

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: HEATHER MARIE LEGG

DATE TAKEN: September 11, 2024

TIME: 9:02 a.m. to 11:22 a.m.

PLACE: Via Zoom videoconference

STENOGRAPHICALLY REPORTED BY:

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1 employed?

2 A. Like previously or currently?

3 Q. Currently.

4 A. Currently, I work for Target.

5 Q. Okay. And previously, you were?

6 A. A latent examiner for the Pinellas County

7 Sheriff's Office.

8 Q. Okay. What years were you a latent examiner?

9 A. I started in latents in, I think it was August
10 of 2018. I left in November of 2023.

11 Q. Okay. Do you mind talking about why you left?

12 A. It was just for personal reasons.

13 Q. Okay. I'm just trying to get my file open
14 here.

15 Before that, what did you do?

16 A. I worked in the jail fingerprinting the inmates
17 for about seven and a half years. I started in 2011. I
18 think 2011.

19 Q. Okay. And what did you have to do to become a
20 latent print examiner?

21 A. There weren't any hard, fast requirements, I
22 believe, at the time. They like to have some basic
23 understanding of fingerprints, which is what I had from
24 working in the jail. I used to take the fingerprints
25 from the inmates and then do a comparison from known

1 print to known print to prior records.

2 Q. What kind of training did they provide you in
3 the jail to be able to do that?

4 A. It was on-the-job training. So it was just --
5 I had also taken classes at, I believe it was
6 Hillsborough Community College and St. Pete College that
7 could go over the basics of that, and then the rest of
8 it was just on-the-job training.

9 Q. Okay. Let me get to the questions that I've
10 been provided by my team.

11 Were you the individual to identify
12 Mr. Kosowski's fingerprint from the 1501 Belcher
13 electrical room?

14 A. I believe that was the address, but yes. I can
15 look at the report really fast just to confirm that
16 address.

17 The address isn't in the report, but I can tell
18 you what the identification was on as I scroll through
19 pages. Sorry.

20 Q. That's okay.

21 A. Yep. It was the interior door electrical room.

22 Q. Okay. And from what source did you obtain
23 Mr. Kosowski's fingerprints?

24 A. I believe they were already on file in our
25 database. I think it was -- I'm not sure if it was

1 either the local database for Pinellas County or if it
2 was the state database from the entire state of Florida.
3 That, I don't recall.

4 Q. Okay. Is that information -- would that be on
5 a report somewhere?

6 A. It would be on the printout. I can double
7 check if it's --

8 Q. Why don't we make a note of that? Just a
9 moment. I'm going to grab a different pen because my
10 pen isn't working.

11 We'll just put a pin in that and come back to
12 it at the end --

13 A. Okay.

14 Q. -- so we don't forget.

15 A. Okay.

16 Q. All right. Was that the only comparison sample
17 used for your analysis? I'm assuming this is relating
18 to the question before, which we may not have the answer
19 to that question.

20 A. Yeah. That, I'm not -- I'm not sure, because
21 if he would have had, like, multiple files, I would have
22 had the opportunity to look at different databases and
23 different sets. And I don't recall at this time if he
24 had multiple sets of prints on file.

25 Q. If he had no prints on file, in other words, he

1 had never been arrested. Where would you obtain his
2 fingerprints?

3 A. It's kind of hard to specifically say. So I
4 don't know the logistics of, like, how. I know there's
5 different databases. So fingerprints come in all
6 different kinds. So even my fingerprints from getting a
7 background check for an internship at the Hillsborough
8 County Sheriff's Office, like, I know those are on file.

9 So it could be from volunteer work. It could
10 be for background checks for different jobs and things
11 like that. It could be background checks for law
12 enforcement jobs. It could be -- if it goes higher up,
13 it could be a gun background check permit or anything
14 like that, like a conceal carry. So there's different
15 reasons why it's in a database, and that's not always
16 something that I ever know, is why we have them.

17 Q. Do you have access to fingerprints that are
18 submitted for applications to medical school or law
19 school, any of those databases?

20 A. That, I'm not super -- like, that, I'm not
21 aware of. So kind of the way it works, like, I know
22 from when I worked at the sheriff's office, when we had
23 other agencies that would come and get fingerprints to
24 run background checks, they would run them through the
25 database and then we would send them the answers. So I

1 don't always know if there was a way.

2 That would probably be, like, something above,
3 like, the pay grade, like either the lieutenant or the
4 supervisor might have the answer to, but that's not
5 anything I would have the answer to unfortunately.

6 Q. Okay. So but when you obtain a fingerprint
7 from a suspect or a -- when you go to a source to obtain
8 the fingerprints, you decide what source, or does your
9 supervisor decide what source?

10 A. It's kind of case specific. So the only -- I
11 know the general orders spell out which databases they
12 do mandatory have to be run in. So in a major case like
13 this, it would have gotten run through our local, which
14 is the Pinellas County, the state, which is FDLE, and
15 then the FBI.

16 Q. Okay. And to your knowledge, did you only use
17 one sample or numerous samples from Mr. Kosowski?

18 A. That, I'm not sure of at the time. I don't
19 remember. I know he hit in the database, but I don't
20 remember if it was all of the databases or which
21 database it was. So that I'm not sure about.

22 Q. Okay. And is that something that you think at
23 the end of this we can look through some paperwork and
24 try to figure out?

25 A. Yeah. So the way it kind of works is that --

1 and I don't know -- I don't know if that paperwork is in
2 there. So when things get run through the database, it
3 gets notated, like, what lift it was and what database
4 it was. And so if I had, like, the entire case file,
5 like the hard copy, I might know, but I don't know if
6 it's in the digital copy that I currently have.

7 So I can kind of, like, look at the types of
8 numbers and see if I can figure that out for you, but
9 I'm not sure that that's going to be in there.

10 Q. Okay. Well, maybe we'll come across it because
11 I have a lot of stuff to get through.

12 A. Okay.

13 Q. So I'll make a note of it.

14 Okay. You received two sets of photographs
15 from the electrical room at the crime scene, or what
16 they're -- what they're identifying as a crime scene.
17 The first by Specialist King and the second by
18 Specialist Camacho; is that correct?

19 A. That, I can't answer because all I have is the
20 report, and I don't know -- like, if you had, like, what
21 the lift number was, I could cross-reference it, but,
22 otherwise, I don't -- I don't know who lifted what based
23 off what I have.

24 Q. Okay. I have some more stuff, and I'm planning
25 to go through that so maybe we'll cover that as well.

1 I'm just going to put a star.

2 All right. How many samples -- so you don't
3 know how many samples Specialist King provided?

4 A. No.

5 Q. Does the number 14 sound reasonable?

6 A. It could vary. Like, I've had times where
7 they've sent, like, one photo, and I've had times where
8 they sent me 50 photos. Like, it's kind of up in the
9 air what gets sent.

10 Q. Some samples are further separated out and
11 designated with an A, B, or C letter. Are you familiar
12 with that?

13 A. No.

14 Q. So you wouldn't know what the letters mean?

15 A. No.

16 Q. Okay.

17 A. Like, it's on the actual back of the lift?
18 Like, it says in the description of the lift, like, A,
19 B, and C, or is it actually, like, handwritten in pen,
20 A, B, and C?

21 Q. That, I'm not sure about. Again, when I get
22 into this file with you -- and maybe that's the better
23 way to go. Yeah, let me get -- why don't we save these
24 questions for last?

25 A. Okay.

1 Q. Because as we get through the file, that might
2 be a more efficient way to go.

3 Okay. Let me just get back to where I was.

4 Okay. So you said you were a fingerprint
5 examiner from 2018 to 2023?

6 A. Yes.

7 Q. And during that time period, that's all you
8 were doing?

9 A. Yes.

10 Q. Okay. Describe what the requirements were for
11 you to become a fingerprint examiner for the sheriff's
12 office.

13 A. I believe the requirements in the job
14 description at the time was that they preferred you had
15 some fingerprinting experience to qualify. So my work
16 for seven and a half years in the jail, on top of
17 actually fingerprinting the inmates, I would then do the
18 comparisons for the local and state records. If they
19 had an identification, I would merge those records to
20 keep everybody's, like, charges, like, specific to them.

21 And then all of the fingerprints that come in
22 the jail go through our latent database of unsolved
23 crimes. So we would also, as fingerprint techs, go
24 through and look to see if we had any potential
25 identifications, and those would get forwarded to the

1 latents departments to be the final say.

2 Then the other requirement was to take an
3 assessment test and an interview. And then based off
4 that, I was able to obtain the job.

5 Q. When you got the job, were there any annual
6 trainings that you had to do? Any continuing education?

7 A. Yes. I want to say the first year I was there,
8 I had gone to approximately, like, nine different
9 trainings. The sheriff's office has always been really
10 big on continuing education, so I had the opportunity to
11 go to a lot of training. I think I went to training
12 almost every year that I was a latent examiner.

13 Q. Okay. Do you have any special certifications?

14 A. No.

15 Q. What process do you use to examine fingerprints
16 from a crime scene?

17 A. So the first thing that I would do is analyze
18 the evidence and see if there was enough distinguishing
19 characteristics to deem something of value or no value.
20 If it's deemed no value, it kind of gets put to the side
21 and you move on to the next item. If it's deemed of
22 value, once you get to the end of the value and no value
23 process, you would then move on to comparisons. So it
24 would either be --

25 Q. Let me stop you there. Let's go back to

1 determining whether there's value or no value.

2 How do you determine that?

3 A. It is the totality of the print that's in front
4 of me. So there's three different levels of detail.
5 The first level of detail is just the overall, like,
6 pattern form. So we have a loop, a whorl, and an arch
7 on a finger and then we have palm prints.

8 From there, the -- is, like, the more minute
9 distinguishing minutiae that comes in where we have,
10 like, ridge ending, bifurcation. We also have, like,
11 islands and other distinguishing characteristics in
12 that.

13 The next level would be Level 3, which is going
14 to be poroscopy and edgeoscopy, which is actually
15 looking at the pores within the ridge details, the size
16 of them and how close they are together, and then the
17 edges of those ridges.

18 So it's -- there's no set number of points that
19 are required to determine if something is or isn't of
20 value. It's just the totality. So obviously, the
21 overall pattern, there's only three types, so that's not
22 as discriminating -- distinguishable, I want to say, as,
23 say, you know, like, say, the edges and the pores of a
24 line. So it's taking the totality of everything that's
25 visible within each print that stands alone on its own

1 and then determining value that way.

2 Q. And are you collecting and preserving the
3 fingerprints, or are they collected and then provided to
4 you?

5 A. They are collected and then provided to me.

6 Q. So who provided you the fingerprints to analyze
7 in this case?

8 A. It was different forensics technicians. I
9 don't know which ones did what. So on the actual either
10 evidence label or the back of the visible evidence, it
11 will say who supplied each lift and/or photo. That's
12 not anything that I have in my report that I could be
13 like, oh, this with this and this with that.

14 Q. That's okay.

15 Q. Once you have analyzed the fingerprints, are
16 they preserved subsequently so that anyone else can look
17 at them?

18 A. Yes.

19 Q. And when you analyze and make comparisons, is
20 there another person that checks your work?

21 A. Yes. We have a verifier that verifies all
22 identifications and exclusions.

23 Q. Do you then -- is it entered into a database
24 and then compared using some kind of software?

25 A. Yes. At the time, we had Mideo. I don't know

1 which version of it it was that kept all of the
2 evidence, and that's what generates the reports. And
3 then we actually did the comparisons in a program called
4 CSIpix. And then we would save -- all of those
5 worksheets and markups that we did, those would get put
6 into Mideo.

7 Q. And so in the evidence and the discovery that
8 we look at, we should be able to see that initially, at
9 least, there's another human being that looked at your
10 work. Does that person sign off on it?

11 A. Yes. There is a box where they have to put --
12 I'm trying to remember what the drop-down box says. I
13 think it's, like, total agreement, disagreement, and
14 then I think there was a third option, and I don't
15 recall what it is off the top of my head. And then they
16 have to electronically sign it.

17 Q. Okay. And then once that's done, is it then
18 entered into the software program that's used?

19 A. So that -- all of those boxes are checked
20 within that software program.

21 Q. Okay. So when you're entering data, it's not
22 on paper. It's into a computer program?

23 A. Yes.

24 Q. Okay. Just in your opinion, how unique are
25 human fingerprints? Are they all unique?

1 A. Yes.

2 Q. And being that they are all unique, what
3 factors -- what factors can affect the quality of those
4 prints?

5 A. So the different factors that can affect them,
6 if there is any, you know, scarring, it would have to go
7 down through enough, like, levels of skin for it to be a
8 permanent scar. As you know, we age and our
9 fingerprints get more dried out and stuff like that, or
10 if you're someone that works heavily with your hands,
11 sometimes the ridges and furrows tend to not be, like,
12 peaks and valleys, and they'll start to flatten out
13 more. So that's when you'll have more wrinkling and
14 stuff like that.

15 It doesn't necessarily change your fingerprint,
16 but, like, it is noticeable, like, characteristics that
17 you go while still maintaining, essentially, the
18 integrity of the fingerprint.

19 Q. And have you ever made a mistake when
20 comparing?

21 A. I've never made a bad ID, no.

22 Q. So what would cause someone to make a bad ID?

23 A. There could be a variety of reasons. It could
24 be personal reasons, if somebody was just having an off
25 day and not double-checking their work. It could be

1 that it was just a really hard print to look at and you
2 just weren't sure what you were looking at and things
3 like that. But I would say more often than not, it's
4 probably user error.

5 Q. And by "user error," either the collection of
6 the fingerprint such that it's not a good quality or the
7 person who's observing the fingerprint just being
8 careless in their evaluation?

9 A. I wouldn't say that it's careless in the
10 evaluation. I would say it would be more in the
11 comparison stage. You want to make sure that you're not
12 zooming in too far at something and getting tunnel
13 vision, and that you're looking at the totality of the
14 fingerprint before making a conclusion.

15 Q. So there is room -- not suggesting that you
16 erred, but generally speaking, educate me. There is
17 room for error, because it sounds like from what you're
18 saying, it's a bit subjective, or not doing it
19 correctly?

20 A. Yes. I would say if you're not, like, staying
21 up-to-date on training and things like that, then yes,
22 it is possible to make a bad ID.

23 Q. Okay. All right. I'm going to try to share my
24 screen with you just because I think this will be the
25 most effective way to do this. There it is. All right.

1 Let me get this file up here. Well, unfortunately,
2 that -- give me just a moment.

3 A. Mm-hmm.

4 Q. I'm going between two computers, so...

5 What documents do you have in front of you or
6 digitally? What documents were you provided?

7 A. I have the report and then I have my CV. I
8 have the printout from the AFIS terminal. I have, it
9 looks like, the accreditation reports. I have internal
10 audits, it looks like. I have property reports. I have
11 the ACE-V methodology report. I have --

12 Q. Okay.

13 A. -- the SOPs. Yes.

14 Q. I'm going to ask you to help me.

15 A. Okay.

16 Q. I have -- I'm looking at something on my
17 screen, and I will pull it up as soon as it refreshes on
18 this computer. Because I should have everything that
19 you have, and -- here we go.

20 All right. Can you see my screen?

21 A. Yes.

22 Q. Okay. I'm going to pull up -- for some reason
23 the person did not -- there it is. Okay.

24 MS. POWERS SELLERS: All right. For the
25 record, this is 001-01-01B. It's a PDF.

1 BY MS. POWERS SELLERS:

2 Q. What are we looking at here? Can you see it?

3 A. Yes, I can see it.

4 So the item on the left, I don't know that I
5 can tell you what actual item that is out of the
6 evidence, but that is a fingerprint from somewhere at
7 the crime scene. And then the --

8 Q. How did we find that out?

9 A. It should -- I'm trying to look. So typically
10 in the Mideo report there will be a box where I have to
11 put what that AFIS number is, but it doesn't print in
12 the generated report. It's just somewhere in Mideo. So
13 I don't know that I would have -- because I don't think
14 that's in the report, unfortunately.

15 Q. Okay. So the Mideo, is that the software
16 brand?

17 A. Yes, that's the program that generates the
18 report. So we put all of this information into the
19 actual program. It keeps all of this information. So,
20 like, it would have in the program my AFIS number, which
21 my AFIS number on this would be 1, and then it would say
22 what item it corresponds to. But that isn't something
23 that prints in the generated report, because typically
24 that's not anything that the end user needs. It's just
25 something for our own records. And because I obviously

1 don't have access to the program right now, I don't
2 know.

3 Q. Okay.

4 MS. POWERS SELLERS: I'm going to pause the
5 recording and we can go off the record for just a
6 second.

7 (Discussion off the record.)

8 BY MS. POWERS SELLERS:

9 Q. Okay. Back on the record.

10 I have -- we were just discussing the
11 screenshots of the software program. I had pulled one
12 up for you that was provided to us. And you explained
13 that you don't have the information in front of you to
14 be able to identify which fingerprint is what on those
15 photographs because they are identified by a number and
16 you don't have that number system in front of you.

17 A. That's correct.

18 Q. Okay. So -- and in order to obtain that
19 information, it's within the software program, someone
20 would have to go in the program and pull that specific
21 information and then print that?

22 A. Yes.

23 Q. Okay. So we're going to move on and look at
24 this report, the latent examination report.

25 Do you have that in front of you?

1 A. I do, yes.

2 Q. Okay. The first page is just inventory. There
3 are individuals listed on the left side.

4 Are these all the individuals who were
5 compared?

6 A. Yes, except for the last one. There were no
7 fingerprints on file.

8 Q. Okay. So the ID number or elimination, that
9 fourth column, what does that mean?

10 A. So that is the specific number that is tied to
11 that person. So we in, like, the fingerprint community,
12 don't go by names, because people's names change, women
13 get married, last names, and stuff like that. So your
14 fingerprints are assigned a unique number.

15 So the local database, the PCSO database, is
16 going to be a six-digit number. The FBI number
17 typically has letters in it. And then the State of
18 Florida is a SID number, and that is a different set of
19 numbers. So each set -- each database has different
20 numbers. And that's how they keep track of
21 fingerprints, because they don't actually go by names.

22 Q. Okay. So when you receive the fingerprint, do
23 you insert this data into this spreadsheet? And if you
24 need me to, I can share my screen, pull it up.

25 A. Are you talking about, like, the name, the date

1 of birth, the demographics into the actual Mideo report?
2 Is that what you're asking?

3 Q. Yeah. Because the -- on page 2, and I guess
4 it's -- yeah, page 2 of 55, it then begins to list the
5 location of the latent print.

6 A. Yes.

7 Q. And where does that information come from?

8 A. The location of the latent print comes from the
9 back of the evidence. So each piece of evidence, each
10 photo, each lift, has that information on the back of
11 it. And so it's just strictly typed in that whichever
12 specialist wrote whatever it is, that's what we type
13 into the program.

14 Q. And then, is it your job to determine whether
15 it's of value or no value?

16 A. Correct.

17 Q. And it looks like on page 2, all of those items
18 had no value.

19 But moving on to page 3, Number 10,
20 Impression A, this -- what does that mean?

21 A. So each piece of evidence gets an item -- gets
22 a number. So we just start at one and go up to however
23 many pieces of evidence there are. So that way, when
24 I'm putting things into the computer system, I can keep
25 track of which latent belongs to which item.

1 So Item 10, there was one impression that was
2 of value, so it was labeled A.

3 Q. Okay. And that item was the interior south
4 door?

5 A. Yes.

6 Q. What is this Jarzembowski, Edward Jarzembowski?

7 A. That is the person that that fingerprint was
8 identified to.

9 Q. Perfect.

10 Do you know who that is?

11 A. No.

12 Q. So then you go down to Item 12, Impression A --

13 A. Mm-hmm.

14 Q. -- interior door. So this is a different
15 fingerprint but from the same door?

16 A. Yes.

17 Q. And that one was identified as Emanuel Jones?

18 A. Correct.

19 Q. Then 12B, another print is lifted of value.
20 And it looks like this was compared on a different date?

21 A. So the way -- you know, so the way that the
22 comparison date gets generated is once I finish the
23 comparisons for each person for that item.

24 Q. Okay. So you may have started it on -- in
25 March but then finished in April?

1 A. Correct.

2 Q. Okay. Let's go through these results.

3 "Patrick Atkinson, incomplete, no palm prints
4 available for comparison."

5 Is this -- what does that mean?

6 A. So that means that the Item 12B, I had marked
7 that has a palm print, and that Patrick Atkinson did not
8 have any palm prints on file. So I couldn't generate
9 any other conclusion other than "incomplete" because I
10 had nothing to compare it to.

11 Q. And how do you know -- I know it says palm
12 print in the -- in the conclusions column, but how do
13 you know that it's a palm print?

14 A. So in the Mideo program, there is another --
15 there's a category of boxes where you put the different
16 levels of detail that you see available. You put
17 whether you think it's a fingerprint or a palm print or
18 if you're unsure where the friction ridge skin came
19 from. There's different boxes to check.

20 So I'm guessing because I put no prints -- no
21 palm prints on file that it was a palm print, but unless
22 I actually saw it, I couldn't tell you right now. But
23 there is a box somewhere in Mideo I had to, like, put
24 what all of that information was.

25 Q. Okay. And, again, going on, you go through

1 each one of these subjects. And it doesn't look like
2 there were any that were good to compare?

3 A. Yes, it might not be that -- and that's kind of
4 where it's hard to say. So depending on where it is in
5 the palm, like if it was an area that wasn't reported in
6 the known, then I would need better prints in order to
7 do another comparison.

8 Q. And do you know whether or not you requested
9 better prints or anyone directed you to obtain or look
10 for better comparisons?

11 A. That, I don't recall.

12 Q. So when you're making these comparisons and you
13 say, "This is incomplete, I would need more of this or a
14 better one of this," do you provide that information to
15 someone and someone else makes the decision on whether
16 or not they want to further this evaluation by obtaining
17 more solid comparables?

18 A. Typically, yes. So usually at that point, this
19 gets reported. So the end user would be Largo Police
20 Department. So it would then be -- typically what
21 happens, Largo Police Department would get with the
22 State Attorney to determine whether they are going to
23 do, like, a motion to compel to get better prints or if
24 they are not.

25 Q. Let's look at Item 16. Actually, let's go back

1 to 12B. That was the issue that you had with comparing
2 that item with Mr. Kosowski's known prints. It says,
3 "Incomplete, need better knowns."

4 What does that tell you?

5 A. That doesn't tell me a lot. It could be that I
6 needed more complete prints on him because the area that
7 I needed wasn't captured in his known prints or --
8 that's probably what it is, but I don't know.

9 Q. Okay. And, again, the only way to know that is
10 to go into the Mideo system?

11 A. Yeah.

12 Q. Let's see here. Going down to 16A,
13 inconclusive all the way down. Then when you get to
14 Tomasz Kosowski, it says, "Does not meet exclusion
15 criteria."

16 What does that mean?

17 A. So there are rules for the exclusion criteria.
18 So one is -- I'm trying to remember off the top of my
19 head what it was. So it used to be that we needed to
20 know the anatomical position, so I needed to know
21 whether it was a finger or palm or a foot, and then I
22 needed to know -- I needed to be confident in the
23 orientation of the fingerprint.

24 And if you didn't have those two things, it did
25 not meet exclusion criteria. So I can't tell you why it

1 was "inconclusive, does not meet exclusion criteria,"
2 but that is typically the criteria that was followed.

3 Q. What I'm kind of gathering here is, beyond what
4 you're seeing on your report in front of you, which we
5 can all see, to find out more information and to be able
6 to ask you deeper questions, you would need to get into
7 the Mideo system? And my question is: Is that a
8 possibility?

9 A. I have absolutely no idea, not working for the
10 agency anymore, if that's even something they would
11 allow me to do, but they should be able -- so the way
12 the system works is that you can print any kind of
13 report. Like, that's the whole point of the program
14 being digital. You can print any kind of reports that
15 you need. So they, in theory, should be able to pull
16 all of these reports and print them and provide them.

17 Q. Okay.

18 MS. POWERS SELLERS: Let's go off the record
19 for a second.

20 (Discussion off the record.)

21 MS. POWERS SELLERS: So what we talked about
22 off the record -- and we can go ahead and go back on
23 the record -- is, we are needing access to the
24 software program to answer some of the more detailed
25 questions, such as, you know, why was something

1 incomplete or what question -- there was another
2 one. Photos, matching fingerprints to evidence
3 and -- yeah.

4 We're just going to have to do some
5 cross-referencing. And I think that once we have a
6 better understanding of the Mideo program and access
7 to it, we'll be able to get all those answers. But
8 for now, we will move forward, and I will cover as
9 much as I can with Ms. Legg, with the understanding
10 that she does not work there any longer, so she does
11 not have access to this program anymore.

12 BY MS. POWERS SELLERS:

13 Q. So I am still on your 55-page report. And
14 moving down, there are some numbers on the left side.
15 For example, if you go to Item Number 20, Impression A,
16 when you place an A in Item Number 20, is it safe to
17 assume there's a B?

18 A. No, that doesn't -- if something is of value,
19 there will always be an A next to the impression that is
20 of value. If there's not more than one impression of
21 value there's no need to have further letters.

22 Q. Okay. What about -- so if we go to Item 24.
23 We have an impression A and an Impression B. How do we
24 get two impressions from one item?

25 A. So the way that the lift is on the actual

1 card -- I'm assuming it's a card, but even if it's a
2 photo -- so each impression has to be able to stand on
3 its own. We don't use simultaneous impressions. So
4 just because there's two fingerprints next to each
5 other, I can't assume that I have enough between the two
6 of them together to call them of value. Like, each
7 impression has to stand on their own.

8 So it could be that it's the same person that
9 touched the item multiple times. It could be multiple
10 people touched an item. That's where I find out in the
11 comparison phase. But I just look at the totality, is
12 there enough information to deem something of value and
13 how many separate items are of value on the lift.

14 Q. And as for Mr. -- or Dr. Kosowski, the "need
15 better knows," do you have that same result with other
16 knowns that are pulled from PCSO or FDLE?

17 A. Hang on one second. Let me go back up to the
18 top.

19 So on this report where it has, like, the SID
20 number, the FBI number, so, like, Patrick Atkinson, I
21 can tell I had at least two sets of fingerprints from
22 him because he has two separate numbers. So back to
23 that item. What was the item number again, 24A?

24 Yeah. So --

25 Q. Oh, I see. You're talking about on the ID

1 number or elimination?

2 A. Yeah. So if there's two numbers, I probably
3 have a set of prints from each database. If I only have
4 one number, that doesn't mean that I only have one set
5 of fingerprints from that database. It's just, I can't
6 tell you until I see how many cards I have printed out
7 or how many cards were scanned into Mideo.

8 But just assuming that I have two sets of
9 prints on Atkinson, it's incomplete because neither set
10 captured the area that I was looking for and/or it just
11 wasn't a full roll. So I would need what we consider
12 major case fingerprints where in addition to just doing
13 flats, palm prints, and finger rolls, like, we do sides
14 of fingers. We do tips of fingers. We do fully down
15 to, like, the base where there's not friction ridge skin
16 on a palm.

17 Like, I would need major case prints probably
18 on every person in order to have "not incomplete" on
19 anything. And that's just not the reality of how
20 fingerprints are going to be.

21 Q. So whenever you're arrested or you are
22 convicted of certain crimes that require the taking of
23 fingerprints, that is not the same as a major case
24 fingerprint.

25 A. Correct.

1 Q. Right?

2 A. Yeah, it's a completely -- it's a bigger card.
3 It's way more, like, thorough in how you're taking it.
4 Like, it won't just be, like, one finger. It will be,
5 like, the side, the center to this, a complete roll up
6 this way. Like multiple tip angles and stuff like that.

7 Q. And when is that typically done?

8 A. Major case prints are sometimes taken by the
9 forensic specialists out in the field, but oftentimes
10 the latent print examiner takes them in court.

11 Q. Okay. And once you've determined it's
12 incomplete, you provide the report, and then somebody
13 else makes the decision if we're going to do major case
14 prints for additional comparison?

15 A. Yes.

16 Q. If we're looking at Item 7A, interior
17 electrical room door, as it pertains to Dr. Kosowski,
18 it's "inconclusive, does not meet exclusion criteria,"
19 which is different than what I'm seeing --

20 A. I'm not seeing a 7A.

21 Q. I'm sorry. 17.

22 A. Oh, 17. Okay.

23 Okay. What was the question?

24 Q. When I'm looking at the conclusions, on some of
25 Dr. Kosowski's, I see "does not meet exclusion

1 criteria." And then on other ones it says, "need better
2 knows." Talk to me about that.

3 A. So inconclusive means I have the area that I'm
4 looking for, but I don't have enough information to
5 render an identification or an exclusion. So it comes
6 up inconclusive.

7 Incomplete means if I had the best set of
8 rolled prints that I could ever have and captured every
9 friction ridge detail humanly possible, then they
10 wouldn't be incomplete anymore. They would then move to
11 either identification, exclusion, or inconclusive.

12 Q. Okay. When you state "does not meet the
13 exclusion criteria," what is the exclusion criteria?

14 A. I would completely have to refresh myself on
15 what the SOPs were at the time. Typically it's kind of
16 like -- to break down the way of the flow chart, first
17 you need to know the anatomical position. So I need to
18 know if it's a fingerprint, palm print, or a footprint.
19 If I don't know where the friction ridge skin is from,
20 then it does not meet exclusion criteria.

21 If I can confidently say, yes, I know it's a
22 palm print, then I can move on. So the next thing would
23 be, do I know the anatomic -- or do I know the
24 orientation. So can I confidently say which way is up
25 and down. If I can't confidently say which way is up

1 and down or if it needs to be this way or that way type
2 thing, then you can't move on with the exclusion
3 criteria, because those are the first two rules to
4 determine whether it meets exclusion criteria.

5 Q. And you said typically, and you would have to
6 refresh your memory on what the SOPs were at that time.
7 This explanation that you just provided, is that what
8 you remember doing in this case or is that just
9 typically what your understanding is?

10 A. That's just typically the understanding of
11 exclusions.

12 Q. Okay. All right. Let me get back to these
13 questions here because I think this might be more
14 understandable now.

15 Okay. So back to, some samples are further
16 separated out and designated with an A, B, or C letter,
17 which is what we just went through. I'm just going to
18 ask again so we can get the question on the record.
19 What do those letters mean?

20 A. In that context, the A, B, and C on an item
21 would be that I had three impressions that were deemed
22 of value.

23 Q. Are these different views or photograph
24 orientations of the same sample?

25 A. If it's the exact same item, it should not be

1 different views of the same thing. If they're going to
2 do multiple views -- like, say, they're going to take
3 multiple lifts or they're going to take multiple
4 photographs, the item would be, like, 17, the next lift
5 that was the second attempt would be Item 18. So they
6 don't get the same item number.

7 So if there's multiple letters on an
8 impression, those -- it's not to say it is or isn't the
9 same finger touching the same thing multiple times.
10 It's just saying that there were three impressions
11 deemed of value on that one item.

12 Q. Does each sample provided represent a unique
13 fingerprint?

14 A. What do you mean by "sample"?

15 Q. Let's move on to that one. I'll try to get
16 some clarification on that question.

17 Can you go to the interior surface of the
18 electrical room door in your report? I will help you
19 find --

20 A. Do you know the item number?

21 Q. It does not say, but the question is: Does it
22 mean there were 14 individuals that touched the interior
23 surface of the electrical room door? So I think maybe
24 they're just wanting clarification on these numbers. So
25 let me just get to Number 14. Maybe not.

1 How is an item like a door tested? How do you
2 tell how many people have touched that door by ridge
3 detail analysis?

4 A. There's no way to definitively tell how many
5 people have touched a surface. I can only look at an
6 item and see how many individual prints are deemed of
7 value and then based off the identifications, I can then
8 tell you who touched it. But just because you touched a
9 surface doesn't necessarily mean you left behind a
10 fingerprint.

11 Q. And let's say there are 100 fingerprints on a
12 door. Are those fingerprints -- would you necessarily
13 test all of those or lift all of those, or would you
14 only lift the ones that were complete?

15 A. I can't speak to how the forensics determines
16 what they are and aren't lifting at the crime scene. If
17 they were to give me a print that had, like, 100
18 different things on it, I have to look at each
19 individual thing, and everything that's of value would
20 then get a letter. I think, like, in another case, the
21 highest letter I got to was J.

22 Q. Okay. Would it be correct to say that at least
23 14 people touched that door by King's samples?

24 A. I can't answer that question because I don't
25 even think I had 14 people that I did comparisons in

1 this case on.

2 Q. How many samples did Specialist Camacho
3 provide?

4 A. I don't have that information.

5 Q. Was the same method of collection of samples
6 used by Specialist King and Specialist Camacho, or is
7 that anything that you would have knowledge about?

8 A. That is not. So that would all be things
9 within the forensics report on how they did stuff out in
10 the field, and that's not typically anything I have
11 access to or would know.

12 Q. Do you have any say on what's tested and what's
13 not?

14 A. No.

15 Q. What's processed and what's not?

16 A. No.

17 Q. So you wouldn't know the reason for processing
18 the interior electrical door a second time, or would
19 you?

20 A. No.

21 Q. Specialist Camacho processed the interior
22 electrical room a second time for ridge detail. Were
23 you aware of that?

24 A. Unless the back of a lift or the photos says
25 that it was a second attempt, I wouldn't know that, no.

1 Q. So as -- that's not something that you would
2 reach out to Specialist Camacho and say, "Hey, can you,
3 you know, take a second look at this"?

4 A. No, typically not. Typically the only time we
5 would reach out to them is if it's a photograph that
6 they've already taken and we might need some tweaks on
7 how the photo lab did, like, the color to gray scale and
8 stuff like that.

9 But in regards to what they're actually
10 processing at the scene, like latent examiners have no
11 say over what how that happens, what gets processed, how
12 many times the things get processed, the process that
13 they use.

14 Q. Are you aware of whether or not there was a
15 problem with the sample collection done by Specialist
16 King?

17 A. I have no idea.

18 Q. Okay. According to the LA23-2583 latent
19 quality control report -- do you have that report in
20 front of you?

21 A. Probably.

22 Yes, I have that.

23 Q. Okay. There were several people, at least
24 seven, that positive matches were made in that report;
25 is that correct?

1 A. One, two, three, four, five, six -- there were
2 seven subjects that were added, but not everybody had a
3 comparison.

4 Q. And are you aware of whether Steven Cozzi's
5 fingerprints were found at 1501 Belcher?

6 A. That is not somebody that I have listed as a
7 subject, so I couldn't tell you.

8 Q. Okay. So he is the alleged victim in the case.
9 Would you -- or do you remember comparing --
10 having any known prints for him?

11 A. If he was the victim and is not listed as a
12 subject, odds are there were no known prints found
13 associated with him.

14 Q. Okay. So to your knowledge, were any of the
15 fingerprints lifted compared to Steven Cozzi, or was it
16 recommended?

17 A. If I don't have any known prints for a person,
18 I'm unable to do a comparison.

19 Q. Do you know who Patrick Robert Atkinson is?

20 A. No.

21 Q. What's an SID number?

22 A. That is a state identification number. So that
23 means that they had fingerprints on file at the State of
24 Florida.

25 Q. And why would they have fingerprints on file?

1 A. It could be for various reasons. So, like,
2 even my fingerprints got run through the state ID
3 database as an employee, background checks. It could be
4 for school volunteer events. Like, there's all
5 different reasons that fingerprints get run through and
6 retained in different databases. And when I have access
7 to those cards, it doesn't tell me why they're in the
8 database.

9 Q. Okay. Do you know who Dennis O'Carrion [sic]
10 is?

11 A. No.

12 Q. Do you know who Edward Alexander Jarzembowski
13 is?

14 A. No.

15 Q. Let's talk about sample 48A, and that is on
16 page 16 of your report.

17 A. Okay.

18 Q. Referencing the interior door of the electrical
19 room, "Of Value, Tomasz Roman Kosowski, identification
20 of a left index finger."

21 Is that the only sample that matched Kosowski,
22 to your knowledge?

23 A. I would have to scroll through the entire
24 report.

25 Q. I believe it is. If you want scroll real fast,

1 I'll just give you --

2 A. Yeah. I'm also showing Item 134A and B, 149A
3 and B, and 169A as all being identifications to him.

4 Q. Okay. All right. We'll get to those.

5 So is there -- going back to Item 48, it's just
6 48A. There's no 48B or C; correct?

7 A. As I found, that is correct. It's just 48A.

8 Q. And moving to the quality control report, it
9 says the item type is a lift card. Do you see that?

10 A. Yes.

11 Q. What exactly is that, and how is -- what is
12 that process, if you know? Can you speak to how that
13 print is lifted, or no?

14 A. No. The only thing I can tell you is that it
15 came on a lift card. How it was processed and lifted, I
16 don't know.

17 Q. Okay. And when I'm looking at the quality
18 control report, it doesn't say who lifted that item,
19 so...

20 A. It says on mine.

21 Q. It does?

22 A. Yeah.

23 Q. Where does it say on yours?

24 A. So it's a line item. So it says Item 48,
25 Property Number 113, location, interior door electrical

1 room, lift card, lifted on March 22nd, 2023, by King.

2 Q. King. Okay. Sorry. I totally missed that.

3 So the -- any questions I have related to how
4 those items were collected, that would be a question for
5 King?

6 A. Yes.

7 Q. Okay. We're going to go to your notes, latent
8 impression notes.

9 Do you have that file?

10 A. Hang on.

11 Q. It's LA23-2583, latent impression notes.

12 A. Yes.

13 Q. Okay.

14 A. That might also answer some of the questions
15 that you were asking me earlier.

16 Q. That's what I'm thinking.

17 A. Yeah.

18 Q. Okay. So first of all, is this a report that
19 you are the author of? Are you the sole author?

20 A. I did not print it, but I was the examiner on
21 the case.

22 Q. Okay. Who enters all of the data into this
23 specific report, these notes?

24 A. So if I recall, it was between me and my
25 verifier, but I was the one making -- making all of the

1 notes.

2 Q. Okay.

3 A. So I think I was the one that entered them all.
4 I think she only scanned the actual items into the Mideo
5 program for me.

6 Q. Okay. And who was the verifier?

7 A. Dena Pike.

8 Q. And what is a verifier's job?

9 A. Verifier's job is to -- it's a little bit
10 different with a major case, but typically they verify
11 as an unbiased second opinion all identifications and
12 exclusions.

13 Q. All right. If you can take a minute and scroll
14 to page 52.

15 Are these the bench notes for sample 48?

16 A. Yes.

17 Q. And confirmed here it was recovered by King?

18 A. Yes.

19 Q. What is this picture?

20 A. This picture is a scanned copy of the entirety
21 of the lift that was provided.

22 Q. Okay. So this is a photocopy?

23 A. It's a scanned copy.

24 Q. Is there a larger picture of this that's not
25 scanned into a report?

1 A. The only other thing that might be larger is
2 the actual AFIS report, because I don't scan the entire
3 lift into either the database to search it or to do my
4 side-by-side comparison. I just crop out the actual
5 impression. So that is the only other image that I
6 could think that would be larger.

7 Q. Okay.

8 A. But as that is a whole -- no, there wouldn't be
9 anything larger than that.

10 Q. So would this print be in one of those original
11 001-01-01B printouts from the Mideo software program?

12 A. Yes. So it's actually -- I have it down as
13 AFIS Number 19, so it should be 0019.

14 Q. Okay. All right. I'm going to try to pull
15 this up. Okay. Share my screen again for you.

16 Are you able to see that?

17 A. Yes.

18 Q. So this is on 019-01-01A-2. There was also an
19 019. I'll go ahead and open that one up. There's a
20 few. There's A, C, AA, and E?

21 A. So the letters just delineate what -- I'm
22 trying to think of the way -- like, transaction it is.
23 So it could be -- the same impression could be run in
24 multiple databases multiple times, and so it just starts
25 assigning a letter for each time it's run in a database

1 after that.

2 Q. Okay. I'll just get all of these pulled so
3 that we can --

4 Let's look at A first. Is this the same, I
5 guess, lift that is in your notes -- scanned to your
6 notes as Item Number 48?

7 A. Per the notes referencing that number, yes, it
8 should be.

9 Q. Okay. So 019-01-01A on the top left side,
10 that's supposed to be the same as the report?

11 A. Yes, that should be Item Number 48A in the
12 report.

13 Q. Okay. I am going to attempt to do something
14 here. No, it won't. I'm sorry. I'm trying to get your
15 report pulled up on this computer so that you can look
16 at the two photographs.

17 Here we go. Can you see my entire screen?

18 A. Yes.

19 Q. Okay. So the report page 48 has this
20 photograph, and then --

21 A. That's 45.

22 Q. Is that 45?

23 A. Yeah.

24 Q. Yes, 45. Okay.

25 So it's got Item Number 45. And which one of

1 the photographs on 019-01-01A is that supposed be, or do
2 you know?

3 A. Well, it should be 48, but we don't write on
4 the lifts until after they're scanned in. So I would
5 have to actually, like, look at the evidence in order to
6 tell you that.

7 Q. Wait. You said it should be 48?

8 A. Yeah, you should be on Item 48.

9 Q. Page 52. That explains that. Sorry.

10 Okay. Item 48. And then this is supposed to
11 be Item 48?

12 A. Yes.

13 Q. The 09?

14 A. Yes.

15 Q. Okay. And can you start over and explain to me
16 what I'm looking at here in your report versus the
17 photograph on the left?

18 A. Yeah. So the unedited, unaltered lift, other
19 than writing the number on it, is what's scanned in on
20 the right. After that is scanned in, then the value
21 process is deemed what's of value and that's when the
22 impression letters then go on the lift next to that
23 impression. So if I don't have the evidence in front of
24 me, I can't for sure tell you which one it is.

25 Q. Okay. Are you able to point to any ridge

1 detail on this photograph in your report?

2 A. No, it's way, way too small. Typically, I use
3 a magnifying glass to look at ridge detail to determine
4 value.

5 Q. Okay. So is it fair to say the photographs
6 that are shown here as part of the Mideo program, those
7 are magnified photographs of the lift?

8 A. I wouldn't necessarily say magnified, but they
9 are definitely cropped. So it's not -- I'm trying to
10 think if the program even magnifies it. I'm not sure
11 that it does. I mean, we have the ability to magnify it
12 and enlarge it in CSIpix, but in AFIS we have to keep
13 it -- I don't recall what the calibration is -- so that
14 all of the fingerprints are set to the same size. I
15 want to say it's like 1,000 DPI. So all of them have --
16 they can't be enlarged to be run in a database because
17 otherwise everything will be, like, blown out and
18 pixilated.

19 Q. Okay.

20 A. So in the actual left-hand side, whatever the
21 calibration is, I want to say 1,000 DPI, is what that
22 is. And then my actual comparison, once I have the
23 known and the unknown next to each other, that's when I
24 can lock zoom them and keep them one to one with each
25 other and enlarge them.

1 Q. So what am I looking at on the right on this
2 019-01-01A photograph?

3 A. The right side is going to be a known
4 fingerprint.

5 Q. So presumably, that's the known fingerprint of
6 Dr. Kosowski?

7 A. Yeah. I would have to, like, look to -- I
8 mean, I can't obviously do a comparison on the screen to
9 tell you 100%, but I can look at the numbers and tell
10 you what that was.

11 Q. Okay. So when you're looking at a screen like
12 this, are you able to point out this matches the known
13 or does not or if the ridge matches?

14 A. No. My side-by-side comparison that I have is
15 where I actually have things plotted and marked and
16 stuff like that to kind of show how I go through the
17 process, and what I was looking at and what area I was
18 looking at. Off this alone, I wouldn't be able to tell
19 you.

20 Q. And where is your side-by-side comparison?

21 A. That should be in the folder.

22 Q. Can you direct me to that?

23 A. Yeah, I'm trying to see.

24 There's a side-by-side, but I don't see
25 markings on it in the LA23-2583 comparisons. If you

1 scroll to possibly page 6, but I don't have the Mideo
2 report to be able to tell what the actual file tip name
3 is called.

4 Q. Okay.

5 A. So that would be, like, the side-by-side
6 comparison, but it was printed not by me, so I don't --
7 I don't know how it was printed. But that's basically
8 how I do a side-by-side comparison, and that's enlarged.

9 Q. Okay. You said before you do a side-by-side
10 comparison and you mark on the page, numbers and notes?

11 A. Yes. So the actual item is where I will write
12 down the impression letter. And then when I'm doing my
13 comparison, I start with the latent and mark all of the
14 features that I'm seeing. And then I do a comparison
15 and look for them in the knowns.

16 Q. Where would I find the original documents where
17 you're making those side-by-side comparisons and
18 actually writing on them?

19 A. They're in Mideo.

20 Q. They are in Mideo?

21 A. Mm-hmm.

22 Q. So can you just walk me through, once you get
23 to this stage and you've got a known and a sample?

24 A. Yes.

25 Q. Walk me through your process of what you're

1 looking for step-by-step.

2 A. So the first thing that I want to do is, I want
3 to make sure that I know the anatomical position that
4 I'm looking at. So I knew from looking at this latent
5 that it was a finger, so I knew I didn't need to be
6 looking at palm prints. So from there, I was confident
7 in the anatomical position, so that the image on the
8 left is in the correct up-and-down position.

9 So from there, I just look for distinguishing
10 features that are together, and then I start looking for
11 that target group in my knowns. So that's when I
12 typically will go with the glass or do a side-by-side
13 comparison on the computer, and I'm looking for that
14 target group to be present in the known.

15 Once I then find a target group, I go back to
16 the latent, find more distinguishing features, and then
17 try to find them in the known. So I always work from
18 the latent to the known. Once I have enough, like,
19 Level 1, 2, and 3 that are in agreement that I wouldn't
20 expect to find these features present in any other
21 sample, that's when I render a completion of
22 identification.

23 Q. What is a lift Level 1, 2, and 3?

24 A. So Level 1 is the overall pattern type. So
25 it's going to be in a fingerprint a loop, whorl, and an

1 arch.

2 Level 2 is going to be the lines and how they
3 flow. So they could be ending, which is a ridge ending.
4 They could bifurcate, which kind of looks like a little
5 tree branch. There's dots. You have islands and
6 enclosures where it will split, make a little fold and
7 then continue back on its path.

8 Level 3 is going to be the pores and it's going
9 to be the edge shape. So you want to take the totality
10 of everything that you're looking at and the uniqueness
11 of it that I wouldn't expect to see those order of
12 characteristics present in any other fingerprint.

13 Q. Okay. What did you see in Item Number 48 that
14 satisfied the Level 1 detail analysis?

15 A. I believe in my report I had that there was
16 Level 1 and 2 present. So I would have had the pattern,
17 and then there would have been the minutiae where it's,
18 like, the bifurcation, the ridge endings, and stuff like
19 that. And I don't believe we specifically marked out
20 which we see and which we don't. It's just an overall,
21 do we see Level 1, do we see Level 2.

22 Q. Okay. And these Level 1, Level 2, Level 3, are
23 these human analysis or is it a computer analysis?

24 A. That's determining which levels are present?
25 I'm the one that determines what levels are -- I'm

1 seeing, and so that's what I notate down.

2 Q. And Level 3 detail was not observed in Item
3 Number 48; correct?

4 A. I would have to pull that report back up.
5 Which report was that under again? Was it the latent
6 impression notes? Yeah.

7 Q. I believe so, because it says -- yes, on
8 page 52.

9 A. 52. Okay.

10 Yes. So I notated that I observed Level 1 and
11 Level 2, and then I did not observe Level 3.

12 Q. Okay. But explain to me what it is that you
13 were looking for and what you didn't get to be able to
14 notate a Level 3 detail.

15 A. Level 3 would just mean that I didn't have any
16 pores that were observed that I could use for
17 identification, and that I didn't have any ridge edges
18 that were unique that I could use.

19 Q. Okay. In your opinion, what's the significance
20 of that?

21 A. It's just more information that's more
22 specific. So Level 1 is kind of like the broad
23 overview. And then as you get to 2, it gets finer, and
24 you get to 3, it gets finer. And it's just things that
25 are more identifiable and specific to each person.

1 Whereas, you know, everybody has either a loop or an
2 arch, but not everybody has, you know, those
3 characteristics appearing in those patterns.

4 Q. And even though you don't have Level 3 detail
5 observed, you're still able to make a positive
6 connection between those two prints?

7 A. Yes. There was enough information present
8 between Level 1 and Level 2 to render a completion of
9 identification.

10 Q. You mentioned in your notes that there's
11 movement. What is movement?

12 A. Movement could be deposition pressure or -- so
13 like a fingerprint. Like, if you were to put it on a
14 table and, like, smear it a little bit. So typically
15 what happens is, you can track movement by which way
16 it's going. Like, a lot of times it will move down,
17 stop, and then you get a clear impression that way, or
18 it stops, you have a little bit of movement, and then
19 the impression continues. And then I had that there
20 were also some overlapping ridges probably due to that
21 movement.

22 Q. Okay. And how does that affect your ability to
23 analyze this sample?

24 A. It doesn't necessarily affect it in, like, a
25 good or a bad way. It's kind of just being able to see

1 the information that's present in the print and is there
2 enough information there to conduct a meaningful
3 comparison and have a conclusion.

4 Q. Are you able to tell whether or not the
5 overlapping ridges may belong to another person, or is
6 it the same person, as it pertains to Item 48?

7 A. I would have to look back at my notes to see if
8 I went into that movement area or if I was able to just
9 make the conclusion in the area that was clear.

10 Q. And where would those notes be?

11 A. Mideo.

12 Q. Okay. So not under the latent examination
13 notes?

14 A. No, because that's not showing any of the
15 things that I plotted.

16 Q. Okay. So when we get those notes where we
17 actually can see your plotting, that's also where you
18 notate whether there's movement and overlapping, and
19 whether it's one person or two persons. That would all
20 be noted there?

21 A. Yes and no. So in that plotting, it will show
22 whether I even went into that movement area or whether I
23 didn't go into that movement area. If it's another
24 person's print or not, I only deemed the area that I
25 was -- looked like what I was looking at of value. So

1 if there's, like, another print next to it, that that's
2 a separate impression and that was deemed no value.

3 So that, I can't tell you if it is or isn't
4 another person, because if it wasn't of value, there was
5 no way to conduct a meaningful comparison, so I didn't
6 even look at it.

7 Q. Okay. And what is the standard operating
8 procedure in going into movement and making a
9 determination on whether or not you're going to go into
10 that area?

11 A. I don't know that there is a standard operating
12 procedure on that. We do go to, you know, various
13 trainings and stuff like that, so it's, what can I
14 clearly see. And what you can clearly see, you can also
15 do by, you know, running ridges, tracing the ridges,
16 seeing where the events in the fingerprint are occurring
17 with the minutiae.

18 It's kind of just a skill set that you learn in
19 training as you go on, but I don't believe there are set
20 stand operating procedures on going into movement area
21 or not. I think that's kind of just a given with
22 fingerprints. People don't typically leave, you know,
23 the most pristine, beautiful things.

24 Q. What's an AFIS search?

25 A. An AFIS search is a database. And so in

1 Pinellas County, we actually have three. We have the
2 local, which is the county database. We have the state,
3 which is the SDI number that you'll see, which start --
4 searches the state of Florida. And then we also have
5 access to the FBI database as well. So AFIS is what
6 runs an image through those databases and provides a
7 selection of candidates for me to review.

8 Q. On your report when it says AFIS notes, AFIS
9 Number 19, what is the Number 19?

10 A. The 19 is going to be the number that the AFIS
11 program assigned to that fingerprint or the impression.
12 So that's kind of how we went through this whole thing.
13 We were like, well, what number was 48? AFIS assigned
14 it Number 19 because it was the 19th item I ran through.
15 So AFIS Number 19 is just a way for me to be like, oh,
16 if you go pull up, you know, search Number 19, I can
17 tell you that that's the same impression as Item 48A.

18 Q. So we're going to have an -- we're going to
19 have an item number from collection, we're going to have
20 an item number that you assign it, and then there's
21 going to be an AFIS number, and then an FBI number, an
22 FDLE number.

23 So basically in order to really kind of map
24 everything out, I'm envisioning a spreadsheet that has
25 FDLE, local, Heather Legg, Mideo? I mean, it seems like

1 in order to be able to really pinpoint on all of these
2 documents what's what, you kind of need a key. Am I
3 envisioning that correctly?

4 A. Yes, to a degree. It's -- I want to say I had,
5 like, a hard copy note paper where I wrote down what the
6 impression letter was. Forensics doesn't really
7 assign -- the forensics doesn't assign the number.
8 Latents are the one that assign the item number. So
9 that's how we keep track of which evidence is which.
10 And then it's making sure that when we're running things
11 in the database for AFIS, because that's a different
12 numbering system, that I can keep straight that Item 48
13 is AFIS Number 19 and then going from there.

14 And then the respondent numbers, which is our
15 personal identifiable numbers of the local, state, and
16 the database, those are all just person specific. So we
17 just print the cards out for the knowns and they have
18 that information on it. And then we just plug that into
19 Mideo.

20 Q. Okay. Was a verification of the match in
21 sample 48 done?

22 A. For the identification, yes, there was a
23 verification done on it.

24 Q. And was this a human verification or a software
25 generated?

1 A. It was a human verification.

2 Q. And is there, then, a software-generated
3 verification after that?

4 A. No.

5 Q. Okay. Is that ever done or is that kind of
6 just discretionary?

7 A. While I was working there, we never had, like,
8 a software-generated identification. Everything is
9 always verified through a human, because AFIS is just a
10 tool that provides us a selection of candidates. It
11 isn't the final determination of what a conclusion is.
12 That's what we do.

13 Q. Okay. And Mideo does not have the capability
14 to do that?

15 A. No. Mideo is basically just like a records
16 system. It holds -- it's like a digital case file.

17 Q. The data entry?

18 A. Mm-hmm.

19 Q. And who performed the verification on this
20 item?

21 A. My verifier was Dena Pike.

22 Q. What does she do to verify?

23 A. She does -- I mean, I can't speak to how she
24 does it. So when I was a verifier, I always go into
25 everything. I look at, you know, the latent print. I

1 find my target group. I'm not looking at the previous
2 person's work or anything like that. I'm forming my
3 analysis and target group and then looking at the known
4 prints to see if I can find a conclusion and what the
5 conclusion would be to that person.

6 Q. So any analyst can act as a verifier?

7 A. Any analyst that is not a trainee can act as a
8 verifier, yes.

9 Q. Under conflict resolution of the verification
10 phase it says, "Final conclusion not compared." What
11 does that mean?

12 A. So that means that there wasn't a conflict. So
13 if there was a conflict where the verifier disagreed
14 with what the conclusion was, that box would say "yes."
15 And then the known would say who the subject is and then
16 it would say what the conclusion was, so whether it was,
17 like, a disagree, agree, an ID, an exclusion. But
18 because there wasn't a conflict, that box wasn't
19 clicked.

20 Q. Okay. And the LA23-2583 comparisons PDF, do
21 you need a minute to pull that up?

22 A. Probably.

23 Yes, which page?

24 Q. Let's see. Let me get it pulled up here, too.

25 Okay. Actually, I'm going to need to share my screen

1 again and pull this one up for you.

2 I don't know how I muted myself.

3 Can you identify in this 14-page report all the
4 pictures that correspond to sample 48?

5 A. I mean, officially, no. I would have to look
6 at the Mideo file name to cross reference it to be 100%
7 accurate.

8 Q. Okay. Are these the side-by-side comparisons
9 with your notes, or no?

10 A. These are the ones without the annotations. So
11 it -- oh, no, that one does have the annotation.

12 Q. So --

13 A. It looks like some of them do, but some of them
14 don't.

15 Q. Okay. Let's start on page 1.

16 Do you know what we're looking at here?

17 A. No, other than it's Impression A of whatever
18 item number it is.

19 Q. Okay. It says -- on page 2 it says, right
20 image Jones, left image -- you don't know what this is?

21 A. No, because Mideo puts file -- like, numbers
22 everything in the file different than the numbers. So,
23 like, the actual file that that was scanned into, I
24 don't know what item that is unless I was actually in
25 the Mideo program and looking.

1 Q. Okay. So on page 6 this looks very -- it looks
2 similar. I don't know if it's the same one, but it
3 looks like what we were just looking at on your notes.
4 But, again, there's no way to confirm for sure whether
5 that's the same one?

6 A. Correct.

7 Q. There's a file number LA23-2583059.tif. Does
8 the name of that file indicate that the image is Sample
9 Number 59?

10 A. No. So that just means that that was the 59th
11 thing scanned or uploaded into the Mideo file. So the
12 first two -- the LA23 and then the 2583 is the case
13 number, and then the 059 just means that was the 59th
14 TIFF file that went in there. So forensics uploads the
15 photos, so sometimes they upload the photos first and
16 then the cards come in, and sometimes the cards come in
17 and then the photos come in. So it's not necessarily
18 corresponding to the 59th item.

19 Q. Okay. In the AFIS search 19, Item 48A auto
20 encoding JPEG file, what does the JPEG file represent?

21 A. The JPEG file should just be the file of the
22 scanned image. So you either have to scan the item
23 directly into AFIS in order to run it or you have to
24 scan it into Mideo, and you can then take that image and
25 load the digital file into AFIS. So typically -- it

1 really can go either way.

2 So if it's a TIFF file, it was scanned -- no,
3 they should have all been TIFF files. So I don't know
4 what the JPEG actually is, because everything I think is
5 a TIFF --

6 Q. Okay.

7 A. -- if I'm not mistaken. I'm trying to
8 remember.

9 Q. And I -- I understand you don't have access to
10 Mideo. That would probably be -- make things easier for
11 you. So we'll just proceed knowing that, but can you
12 see that -- the photograph that's pulled up on the
13 screen now?

14 A. Yes.

15 Q. What's that black line?

16 A. Typically that black line is going to be when
17 your thumb slaps are done on a fingerprint card, if the
18 thumb is slightly over to one side or the left, like,
19 that's the box line that would separate, like, the right
20 thumb from the left thumb.

21 Q. Okay. What are the -- looking at page 8, what
22 are the red dots that we see on the left side of that
23 page?

24 A. The red dots are the dots where I put the
25 minutiae, the characteristics that I saw. So those are

1 the things that I see. And then I go over to the known
2 print, and that that's where I look for the
3 corresponding areas that are matching. So if I find
4 within, like, my target group, then I'll start making --
5 going from dots from my latent to my known, and that's
6 how I conduct the comparison.

7 Q. So the red dots on the right side, these are
8 all places that you think are matching the left side or
9 similar?

10 A. Correct. So what I marked on the left side of
11 the latent corresponds to the right side, and that is
12 where I came up with the conclusion of identification.

13 Q. Okay. Looking at page 9, what is that? What
14 are we looking at here?

15 A. It's a latent fingerprint on the left and a
16 known print on the right.

17 Q. And we don't know what item number?

18 A. No.

19 Q. What about page 10?

20 A. It's the same thing. It would be the -- the
21 latent always goes on the left and the known would be on
22 the right for the comparison.

23 Q. Page 12 says, "Right image HR." What does that
24 mean?

25 A. It's probably how the known print was saved,

1 but I don't know why or what that would stand for.

2 Q. And, again, this 149, that's the number item
3 that was scanned into Mideo?

4 A. Correct, yeah.

5 Q. The red dots that are here, what are those for?

6 A. Those are the characteristics that -- the
7 unique characteristics of the minutiae that I saw
8 present, and then went to the known to find the
9 corresponding spots in the target group, and came to the
10 conclusion that there was an identification.

11 Q. There was?

12 A. Yeah.

13 Q. Okay.

14 A. Yeah. Everything in that side-by-side
15 comparison should be identifications. I don't know why
16 some of them have the dots and some of them don't.

17 Q. Okay. So everything -- you're saying
18 everything in this file --

19 A. That should -- all of those should be -- I
20 mean, I would have to double-check it, but typically
21 when they're in this file like that, it's because they
22 are identifications. But that would also be something,
23 like, I would have to cross-reference in the Mideo file
24 name to be 100% accurate, but typically.

25 Q. Okay. What do the green open circles with

1 lines represent?

2 A. I'm trying to remember. So it's minutiae that
3 the system has plotted in AFIS. I do not recall whether
4 the green is the auto or the manual plot. I don't
5 remember that off the top of my head.

6 But the open circles with a line, that is
7 minutiae that is plotted within the AFIS system because
8 it doesn't actually send the image out. It just sends
9 that minutiae out to look for minutiae in the
10 respectively same area, and that's how the selection of
11 candidates comes back. And that's why a human, like,
12 latent examiner has to actually be the final say and do
13 the comparison, because it's not actually searching the
14 image. It's just searching those minutiae dots.

15 Q. And what about the red open circles with lines?
16 What do those represent?

17 A. It should be minutiae dots still, but I don't
18 remember the difference between them.

19 Q. Do you know if there are any green open circles
20 with lines in areas of overlapping ridges?

21 A. I have no idea.

22 Q. Are there any red open circles and lines in
23 areas of overlapping ridge detail?

24 A. I don't know.

25 Q. Are there any green open circles with lines

1 that are entirely within an area where there is no
2 overlapping ridge detail?

3 A. I don't know.

4 Q. How would we get those answers?

5 A. That should be AFIS reports that I think could
6 be pulled out of the AFIS system.

7 Q. In the technical case review form, who is DJV?

8 A. That is the latent supervisor David Villanueva.

9 Q. And who is HML? Is that you?

10 A. That's me.

11 Q. It's indicated in the technical case review
12 form that, "the location of latent fields transferred
13 correctly into report." And then it's indicated as
14 "no".

15 What were the problems that were identified?

16 A. The technical form?

17 Q. Yes. "Location latent fields transferred
18 correctly into the report," and the answer is no.

19 A. Yes. So down in the technical review results
20 it says, "Item 15 was missing an additional description.
21 All identifications were also not added to our
22 spreadsheet, which was missed during the QCC process."
23 So it's just saying that I forgot to put in an
24 additional description on the back of Item 15 initially
25 into Mideo.

1 Q. And who is BDH?

2 A. That would be Betty Harris. That's another
3 latent examiner who did the QCC.

4 Q. What's a QCC?

5 A. So it's a quality control check. So basically
6 you're supposed to go through and make sure -- so in the
7 Mideo folder, all the comparison forms are added to the
8 documents folder that the analysis is completed and
9 added to the document folder, that all of my AFIS
10 screenshots included for identification made it to the
11 document folder, all comparison work spaces made it to
12 the comparison folder, that the QCC was signed and
13 completed.

14 The QCCer also ensures that the impressions
15 were properly noted on the lifts. So that would be,
16 like, the A, the B, and the C. They also verify that
17 the proper comparison conclusions were reached. They
18 also make sure that the AFIS database search buttons,
19 all of those were checked correctly. It makes sure that
20 the subjects were all listed correctly, that their names
21 are spelled right, the date of births are right, their
22 state ID numbers are correct, all of those demographic
23 things are correct.

24 They also make sure that the subjects on the
25 latent print comparison request form is in the known

1 inventory list. They make sure that everything that the
2 forensics tech put on the back of the lift for, like,
3 location and stuff like that is correctly typed into
4 Mideo. And, clearly, I missed putting some information
5 from Item 15 off the back of the lift into Mideo.

6 It also makes sure that there's no spelling and
7 grammatical issues, that all of the examination boxes
8 are completed, and that the proper conclusions are
9 showing in the report.

10 Q. What is the LA hits spreadsheet?

11 A. So that is a spreadsheet that we keep. And I'm
12 assuming they're still doing it. I don't know. But at
13 the time, we would put all of our identifications in a
14 spreadsheet to keep track of how many identifications
15 were being made throughout the year in the latent unit.

16 Q. Does anything in the technical review results
17 box, does that affect your analysis in any way?

18 A. No.

19 Q. And it says, "Corrective action, preventative
20 action, N/A." What does that mean?

21 A. It just means that I wasn't placed on a
22 corrective or a preventative action for failing to put
23 the rest of the description on the back of that lift
24 into Mideo.

25 Q. And are you then instructed to go and put the

1 description into Mideo, or does it just stay the way it
2 is?

3 A. No, I had to go back and update it correctly.

4 Q. Okay. So when we're talking about corrective
5 action or preventative action, that -- that's directed
6 toward you and --

7 A. That would be, like, disciplinary because of
8 something that I did. So I didn't have any, like,
9 corrective action or disciplinary action for that.

10 Q. Okay. Was there a prior QCC process before the
11 report is being written?

12 A. So the way that the report is written is, it
13 just pulls the information as I'm typing it into Mideo.
14 So when I printed the -- so once I'm done, I just click
15 a button that says "print report," and it generates a
16 PDF report.

17 So, basically, then the QCCer is looking at
18 that report and looking at the back of the lift and
19 making sure everything is the same. And so that's how
20 it was found that I missed some of the information on
21 Item 15. So it would just get added and then a report
22 would be reprinted.

23 Q. And what is your overall impression of the
24 quality of the ridge detail in Sample 48A?

25 A. As in it was suitable for comparison. It met

1 enough quality and quantity to be of value, and it had
2 enough information there when I did the comparison for a
3 conclusion of identification.

4 Q. And what is your impression of the AFIS search
5 Number 19, specifically that the ridge analysis was
6 assigned by the computer?

7 A. So I think what you're asking is, how do I feel
8 about AFIS. I don't know if I manual -- so I don't know
9 if I manually or auto plotted it, because the way a
10 major case works is we have to do both. So I don't know
11 which or both if they were brought back to him as a
12 candidate in AFIS or not, but I have to do -- I have to
13 do the value before I even get to the AFIS part.

14 So I have to be able to establish that there is
15 enough minutiae and detail present to be able to, like,
16 have any kind of a conclusion on it that makes it of
17 value. So what the computer then deems they're seeing
18 to bring back a selection of candidates doesn't
19 supersede that I already deemed it of value because of
20 what I saw.

21 Q. Okay. We're almost done. Let me just review
22 all my notes here.

23 A. Mm-hmm.

24 Q. Have you ever testified before?

25 A. Yes.

1 Q. And have you been qualified as an expert?

2 A. I don't remember if they went through the whole
3 qualification as an expert or not, because it's been,
4 like, a year and a half since I testified.

5 Q. When you testified, did the judge allow you to
6 offer your opinions?

7 A. Yes.

8 Q. And that was related to fingerprint analysis;
9 correct?

10 A. Correct.

11 Q. How many times do you think that you've
12 testified?

13 A. Maybe three or four.

14 Q. Do you -- are you familiar with potential
15 sources of error that can happen under those
16 circumstances that you compared these fingerprints?

17 A. Like, off the top of my head, no.

18 Q. Have you ever been challenged on the
19 reliability of your fingerprint analysis, in court or
20 otherwise?

21 A. No.

22 Q. Would you consider yourself an expert in
23 fingerprint analysis?

24 A. Yes.

25 Q. When was the last time that you did a class or

1 course or education?

2 A. I would have to double-check my CV, but I
3 believe the last course I took was August of 2023.

4 Q. And I'm assuming now that you're working for
5 Target, there's not a need to maintain continuing
6 education for fingerprint analysis?

7 A. Correct.

8 Q. Are you doing so anyway because of this case or
9 for any other reason?

10 A. No.

11 Q. Do you have any plans to return to that field?

12 A. At this time, no.

13 Q. What is your opinion of the reliability of
14 fingerprint comparisons?

15 A. When you follow, you know, the SOPs and the
16 general orders you're coming up, you know, with good
17 fact information, you have the information in front of
18 you whether you determine it's of value or no value.
19 And once it's of value, it's -- I'm not here just to
20 make identifications. I'm here to, you know, offer my
21 opinion on what I think the best conclusion is.

22 So whether that is an exclusion, whether it's
23 an identification, whether it's an incomplete or an
24 inconclusive, like, that's what I'm here to do. So I
25 would say it's reliable.

1 Q. And prior to doing any comparisons, did you
2 have any direct contact or communications with
3 individuals who are familiar with the details of this
4 case and where the prints were found and, you know, were
5 there any email exchanges? Anything like that on what
6 they were looking for in having to analyze these prints?

7 A. No. The only thing that I know when I'm given
8 the evidence is what's on the back of the lift card. So
9 I obviously know the location of the stuff, but
10 especially in, like -- like, more important major cases
11 like that, it's very much kept. Like, I am just in
12 there, like, zoned in, locked in, doing my own thing. I
13 don't know the details of the case. I don't know what
14 they need done or stuff like that.

15 They might tell me, "Hey, we need this envelope
16 done" -- because it comes in multiple envelopes,
17 obviously -- "we might need this envelope done first
18 before you do these other envelopes," but I don't get
19 any of that information. And that's why when you're
20 like, "Who are these people," I'm -- the people I
21 identified, I don't know.

22 Q. Okay.

23 MS. POWERS SELLERS: So I don't know what the
24 plan is. I am finished with my questioning.

25 Nathan, Alexandria, do you-all have any?

1 MR. VONDERHEIDE: No, I don't have any
2 questions.

3 MS. POWERS SELLERS: Okay.

4 MR. VONDERHEIDE: And we can follow up another
5 day on a Wednesday. Once we get access to Mideo,
6 I'll figure it out and we'll give it to David, so...

7 MS. POWERS SELLERS: Okay. Do you want to read
8 or waive?

9 THE WITNESS: Read, please.

10 (At 11:22 a.m., no further questions were
11 propounded to this witness.)

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Lori A. Seiden, RPR, FPR-C, Notary Public,
State of Florida, certify that HEATHER MARIE LEGG
virtually appeared before me on the 11th day of
September, 2024, and was duly sworn.

WITNESS my hand this 14th day of January, 2025.

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 FLORIDA

4 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 HEATHER MARIE LEGG;
9 that a review of the transcript was requested; and that
10 the foregoing transcript is a true and complete record
11 of my stenographic notes.

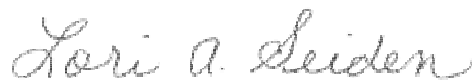
12 I further certify that I am not a relative,
13 employee, attorney or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorneys or counsel connected with the action, nor am
16 I financially interested in the action.

17

18 Dated this 14th day of January, 2025.

19

20



21

Lori A. Seiden, RPR, FPR-C

22

23

24

25

1 January 14, 2025

2

3 HEATHER MARIE LEGG
4 hmlegg@msn.com

5

6

7 Dear Ms. Legg:

8 Your deposition taken in the case of State of
9 Florida vs. Tomasz Kosowski on September 11, 2024, has
10 been transcribed. Per your request to review the
11 transcript, it is being held at our office at 728 South
12 New York Avenue, Lakeland, Florida, until February 14,
13 2025.

14 Please call (863) 682-8737 to make arrangements to
15 do this during our regular business hours of 8:30 a.m.
16 to 5:00 p.m.

17 Thank you for your prompt attention to this matter.

18

19

Sincerely,

20

21



22

23

Lori A. Seiden, RPR, FPR-C

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