

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

CASE NO.: 23-02935-CF

STATE OF FLORIDA,

Plaintiff,

vs.

TOMASZ KOSOWSKI,

Defendant.

VIDEOCONFERENCE

DEPOSITION OF: OFFICER BRITTANY ROSE

DATE TAKEN: April 15, 2024

TIME: 2:55 p.m. to 3:11 p.m.

PLACE: Via Zoom videoconference

STENOGRAPHICALLY REPORTED BY:

Lori A. Seiden, RPR, FPR-C

Notary Public, State of Florida at Large

Verbatim Court Reporting, Inc.  
728 S. New York Avenue, Lakeland, FL 33815 863-500-3603

1 APPEARANCES:  
(Appearing via Zoom videoconference)

2 NATHAN T. VONDERHEIDE, ESQUIRE  
3 eservice@flsa6.gov  
- and -

4 ALEXANDRA G. SPADARO, ESQUIRE  
eservice@flsa6.gov  
5 Office of the State Attorney  
County Justice Center, 14250 49th Street North  
6 Clearwater, Florida 33762  
(727) 464-6221

7  
8 Appearing on behalf of the Plaintiff

9  
10 WILLENGY RAMOS WICKS, ESQUIRE  
willengy@acquitter.com  
11 Office of the State Attorney  
County Justice Center  
12 Clearwater, Florida 33762  
(727) 464-6221

13 Appearing on Behalf of the Defendant  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O N T E N T S

|  |      |
|--|------|
| TESTIMONY OF OFFICER BRITTANY ROSE       | PAGE |
| DIRECT EXAMINATION<br>BY MS. RAMOS WICKS | 4    |
| ERRATA SHEET                             | 19   |
| CERTIFICATE OF OATH                      | 20   |
| CERTIFICATE OF REPORTER                  | 21   |
| WITNESS NOTIFICATION LETTER              | 22   |
| EXHIBITS                                 | NONE |

1           The deposition of OFFICER BRITTANY ROSE was taken  
2 pursuant to notice by counsel for the Defendant on the  
3 15th day of April, 2024, commencing at 2:55 p.m., via  
4 Zoom videoconference. Said deposition was  
5 stenographically reported by Lori A. Seiden, RPR,  
6 FPR-C, Notary Public, State of Florida at Large.

7                               - - - - -

8                       OFFICER BRITTANY ROSE,  
9 a witness, having been duly sworn to tell the truth,  
10 was examined and testified upon her oath as follows:

11               THE WITNESS: I swear.

12                               DIRECT EXAMINATION

13 BY MS. RAMOS WICKS:

14           Q.    My name is Willengy Ramos Wicks. I am a  
15 defense attorney, I'm one of the attorneys that's  
16 involved in representing a Dr. Kosowski in State of  
17 Florida vs. Tomasz Kosowski.

18               So I'm one of the lawyers. There's five of us.  
19 In addition to myself, there's also Nathan Vonderheide,  
20 who is the assistant state attorney, and along with  
21 himself, as lead counsel, Alexandra Spadaro is also  
22 assisting him as co-counsel in the case. They are both  
23 state attorneys; okay?

24           A.    Okay.

25           Q.    And so I just want to introduce myself because

1 I'm about to ask you a question.

2 Do you consent to be recorded during this  
3 deposition both on audio and video?

4 A. Yes.

5 Q. Okay. Just wanted to make sure before I hit  
6 the record button and then you were kind of blindsided.

7 Okay. Cool. Let me hit that record button.

8 All right. So, Officer Rose, can you please  
9 state your first and last name and then spell your last  
10 name for the record?

11 A. My first name is Brittany. My last name is  
12 Rose, R-o-s-e.

13 Q. All right. And Officer Rose, where do you  
14 work?

15 A. Tarpon Springs Police Department.

16 Q. How long have you worked there?

17 A. For 13 years, with seven years being on patrol.

18 Q. All right. So what about the remaining six  
19 years? What were the positions that you held during  
20 those six years?

21 A. I was in dispatch.

22 Q. Dispatch. Okay.

23 So you spent six years in dispatch and then the  
24 later seven years in patrol?

25 A. Yes.

1 Q. All right. What is your current position with  
2 the Tarpon Springs Police Department?

3 A. A patrol officer.

4 Q. Okay. Thank you.

5 And Officer Rose, did you have an opportunity  
6 to -- or actually, in connection with this case, did you  
7 write a report or a supplemental report?

8 A. I did.

9 Q. All right. And have you had an opportunity to  
10 review that report or supplemental report prior to this  
11 deposition this afternoon?

12 A. Yes, I have.

13 Q. Okay. Are there any changes or additions or  
14 corrections that you need to make to your supplement?

15 A. No.

16 Q. All righty. And I see that that supplement is  
17 Supplement Number 1 on Tarpon Springs Police Department  
18 Report Number TS23-7856. Is that accurate?

19 A. Yes.

20 Q. Okay. And so as we sit here today, your report  
21 is full and complete; you don't have anything else to  
22 add to it?

23 A. Correct.

24 Q. All right. So how did you become involved in  
25 this case?

1           A.    We had a briefing with our corporal during the  
2    shift.   And then a Flock hit notified us to the  
3    defendant's vehicle.

4           Q.    All right.   And during the briefing with the  
5    corporal that you just referred to, what was relayed to  
6    you as far as information?

7           A.    It was just that it was involved in a missing  
8    persons voluntary investigation with Largo Police  
9    Department, and I don't recall anything further.

10          Q.    Okay.   And what time was this briefing that you  
11    had with Corporal Gibson?

12          A.    I don't recall.

13          Q.    Okay.   Who was at the briefing?

14          A.    It was a majority of our shift.   I can't  
15    explain exactly who was there during that time.

16          Q.    Okay.   Was a BOLO or a be-on-the-lookout notice  
17    for the vehicle that you referred to circulated at the  
18    meeting?

19          A.    It was a description of it with a tag that I  
20    placed in my report.

21          Q.    All right.   Were there multiple BOLOs  
22    circulated at the meeting, or not as far as, like, the  
23    information that you-all were receiving?

24          A.    I don't recall.

25          Q.    Okay.   All right.   So then once you had the

1 briefing and then the Flock hit occurred, what was the  
2 next step that you took in connection with your  
3 involvement in this case?

4 A. Can you be a little more specific, please?

5 Q. Sure.

6 So you said that you had this briefing, and  
7 then you received -- I see in your report that officers  
8 received the first Flock hit of -- at 15:09:31 hours of  
9 the vehicle with that tag number traveling westbound on  
10 Keystone Road in East Lake. Then your report goes on to  
11 say that there was -- that at that point you positioned  
12 yourself at 110 East Tarpon Avenue and then the second  
13 Flock hit came in. So I was asking, you know, once you  
14 were done with the briefing, what it was that you did.

15 And so did you make your way over to 110 East  
16 Tarpon after the briefing?

17 A. Yes.

18 Q. Okay. And so once you made your way to  
19 110 East Tarpon, that's when the second Flock hit  
20 occurred?

21 A. While I was sitting there at 110 East Tarpon  
22 Avenue.

23 Q. Okay. And were you notified that, essentially,  
24 like, via dispatch that there was a second Flock hit?

25 A. It would come through the Flock application

1 that's downloaded on our computers.

2 Q. Okay. So you received a notification on your  
3 computer that that Flock hit was received at  
4 15:16:22 hours?

5 A. Yes.

6 Q. Okay. And so that would be 3:16:22 seconds?

7 A. Yes.

8 Q. Okay. And that's 3:16 p.m.?

9 A. Correct.

10 Q. Okay. And so once you received that second  
11 Flock hit, what did you do with that information?

12 A. I -- if I can refer to my report for a proper  
13 wording.

14 Q. Yeah, you can.

15 A. I began traveling eastbound on Tarpon Avenue  
16 along with Corporal Gibson.

17 Q. All right. And while you traveled eastbound on  
18 Tarpon Avenue, did you spot the vehicle with the tag  
19 number?

20 A. I had, yes.

21 Q. Okay. And when you first, you know, laid eyes  
22 on the vehicle, what did you observe?

23 A. Referring back to my report, I saw a male  
24 driver wearing a surgical mask in the red Toyota.

25 Q. All right. And so did you see what direction

1 the red Toyota was traveling in?

2 A. Westbound.

3 Q. Okay. And so as you saw this vehicle traveling  
4 westbound, was that the direction you were going in or  
5 were you going the opposite direction?

6 A. I was going eastbound, so opposite direction.

7 Q. Okay. So once you saw this vehicle pass, what  
8 did you do?

9 A. Corporal Gibson -- excuse me. Corporal Gibson,  
10 I apologize. I refer to him as Sergeant Gibson. He  
11 recently got promoted since this case.

12 Q. That's fine. We'll just note that for the  
13 record that he's corporal in the report, but he's now  
14 sergeant.

15 Go ahead.

16 A. Thank you.

17 He was in front of me. So he was able to  
18 position his cruiser and turn onto Hibiscus to then get  
19 behind that vehicle. And then due to some traffic, it  
20 took me a couple seconds to then follow behind Corporal  
21 Gibson as he was traveling behind the vehicle.

22 Q. Okay. And so once you both were following, you  
23 know, the vehicle, was there a point in travel like in,  
24 you know, travel down, I believe Pinellas Avenue, it  
25 looks like, and then westbound onto Orange Street that

1 Corporal, now Sergeant Gibson initiated a traffic stop?

2 A. Yes, he did.

3 Q. Okay. And were you present for when Corporal,  
4 now Sergeant Gibson initiated that traffic stop?

5 A. Yes, I was.

6 Q. Okay. And so when -- how did Corporal, now  
7 Sergeant Gibson initiate the traffic stop?

8 A. He activated his emergency lights and sirens.

9 Q. Okay. And what did the vehicle do in response  
10 to that?

11 A. It pulled over onto Orange Avenue -- or excuse  
12 me, Orange, and got off to the side of the road.

13 Q. Okay. And so once the vehicle pulled over,  
14 what was the next thing that you did?

15 A. We conducted a felony traffic stop.

16 Q. And so what does a felony traffic stop consist  
17 of?

18 A. It consists of officers staying close by their  
19 vehicle for cover, and then having the driver of the  
20 vehicle get out, follow an array of commands, and be  
21 able to be detained from that point on.

22 Q. All right. And so was the individual, the male  
23 driver with the surgical mask that you referred to  
24 earlier, was that driver detained?

25 A. He was.

1 Q. Okay. And did you detain him or did Corporal,  
2 now Sergeant Gibson detain him?

3 A. I detained him.

4 Q. Okay. And so once the driver was detained, was  
5 the driver searched?

6 A. I conducted a brief pat-down to make sure he  
7 didn't have any weapons on him. And then Officer  
8 Faugno, prior to me putting him into my vehicle, did  
9 another search of his person.

10 Q. And then he was placed in your vehicle?

11 A. Yes.

12 Q. Okay. So once the driver was placed in your  
13 vehicle, what was the next thing that you did on scene?

14 A. Well, the detectives arrived on scene a short  
15 time after and took control of the scene, so we were at  
16 the direction of their detectives.

17 Q. Okay. So is it -- does that mean, essentially,  
18 that the Largo PD detectives are telling you-all what to  
19 do?

20 A. They are -- we are at their direction. So if  
21 they need us to do something -- they were working with  
22 the State Attorney Office, so we were kind of just  
23 assisting them. It was their investigation.

24 Q. Okay. Was there any information that was  
25 relayed to you once Largo PD detectives responded to the

1 scene and took control of the scene?

2 A. No. We were just asking how we can assist  
3 them.

4 Q. Okay. And so how did you assist Largo PD  
5 detectives?

6 A. They requested that I read the search warrant  
7 to the vehicle, which I did, and then also collect a  
8 phone that was in plain view from the vehicle.

9 Q. Okay. As far as the officer -- any  
10 observations from the vehicle? Was there anything of  
11 note that you observed, you know, in or around the  
12 vehicle?

13 A. No, I'm not -- I was not directed to pay close  
14 attention to the vehicle. That was Largo detectives. I  
15 kind of separated myself from that portion of their  
16 investigation.

17 Q. All right. And so when you're executing a  
18 search warrant, you know, as far as reading it, what --  
19 like, what exactly are you doing?

20 A. Just reading off a couple pieces of paper that  
21 was gave -- gave to me by a Largo detective.

22 Q. And this -- what was this for? Like -- like,  
23 as far as the reading of the search warrant is  
24 concerned, was that read to the driver of the vehicle  
25 who was actually occupying the vehicle prior to the

1 traffic stop?

2 A. No.

3 Q. Okay. Was there any reason why that wasn't  
4 done?

5 A. The search warrant was for the vehicle, not the  
6 driver.

7 Q. Okay. And as far as the driver is concerned,  
8 you know, I keep referring to him as the driver, but he  
9 was subsequently identified as Tomasz Kosowski; right?

10 A. Correct.

11 Q. Okay. Just to make it clear for the record.  
12 So as far as the car is concerned, like, the  
13 vehicle we're talking about, which is the red Toyota  
14 Corolla, after you took the driver, Dr. Kosowski, into  
15 custody, did you have any indication that there was an  
16 individual in the trunk of the vehicle?

17 A. No.

18 Q. Okay. And as far as the car is concerned, are  
19 you aware of, you know, who closed the driver's side  
20 door after Dr. Kosowski was arrested? Like, who closed  
21 the driver's side door of the vehicle?

22 A. No, I would have to refer to my body camera to  
23 have clarification on who did that, but I did not recall  
24 witnessing who closed the door.

25 Q. All right. And so, then, it's fair to say that

1 you wouldn't recall who opened the door once it was  
2 closed, like who reopened it?

3 A. I don't recall.

4 Q. The driver's side door specifically. I just  
5 want to make sure the question is clear.

6 A. I do not recall.

7 Q. Okay. Who opened the trunk of the car?

8 A. I don't recall.

9 Q. Okay. Were -- as far as, you know, opening any  
10 part of the vehicle, like the driver's side door and the  
11 passenger's side door and the trunk, was any part of the  
12 vehicle opened prior to PCSO forensics arriving at the  
13 scene?

14 A. I don't recall. I know that the driver,  
15 Mr. Tomasz, he opened the vehicle car door to get out  
16 and exit the vehicle. As of that point, I don't recall  
17 what happened to the car door at the time.

18 Q. Okay. And was any part of the vehicle, the  
19 doors or the trunk, opened prior to the search warrant?  
20 Like, you reading the search warrant on site to the  
21 vehicle?

22 A. I don't recall. I would have to look through  
23 my body-worn camera to get that information.

24 Q. Okay.

25 A. I wasn't staring at the vehicle the entire time

1 when I was on scene.

2 Q. I understand.

3 In your report, you -- you noted that -- that  
4 Dr. Kosowski was placed in your vehicle.

5 At any point was -- at any point, did you hear  
6 Dr. Kosowski ask for a lawyer?

7 A. No, I did not.

8 Q. Okay. So you never heard him ask for a lawyer  
9 at any point?

10 A. No, I did not.

11 Q. Okay. At any point during your involvement at  
12 the scene of the traffic stop, did you hear Dr. Kosowski  
13 complain about the tightness of his handcuffs?

14 A. No. I checked on him over, I want to say,  
15 roughly more than five times, asking him if he needed  
16 anything, AC, music on. He never once complained about  
17 tightness of his handcuffs.

18 Q. Okay. And so, again, during those five times  
19 that you did check on him, you know, asking if he needed  
20 anything, he never asked for a lawyer, to your  
21 recollection?

22 A. Not to my recollection, no.

23 Q. Okay. And so, besides retrieving the iPhone  
24 from -- that was in plain view in the vehicle, did you  
25 retrieve anything else from the vehicle?

1           A.    No, ma'am.

2           Q.    Okay.  How long were you at the scene of the  
3    traffic stop?

4           A.    It was until 1805 hours when I was relieved by  
5    Officer Gibson.

6           Q.    Okay.  So are we talking, like, about three  
7    hours?  Just under three hours?

8           A.    Roughly, give or take, yes.

9           Q.    Okay.  You mentioned, you know, that you have  
10   to review your body-worn camera or your in-car camera.  
11                Have you had a chance to review either your  
12   body-worn camera footage or your in-car camera footage  
13   prior to this deposition this afternoon?

14          A.    Yes.

15               MS. RAMOS WICKS:  Okay.  All right.  I don't  
16   have any further questions.  I'll check with  
17   Mr. Vonderheide or Ms. Spadaro to see if they have  
18   any questions.

19               MR. VONDERHEIDE:  No questions.

20               MS. SPADARO:  No questions.

21               MS. RAMOS WICKS:  All right.  Thank you.

22               I'm going to ask if you'd like to read or  
23   waive.

24               THE WITNESS:  Read, please.

25               MS. RAMOS WICKS:  Okay.  Let's stop the

1 recording so that you can provide that information  
2 to Lori, our lovely court reporter.

3 (At 3:11 p.m., no further questions were  
4 propounded to this witness.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## ERRATA SHEET

IN RE: STATE OF FLORIDA vs. TOMASZ KOSOWSKI  
DEPOSITION OF: OFFICER BRITTANY ROSE  
TAKEN: 04/15/2024

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

Please sign, date, and return this sheet to our office.  
If additional lines are required for corrections,  
attach additional sheets.

At the time of the reading and signing of the  
deposition the following changes were noted:

| PAGE | LINE | CORRECTION | REASON |
|------|------|------------|--------|
|------|------|------------|--------|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Under penalty 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.

SIGNATURE OF DEPONENT: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF PINELLAS

I, Lori A. Seiden, RPR, FPR-C, Notary Public,  
State of Florida, certify that OFFICER BRITTANY ROSE  
virtually appeared before me on the 15th day of  
April, 2024, and was duly sworn.

WITNESS my hand this 23rd day of September 2024.

*Lori A. Seiden*



Lori A. Seiden, RPR, FPR-C  
Notary Public - State of Florida  
My Commission No.: HH 226917  
My Commission Expires: June 6, 2026

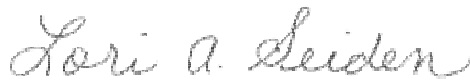
## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA4 COUNTY OF PINELLAS  
5

6 I, Lori A. Seiden, RPR, FPR-C, do hereby certify  
7 that I was authorized to and did stenographically  
8 report the foregoing deposition of OFFICER BRITTANY  
9 ROSE; that a review of the transcript was requested;  
10 and that the foregoing transcript is a true and  
11 complete record of my stenographic notes.

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

17  
18 Dated this 23rd day of September, 2024.

19  
20 

21 \_\_\_\_\_  
22 Lori A. Seiden, RPR, FPR-C  
23  
24  
25

September 23, 2024

OFFICER BRITTANY ROSE  
brose@tspd.us

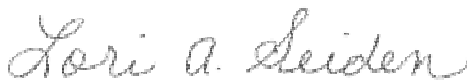
Dear Officer Rose:

Your deposition taken in the case of State of Florida vs. Tomasz Kosowski on April 15, 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, until October 23, 2024.

Please call (863) 682-8737 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 cursive script that reads "Lori A. Seiden".

Lori A. Seiden, RPR, FPR-C