

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. 23-02935CF

TOMASZ KOSOWSKI,

Defendant.

_____/

VIRTUAL DEPOSITION OF SAM MORDENGA

DATE: May 9th, 2024

TIME: 9:06 a.m.

PLACE: Various Remote Locations
Via Zoom Video Communications

REPORTER: KIMBERLY L. RENFROE, RPR

VIRTUAL
APPEARANCES:

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Assistant State Attorney
Post Office Box 17500
Clearwater, Florida 33762
For the State

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For the Defendant

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1 DEPOSITION IN DISCOVERY

2 SAM MORDENGA

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

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

13 THE COURT REPORTER: Would you raise your
14 right hand for me, please?

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

18 THE WITNESS: I do.

19 THE COURT REPORTER: Thank you.

20 SAM MORDENGA, having been first duly sworn via
21 Zoom Video Communications, upon interrogation in
22 discovery, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BRUNVAND:

25 Q. My name is Bjorn Brunvand. I represent

1 Tom Kosowski. We're here on State of Florida versus
2 Tom Kosowski. I don't know that you've actually been
3 listed as a witness but your name does show up in the
4 police reports and that's why we went ahead and
5 scheduled your deposition.

6 Please state your full name?

7 A. Samuel Philip Mordenga.

8 Q. And how are you employed.

9 A. I work at Electrified E-Bike Company, it's a
10 bicycle shop here in Florida, in Clearwater. And I also
11 operate a handyman LLC corporation in Florida.

12 Q. Okay. And what about on March 21st, 2023,
13 what -- what was -- what was your occupation at that
14 time?

15 A. Handyman Sam. I was --

16 Q. Okay.

17 A. -- performing -- yeah.

18 Q. And did you happen to be at a location on that
19 day that might be relevant to this case?

20 A. Yes.

21 Q. And where was that?

22 A. 1501 South Belcher Road, Largo, Florida.

23 Q. And what time did you arrive there on
24 March 21st, 2023?

25 A. Roughly between 10:15 and 10:45.

1 Q. All right. And what was the purpose of you
2 being there?

3 A. I was called in, I -- I -- there's a
4 maintenance schedule on the ICU units that I maintain
5 and I was called in to respond to a maintenance issue on
6 one of the ICU units that day.

7 Q. And that -- when you say ICU unit is that for
8 the veterinary hospital?

9 A. Correct. Intensive Care Unit, correct.

10 Q. Okay.

11 A. Oxygen -- their oxygen cages basically.

12 Q. Okay. And -- and -- and what is it that --
13 that -- that you were checking on in the ICU unit then?

14 A. So there was an issue, their -- the oxygen
15 levels weren't maintaining their level, so it's a couple
16 issues. It could be the sensor; it could be the -- the
17 seal -- seals around the door. Several op -- several
18 issues that could arise in the -- in the ICU units. I
19 wasn't -- I don't know what it was at the ti -- I can't
20 remember exactly what it was at this time, but there's
21 quite a few -- there's a strict maintenance schedule on
22 those units that I maintain.

23 Q. Okay.

24 And -- and who hired you to do that. What company?

25 A. The co -- the -- the company administrator,

1 Jennifer Mordenga.

2 Q. Okay. Are you guys related?

3 A. She's my wife.

4 Q. She's your wife. Okay. Yeah. So you are
5 related.

6 A. We are related, yes.

7 Q. Okay. The -- what, if anything, unusual did
8 you notice on that particular day?

9 A. So you want me to recount my experience?

10 Q. Sure. Sure. Absolutely.

11 A. So I arrived, once -- once again, between
12 10:15 and 10:45. I was running a little late that day.
13 I normally try to get there at 10:00 but that -- that's
14 how it performed this day.

15 And I was -- it -- it was my wife's second day of
16 work at this -- at this new company, official second day
17 of work. She had been there a couple of months ahead
18 but it was her official start date, it was her second
19 day. And her boss was going to be there and she wanted
20 me to come meet the boss as well as take care of some
21 issues at the ICU units.

22 So upon arriving, I went immediately into the
23 administrative building to use the restroom 'cause I had
24 to go pee; and upon walking in the restroom I noticed
25 something -- something had happened there that was

1 unusual from the prior three times that I had been in
2 that restroom. It just did -- something didn't look
3 normal to me.

4 Q. Okay. So let -- let me slow you down a little
5 bit.

6 So the restroom that we're talking about, what
7 building is that restroom in?

8 A. So I -- I don't remember the differentiation
9 of the buildings. There was an A Building and a
10 B Building. The -- let's say the B Building is the
11 hospital, and the A Building is the administrative
12 building; it was a --

13 Q. Okay.

14 A. -- restroom in the administrative building.
15 There's a common area in that building that was, you
16 know, used by multiple people that occupy that space.

17 Q. Okay. So when you walk into that common area
18 from the outside, and if you look to your left, what are
19 you looking at?

20 A. If I walk in that -- there was a -- a door and
21 I think a legal firm, I believe, on the left and maybe
22 an advertising firm on the right, and then straight
23 ahead was the restroom, and my wife's office was down
24 the hall --

25 Q. Okay.

1 A. -- in the -- in the back of the building.

2 So I went up in the restroom just to make sure I
3 looked presentable to meet my wife's new boss basically.

4 Q. Okay. All right. And -- and do you recall
5 any particular art on the wall when you walk into the
6 bathroom?

7 A. There's -- I believe it says Imagine; it's
8 John Lennon on the -- on the wall when you first walk
9 in.

10 Q. Okay.

11 A. I -- I don't know if there's any artwork in
12 the bathroom that I recall.

13 Q. Okay. Okay. Just wanted to make sure that
14 we're -- we're talking about the same area, so...

15 A. Okay.

16 Q. So you -- there was something -- you noticed
17 something unusual when you went into the bathroom.

18 Could you tell us what it was that -- that, to you,
19 was unusual when you walked into the bathroom?

20 A. So the overwhelming -- overwhelming smell of
21 alcohol, like just about knocked me over. So I knew
22 immediately something had happened and then my
23 observation was the smeared paint all over the walls and
24 there was paper towels on the floor and I did see red
25 particulates on some of the paper toweling.

1 I felt as though something had happened there and
2 I -- knowing that there's a hospital next-door, I
3 thought maybe a customer brought their animal in there
4 to use the restroom and the animal had had surgery and,
5 you know, any number of things could have happened with
6 the hospital being right next-door. But I -- I knew
7 deep in my soul something -- something had happened
8 there that was unusual.

9 Q. Okay.

10 And so you indicated that you -- that you noticed a
11 strong odor of alcohol, like --

12 A. Yes.

13 Q. -- cleaning?

14 A. I -- I -- yeah, isopropyl. I use it for
15 cleaning various pieces of equipment and so I'm familiar
16 with that smell. It was --

17 Q. Okay.

18 A. -- overwhelming. It -- it -- it just about
19 knocked me down.

20 Q. Okay.

21 Any other odors other than that overwhelming odor
22 of alcohol or isopropyl?

23 A. (Shakes head).

24 Q. No?

25 A. No. That -- that was the thing that stood out

1 in my mind.

2 Q. Okay. All right.

3 And you said there was some tissues on the floor?

4 A. Yes. Paper toweling on the floor, randomly.

5 It was just kind of all over the place and there was one
6 particular one that had -- looked like, from what I
7 could see, blood, you know, the color red on the -- on
8 the paper toweling, spattered on the floor.

9 Q. All right. And the paper toweling on the
10 floor, was it inside the bathroom, outside the bathroom,
11 do you recall?

12 A. Inside the bathroom.

13 Q. Okay.

14 A. It was right behind the door. So when I
15 pushed in the door, again, the -- the smell knocked me
16 down; when I did a quick once around and it --
17 everything was smeared, the paint was smeared, and --
18 and again, I -- some -- I knew something had occurred
19 there that -- 'cause it was definitely not that way the
20 prior time that I had been in there, which I had been in
21 there maybe two or -- to three other times.

22 Q. And when you say behind the door, so there's a
23 door that you open when you enter the bathroom and then
24 there's a door to one of the stalls; which door are you
25 referring to?

1 A. The door that you enter the bathroom.

2 I didn't go into the stall. I -- I immediately
3 evacuated because I -- I no longer felt like I wanted to
4 be in that situation, so I immediately left and went
5 right to meet my -- my -- my wife with her boss.

6 Q. Okay. I think you had indicated that you --
7 you went in there to get -- make sure you looked
8 appropriate for meeting the boss but also to use the
9 bathroom.

10 A. Correct.

11 Q. Did you do --

12 A. I did not --

13 Q. -- either?

14 A. I did not use the bathroom. I immediately --

15 Q. Okay.

16 A. -- evacuated myself. I -- I knew something
17 had occurred there that I didn't want any part of.

18 Q. Okay.

19 A. The smell alone was enough to drive me out of
20 there.

21 Q. Do you recall walking into the bathroom with
22 another employee?

23 A. Yes. So after I went to meet with my wife,
24 not the boss, my wife's su -- supervisor came and met
25 with me to -- to take me over to the ICU units 'cause

1 that area's locked. I had to gain access to there, so
2 he walked me over there. And upon walking over to the
3 ICU unit -- units a gentleman, I don't know his name,
4 was frantically running around the building asking if we
5 knew where Steve was. I --

6 Q. Okay.

7 A. -- I didn't know who Steve was so I said I --
8 I don't know.

9 Q. Okay.

10 A. At that time I think I may have showed Todd,
11 the gentleman I was with, said check out what -- you
12 know, I don't remember exactly if I went in there or
13 not, but it was in that relative area that we met with
14 the gentleman that was looking for Steve.

15 Q. Okay. And when you say Todd, is that Todd --
16 Todd Tensley?

17 A. Correct. It is Todd Tensley.

18 Q. Okay.

19 I want to back up a little bit. When -- when --
20 when you initially had been in the bathroom and you said
21 you immediately left you felt like something had
22 happened in there and then -- and -- and you left, where
23 did you go?

24 A. Directly to my wife's office.

25 Q. Okay. And when you arrived at your wife's

1 office, what, if anything, did you say when you arrived
2 at -- at her office?

3 A. I don't recall saying anything about what I
4 had witnessed at that moment because I was meeting her
5 boss for the first time so that wasn't --

6 Q. Okay.

7 A. I didn't think it was relevant to that
8 conversation.

9 Q. All right.

10 So would it -- would it be fair to say that the
11 biggest issue maybe when -- when you first stepped into
12 that bathroom was the odor?

13 A. The odor was the first thing that hit me in
14 the face and then, visually, I saw that walls had been
15 severely wiped to the point where the paint was smeared.

16 Q. Okay. But it -- it didn't -- it didn't give
17 you concerns that were so significant that you felt like
18 I need to immediately notify someone that it appears
19 that something bad happened in that bathroom.

20 A. Again, I don't recall exactly. Those weren't
21 the first words out of my mouth when I met with my wife
22 and her boss, but it -- once -- I believe, when Todd
23 arrived there we -- we had that discussion; I said
24 what -- you know, what happened in the bathroom?
25 There's an overwhelming smell of alcohol. And they were

1 like -- they were puzzled and they were like, I don't
2 know. They -- nobody had any clue as to what I was
3 talking about.

4 Q. Okay. So -- so, at some point when you're
5 with your wife and her supervisor -- is Todd Tensley her
6 supervisor or someone else?

7 A. Not her supervisor or -- he -- I can't -- he's
8 a nursing manager, I believe.

9 Q. Okay. All right.

10 So at some point when you're with your wife, Todd
11 Tensley and -- and your wife's boss, who -- what --
12 his -- what's the name -- what's the name of your wife's
13 boss?

14 A. Allie -- I -- it escapes -- her last name
15 escapes me. Allie.

16 Q. But -- so the four of you were together.

17 A. Correct.

18 Q. And where were you? Which -- which --

19 A. In -- sorry, go ahead.

20 Q. In which room?

21 A. In my wife's office, which is --

22 Q. Okay.

23 A. -- in the far -- you know, I can't remember --
24 the corner of the building. Away from --

25 Q. Okay.

1 A. -- that -- away from that area.

2 Q. All right. So at some point now, while you're
3 in there, you can't tell exactly how much time had
4 transpired, but at some point when the four of you guys
5 are there you bring up the -- the odor in the bathroom
6 and the -- and what you had seen in the bathroom and ask
7 if anyone knows what may have happened in there.

8 A. I believe so.

9 Q. Okay. All right.

10 Do you recall whether or not you were interviewed
11 by anyone with law enforcement?

12 A. I was not.

13 Q. Okay.

14 A. I -- I -- I thought that was a little odd
15 myself 'cause I was there the whole day and there was
16 quite a bit of activity. No one asked me any questions
17 at that -- at that time.

18 Q. Okay.

19 A. This is the first time I've been asked
20 anything about it.

21 Q. Okay. All right.

22 So the second time that you go into the bathroom
23 with -- with Sam Mordenga --

24 A. That's me.

25 Q. I'm sorry. With Todd Tensley. I apologize.

1 A. That's okay.

2 Q. Was the odor of alcohol still strong at the
3 second time that you went in there?

4 A. Yes.

5 Q. Any other odor that you were able to
6 distinguish other than the alcohol?

7 A. Again, that was the overwhelming smell that
8 I -- that I --

9 Q. And --

10 A. -- recall.

11 Q. All right. And -- and at that time did you
12 have -- do -- do you have any recollection as to when
13 that second visit to the bathroom would have occurred?

14 A. It was, again, sometime between 10:15 and
15 by -- by now almost 11:00 o'clock probably.

16 Q. Okay.

17 When -- when you -- I'm going to -- I'm going to
18 sort of move back a little bit. When -- when you --

19 A. Okay.

20 Q. -- arrive at the property, I'm assuming you
21 are entering into the parking lot off of Belcher Road?

22 A. Correct.

23 Q. Okay. Is there any other way to enter that
24 parking lot other than Belcher?

25 A. No.

1 Q. No. Okay.

2 And so as you pull into the -- were you coming
3 northbound or southbound on Belcher?

4 A. That day, I was coming from Ulmerton, so I --

5 Q. Southbound.

6 A. Right -- 'cause we were -- res -- our
7 residence was a hotel at that moment. We were
8 transitioning from Cape Coral to Clearwater and we were
9 kind of -- my wife was in a makeshift in a -- in one of
10 the hotels, Home -- Home2 Suites so we're -- where --

11 Q. Okay.

12 A. -- I was coming from that hotel.

13 Q. Okay.

14 So -- so you're coming southbound on -- on Belcher
15 from Ulmerton, you turn right into the parking lot, and
16 then you can either go left or right.

17 A. Correct.

18 Q. Do you recall which direction? You went --

19 A. I had parked on the -- I turned right. When I
20 turned right into the parking lot, I turned right again.
21 I normally parked near the tree there because from the
22 tool perspective I got my tools in my truck, you know,
23 gain access to both buildings, I kind of centrally
24 located.

25 Q. Okay. So you -- so you -- sounds like you're

1 parking fairly close to the entrance and you're facing
2 Belcher; right?

3 A. Correct. Yes.

4 Q. And when you get out of the -- of -- are you
5 driving a truck or what are you driving?

6 A. It's a GMC Terrain, SUV.

7 Q. Okay. An SUV, a GMC Terrain.

8 So in close proximity to the entrance, it takes you
9 into that common area --

10 A. I mean, let me -- let me back up. At that
11 time I had a Ford Escape.

12 Q. Ford Escape? Okay.

13 A. A black Ford Escape. Yeah.

14 Q. Okay.

15 But -- so, again, you -- you pull in, you know, you
16 stop, your -- your -- the front of your car is facing
17 Belcher and you -- when you get out of the car you're in
18 close proximity to the entrance that you described
19 earlier that takes you to the bathroom and the law
20 office and -- and what have you.

21 A. Correct. There's a center walkway there
22 between the buildings; I went straight down there,
23 right -- like, immediately to the bathroom.

24 Q. Okay. Did you see anything unusual in the
25 parking lot when you arrived?

1 A. No.

2 Q. And you had said you -- you estimated you
3 arrived between 9:15 and 9:45?

4 A. 10:15 and 10:45.

5 Q. I'm sorry. 10:15 and 10:45.

6 Do you have any way of -- of narrowing that down
7 further than -- than that?

8 A. No. Like I stated earlier, I normally try to
9 get there, start time, at 10:00. I was running behind,
10 I needed to stop and get gas that day, so I stopped and
11 bought -- purchased gas, however long that takes, and --
12 and then I arrived immediately after that and didn't
13 make any other stops after that.

14 Q. Okay. When you -- when you stopped to
15 purchase gas do you recall whether or not you used a
16 credit card?

17 A. More than likely, yes.

18 Q. Okay.

19 And do you recall where the gas station was; was it
20 on Ulmerton Road?

21 A. I believe it was the Wawa on Ulmerton.

22 Q. Okay. All right. So if you're able to look
23 at the receipt from the Wawa on Ulmerton, that might
24 give you at least the time that you were there getting
25 gas?

1 A. Correct. It might.

2 Q. Okay. And -- and -- and would you say then it
3 was, once you had filled gas, five to -- five minutes --
4 five, maybe ten?

5 A. Sure.

6 Q. Okay.

7 A. Sure.

8 Q. All right.

9 Did you see anything unusual in the parking lot
10 when you arrived?

11 A. No.

12 Q. Okay. Did you see any trucks parked in the
13 parking lot when you arrived?

14 A. There's always several vehicles there. It's a
15 hospital, so, I -- I didn't -- nothing stood out as
16 unusual to me.

17 Q. Okay. Did you see any individuals that --
18 that appeared unusual or suspicious?

19 A. I did not see any -- any persons.

20 Q. Okay. All right.

21 What else, if anything, do you recall seeing or
22 witnessing on that particular day other than what we
23 have already discussed; anything else?

24 A. Nothing.

25 Q. Okay.

1 And I think you already indicated you did not know
2 Steven Cozzi?

3 A. I did not know Steven, no.

4 Q. And you didn't know any of the lawyers in the
5 law firm?

6 A. None.

7 Q. Okay.

8 MR. BRUNVAND: I think those are all the
9 questions I have. The prosecutor may have a
10 question.

11 THE WITNESS: Okay.

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

13 MR. BRUNVAND: Okay. So, Mr. Mordenga, the --
14 we will most likely order a transcript of the
15 deposition. You have the option of either reading
16 or waiving the reading of that transcript. So what
17 that means is if you were to waive, that means the
18 transcript is prepared, you'll still have to be
19 able to read it if -- if you were to testify at
20 some point, but you would not review it prior to it
21 being finalized. Or you can request to read it.

22 What that means is that the court reporter
23 would send you a -- a copy of the transcript before
24 it's finalized and allow you to read it, and then
25 at the end of the transcript there's a page where

1 you can write in things that you believe are
2 incorrect in the transcript.

3 So, do you have a preference if you want to
4 read or waive the -- the transcript once it's
5 prepared?

6 THE WITNESS: I don't know otherwise, of --
7 what -- how to respond to that, so if you could
8 give me some guidance, perhaps, that -- it might be
9 beneficial to me.

10 MR. BRUNVAND: All right. So it -- it -- it's
11 completely up to you. I mean, the -- the -- many
12 people waive because you -- the transcript will not
13 be changed just because --

14 THE WITNESS: The transcripts are what we just
15 discussed; verbatim?

16 MR. BRUNVAND: That's correct. Yeah.

17 THE WITNESS: Okay.

18 MR. BRUNVAND: Yeah.

19 THE WITNESS: Okay.

20 MR. BRUNVAND: But something --

21 THE WITNESS: I stand by what I said, so I --
22 I was there, I -- this is what I saw, that --
23 that's all I got.

24 MR. BRUNVAND: Okay. All right.

25 So I think you're fine waiving the reading but

1 it's up to you.

2 THE WITNESS: I will waive the reading.

3 MR. BRUNVAND: All right. Thank you very
4 much. And you have a -- a --

5 THE WITNESS: Unless there's a reason why I
6 shouldn't. If there's a reason why I shouldn't
7 then let me know.

8 MR. BRUNVAND: Nathan?

9 MR. VONDERHEIDE: Can we pause the recording?

10 MR. BRUNVAND: Yeah, hold on.

11 (Discussion off the record.)

12

13

14 (THEREUPON, the virtual deposition's concluded
15 at 9:29 a.m.)

16

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PINELLAS

I, the undersigned authority, certify that
SAM MORDENGA personally appeared before me via Zoom
Video Communications on May 9, 2024 and was duly sworn.

Witness my hand and official seal this 7th
day of June, 2024.


KIMBERLY L. RENFROE, RPR



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

REPORTER'S DEPOSITION CERTIFICATE

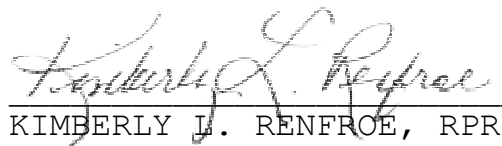
STATE OF FLORIDA

COUNTY OF PINELLAS

I, KIMBERLY L. RENFROE, Registered Professional Reporter, certify that I was authorized to and did stenographically report the virtual deposition of SAM MORDENGA; that a review of the transcript was not 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' attorney or counsel connected with this action, nor am I financially interested in the action.

Dated this 7th day of June, 2024.


KIMBERLY L. RENFROE, RPR

(Transcript was ordered by Bjorn E. Brunvand, Esquire, on May 9, 2024.)