  
13 those are the samples then that would be submitted for  
14 additional testing?

15 A Yes. If she received positive results when  
16 she ran it with the phenol afterwards, she would submit  
17 it to property and evidence.

18 Q Okay. Would she be collecting samples if  
19 there was not a positive luminescence?

20 A No. She would only swab the area with the  
21 positive.

22 Q Okay, all right. It then says, "Upon arrival  
23 at the forensic science division, I packaged all of the  
24 above-listed collected swabs along with the format and  
25 submitted them into property and evidence.

1 Does that include the items that were  
2 collected, for example, by Supervisor Stropes?

3 A I have no involvement in that, so no. That  
4 just includes everything I collected.

5 Q Okay, okay. Anything else on that particular  
6 day?

7 A No, sir.

8 Q All right. The next report appears to take  
9 place on March 25th. And tell us about what do you do  
10 on March 25th.

11 A I responded to a traffic stop with Specialist  
12 Briggs on West Orange Street and upon arrival we were  
13 informed of the incident and the officer was reading  
14 the search warrant to the car.

15 So Specialist Briggs had to photograph and  
16 get the officer -- he was requested to get the officer  
17 in his pictures while she was reading the warrant for  
18 the exterior of the car. He did.

19 And then once the warrant was read, he  
20 completed photography. And we -- at the request of  
21 Allred and Hunt I had to blind swab all the areas I  
22 listed in this report. I was doing everything under  
23 their direction at that time during that traffic stop.

24 Q Okay. So do I understand that you arrived  
25 shortly before the warrant was being read?

1           A     Yeah. We were there before the warrant and  
2 we did not do anything until -- like, we got all of our  
3 information and verified our case number and everything  
4 was correct like we normally do from the detective and  
5 stuff. But we did not conduct anything with the  
6 vehicle 'til the warrant arrived.

7           Q     How long were you there prior to the warrant  
8 arriving?

9           A     I don't know.

10          Q     How can you find out?

11          A     I don't know.

12          Q     Okay. Do you know if it was minutes or  
13 hours?

14          A     I, I don't, I don't think it was hours  
15 because we were on scene from 5:00 roughly at night and  
16 then I completed the whole call around 8:00 at night  
17 and that was back at the office. So it wouldn't have  
18 been hours.

19          Q     Okay, all right. Did you witness any  
20 interaction with law enforcement and my client, Tomasz  
21 Kosowski?

22          A     No. He was in the back of a cruiser.

23          Q     Where was he when the warrant was read?

24          A     Sitting -- it was told to me that he was  
25 detained in the cruiser that was directly behind the

1 vehicle that did the traffic stop.

2 Q Did you see him in the cruiser?

3 A I saw him later on in that cruiser but, like,  
4 not, like, really paying attention. I saw a person  
5 sitting in the back of the car. They opened the door  
6 because he needed to ask a question and I was working.

7 So I was over there at the time to ask  
8 another detective a question and that's when that was  
9 occurring but then I walked back to the car.

10 So I didn't, like, physically really look at  
11 the person sitting in the back. But there was a person  
12 in the back of the cruiser that was right behind the  
13 car on the traffic stop.

14 Q Okay. You did indicate, I thought, that you  
15 overheard the warrant being read prior to the search of  
16 the car.

17 A I did. I was there when the warrant was  
18 being read, correct. Because the warrant arrived when  
19 we were already on scene.

20 Q Right.

21 A And we had to wait while the warrant was  
22 being read and then we normally try not to get anybody  
23 in our photos. That's our protocol for the sheriff's  
24 office. But they requested Robert to take pictures of  
25 the exterior of the car to show the officer while she

1 was reading the warrant.

2 Q Okay. And where was the officer when she was  
3 reading the warrant compared to Tomasz Kosowski?

4 A So, if I recall correctly, the car was facing  
5 west on the roadway, the cruiser -- the person later on  
6 that I saw inside the cruiser, it was right behind the  
7 car. And the officer was standing, like, little bit  
8 diagonal to the front -- what's that called on a car --  
9 fender, front fender area of the car.

10 And I believe Robert was -- got her in the  
11 picture when he was standing behind the car angled that  
12 way. If I recall correctly.

13 Q Did it appear to you that she was reading the  
14 warrant to Tomasz Kosowski or to the Corolla that was  
15 being searched?

16 A She was just reading the warrant out loud, so  
17 I don't know. She was --

18 Q Okay.

19 A -- standing there reading, so.

20 Q Okay. So you have no knowledge whether or  
21 not it was actually -- if Kosowski could hear it or  
22 not?

23 A I have no knowledge of that.

24 Q Okay, all right. And I assume you don't have  
25 any specialized training on how one should read a

1 warrant out prior to exercising a search?

2 A I do not.

3 Q Okay. While you were there waiting for the  
4 warrant to arrive and to be read, did you observe any  
5 members of the law enforcement searching the Corolla  
6 prior to the arrival of the search warrant and prior to  
7 the reading of the search warrant?

8 A No, sir.

9 Q Okay. So if that occurred, it would have  
10 occurred outside of your presence or without you being  
11 aware?

12 A Yes, sir.

13 Q Okay. So it appears that you swabbed eleven  
14 areas for possible blood and those were all negative?

15 A Correct.

16 Q Okay. And then you collected possible touch  
17 DNA from two areas?

18 A I did at the request of the detectives.  
19 Those two phones were found inside the vehicle. So  
20 they, they were taking them right there on scene and  
21 putting them inside the -- I don't -- the bags that can  
22 block stuff, the faraday bags. Before they touched it  
23 and stuff, they requested us swab it for touch DNA.

24 Q Okay, all right. And then you assisted  
25 Specialist Briggs by sealing the vehicle with evidence

1 that he then signed. What's the purpose of that?

2 A So when we were taking the vehicle from the  
3 scene to our processing garage to further complete full  
4 processing of it, we always -- prior to them being  
5 towed away we seal all the doors and stuff when it gets  
6 on the -- so when it gets on the tow truck we know that  
7 it wasn't tampered with during the time from the time  
8 it left the scene to the garage.

9 It just keeps -- it's just to show chain of  
10 custody and show that it's not tampered with and stuff.

11 Q Okay.

12 A Even though we -- either we follow the  
13 vehicle back or a law enforcement officer follows the  
14 car back, we -- it's still our protocol to seal it up.

15 And usually when we have this kind of stuff  
16 and we tow the stuff, it's normally towed pending a  
17 warrant. So it will sit in our processing garage and  
18 that's why it has to stay sealed too.

19 Q Okay, all right. Anything else you did on  
20 that day?

21 A Other than when we arrived at the processing  
22 garage I notified Specialist Levesque and Assistant  
23 Supervisor Sanford that they would be taking the  
24 vehicle now and processing it fully. And then I  
25 submitted my touch DNA swabs into our property and

1 evidence lockers in our building.

2 Q Okay. The next involvement you had in this  
3 case appears to be on March 26th.

4 A Correct.

5 Q And tell us what you did on March 26th.

6 A I -- at the direction of my Lieutenant Gross,  
7 I had to call our communication center and request a  
8 tow truck to respond to our forensic science processing  
9 garage to move both the Toyota Corolla and Tundra over  
10 to our property and evidence building, which is tech  
11 three.

12 So that's -- I organized that and released  
13 the cars -- relocated the cars to the other facility  
14 once the tow truck driver arrived.

15 Q Okay. I'm going to go back briefly to the  
16 day that you did the OSCR360 photography of 1501  
17 Belcher. Which is the property in question.

18 A Okay.

19 Q Do you recall noting any debris on the floor  
20 in front of the men's bathroom? Like --

21 A I may recall possibly a box, cardboard box.

22 Q Okay.

23 A That's all I recall.

24 Q Okay. What about a possible napkin or tissue  
25 in front of the men's bathroom? Do you recall seeing

1 that?

2 A I would have to look at other people's  
3 photographs. I don't recall from memory, no.

4 Q Okay. Had the evidence markers been placed  
5 out there when you were doing the, the OSCR360?

6 A I don't believe we got that far yet.

7 Q Okay.

8 A When -- I just did the overall without it, if  
9 I recall correctly.

10 Q All right. So what's on the OSCR360 image  
11 would be probably the best evidence of what you saw.

12 A (Nods head affirmatively.)

13 Q But you recall seeing a box but you're not  
14 sure about whether or not, whether or not you had seen  
15 any- -- anything else?

16 A Correct.

17 Q And maybe I already asked this, but just to  
18 make sure I didn't miss it. Are you aware of any other  
19 agents other than blood that could give a positive  
20 result for the phenolphthalein test?

21 A I do not.

22 Q Okay. Would that be an area of expertise for  
23 you, or?

24 A I'm not an expert in blood.

25 Q Okay. I thought you had indicated earlier

1 that, from based on your experience, that it would most  
2 likely either be human blood or animal blood?

3 A That's correct. We train with animal blood  
4 and our chemical reacts to it and then obviously at  
5 scenes it's collecting human blood --

6 Q Okay.

7 A -- that we believe.

8 Q And I think you had also indicated that in  
9 your experience you had not collected something that  
10 appeared to be blood that didn't turn out to either be  
11 human blood or animal blood?

12 A That I know of. I never received any results  
13 back that I collected something other than blood from  
14 the lab.

15 Q Okay. Do you necessarily -- if a case  
16 doesn't go to trial, for example, are you necessarily  
17 going to know what the results were that came back on,  
18 you know, on evidence that was submitted by yourself?

19 A No. And we tend to not know the results  
20 until it goes to trial also. We -- the results --  
21 like, once I submit everything to wherever I'm  
22 submitting it, latent or property, the results go to  
23 the case agent after that point.

24 Q Okay.

25 A Like, they get the updates. Because I'm not

1 the --

2 Q Sorry. Go ahead.

3 A Because if you see, all of our reports are  
4 supplemental reports. So the primary reporting party  
5 gets all the updates.

6 Q Okay. And so presumably since there are no  
7 reports by yourself indicating the results on any  
8 testing that was submitted, you don't know what the  
9 results may have been on any of the samples that you  
10 collected?

11 A I do not.

12 Q Okay. And when you indicate that your  
13 experience is that it's always come back either as  
14 human blood or animal blood, that's based on cases  
15 where it either went to trial or for some other reason  
16 it was brought to your attention?

17 A Yes, sir.

18 Q And would it be a fair assumption that that's  
19 a low percentage of the total number of cases that  
20 you're involved in?

21 A Of knowing the results?

22 Q Of knowing the results of cases that actually  
23 go to trial or where you have follow-up information.

24 A Correct.

25 Q Okay. I believe you, you described the

1 positive quality control that you did for the Luminol  
2 testing. Is that correct?

3 A For Luminol, yes.

4 Q Okay. And just briefly tell me that again.

5 A We, we test our Luminol chemical with a penny  
6 because it reacts to the copper.

7 Q That's right. Okay. And that was done in  
8 this case, right?

9 A Yes, it was.

10 Q Is there such a thing as a negative quality  
11 control test for Luminol?

12 A No, sir.

13 Q Is there a difference between chemi  
14 luminescence and phenolphthalein? Yeah, there is,  
15 right? Explain the difference between the two.

16 A Chemi luminescence, luminescence is what  
17 Luminol is doing when it glows the blue in color.

18 Q Right.

19 A And the phenolphthalein it doesn't luminesce.  
20 It just turns a pink.

21 Q Okay. So when there is a chemi luminescence  
22 with the change of the color, the bluish color, do you  
23 then do any additional testing of those areas?

24 A That's when we follow it up with a swab and  
25 then the phenol kit to see if it turns pink.

1           Q     Okay, all right. And I believe you had  
2 indicated if you, if you do that follow-up  
3 phenolphthalein test and it does not react then that  
4 sample does not -- basically then it's thrown away,  
5 it's then determined that that does not have any  
6 indication of possible blood.

7           A     That's correct.

8           Q     And what, if any, significance would there be  
9 to the negative or the non-reactivity of the  
10 phenolphthalein test in your mind?

11          A     The negative test is completed just to make  
12 sure the phenol kit isn't giving a false positive of a  
13 pink color.

14          Q     Right. But -- so if it doesn't, if it  
15 doesn't then react, significance would be that there's  
16 no blood in that -- detected in that particular area.  
17 Is that accurate?

18          A     Well, the negative test is just done on a --  
19 we're not swabbing any area of evidence. It's just  
20 testing our -- showing that our kit isn't doing a false  
21 positive. So it's just done on a brand-new sterile  
22 swab.

23          Q     Got it.

24          A     Yeah.

25          Q     Okay, all right. But if it's -- if there is

1 no reaction in the area where you're actually swabbing,  
2 that would be an indication that there's no blood.  
3 Right?

4 A Correct.

5 Q Are you aware of any cross-reactions between  
6 the Luminol testing and the phenolphthalein testing?

7 A What do you mean by that?

8 Q Like that, that they -- the one could impact  
9 the other.

10 A So Luminol is done as a very last step of  
11 every scene. So everything else is completed before  
12 that chemical is applied. So Luminol is the very last  
13 step. So it can't cross-react.

14 Q Okay. But if I understand correctly, when  
15 you do the Luminol --

16 A Oh, you're talking about when we collect it  
17 when it --

18 Q Correct?

19 A -- luminesces?

20 Q Yes.

21 A No, I'm not -- I get it now. I'm not aware  
22 of it affecting -- I never -- like, if it is -- if it  
23 does, I never -- it's never been brought to my  
24 attention in my whole career, so no.

25 Q Okay.

1           A     I don't know of any cases.

2           Q     All right.

3           A     Sorry, I misunderstood you.

4           Q     That's okay. That's okay. Is it important  
5 to document the Luminol chemi luminescence with  
6 photographs?

7           A     Yes.

8           Q     And why is that?

9           A     Because -- so it shows the area -- in the  
10 event the swab comes back positive, it shows the area  
11 in a photograph to explain to the jury, the State, and  
12 you-all, it shows the area in question where we took  
13 that swab.

14          Q     Okay. Did you discuss the findings with  
15 Largo, Largo Police Department after you completed your  
16 analysis, your work?

17          A     I did not.

18          Q     Okay. Didn't talk to anyone with Largo  
19 Police Department?

20          A     Not about this, no. Not about my findings.

21          Q     Okay, all right. Do you know if anyone else  
22 within the forensic unit spoke with the detectives or  
23 anyone else from Largo Police Department to indicate,  
24 you know, the -- what you had observed and what your  
25 thoughts were and conclusions were?

1           A     I'm not aware of that.

2           Q     I would think that they would be fairly eager  
3 to know what, if any, results, you know, came about  
4 from your, from your work. Would that be someone else  
5 in your office who would be responsible for  
6 communicating that with Largo Police Department?

7           A     If I had to guess, because if I was the  
8 supervisor on the scene, which I wasn't, I was actually  
9 a working person --

10          Q     Okay.

11          A     -- and Supervisor Stropes was the supervisor,  
12 so I would --

13          Q     Okay.

14          A     -- think that she would have. Because if I  
15 was --

16          Q     Okay.

17          A     -- the supervisor, after we completed it I  
18 would have been the one talking to Largo if they  
19 weren't present with us and telling them what we  
20 collected and stuff.

21          Q     Okay, all right. Were they present when you  
22 were doing any of this work?

23          A     I don't, I don't remember if they were or  
24 not. I don't remember if it was just the three of us  
25 and maybe one detective. I can't recall. Because I, I

1 wasn't there in that fashion to document all that, like  
2 being a supervisor. I was just there assigned to help.  
3 So I did not write all that stuff down like I normally  
4 would.

5 Q The -- based on what you see/observe as it  
6 relates to the Tundra truck, do you have any  
7 conclusions from that as to what may have happened in  
8 that truck, if any?

9 A No, sir.

10 Q Okay. As it relates to the Corolla, you  
11 identify I think eleven areas that you swabbed for  
12 blood and that you received negative results. Correct?

13 A Correct.

14 Q Okay. Did you -- excuse me one second.

15 Did you communicate those findings to  
16 Detectives Allred, Bolton, or Hunt?

17 A They were actually standing right next to me  
18 because I was swabbing at their direction. They were  
19 telling me exactly the areas they wanted to swab during  
20 that traffic stop. So they were --

21 Q All three of them?

22 A Hunt and Allred.

23 Q Hunt and Allred?

24 A Yes.

25 Q Okay, all right. So did you then tell them

1 that these were all negative?

2 A Correct. So every time that they were  
3 standing right there and every time I would put the  
4 chemical on the item I'm like it was negative. So then  
5 they would, they would figure out what other area they  
6 wanted me to go to. So then I would go do that. And  
7 then it just kept going back and forth like that.

8 Q Okay. Did they react to, in any way, to the  
9 fact that you were -- that all these findings were  
10 negative?

11 A Not, not that I recall.

12 Q Okay. Did they seem surprised or anything  
13 like that?

14 A I don't recall that.

15 Q Okay, all right. So the -- all the swabs for  
16 blood were negative. You did collect touch DNA swabs  
17 that were -- obviously you wouldn't have the results on  
18 those until later, right?

19 A Yeah, I don't know any results on that.

20 Q Okay. Who makes the decision that the  
21 Corolla is to be taken into evidence and seized? Is  
22 that, is that your department, is that Largo P.D.? Who  
23 makes that decision?

24 A That would be the detectives on the case.

25 Q Okay. And do you know who may have made that

1 decision in this case?

2 A I do not.

3 Q All right, okay. I don't think I have any  
4 other questions. Anything else that you did in this  
5 case of that we have not discussed?

6 A No, sir.

7 MR. BRUNVAND: Okay. I'm sure --

8 Mr. Vonderheide, do you have any  
9 questions?

10 MR. VONDERHEIDE: I don't have any  
11 questions.

12 MR. BRUNVAND: Okay. Ms. Klein, do you  
13 want to read or waive if your deposition is  
14 transcribed?

15 THE WITNESS: Read.

16 (The deposition was concluded at 10:02  
17 a.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.

\_\_\_\_\_  
RHONDA KLEIN

CERTIFICATE OF OATH

STATE OF FLORIDA     )  
COUNTY OF POLK       )

I, the undersigned authority, certify that  
RHONDA KLEIN, 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



## REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA )

COUNTY OF POLK )

I, TAMMY KELLEY, certify that I was authorized to and did stenographically report the virtual deposition of RHONDA KLEIN, that a view of the transcript was requested and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties, nor am I a relative of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 30th day of December 2024.



TAMMY KELLEY

December 30, 2024

Ms. Rhonda Klein  
rklein@pcsonet.com

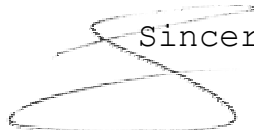
Dear Ms. Klein:

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