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vs. VOLUME II

TOMASZ ROMAN KOSOWSKI,

Defendant.

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THE COURT: Any further witnesses from the Defense?

MR. BRUNVAND: No, Your Honor. Oh, I'm sorry. Yes. Detective Hunt.

THE COURT: How many more witnesses do we have? Any other witnesses besides Hunt?

MR. VONDERHEIDE: I'm going to have some rebuttal witnesses depending on who they call.

THE COURT: Okay.

MR. VONDERHEIDE: I will make it quick for my rebuttal witnesses.

THE COURT: All right. You do what you have to do, but quick is usually better than not.

MR. BRUNVAND: We have Detective Hunt and maybe one other witness.

THE COURT: Okay.

THE BAILIFF: Step this way, stand right here. Face the clerk, raise your right hand to be sworn.

(Witness was duly sworn on oath.)

THE BAILIFF: Come have a seat up here. Adjust the mic. Speak in a loud and clear voice for the Court.

MR. WISE: May I inquire, Your Honor?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. WISE:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Sir, could you tell us your name for the record, please.

A. Jerry Hunt.

Q. And you're still with the Largo Police Department, correct?

A. Correct.

Q. What's your current position there?

A. I'm one of the detectives with the Crimes Against Persons Division.

Q. Okay. In the case that we're here on today, what was your role in that investigation?

A. I ended up being the second-chair detective for the investigation.

Q. And I know you've been here all day, so as you can probably imagine, we've been through a lot already, but I'm not going to go back through everything you've done, but a few of the things you done, we need to discuss.

One of the things I believe you did was swear out the search warrant affidavit for the Toyota Corolla of Dr. Kosowski; is that correct?

1 A. That is correct.

2 Q. Okay. Before doing that, though, you also had
3 responded as one of the detectives at the 1501 Belcher
4 address, correct?

5 A. Correct.

6 Q. And when you got there, is it fair to say you
7 didn't really know what you guys were investigating other
8 than a report of a missing person?

9 A. That would be accurate.

10 Q. Okay. You, in investigating there, entered the
11 bathroom of the -- the bathroom that the law office used
12 at 1501 Belcher, correct?

13 A. Correct.

14 Q. And I think you did that, you thought, probably
15 twice?

16 A. Maybe. We got there, kind of poked our head in.
17 Then I went in with Detective Bolton and looked around.

18 Q. That was going to be my next question.
19 Detective Bolton went in with you as well, right?

20 A. Yes. He was in there for a little while, and
21 then he came and got me. He had noticed the -- the kind
22 of staining in the stall and bringing that to my attention
23 before we called the rest of the team out.

24 Q. And when you and Detective Bolton both went in
25 there, neither one of you were wearing shoe covers, right?

1 A. That is correct.

2 Q. And neither of you were wearing gloves?

3 A. That is correct.

4 Q. All right. And I think you had said that when
5 you initially entered the door, you actually, like, pushed
6 the door open with your foot; is that right?

7 A. I did. And when I exited, I used a paper towel
8 that was in the dispenser, and I saved that, and I gave it
9 to forensics when they ended up coming because it ended up
10 being a crime scene.

11 Q. Sure. Sure.

12 At that point, though, you didn't know if it was
13 a crime scene or not, right?

14 A. I had no idea what was going on right then.

15 Q. Did you actually see any potential blood
16 yourself, or was that something that Detective Bolton
17 relayed to you?

18 A. I observed it as well.

19 Q. Okay. And early on, there's a lot of discussion
20 with law enforcement about what you guys might be
21 investigating; is that correct?

22 A. Correct.

23 Q. And one of the things that's mentioned several
24 times is there's not a lot of blood in the bathroom; would
25 you agree?

1 A. I recall hearing people say that.

2 Q. Okay. Did you actually speak with Mr. Blanchard
3 out at the law office as well?

4 A. I did. I had a brief conversation with him.

5 Q. He had told you that initially, he had no idea
6 who would have wanted to hurt Mr. Cozzi; is that correct?

7 A. Yes. I don't believe he had any suspects. We
8 were trying to find out who to look into.

9 Q. Or if it's even someone -- if you need to look
10 into someone, right?

11 A. At this point, it was odd that he vanished.
12 There wasn't surveillance of him leaving the property.
13 There was surveillance of him getting there. His vehicle
14 was still on scene. He left his car keys, his wallet, his
15 laptop open. He missed a court appearance and that was
16 described as not being like him.

17 Q. And it was known fairly early on that he had
18 missed that court appearance, right?

19 A. Correct.

20 Q. And it was also known fairly early on that Dr.
21 Kosowski was a party to that court appearance, right?

22 A. Yes. We were aware that he had a court
23 appearance with Dr. Kosowski.

24 Q. And still, at this time, Mr. Blanchard is not
25 telling you all, I think, actually, Dr. Kosowski might

1 have been the person who would have had something to do
2 with the disappearance?

3 A. Not initially, no.

4 Q. You had also come upon some evidence from your
5 initial interviews that Mr. Cozzi was a recovering
6 alcoholic?

7 A. That had been relayed to us, yes.

8 Q. All right. And that he suffered from anxiety
9 and took medication for anxiety?

10 A. Correct.

11 Q. Okay. You also watched the surveillance video
12 from 1501 Belcher, correct?

13 A. Correct.

14 Q. And you're not able to identify the person who
15 was seen leaving 1501 Belcher, at least initially,
16 correct?

17 A. Correct.

18 Q. I think you have probably a belief now who it
19 might have been, but you have no idea when you first
20 watched the video?

21 A. No. The first video, when he enters the office
22 complex, there's a box obstructing his face, and when he
23 leaves, he is wearing a mask, so I wouldn't be able to
24 make an identification.

25 Q. Okay. But you spoke with someone by the name of

1 Celeste Bacher that day; is that correct?

2 A. Correct. She approached me when I was on scene.

3 Q. Okay. And Celeste Bacher had told you she saw
4 someone she thought may have been suspicious around the
5 same time that Mr. Cozzi was believed to have disappeared,
6 correct?

7 A. Correct.

8 Q. And she gave you a description of that person,
9 correct?

10 A. That is correct.

11 Q. And I think described -- what was -- what
12 clothing did she describe that person having worn?

13 A. Described it as wearing, like, a light brown
14 Jack Hannah style safari shirt.

15 Q. Okay. And in your view of the video, you
16 believed that was consistent with what the person seen on
17 the video was wearing?

18 A. Yes. Correct.

19 Q. Ms. Bacher also told you that that person had a
20 goatee; is that correct?

21 A. That is correct.

22 Q. And am I correct that you've never shown Ms.
23 Bacher a photopack, right?

24 A. That's correct.

25 Q. In fact, early on in the investigation -- maybe

1 even up to the time you gave a deposition, you didn't even
2 know if she had been shown a photopack; is that right?

3 A. I didn't recall that. I've since reviewed some
4 reports and it's my understanding that Officer Gay showed
5 her a photopack.

6 Q. And you never showed Celeste Bacher the
7 surveillance video to see if the person on the
8 surveillance video was the same person she believed she
9 saw?

10 A. No, I did not.

11 Q. I want to jump ahead to the 22nd. You go out to
12 Dr. Kosowski's residence on Seaview Drive, correct?

13 A. On the 22nd?

14 Q. Yes.

15 A. I don't believe we went there on the 22nd. We
16 did go there on the 23rd.

17 Q. Okay. Is that when you do the
18 knock-and-announce?

19 A. That's the day when we attempted to do a
20 knock-and-talk, was the morning of the 23rd.

21 Q. Okay. Now, what are you doing -- do you have a
22 body-worn camera on at that point?

23 A. So when we went to Dr. Kosowski's house on the
24 morning of the 23rd. I use Detective Bolton's cell phone.
25 It has an app on it with our Axon body-worn camera system.

1 It was a new system to us we had recently gotten. I put
2 that in my dress shirt pocket just to kind of have a
3 covert camera, so when we went up there, if we made
4 contact with him, we could have a video and audio
5 recording of it.

6 Q. And is that because you were the only one of the
7 detectives who was wearing a dress shirt on that day?

8 A. That's correct.

9 Q. So you could hide it in your pocket, is that
10 what it was?

11 A. That was my intention.

12 Q. Okay. So you attempt a knock-and-talk, and
13 there's no answer?

14 A. That's correct.

15 Q. What do you do after that?

16 A. We -- so his residence is -- there's the main
17 entrance, I guess, is on the top. Then there's what
18 appeared to be another doorway below there. So we
19 attempted to knock there as well. Then, as we were
20 leaving the property, we saw some track marks on the -- on
21 the side of the residence that kind of went through a
22 shell area.

23 There was a marsh area to the north of the
24 residence. So detectives ended up going in that marshy
25 area to see if we could see anything.

1 Q. Okay. And when that happens, what do you do
2 with respect to the body-worn app that you had in your
3 pocket?

4 A. I turned it off.

5 Q. Okay. Why did you do that?

6 A. I was planning on trying to make contact with
7 Dr. Kosowski. I didn't see a need to have it anymore
8 because we were going to do, hopefully, an interview with
9 him.

10 Q. So nothing when you are out in the mangrove area
11 and taking photographs, you have nothing that's
12 documenting where you may be because you turned the body
13 camera off?

14 A. Correct, and we used that cell phone to take
15 those photographs.

16 Q. Okay. Was the cell phone able to take
17 photographs and record?

18 A. I have no idea.

19 Q. Okay. Because you never tried to do both?

20 A. I never tried. I can barely turn my computer
21 on. I'm not technological.

22 Q. Fair enough.

23 When the search warrant is executed of the
24 Seaview Drive residence, I believe you are there, correct?

25 A. Correct.

1 Q. And you entered the garage of the home?

2 A. I did.

3 Q. You were aware that Largo PD could not search or
4 participate in the search, correct?

5 A. That is correct.

6 Q. What did yo do when you were there while the
7 search is being conducted?

8 A. I did the initial sweep of the garage with the
9 two detectives from Tarpon Springs, along with Detective
10 Bolton. We ended up looking in the back of the Tundra.
11 We saw what appeared to be -- to be blood that later
12 tested presumptively positive by forensics in the bed of
13 the pickup truck.

14 Q. Okay.

15 A. And I just kind of did an overall sweep of the
16 initial garage area. Then I exited so forensics could go
17 and do their investigation.

18 Q. Okay. Who else was participating in the search
19 of the garage?

20 A. So the people in the garage were myself and
21 Detective Bolton. Then the two detectives, I believe,
22 were Sergeant Crawford. I believe there was a Detective
23 Melton. Let me verify that name for you. Detective
24 Melton and Sergeant Crawford were with us.

25 Q. And who actually participated in the search of

1 the Tundra?

2 A. I guess my question is -- I mean, I didn't
3 manipulate anything, if you're asking that. I didn't take
4 anything or do anything like that.

5 Q. Okay.

6 A. One of their body cameras was on, so all of that
7 activity is on camera.

8 Q. Okay. You look in the Tundra, right?

9 A. Correct.

10 Q. Okay. What else did you do with respect to the
11 Tundra? I know you didn't take anything out, but what did
12 you do? Obviously, this is of interest to you, correct?

13 A. Yes. I'm making observations and things like
14 that.

15 Q. Who else was participating in making
16 observations of the Tundra?

17 A. The four people --

18 Q. The same --

19 A. -- we were the only four people in the garage.

20 Q. Okay.

21 A. Those are the only people that I was in the
22 house with.

23 Q. I don't believe you were wearing gloves; is that
24 right?

25 A. Yeah, I didn't touch anything. I specifically

1 didn't wear gloves, so I wouldn't accidentally pick up
2 anything and touch it.

3 Q. Okay. You didn't wear shoe covers?

4 A. I didn't. I did have different shoes on,
5 though, from the day of the initial incident that was at
6 the office. In fact, the shoes I was wearing were a pair
7 of boots. They were, like, leather bottom cowboy boots.
8 Those were photographed. And I was wearing a pair of
9 dress shoes that you can see in the Tarpon Springs
10 detective's body camera.

11 Q. Were any of the other law enforcement officers
12 who were in the garage with you wearing gloves or shoe
13 covers?

14 A. You'll have to ask them.

15 Q. I think you'll recall, and I could be wrong, but
16 Detective Bolton was not wearing either gloves or shoe
17 covers; is that right?

18 A. You would have to ask him or refer to the body
19 camera. That would be the most accurate representation.

20 Q. If I showed you something to refresh your
21 recollection, do you think that might help you remember if
22 Detective Bolton was wearing gloves or shoe covers?

23 A. If you have the video or a still image?

24 Q. Well, I've got the transcript of your depo.
25 Would that help refresh your recollection if you maybe had

1 a different memory of it at the time?

2 MR. VONDERHEIDE: We'll stipulate he wasn't
3 wearing booties.

4 THE COURT: He already testified to that.

5 MR. WISE: Okay.

6 BY MR. WISE:

7 Q. Now, in the garage area, what do you observe, if
8 anything, that you think could have been blood?

9 A. I observed red droplets on the tailgate of the
10 Toyota Tundra.

11 Q. Okay. And --

12 A. And then --

13 Q. Sorry. Go ahead.

14 A. Then I -- there was kind of like an area that
15 looked like it kind of had been wiped down and cleaned up
16 on the bed of the truck.

17 Q. About how many droplets and how big of droplets
18 are we talking?

19 A. On the tailgate, there was a couple droplets of
20 blood. The area that kind of appeared to have some
21 smearing and things like that was a larger area.

22 Q. How large?

23 A. A couple feet.

24 Q. You were aware, at this point, that Dr. Kosowski
25 was a surgeon; am I correct?

1 A. Yes.

2 Q. Okay. Did you see surgical clogs, or what would
3 be consistent with surgical clogs in the garage?

4 A. I don't have any recollection of that.

5 Q. Okay. How about reloading gear in the garage?
6 Do you know what I'm talking about when I say "reloading
7 gear"?

8 A. I imagine people can reload ammunition and
9 things like that?

10 Q. Yes.

11 A. I didn't make any observations of that. They
12 may be in there. I will check forensic's photos.

13 Q. Did you make any observations of hunting
14 clothing in the garage or camo clothing, I should say?

15 A. I don't have any recollection of that, but,
16 again, I will check the photographs.

17 Q. How about a large meat freezer?

18 A. I do recall a large deep freezer, probably like
19 6 feet long, that was like a chest freezer.

20 Q. And how about any other items that would have
21 been consistent with for use in hunting; do you recall
22 anything else --

23 A. I'm not a hunter. I've never been hunting.

24 Q. All right. All right.

25 Let's talk about the Toyota Corolla now. The

1 Toyota Corolla was never seen anywhere in the area of 1501
2 Belcher; am I correct about that?

3 A. The surveillance and things that we have, we
4 didn't have the Corolla, no.

5 Q. And, really, the only connection you have with
6 the Corolla is that after the Toyota truck goes to the
7 Seaview residence, sometime after that the Corolla is seen
8 leaving the residence?

9 A. That is correct.

10 Q. I think just for a few minutes, then it comes
11 back and leaves again; is that correct?

12 A. Correct.

13 Q. Then, from that point on, the Corolla is not
14 seen again until it is stopped a couple days later by
15 Tarpon Springs Police; is that right?

16 A. Physically, I know we didn't have any contact
17 with the Corolla again.

18 Q. All right. When the search warrant affidavit
19 that you authored for the search of the Corolla begins to
20 be written, that's when you are, I think, in the car on
21 the way back from Miami; is that right?

22 A. On the way to Miami.

23 Q. On the way to Miami?

24 A. Yes.

25 Q. What day did you go to Miami?

1 A. Friday. So that would have been the -- what,
2 the 24th.

3 Q. All right. And you're down there in connection
4 with this case, right? What is your intent --

5 A. We're attempting to locate the Corolla. So we
6 had found a couple addresses in the Miami and South
7 Florida address for Dr. Kosowski. Myself and Detective
8 Wedin drove down there with the intent to hopefully locate
9 the Corolla and conduct surveillance and whatnot.

10 Q. Okay. But you're not able to locate the Corolla
11 in Miami?

12 A. We did not locate the Corolla in Miami, no, sir.

13 Q. Okay. So is it when you're on your way back
14 from Miami that the Corolla had been stopped by Tarpon
15 Springs Police?

16 A. No. No. So we came back from Miami on Friday.
17 We were just down there, checked the addresses, and came
18 back.

19 Q. Okay.

20 A. I was contacted on Saturday early afternoon that
21 there had been a Flock hit for the Corolla, and it was
22 believed that he would be coming back to the Pinellas
23 County area.

24 Q. Okay. And how much of this affidavit had you
25 completed by that point?

1 A. Most all of it. I had written the probable
2 cause area of it. The only thing left that I needed to
3 add was when and where the Corolla was located.

4 Q. Okay. And when you respond out to the scene
5 where the traffic stop of the Corolla had taken place,
6 Dr. Kosowski was already detained in a police cruiser; is
7 that correct?

8 A. That's correct.

9 Q. All right. And the car was -- was basically
10 secured in a parallel parking spot on the road?

11 A. Yeah. The -- in watching, they made the turn on
12 Orange Street, and it was just on the side of the street
13 right there. I don't know if it was physically in a
14 parking space or not, but it was a traffic stop.

15 Q. Sure.

16 And am I correct at that point that you then
17 finish up the search warrant affidavit?

18 A. Correct. I confirmed the VIN number, because I
19 wanted to make sure there wasn't an error in the DMV
20 records for the VIN.

21 Q. Okay.

22 A. Then I added the location of the stop,
23 coordinated with the State, got it uploaded into
24 CloudGavel.

25 Q. Okay. And while that's taking place Detective

1 Bolton and some other Largo officers are in the proximity
2 of the Corolla; is that right?

3 A. Yes. My vehicle where I was was a couple
4 vehicles back. So they weren't in the vehicle with me.

5 Q. Okay. While you're out on the scene, does
6 Dr. Kosowski ever ask for an attorney?

7 A. My understanding is is when Detective Bolton
8 made contact with him, that he did ask for an attorney.

9 Q. Okay. Did he make multiple requests for an
10 attorney while you were there?

11 A. I don't know how many requests he made. Again,
12 all of our contact with Dr. Kosowski was video and audio
13 recorded.

14 Q. Okay. The entire time he's out on the scene,
15 he's in handcuffs; is that correct?

16 A. That is correct.

17 Q. Except, I think, there's one bathroom break when
18 he was allowed to take the cuffs off?

19 A. Yeah. I found out that he had requested to use
20 the restroom, so we coordinated that so he can use the
21 restroom.

22 Q. Okay. What role did you have in securing a
23 search warrant for his person, Dr Kosowski's person?

24 A. I didn't have any role in that. I didn't -- I
25 didn't write that. Detective Moore did.

1 Q. Okay. You're aware that Dr. Kosowski is stopped
2 at about 3:20, and then it's not until about almost 1:00
3 a.m. that he's transported for the execution of body
4 warrant?

5 A. That is correct.

6 Q. All right. Are you familiar with why it took
7 over 9 and a half hours for that to happen?

8 A. Well, routinely, it takes quite a long time to
9 get warrants signed, but specifically for the body
10 warrant, we had just swapped over to CloudGavel, and there
11 was not a template for a body warrant.

12 My understanding was that State reached out to
13 CloudGavel, as well as the owner of the company, and tried
14 to get that rectified, but ultimately, they had to
15 handwrite it and not use the digital system on the
16 platform.

17 Q. It's been discussed in the past, Dr. Kosowski
18 asked for copies -- or a copy of the search warrant for
19 the Corolla several times while he was out at the scene;
20 is that correct?

21 A. I do recall, and I believe it's on video, that
22 he had asked for a copy of the warrant, yes.

23 Q. And he was never provided with that?

24 A. It was left with the Corolla, as is our standard
25 practices and procedures that is required, and he was

1 provided -- I provided him with a copy of the body warrant
2 after that was procured. I actually took it down to the
3 jail that evening or early that morning, by that time, and
4 had it placed in his property.

5 Q. And since we've jumped ahead to the body
6 warrant, let me ask a couple things about that because you
7 were present when that was executed, correct?

8 A. Correct.

9 Q. And you had said something to the effect to him
10 that he would be able to go home after the warrant was
11 executed; do you recall that?

12 A. I think I made a comment about how was he
13 planning on getting home that evening prior to the warrant
14 being signed.

15 Q. Okay. Going back to 34 Orange Street, while you
16 were out there, were there any positive findings of blood
17 in the Corolla while he was at 34 Orange Street?

18 A. No. My understanding is the blind swabs that
19 were conducted were negative.

20 Q. Okay. And you -- did you ever actually enter
21 the Corolla while it was out at 34 Orange Street?

22 A. Did I enter it?

23 Q. Yes, sir.

24 A. No.

25 Q. And were you even aware that Detective Bolton

1 had actually entered the Corolla, and opened the trunk
2 while it was at 34 Orange Street?

3 A. In reviewing the body camera, I saw that later
4 on, but I wasn't aware of that.

5 Q. When you were drafting the search warrant a
6 couple cars down, you had no idea that he was going into
7 the Corolla at that point, right?

8 A. No.

9 Q. All right. Let me ask a little bit about the
10 affidavit now that you authored.

11 How long have you been a police officer?

12 A. I was hired with the police department in
13 December of 2007.

14 Q. And that was Largo Police?

15 A. Correct.

16 Q. All right. How long have you been a detective?

17 A. I transferred to the detective bureau in
18 December of 2020.

19 Q. How many homicide cases have you investigated in
20 that time?

21 A. By that time?

22 Q. By the time you authored this search warrant?

23 A. So that was 2023. I was primary -- I think my
24 first homicide was in 2022. I had been on a handful of
25 homicide cases.

1 Q. How many missing person investigations have you
2 participated in by the time you authored it?

3 A. Well, I guess, what's your definition of a
4 missing person? Like, runaways? Missing persons? All of
5 it?

6 Q. Any missing person report, how many?

7 A. I don't have -- I mean, I don't have an exact
8 figure for you.

9 Q. Okay. Whatever it is, you'd agree with me you
10 didn't say anything in this affidavit about your
11 experience investigating anything whatsoever?

12 A. Unfortunately, the -- my training and experience
13 didn't upload with CloudGavel. There's a section to have
14 that added in and forever reason that did not download
15 into that document.

16 Q. Okay.

17 A. I did author a subsequent search warrant for the
18 IME number for his Corolla, and my CV is located in that
19 one that we handwrote.

20 Q. Okay. But the one that was actually signed by a
21 judge later says nothing about you other than the fact
22 that you are a law enforcement officer with Largo Police
23 Department who was duly sworn?

24 A. Which judge signed it, you said?

25 Q. Actually, I believe it was His Honor who ended

1 up signing it.

2 A. I believe it was His Honor, Judge Bulone.

3 Q. The affidavit that you submitted, though, said
4 nothing about your experience other than the fact that you
5 are a law enforcement officer with Largo Police
6 Department?

7 A. Unfortunately, not, due to another issue with
8 CloudGavel.

9 Q. Okay. One of the things you reference in this
10 search warrant is your initial discussions with Jake
11 Blanchard and, I believe, some of the other people who
12 were at the law office, correct?

13 A. That is in there, yes.

14 Q. There's no mention, you would agree, as to
15 anything Mr. Blanchard said to the effect of not knowing
16 who might have done this or who might have had a reason to
17 hurt Mr. Cozzi?

18 A. No, there's nothing in there about that.

19 Q. Would you agree there's knowing in here as far
20 as what you learned about Mr. Cozzi's unfortunate alcohol
21 problem?

22 A. No, there is not.

23 Q. Or about his mental health issue?

24 A. No.

25 Q. You referenced the surveillance video and Ms.

1 Henrichs in here, correct?

2 A. Yes. I referenced the surveillance that I
3 watched. I also referenced surveillance I was told about
4 by, I believe, Detective Bolton, and an interview that
5 Detective Compton conducted with Ms. Henrichs?

6 Q. Is there anything mentioned in here about
7 Celeste Bacher, the woman who saw the guy that matched the
8 description of the person on the video that had a goatee?

9 A. No.

10 Q. You reference in the affidavit in the men's
11 bathroom of 1501 there was red liquid smeared on the
12 exterior of the men's room door, and that you observed red
13 liquid smeared on the exterior of the toilet bowl in a
14 single stall.

15 You didn't mention anything about the size of
16 the smear or anything to that effect about -- to suggest
17 what kind of volume of blood we're talking about; would
18 you agree?

19 A. That's correct.

20 Q. Okay. In the affidavit, you mentioned the print
21 of Dr. Kosowski that is found on a utility closet door,
22 correct?

23 A. Correct, on the inside of the door.

24 Q. But you didn't make any mention of the 169 other
25 prints that were found in that same area of the building;

1 is that right?

2 A. I don't know that I have that number, but okay.

3 Q. But you knew there was at least that many dozen
4 prints found that did not match Dr. Kosowski in that same
5 area of the building, right?

6 A. I don't know how many there were at the time I
7 authored this search warrant, but I would agree that there
8 were other prints that were found in the building
9 (indiscernible) --

10 Q. You're aware that there were several --

11 A. (Indiscernible.)

12 Q. I'm sorry. I cut you off.

13 MR. WISE: Did you get that?

14 THE COURT REPORTER: Not the end of his answer.

15 MR. WISE: I'm sorry. Could you repeat the end
16 of your answer? That was my fault.

17 THE WITNESS: I was not aware of the number or
18 the total of prints, but I was aware that there were
19 latent lifts that were recovered.

20 BY MR. WISE:

21 Q. Okay. And you were aware there were latent
22 lifts that were actually even recovered from this very
23 same door that did not match Dr. Kosowski, correct?

24 A. I don't know that I was aware of that, but
25 Detective Bolton may have been aware of that. The

1 conversation that I had with Lieutenant Forcade
2 (phonetic), when I was -- when we were authoring and
3 preparing for the search warrants that were -- the
4 information about Dr. Kosowski.

5 Q. Okay. Have you since become aware that there
6 were numerous latent prints of value that were found on
7 that door?

8 A. Correct. Yes, I did.

9 Q. About a dozen or so, right?

10 A. I don't have a number, but I'm aware that there
11 are.

12 Q. Okay.

13 A. I mean, I would imagine that forensics would
14 have the exact number, so.

15 Q. Okay. Are you aware now that as well, by that
16 point, that I think at least three of those had been
17 matched to another person other than Dr. Kosowski?

18 A. I am aware of that now.

19 Q. And that -- I mean, is it your belief that any
20 of those three people would have had any known reason why
21 their prints would have been on that same utility closet
22 door?

23 A. I believe all of those leads had been
24 investigated by Detective Bolton, and I would include that
25 the truck of interest drove to Dr. Kosowski's house, not

1 to those other individuals' homes.

2 Q. But that wasn't my question.

3 My question was: You're aware that there were
4 three other individuals whose latent prints were found on
5 the same utility closet door that you referenced in the
6 search warrant affidavit?

7 A. I'm aware of that at this moment, yes.

8 Q. Okay. And that was information that may not
9 have been known to you at the time, but that was known to
10 law enforcement by the time this search warrant is
11 authored?

12 A. I think there was at least one person that was
13 identified --

14 Q. Okay.

15 A. -- that Detective Bolton was running down when
16 we followed the surveillance video that led to Dr.
17 Kosowski's residence.

18 Q. Okay. Going back to the Tundra in the garage.
19 You referenced that in your search warrant affidavit as
20 well?

21 A. Correct.

22 Q. You mentioned that -- seeing a red liquid
23 substance that you just discussed a few moments ago.

24 Would you agree, similar to the bathroom,
25 there's nothing in there discussed as far as the size of

1 these suspected blood spots?

2 A. That is correct.

3 Q. And do you agree there's nothing in the search
4 warrant affidavit about Dr. Kosowski's profession?

5 A. That is correct.

6 Q. The fact that he's a surgeon?

7 A. Correct.

8 Q. Okay. One thing you did note in the search
9 warrant affidavit, I believe, is that the Toyota Corolla
10 did not appear to be sagging from any large loads in the
11 trunk when you saw it on surveillance footage leaving
12 Seaview; is that correct?

13 A. That is correct.

14 Q. And, lastly, again, this kind of goes back to
15 the same question I was asking about the Tundra, but when
16 you discussed the spot of possible blood or area of
17 possible blood on the floor of the garage, you did you
18 elaborate on how large of a spot of possible blood that
19 was in the garage?

20 A. That is correct.

21 Q. Okay.

22 MR. WISE: Could I have just a moment, Your
23 Honor?

24 THE COURT: You may.

25 BY MR. WISE:

1 Q. Detective, did you talk to Supervisor Stropes
2 (phonetic) about -- and I may be mispronouncing it --
3 about the work she did in this investigation prior to you
4 authoring the search warrant?

5 A. I spoke with Supervisor Stropes.

6 Q. What did she relay to you?

7 A. She explained that the garage floor was tested
8 with luminal and had a positive reaction, and through
9 further forensic processing, areas of possible blood were
10 located and tested positive through presumptive testing.

11 Q. Did you ask her how large of an area tested
12 positive for luminal, or how big of an area we're talking
13 about in the garage?

14 A. I did not.

15 MR. WISE: Nothing further at this time, Your
16 Honor.

17 THE COURT: Thank you.

18 Cross-examination?

19 MS. SPADARO: Yes, Your Honor. Thank you.

20 May I inquire?

21 THE COURT: You may.

22 CROSS-EXAMINATION

23 BY MS. SPADARO:

24 Q. Good afternoon, Detective Hunt.

25 A. Good afternoon.

1 Q. Let's talk about your pedigree. It wasn't in
2 there, right?

3 A. It was not, unfortunately.

4 Q. Okay. And you mentioned previously on direct
5 examination, that was because of a CloudGavel error,
6 right?

7 A. Yes.

8 Q. Despite being a detective for many years and
9 investigating multiple homicide investigations, right?

10 A. Correct.

11 Q. You ultimately authored the search warrant and
12 the affidavit for the search warrant for the Toyota
13 Corolla, correct?

14 A. Correct.

15 Q. And what you attested to, which we're going to
16 go through, you would agree with me that it really didn't
17 require much specialized knowledge, correct?

18 A. I would agree with that.

19 Q. You talked about what you observed, right?

20 A. Correct.

21 Q. What you learned from other officers?

22 A. Correct.

23 Q. What you learned from other witnesses?

24 A. Correct.

25 Q. And what you learned from forensics?

1 A. Correct.

2 Q. That was the gist, right?

3 A. Yes, ma'am.

4 Q. So despite not having your pedigree as being a
5 detective and homicide detective, you were still able to
6 be the affiant in this case, right?

7 A. Yes.

8 Q. Had personal knowledge of this case?

9 A. Correct.

10 Q. Okay. So let's talk about what personal
11 knowledge you had leading up to when you drafted the
12 search warrant, okay.

13 You guys signed from the get-go, March 21st,
14 2023, right?

15 A. Correct.

16 Q. You weren't the first to respond, but you
17 ultimately ended up going to 1501 South Belcher, right?

18 A. That is correct.

19 Q. And you arrived a little bit before 2:00 p.m.,
20 right?

21 A. I can check. I'll check my supplemental.

22 Q. Okay.

23 A. I want to make sure I give you the right times.

24 Q. I think it was 1:51 p.m., but double-check for
25 me.

1 A. Yes, ma'am. 1:51 p.m.

2 Q. And the call came in around 11:46 a.m.?

3 A. Yes, ma'am.

4 Q. Okay. Jake Blanchard is the one that called,
5 correct?

6 A. Correct.

7 Q. He called in a panic because he couldn't find
8 Steven Cozzi?

9 A. Yes.

10 Q. Steven Cozzi's boss, right?

11 A. Correct.

12 Q. And what he reported was he went missing, he
13 left his keys, he left his wallet, his computer was on, he
14 was preparing for a hearing, and he didn't go to that
15 hearing, correct?

16 A. Correct.

17 Q. And he went to the bathroom and did not return?

18 A. Correct.

19 Q. So ultimately, you get there, and you are trying
20 to find out, Where did Steven Cozzi go, right?

21 A. Yes.

22 Q. That's when you start putting the pieces
23 together, right?

24 A. Yes, ma'am.

25 Q. At first, you spoke with witnesses who told you

1 that they couldn't think of anyone that wanted to harm
2 Steven, right?

3 A. Right.

4 Q. Ultimately, you developed a suspect in this
5 case, though, right?

6 A. We did.

7 Q. And that was Dr. Tomasz Kosowski?

8 A. That's correct.

9 Q. You had learned that Steven Cozzi was
10 representing individuals who Tomasz Kosowski was suing,
11 right?

12 A. Correct.

13 Q. He was representing himself in a civil lawsuit
14 against Steven Cozzi?

15 A. That is correct.

16 Q. Okay. And you had learned that, in January of
17 2023, Dr. Kosowski had actually been to 1501 South Belcher
18 in Building B, right?

19 A. Yes.

20 Q. For a deposition?

21 A. That is correct.

22 Q. And it was kind of contentious, you learned, of
23 that as well, right?

24 A. Yes.

25 Q. And we learned from Mr. Blanchard also that

1 there was an altercation in that public restroom, right?

2 A. Yes.

3 Q. Ultimately, where you found all the presumptive
4 blood first, then later on confirmed blood, right?

5 A. Confirmed to be the victim's blood, yes.

6 Q. Steven Cozzi's blood, okay. You, yourself, when
7 you got to the scene, familiarized yourself with the
8 building, right?

9 A. Yes.

10 Q. You learned there were multiple common areas?

11 A. Yes.

12 Q. And one of those common areas was the men's
13 restroom?

14 A. Yes.

15 Q. There was also a utility closet, right?

16 A. Yes.

17 Q. And that utility closet was in close proximity
18 to Steven Cozzi's office door?

19 A. Yes. There was a back door to his office, and
20 it was in close proximity to that.

21 Q. You learned that -- maybe not you, but other
22 officers had checked the local hospitals, right?

23 A. We did ask for them to check the local
24 hospitals, yes.

25 Q. And he wasn't found?

1 A. No, he was not found.

2 Q. He was entered as NCIC as a missing person,
3 right?

4 A. That is correct.

5 Q. No one reported him to be found?

6 A. Correct.

7 Q. Other officers had canvased the area, nearby
8 area, for surveillance videos to try to see if he had left
9 the building or had gone somewhere else, correct?

10 A. Correct.

11 Q. And ultimately, he was not found?

12 A. Correct.

13 Q. Okay. You, yourself, reviewed surveillance from
14 that location at 1501 South Belcher, right?

15 A. Yes, ma'am.

16 Q. And what you saw was a man comes in around, what
17 was it, 8:30-ish in the morning, 8:32 in the morning, in a
18 gray Toyota Tundra, and he enters the law firm, right?

19 A. Yes, ma'am.

20 Q. You then see who you later learn is Steven Cozzi
21 entering from the opposite direction a couple of minutes
22 later, right?

23 A. Correct.

24 Q. You see that same man who entered from the
25 Toyota Tundra leaving with a wagon, right?

1 A. Correct.

2 Q. You do not see Steven Cozzi leave?

3 A. In fact, we never see Steven Cozzi leave on the
4 video surveillance.

5 Q. In fact, he left his keys and his phone,
6 everything -- all of his personal belongings on his desk,
7 right?

8 A. Yes, ma'am.

9 Q. His car was in the parking lot?

10 A. That's correct.

11 Q. Okay. In that surveillance, you see an
12 individual pulling a wagon to that Toyota Tundra, right?

13 A. Yes.

14 Q. And the wagon seemed heavy, right?

15 A. Yes.

16 Q. Why did you say that in your warrant that it
17 seemed heavy? What observations did you see in the
18 surveillance that made you think it was, like, a
19 heavy-bearing wagon?

20 A. Just how he was kind of tugging on it and, like,
21 repositioning it. It wasn't like dragging a wagon to the
22 beach with some stuff in it.

23 Q. He was struggling to pull the wagon, right?

24 A. Right.

25 Q. And there was some type of covering over it, red

1 or orange, something like that?

2 A. Yes.

3 Q. All of which you described in your warrant?

4 A. Correct.

5 Q. Okay. Ultimately, that truck was captured on
6 surveillance, whether it was PSTA bus, Circle K, Flock,
7 ultimately tracks back to 511 Seaview Drive in Tarpon
8 Springs, right?

9 A. That's correct.

10 Q. Which you learned was Dr. Kosowski's residence?

11 A. Correct.

12 Q. Okay. So now you have a suspect, right?

13 A. Yes.

14 Q. Okay. Let's talk about the bathroom. You
15 personally went into the bathroom, right, at 1501?

16 A. Yes, ma'am.

17 Q. South Belcher?

18 A. Yes.

19 Q. And you observed substances that appeared to be
20 blood, right?

21 A. Yes, ma'am.

22 Q. And you say "appear to be blood," because it was
23 red, right?

24 A. It was a red liquid, and it looked like blood.

25 Q. It looked like blood. Where? Where was the

1 blood?

2 A. It was on the -- there was a swipe on the
3 exterior door. There was droplets next to the urinal.
4 There was a swipe on the, like, the bottom of the toilet
5 bowl. It was like a darker substance that was, like, in
6 the tile grout in front of the toilet and the stall.

7 Q. Okay. And that was based on your observation
8 that you attested to in your warrant, right, that it
9 appeared to be blood?

10 A. Yes.

11 Q. And it was in multiple different locations in
12 the men's restroom, right?

13 A. Correct.

14 Q. Whether it's considered a lot or a little blood
15 to the human eye, it's more blood than should be in a
16 public restroom, correct?

17 A. I would agree with that, yes.

18 Q. Okay. PSCO forensics processed the bathroom,
19 right?

20 A. Correct.

21 Q. And they informed you that the red substance
22 that you suspected to be blood tested presumptive positive
23 for blood, right?

24 A. Correct.

25 Q. All of which you included in your affidavit for

1 search warrant eventually for the Toyota Corolla?

2 A. Yes.

3 Q. Okay. Now, the swabs had not yet been tested
4 for DNA. That was discussed.

5 Why not?

6 A. It takes time.

7 Q. Okay. So is it common that in a homicide
8 investigation or any investigation, you're not going to
9 have DNA and serological testing results right then and
10 there?

11 A. Yes.

12 Q. So in order for you all to continue on with your
13 investigation, you have to rely on some presumptive tests,
14 right?

15 A. Yes.

16 Q. And also, what you can see with your own eyes?

17 A. Correct.

18 Q. Now, the bathroom. Did it smell like anything?

19 A. There was an overwhelming smell of cleaning
20 products.

21 Q. Okay. Did it appear that cleaning products were
22 used?

23 A. Yes. So in the stall area, there was actually,
24 like, paint that was melting off on the wall, and then
25 there was kind of like a swirling in the -- in that stall

1 area that kind of led to the drain that was on the floor.

2 Q. So it appeared that it had been cleaned up by
3 someone?

4 A. Correct.

5 Q. Okay. What did the smell and the condition of
6 the bathroom lead you to believe?

7 A. I believed that an altercation had occurred in
8 there and Steven Cozzi was the victim of that altercation
9 and was taken out in that wagon.

10 Q. Let's talk about the utility closet. That's
11 kind of tucked away, but it's in a common area, right?

12 A. Yes. So when you walk in, there's a vestibule.
13 The bathroom is right past that. Then there's kind of
14 like a hallway that goes into the back and into some
15 offices that are abandoned.

16 The utility closet is kind of -- backs up right
17 to the bathroom, but the door is on the other side. So,
18 like, the door to the bathroom is on the north side. Then
19 the door to the utility closet is on the south side and
20 then they share a common wall.

21 Q. Okay. So it's kind of tucked away, but it's
22 still in close proximity to Steven Cozzi's office door,
23 right?

24 A. Yeah. There's a back door that goes into
25 Cozzi's office. Then that utility closet is right around

1 the corner from that.

2 Q. Okay. You learned that on March 14th, 2023,
3 Debra Henrichs walked into the utility closet and observed
4 an unknown male hiding behind a door, right?

5 A. Yes.

6 Q. And you learned that she saw the male wearing a
7 surgical mask?

8 A. Yes.

9 Q. And you learned that that same male left in a
10 gray Toyota Tundra with the yellow plate?

11 A. Yes.

12 Q. Similar to the truck that you followed from
13 March 21st that led back to Dr. Kosowski's residence,
14 right?

15 A. Yes.

16 Q. You learned, in addition to that, that
17 Dr. Kosowski's fingerprint was located in the utility
18 closet, right?

19 A. That's correct.

20 Q. You put that in your warrant?

21 A. Correct.

22 Q. Why? Why did you think that his fingerprint was
23 relevant?

24 A. Well, the vehicle went back to his house and his
25 fingerprint shows that he was in that utility closet.

1 Q. What was the significance of the fact that it
2 was his fingerprint, though?

3 Did he have any reason to be in that utility
4 closet; to your knowledge?

5 A. I can't imagine a reason why somebody would be
6 in that utility closet.

7 Q. He didn't work there, right?

8 A. No.

9 Q. He didn't work as maintenance. You knew he was
10 a plastic surgeon, right?

11 A. Yeah.

12 Q. He wasn't in maintenance?

13 A. Correct.

14 Q. Okay. And even -- the only time that you know
15 he was really lawfully entitled to be at that law firm was
16 back in January at that deposition, right?

17 A. Correct.

18 Q. Which you didn't think took place in that
19 utility closet, right?

20 A. No.

21 Q. So let's jump to March 23rd. You went to 511
22 Seaview Drive, right?

23 A. Correct.

24 Q. And you went kind of early on in the day?

25 A. Yeah, we went in the morning.

1 Q. Okay. When you got there, this is before a
2 residential search warrant was obtained and executed?

3 A. Correct.

4 Q. As Defense mentioned, you went to do a
5 knock-and-talk, but didn't make contact with him?

6 A. Correct.

7 Q. At some point, did you speak with other
8 detectives about the property lines?

9 A. Yes.

10 Q. What did you learn?

11 A. From Detective Wedin, I learned that there was a
12 marsh area on the north side that wasn't his property. He
13 had a fenced-in backyard with shrubbery that appeared to
14 delineate where his property was.

15 Q. Okay. Did you make it a point to not go onto
16 his property into his backyard or cross over those
17 property lines?

18 A. Yes.

19 Q. Did you walk the marsh?

20 A. I did.

21 Q. Okay. And did you stay, from what your
22 understanding was of that property -- what -- what
23 delineated the property line to the county line, did you
24 stay on the county line side?

25 A. Yes.

1 Q. Did you take any photographs while you were
2 standing in that easement to the north of his property?

3 A. To the north. I was with Detective Bolton, and
4 he took some photographs.

5 Q. Did you take photographs yourself when you were
6 on that part of the property?

7 A. I don't believe so. I photographed the south
8 side when I was at the neighbor's residence.

9 Q. Did you get consent to go onto his neighboring
10 residence on the south side of his property?

11 A. Yes. She was with us. The neighbor was with us
12 and walked with us in her backyard.

13 Q. Detective Hunt, I'm approaching you with State's
14 Exhibit 8 for ID. I want you to look through them and see
15 if you recognize them.

16 A. These are the digital printouts of the images I
17 took with Detective Bolton's cell phone from that south
18 property.

19 MS. SPADARO: At this time, the State would
20 enter into evidence what's been premarked as State's
21 Exhibit 8 for identification as State's Exhibit 8.

22 THE COURT: Any objection?

23 MR. WISE: No, Your Honor?

24 THE COURT: It's admitted.

25 (State's Exhibit 8 was admitted into evidence.)

1 BY MS. SPADARO:

2 Q. And I'm not going to walk through all of them,
3 Detective Hunt. I just wanted to make sure they are in
4 for the record, but when you took those photographs, were
5 you ever on the property of 511 Seaview Drive?

6 A. No, ma'am, I was not.

7 Q. Did you only capture what you could see in plain
8 view while standing on the neighboring property?

9 A. Yes.

10 Q. Did you use the zoom feature on your phone,
11 possibly?

12 A. I may have.

13 Q. Regardless, you never hopped a fence to get over
14 onto his property, right?

15 A. No, I did not.

16 Q. You never entered into his backyard?

17 A. No, I did not.

18 Q. You never went into his garage?

19 A. I didn't go into his garage until the search
20 warrant was served.

21 Q. Okay. At some point, Largo was able to locate
22 Ring camera footage that confirmed a red Toyota Corolla,
23 in addition to the Tundra, had actually passed the
24 neighboring property of 511 Seaview Drive in the afternoon
25 of March 11th, 2023, right?

1 A. That's correct.

2 Q. That was leaving the residence? Not returning
3 at some point?

4 A. Yeah, it left, came back, then left again, and
5 didn't return.

6 Q. Okay. So then a search warrant was obtained for
7 the residence of 511 Seaview -- let me back up. I'm
8 sorry.

9 After the Toyota Tundra was followed to 511
10 Seaview Drive, it was never seen leaving again after it
11 was followed home on March 21st, right?

12 A. That is correct.

13 Q. And 511 Seaview Drive, is that located on, like,
14 a dead end?

15 A. Yes.

16 Q. Okay. So in order to get out of that
17 neighborhood, you would have to cross back from where the
18 surveillance captured the Toyota Tundra going to the
19 residence?

20 A. That's correct.

21 Q. Okay. So a search warrant was ultimately
22 obtained for the residence, right?

23 A. Yes, ma'am.

24 Q. And you weren't the affiant for that?

25 A. I was not.

1 Q. That was Detective Bolton?

2 A. That's correct.

3 Q. It was ultimately signed, and you were on scene
4 when it was signed, right?

5 A. Yeah.

6 Q. Or at least when Tarpon Springs SWAT came to
7 clear the residence?

8 A. Yes.

9 Q. And ultimately, were you advised that Largo
10 could not be the ones executing the warrant?

11 A. I was advised of that.

12 Q. Okay. Was Tarpon Springs made aware of it, to
13 your knowledge, prior to arriving at 511 Seaview Drive?

14 A. I'm not sure they were aware of the role they
15 were going to have to take in the execution of the search
16 warrant.

17 Q. I mean, you were there, right?

18 A. Yes.

19 Q. They were pretty mad?

20 A. They were not -- they were not thrilled.

21 Q. Right? It was a big thing?

22 A. Yeah.

23 Q. I was there?

24 A. Yeah.

25 Q. Right?

1 A. Yes.

2 Q. Tarpon Springs is -- some of the officers were
3 yelling at Largo Police Department officers, right?

4 A. Yes.

5 Q. They're yelling at me, right?

6 A. Yes.

7 Q. And ultimately, begrudgingly, they ended up
8 executing the warrant, right?

9 A. Yes.

10 Q. Because of how big of a thing it was, there
11 really was no ambiguity as to who had to serve the
12 warrant, right?

13 A. Correct.

14 Q. Which means that you, as a Largo Police
15 Department detective, was advised not to touch, search,
16 collect, seize anything in that residence, correct?

17 A. Correct.

18 Q. And you didn't?

19 A. I did not.

20 Q. Now, you entered into the garage with the Tarpon
21 Springs Police Department officer after it was cleared and
22 after the warrant was served, right?

23 A. Correct.

24 Q. And it was served by Detective Melton from
25 Tarpon Springs, right?

1 A. Yes.

2 Q. Okay. When you entered into the garage, do you
3 remember who you went in there with?

4 A. From Largo or from?

5 Q. With Tarpon Springs?

6 A. I believe it was Crawford and Melton.

7 Q. Okay. Now, Pinellas County Sheriff's Office
8 forensics was also there, correct?

9 A. Correct.

10 Q. They were there to swab collect any forensic
11 evidence?

12 A. They were there to do the full gamete of
13 forensic processing.

14 Q. So really, it's Tarpon Springs Police Department
15 and Pinellas County Sheriff's Office that is executing
16 that warrant, not Largo?

17 A. Correct.

18 Q. Okay. While you're in the garage, though, you
19 see the Toyota Tundra, right?

20 A. Yes.

21 Q. And you were able to make observations without
22 opening the Toyota Tundra that there was a red substance
23 consistent with blood in the bed of that truck, right?

24 A. Correct.

25 Q. And you attested to that in the warrant, right?

1 A. Yes.

2 Q. You later learned from forensics who processed
3 that truck that, again, it was presumptive positive for
4 blood in the bed of that truck?

5 A. That is correct.

6 Q. I asked this before, but, obviously, it wasn't
7 submitted for DNA or serological testing at the Pinellas
8 County Forensic Laboratory at that point, right?

9 A. No.

10 Q. And that's because that takes weeks, sometimes
11 even longer?

12 A. It takes quite a while, yes.

13 Q. So when you're drafting a search warrant, you're
14 going off of presumptive tests often, right?

15 A. Yes, most often.

16 Q. And your own observations?

17 A. And my experience, yes.

18 Q. Okay. Were there any other vehicles at the
19 residence?

20 A. The Corolla was missing.

21 Q. Okay.

22 A. There was no other vehicles. I think there were
23 two motorcycles in the garage.

24 Q. Right. That Toyota Corolla that was registered
25 to Dr. Kosowski, seen leaving on surveillance, was not

1 present, right?

2 A. Correct.

3 Q. Dr. Kosowski himself was not present?

4 A. Correct.

5 Q. And Steven Cozzi was not present?

6 A. Correct.

7 Q. A BOLO was issued for Dr. Kosowski's Toyota
8 Corolla, right?

9 A. Yes.

10 Q. Was that at your request?

11 A. Yes. I spoke with Detective Allred. I believe
12 Detective Bolton had a part in that as well.

13 Q. Okay. Why did you request a BOLO to be issued?

14 A. When we were looking for the Corolla. We
15 believe it had evidence of the crime in it, so we were
16 wanting to get it. So that's why I started drafting a
17 search warrant on my drive to Miami so we could be
18 prepared, if we found it in another jurisdiction, it could
19 be co-affiants.

20 Q. So I want to jump to March 25th. You started
21 drafting the warrant on March 24th, 2023, right?

22 A. Correct.

23 Q. Now, you said that you started drafting it while
24 you were in Miami. Why were you in Miami?

25 A. We were searching for the Corolla.

1 Q. Okay. So, then, ultimately, it's located in
2 Tarpon Springs on March 25th, 2023, right?

3 THE COURT REPORTER: Ma'am, can you slow down
4 just a little, please?

5 MS. SPADARO: Yes.

6 THE COURT REPORTER: Thank you.

7 MS. SPADARO: Sorry.

8 THE COURT REPORTER: It's okay.

9 THE WITNESS: Yes, it was located. Tarpon
10 Springs located it and effected a traffic stop.

11 BY MS. SPADARO:

12 Q. Do you know who conducted the traffic stop?

13 A. I know Officer Rose was there. I believe
14 Officer Gibson was there. There was a third officer. You
15 would have to check their reports.

16 Q. Okay. To your knowledge, who was the driver of
17 the vehicle when Tarpon Springs stopped the Toyota
18 Corolla?

19 A. Dr. Kosowski was the driver and only occupant in
20 the vehicle.

21 Q. Okay. And do you know what time it was stopped?

22 A. I think it was -- was it 3:19 was when they
23 effected the traffic stop?

24 Q. If you want to look, you can.

25 A. Yeah, let me double-check. I have down that the

1 traffic stop was conducted at 15:19 hours and that
2 Dr. Kosowski was detained at 15:20 hours.

3 Q. Okay.

4 A. By Corporal Gibson and Officer Rose.

5 Q. Okay. At this point, March 25th, so it has been
6 two days since the residential search warrant, right?

7 A. Yes.

8 Q. Steven Cozzi still had not been located?

9 A. Correct.

10 Q. Okay. And you arrived on scene, right?

11 A. Yes.

12 Q. And you ultimately drafted and submitted the
13 warrant to be signed, right, which it was?

14 A. Yes, I finished the warrant and uploaded it in
15 CloudGavel.

16 Q. Okay. Prior to completing the warrant, you were
17 on scene, did you search the Toyota Corolla?

18 A. No.

19 Q. Okay. Detective Bolton arrived at the traffic
20 stop as well, correct?

21 A. Yes.

22 Q. And prior to completing the warrant, he opened
23 the trunk?

24 A. That is my understanding, yes.

25 Q. Did you see him do that?

1 A. Physically, no. I've seen it on dash camera,
2 but not...

3 Q. Do you know why you opened the trunk at the
4 moment?

5 A. My guess would be to just insure that --

6 MR. WISE: Objection to speculation if he
7 doesn't know.

8 THE COURT: Sustained.

9 MS. SPADARO: Okay.

10 BY MS. SPADARO:

11 Q. At that point, all the evidence is pointing to
12 Steven being murdered, right?

13 A. Yes.

14 Q. All the evidence is pointing to Dr. Kosowski as
15 being the suspect, right?

16 A. Correct.

17 Q. And we still had not found Steven?

18 A. That is correct.

19 Q. Okay. After Detective Bolton opened the trunk,
20 we learned Steven was not inside the trunk, right?

21 A. That's correct.

22 Q. And that was it. There was no seizing of
23 evidence, right?

24 A. No.

25 Q. There was no swabbing of evidence?

1 A. No.

2 Q. Okay. When you drafted your affidavit for
3 search warrant, did you include any observations from the
4 opening of that trunk?

5 A. No.

6 Q. Why not?

7 A. I had already written the warrant.

8 Q. Okay. So you did not rely on that for your
9 probable cause; is that fair?

10 A. Correct.

11 Q. Okay. All right.

12 So we talked about a lot of the things you
13 attested to in the warrant. Those were pretty much
14 everything that you attested to for purposes of probable
15 cause, right?

16 A. Correct.

17 Q. And Defense had talked about some of the things
18 that you left out?

19 A. Yes.

20 Q. So let's talk about some things you left out.
21 Photopack. At some point during your investigation, you
22 were the one who had requested that a photopack be
23 administered to Celeste Bacher, right?

24 A. Yes.

25 Q. And she was an employee of 1501 South Belcher?

1 A. Yes.

2 Q. That was because you had learned that she had
3 maybe spotted a potential suspect, right?

4 A. Correct.

5 Q. She had given some description of somebody
6 looking like Jack Hannah wearing a safari-styled shirt?

7 A. And a goatee.

8 Q. And a goatee, right?

9 A. Right.

10 Q. So you did not personally prepare the photopack,
11 though, right?

12 A. No.

13 Q. And you did not personally administer the
14 photopack?

15 A. No.

16 Q. You just felt it was necessary, as one of the
17 detectives in the investigation, to see if she could make
18 a positive identification, right?

19 A. Yes.

20 Q. By the time that you had drafted the warrant,
21 were you informed about what she said as it relates to the
22 photopack?

23 A. I don't remember having any information about
24 that.

25 Q. Okay. I mean, you later learned that she didn't

1 say "no" when she came across Dr. Kosowski's photo, right?

2 A. After my deposition, I found Officer Gay's
3 supplement, and I read the photopack, and she said "maybe"
4 for Dr. Kosowski.

5 Q. Okay. Did you intentionally leave out this
6 information, or was it just not known to you at the time?

7 A. No.

8 Q. Even if you had known it at the time, is it
9 really relevant to you for purposes of probable cause?

10 A. No. If she had identified somebody else and
11 said, you know, this person is 100 percent the person I
12 saw and it wasn't Dr. Kosowski, I would want to make sure
13 I listed that.

14 Q. But she didn't, right?

15 A. She didn't. She said maybe.

16 Q. For him?

17 A. Yeah.

18 Q. Okay. Let's talk about the fingerprints. So we
19 mentioned that --

20 THE COURT: I have a question that I don't see
21 the answer anywhere and I've read every word.

22 Did the defendant have a goatee at the time?

23 MS. SPADARO: No.

24 THE COURT: Okay.

25 MS. SPADARO: I'll follow up on that, too.

1 BY MS. SPADARO:

2 Q. It's also possible she was talking about
3 somebody else, right, with the goatee and the Jack Hannah
4 outfit, you don't know?

5 A. I don't know.

6 Q. Right?

7 She was talking about people she had seen in a
8 public office building, right?

9 A. Correct.

10 Q. Okay. So let's talk about the fingerprints. We
11 briefly talked about the fact that you included
12 Dr. Kosowski's fingerprint was located inside of the
13 utility closet, right?

14 A. Yes.

15 Q. How did you learn that information?

16 Who told you that?

17 A. We spoke with Lieutenant Forcade with the
18 Sheriff's Office. He was the lieutenant of the AFIS
19 division at the time.

20 Q. Okay. And you knew at the time that -- well,
21 let me back up.

22 It's a public office building, right?

23 A. Yes.

24 Q. So based on your training and experience and
25 just being a human, there's probably going to be a lot of

1 fingerprints located in a public office building, right?

2 A. Absolutely.

3 Q. At the time, though, when you had learned that
4 information, you had already tracked the car back to 511
5 Seaview Drive, right?

6 A. We were in Dr. Kosowski's neighborhood when we
7 had that telephone conversation with Lieutenant Forcade.

8 Q. So, really, there was no justifiable explanation
9 for Dr. Kosowski's fingerprint to be inside the utility
10 closet, right?

11 A. Correct.

12 Q. And that's why you included it in the warrant?

13 A. Yes.

14 Q. Did you know about all of the other fingerprints
15 at the time?

16 A. I don't know how many there were. I didn't have
17 a number of -- I imagined that forensics got numerous
18 prints.

19 Q. Right. And it's not uncommon, again, to have
20 numerous prints, numerous latent prints in a public
21 building, right?

22 A. That is correct.

23 Q. But you found it -- you found it uncommon or
24 stuck out to you that Dr. Kosowski's was, right?

25 A. Yes.

1 Q. Because you had no -- you had no knowledge he
2 had any reason to be inside of that utility closet?

3 A. That is correct.

4 Q. Let's talk about the mention of Steven Cozzi's
5 anxiety and the fact that he was a recovering alcoholic.

6 At the time you drafted the warrant, you were
7 aware of that, right?

8 A. Yes.

9 Q. That he was a recovering alcoholic, right?

10 A. Yes.

11 Q. But he had been sober for a long time?

12 A. Yeah.

13 Q. And no one had any concern of relapse?

14 A. No one had concerns. In fact, him missing that
15 court appearance was described as being not like him.
16 That wasn't who he was. So it was -- it was very odd that
17 he would miss a court appearance and leave everything
18 behind.

19 Q. I mean, the witnesses that you spoke to were
20 close with Steve and his family, were all very shocked,
21 right, that he was not there?

22 A. They were worried about him.

23 Q. Right. The same thing with the anxiety. When
24 you spoke with witnesses about his anxiety, was it
25 something that gave you cause for concern or was it just

1 general anxiety?

2 A. I had no concern for it.

3 Q. How was it described to you, his anxiety?

4 A. Just that he suffered from anxiety and took
5 medication.

6 Q. Okay.

7 A. Not that he -- I mean, he's -- he's a
8 well-renowned attorney. I mean, he -- I don't see that
9 it's affecting his life in any means.

10 Q. I mean, his friends and family told you that
11 they didn't think his anxiety was a concern. It was under
12 control, right?

13 A. Yes.

14 Q. He would get worked up about things, but it
15 wasn't like he had to be hospitalized, right?

16 A. Correct.

17 Q. He hadn't had recent Baker Acts or anything like
18 that?

19 A. No.

20 Q. Why didn't you include any of that information
21 in the warrant?

22 A. I didn't see that it was pertinent.

23 Q. It was a choice that you made, right?

24 A. Correct.

25 Q. In your opinion, was any of that consistent with

1 the evidence that you found on scene at 1501, that he had
2 anxiety and he was a recovering alcoholic?

3 A. No.

4 Q. Any of the blood that you found?

5 A. No.

6 Q. What about at the residence?

7 A. No.

8 Q. That would be more consistent with the fact that
9 he was murdered, right?

10 A. Correct.

11 Q. Okay. So let's talk about the volume of blood.
12 You pled in your affidavit for search warrant the
13 observations that you saw, right?

14 A. Correct.

15 Q. You did not attest that it was a large amount of
16 blood. You just attested where you saw suspected blood,
17 right?

18 A. Correct.

19 Q. Okay. You also attested that the areas that you
20 suspected to be blood were presumptive positive for blood,
21 right?

22 A. That is correct.

23 Q. And as you've previously mentioned, you didn't
24 have a confirmatory test because that's not how it works,
25 right?

1 A. That is correct.

2 Q. Okay. So it was mentioned that when you went to
3 the residence, you didn't -- you didn't attest that
4 Dr. Kosowski was an avid hunter, right? You didn't bring
5 that up in your warrant?

6 A. I've never met Dr. Kosowski. I don't know what
7 he does in his pastime.

8 Q. I mean, there was some talk about a meat
9 freezer, right? Defense brought it up?

10 A. There was a chest freezer, yes.

11 Q. And you didn't open up the freezer, right?

12 A. No.

13 Q. Someone did?

14 A. Correct.

15 Q. And inside the freezer, was there anything that
16 indicated he was a hunter; to your recollection?

17 A. I believe it was a brand-new freezer. It wasn't
18 plugged in. It didn't appear to have been used.

19 Q. There was no, like, animals on the wall, right?

20 A. Not in the garage.

21 Q. Okay. Then there was also mention that you did
22 not mention he was a plastic surgeon, right?

23 A. That is correct.

24 Q. You knew that at the time, though, when you
25 drafted the warrant that he was a plastic surgeon?

1 A. Yes.

2 Q. Did you believe it was relevant to include?

3 A. No.

4 Q. And did you believe it may have offered any
5 explanation as to why there was blood in multiple
6 different locations?

7 A. I would find it hard to believe that a
8 well-renowned plastic surgeon would cross-contaminate his
9 residence with blood from a surgery.

10 Q. So, ultimately, you didn't find it to be
11 relevant?

12 A. Correct.

13 Q. Now, again, that's a choice that you made not to
14 include it?

15 A. Correct.

16 Q. So let's go back to the warrant.

17 The direction of the warrant was to Tarpon
18 Springs for the Corolla that you drafted, it was to Tarpon
19 Springs and Pinellas County Sheriff's Office, right?

20 A. That is correct.

21 Q. It was not to Largo Police Department?

22 A. Correct.

23 Q. Why not?

24 A. Because it was outside of our jurisdiction.

25 Q. Okay. Did you consult with anyone from my

1 office about that?

2 A. We did.

3 Q. And what were you told?

4 A. That it was going to be just how the house was
5 done. That Tarpon Springs and the Sheriff's Office would
6 have to serve and affect the warrant.

7 Q. So as a result, did you or anyone from Largo
8 read the search warrant?

9 A. No.

10 Q. Serve the search warrant?

11 A. No.

12 Q. Who did?

13 A. Officer Rose with Tarpon Springs Police
14 Department.

15 Q. Did Tarpon Springs ultimately aid in the search
16 of the vehicle? Like, did they help seize things or
17 collect anything?

18 A. Initially, Officer Rose took a cell phone out of
19 the passenger compartment and provided it to myself, then
20 I gave it to Detective Wedin.

21 Q. Okay. Then Pinellas County Sheriff's Office
22 forensics, did they on scene do any searching or seizing
23 of evidence?

24 A. Supervisor Klein, I think she found a secondary
25 phone and provided that to Detective Wedin. Then they did

1 find phenolphthalein swabs.

2 Q. Okay. And, ultimately, any of -- the blind
3 swabs on scene weren't presumptive positive for blood,
4 right?

5 A. Correct.

6 Q. Ultimately, though, the car was transferred and
7 towed from the scene to the Pinellas County Sheriff's
8 Office processing facility, right?

9 A. Correct.

10 Q. And do you know who signed the tow form to get
11 it there?

12 A. My understanding is Tarpon Springs did an
13 impound for the vehicle and effectuated that aspect of it.

14 Q. Okay. It would have been someone on scene from
15 Tarpon Springs who did that, though?

16 A. Correct.

17 Q. Not from Largo?

18 A. No.

19 Q. Okay. The Pinellas County processing facility
20 that is located off 49th Street in Clearwater, right?

21 A. That's right across the street from the
22 courthouse.

23 Q. Okay. And that's where Pinellas County
24 forensics ended up completing the search. They seized all
25 the evidence, and they swabbed all the things, and they

1 took all the photographs, right?

2 A. That is correct.

3 Q. To your knowledge, does Tarpon Springs, or at
4 least Largo Police Department, have a contract with
5 Pinellas County Sheriff's Office to provide forensic
6 support in cases?

7 A. I can't speak for Tarpon, but Largo Police
8 Department contracts with the Pinellas County Sheriff's
9 Office Forensics Division.

10 Q. Okay. And when they're aiding and searching
11 cars, for example, is it typical that it goes to the
12 processing bay?

13 A. Yes. If they're going to be processing it for
14 forensic evidence and DNA and blood and things like that,
15 we want to make sure it is in a controlled environment to
16 protect the evidence.

17 Q. And Largo doesn't have its own processing bay,
18 right?

19 A. No.

20 Q. Okay. So it would have to be processed at the
21 Pinellas County processing facility?

22 A. Our garage is full of storage, so we don't have
23 the means to do it. That's why we contract with the
24 Sheriff's Office because they provide us with the forensic
25 services for our homicides.

1 Q. Okay. Now, despite not having your own
2 processing bay and going to the Pinellas County processing
3 facility, that's actually in Largo's jurisdiction, right?

4 A. It is.

5 Q. Okay. So, for example, if there's a fender
6 bender in the parking lot, who gets called out?

7 A. That would be the Largo Police Department.

8 Q. Okay. Were you present when forensics was
9 processing the vehicle at the processing bay?

10 A. No. I was on scene. I did go by the processing
11 bay later that evening with Detective Bolton, but I was on
12 scene with Dr. Kosowski waiting for the body warrant.

13 Q. Were you getting updates as to what they were
14 finding while you were on scene at 34th, and the car was
15 being searched at the processing bay.

16 A. Yes. Detective Allred was keeping us abreast of
17 what they were finding.

18 Q. And what did you learn that they had found while
19 you were still on scene and while we were trying to get
20 the body warrant, which we'll get to?

21 A. There was -- my understanding was that there was
22 presumptive blood. There was a bag with a mask and a pair
23 of (indiscernible) and brass knuckles. There were
24 numerous firearms. There was a case with a couple hundred
25 thousand dollars in it.

1 Q. Okay. So we're getting more evidence as time
2 goes on, right?

3 A. Correct.

4 Q. So now we talked about the timeline of the
5 traffic stop a little bit, but I just want to make sure I
6 have it right, okay? He was stopped at 3:19 p.m., right?

7 A. Correct.

8 Q. The warrant for the Corolla was executed around
9 4:59 p.m., right?

10 A. Correct.

11 Q. And do you know when it was towed?

12 A. I have down that I talked to Detective Allred
13 about following it to the vehicle processing center at
14 6:30 p.m.

15 Q. Okay. So within a couple hours, you're now
16 learning what's being found in the vehicle, right?

17 A. Yes.

18 Q. At this time, Dr. Kosowski was detained, right?

19 A. Yes.

20 Q. He had been detained since the traffic stop at
21 3:19 p.m.

22 A. That is correct.

23 Q. By Tarpon, right?

24 A. Yes.

25 Q. And what did that look like? Was he handcuffed?

1 A. Yes.

2 Q. Was he in the back of a patrol cruiser?

3 A. He was.

4 Q. And as you're gathering more evidence from
5 Detective Allred or he's reporting back from what the
6 Sheriff's Office is finding, more and more probable cause
7 for his arrest is getting established, right?

8 A. Yes. We're getting more evidence. There's more
9 information to support that.

10 Q. Now, he ultimately was placed under arrest not
11 until, like, early morning the next day on the 26th,
12 right?

13 A. It was after the body warrant was completed.

14 Q. So that was early morning on March 26, 2023,
15 right?

16 A. Correct.

17 Q. Okay. Throughout that, like, 9 and a half hours
18 or so from when he was stopped to when he was officially
19 arrested, did Dr. Kosowski do anything to dispel your
20 concerns?

21 A. No.

22 Q. Okay. Now, he expressed that he needed to use
23 the restroom, right?

24 A. Yes.

25 Q. At some point?

1 A. Yes.

2 Q. And you accommodated that?

3 A. As soon as I found out that he asked to use the
4 restroom, we made the ability for him to do that.

5 Q. How did you go about that? Like, what
6 arrangements did you make to make sure he could use the
7 restroom?

8 A. Well, I was concerned. He was detained under a
9 Terry stop, so I wanted to make sure that we could
10 lawfully remove him from the place. So we consulted with
11 the State, then we coordinated with Tarpon Springs.

12 He initially had asked that we not take him to
13 the police department, but we explained that that was
14 really the only option he had, if he wanted to use the
15 restroom. So we obtained his consent to do that, and we
16 took him to the Tarpon Springs Police Department, allowed
17 him to use the restroom, then brought him back to the
18 scene where the detention occurred.

19 Q. Now, in the meantime, a body warrant was being
20 obtained, right?

21 A. That is correct.

22 Q. That wasn't by you, though, that was by
23 Detective Moore?

24 A. Detective Moore was doing that.

25 Q. Okay. And it took some time to get that

1 warrant, right?

2 A. Unfortunately, yes.

3 Q. Do you know why?

4 A. Because they tried to do it through the
5 CloudGavel system. There wasn't a template to do it.
6 They tried to force it through some other templates. It
7 didn't work. Then they had to handwrite it. Then respond
8 to the judge's residence to have it signed, and those
9 things take time.

10 MS. SPADARO: May I have a moment to confer?

11 THE COURT: You may.

12 MS. SPADARO: I don't have any further
13 questions. Thank you.

14 THE COURT: Any redirect?

15 MR. WISE: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. WISE:

18 Q. One of the things you were asked early on in
19 cross was something about a prior altercation in the
20 bathroom.

21 Do you recall that?

22 A. Yes.

23 Q. You had come upon evidence that there was a
24 verbal altercation of some sort that had taken place
25 around the time that deposition was being conducted in

1 January, right?

2 A. That is correct.

3 Q. You didn't come upon any evidence that anything
4 became physical at that time; am I correct?

5 A. Not at that time.

6 Q. And it's really kind of unclear even what this
7 verbal altercation -- what even happened during that;
8 would you agree?

9 A. Yes.

10 Q. Okay. You were asked about a goatee and whether
11 Dr. Kosowski had ever had a goatee or if he had a goatee
12 at the time.

13 Did you come upon any evidence whatsoever that
14 he ever had a goatee at any point?

15 A. I don't know Dr. Kosowski. I only met him on
16 one occasion, and he didn't have one then. I didn't find
17 any or see any photographs or Facebook pages or anything
18 like that to indicate that he had a goatee.

19 Q. I assume, at the very least, you probably pulled
20 up a DAVID photo of him at some point when you're trying
21 to investigate --

22 A. He does not have a goatee on his DAVID photo.

23 Q. Okay. Let me ask a little bit more about the
24 utility closet. You described it somewhat as far as where
25 it's located in the office building.

1 A. Yes.

2 Q. I'm assuming you probably have become somewhat
3 familiar with that building, right, the 1501 Belcher
4 location?

5 A. Yeah, we were in there for a while.

6 Q. The utility closet is kind of in the same
7 area -- well, not kind of. It is in the same area as that
8 bathroom; would you agree?

9 A. It has a shared wall.

10 Q. A shared wall?

11 A. And it is behind the bathroom area. The
12 entrance is on the south side of the building, and the
13 entrance to the bathroom on the north side. So while they
14 butt up to one another, their entrances are on opposite
15 sides.

16 Q. And it's sort of in a common area for the
17 building. It's not actually within the law firm, right?

18 A. No. So you have the foyer with the law firm to
19 the left. Then there's like a hallway that comes in. The
20 veterinarian office goes down towards the west and the
21 south. Then there's another corridor that goes down. On
22 that corridor is where the utility closet entrance is.
23 Then there was an abandoned office -- offices back in
24 there that weren't being used.

25 Q. And where the location of that utility closet

1 is, would you agree with me that it's not unreasonable
2 that if someone is at one of those businesses, the
3 veterinarian or law office, and they're not familiar with
4 this and they go out to use the restroom, they might go to
5 that utility closet door thinking it's the restroom.

6 Would you agree that would be reasonable?

7 A. The restroom is right off the foyer when you
8 come in. So, I mean, if you exited the back room off of
9 another office, maybe, but the restroom is in a prominent
10 area in the front of the office complex.

11 Q. Okay. And the utility closet is basically right
12 across from it, though, right?

13 A. No. The utility closet -- the entrance to it is
14 around the corner from it.

15 Q. Okay. In another area that's accessible by any
16 of the businesses if you're walking --

17 A. Yeah. The other businesses have to be able to
18 access it. I'm imagining it has the breakers for all the
19 businesses in there, so they have to have access to it.

20 Q. Okay. And you were aware -- I know we discussed
21 this, but just to clarify.

22 You were aware that Dr. Kosowski had a lawful
23 right to be at the law firm and that building in January
24 when he gave the deposition -- or when he participated in
25 the deposition?

1 A. Correct.

2 Q. Okay. Let me ask a little bit more about the
3 photos that were just entered. When you were there at
4 Seaview Drive taking photographs, you were informed by --
5 was it Detective Bolton? Who actually looked at the
6 property appraiser's website to try to determine --

7 A. Detective Wedin looked it up.

8 Q. Okay. And he was trying to determine where the
9 property line was of Dr. Kosowski?

10 A. Correct.

11 Q. Did you actually look at that property appraiser
12 photograph itself? Does that look familiar to you? I
13 believe that is Defense Exhibit 1.

14 A. Yeah, that looks like it.

15 Q. That looks like the property appraiser's
16 website?

17 A. Yes.

18 Q. Well, not the website, but a photo from the
19 website.

20 Am I correct that you were informed by one of
21 those officers that a fence line is viewable in that
22 photograph?

23 A. No. There was a fence line that we saw at the
24 property.

25 Q. Right.

1 A. Yes.

2 Q. Did any of them ever tell you that there's a
3 fence line that goes all the way around the property? Any
4 of these officers who investigated the property line?

5 A. No.

6 Q. And I believe the photographs that you took
7 would have been on the south side of the property along
8 this property line, correct?

9 A. That's correct, the one between 503 and 511.

10 Q. And those are, for instance, I'm showing you
11 what's just been entered as State's Exhibit 8. I believe
12 it's a composite, so if we look at the fifth photograph,
13 you can kind of see there is a fence line right in between
14 the two residences, correct?

15 A. That's on the south side. There's also a fence
16 on the north side.

17 Q. Okay. Did you ever go on the north side?

18 A. I did.

19 Q. You did?

20 A. I was with Detective Bolton.

21 Q. Okay. When he was taking the photographs?

22 A. When he was taking the photographs of the fence,
23 and then he kind of went through marsh area, and I was
24 looking in the marsh area as well. I didn't go as deep as
25 he did.

1 Q. That was going to be my question. So you didn't
2 go into the actual marsh trails where he kind of --

3 A. I had a pair of fire boots on, so I put those on
4 because it was a marsh wetland.

5 Q. Okay.

6 A. But I didn't go all the way back to the water or
7 anything like that. I kind of stayed in the main area of
8 the marsh area.

9 Q. Because I think you testified on direct you were
10 wearing, like, dress shoes at that time, right?

11 A. No. I was wearing dress shoes when I went in to
12 do the search warrant. So when I started as a detective,
13 I became arson certified, and one of the things they did
14 is they bought us fire boots. So I kept them in the back
15 of my car just for -- in case I ever needed them.

16 Q. Okay. Did you take any photographs on the north
17 side?

18 A. No. I believe Detective Bolton took all of
19 those. He had his camera with him.

20 Q. All of yours were on the south side?

21 A. Correct.

22 Q. All right. When the search warrant of the
23 Corolla is being executed, did you ever direct Specialist
24 Klein to take blind swabs for blood of the Corolla?

25 A. I believe we had a discussion about doing blind

1 swabs on scene.

2 Q. Okay. I guess I misspoke. Not when the search
3 warrant was being executed, but while you were on scene,
4 did you ever have any discussions with Specialist Klein
5 about doing blind swabs for blood?

6 A. I believe we discussed doing blind swabs, but
7 nothing was done until the search warrant was executed.

8 Q. Well, that's your belief, right?

9 A. Yeah.

10 Q. As far as you know, nothing -- no blind swabs
11 were taken before the search warrant was executed, right?

12 A. No blind swabs were taken before the search
13 warrant was executed. There would not have been any
14 processing of that vehicle prior to the search warrant.

15 Q. Because it would have been improper to do that,
16 right?

17 A. We were waiting for a search warrant.

18 Q. Okay. You authored the search warrant?

19 A. Yes, for the Corolla.

20 Q. Right. Right. Thank you.

21 One of the things that is stated at the very end
22 is that, if needed, the vehicle may be towed from the
23 current location in front of 34 Southwest Orange Street,
24 Tarpon Springs to Largo Police Department to be searched
25 and processed?

1 A. That's correct.

2 Q. Okay. Would you agree with me the search
3 warrant did not give authorization to tow the car anywhere
4 other than the Largo Police Department?

5 A. I would agree that it says that we can take it
6 to the Largo Police Department. I am under the impression
7 that forensics can take it back to the bay to safeguard it
8 to process it.

9 Q. Okay. What I'm asking --

10 A. Again, I think that that was like a dropdown
11 that something had to be put in there.

12 Q. What I'm asking, though, you agree the search
13 warrant does not give authorization to take it anywhere
14 other than Largo Police Department in the text of the
15 search warrant?

16 A. Within that text, no.

17 Q. Did you relay that to any of the fellow officers
18 that were executing the search warrant?

19 A. I did not.

20 MR. WISE: Nothing further.

21 THE COURT: Anything else?

22 MS. SPADARO: Briefly.

23 THE COURT: Okay.

24 MS. SPADARO: Sorry.

25

1 REXCROSS-EXAMINATION

2 BY MS. SPADARO:

3 Q. Detective Hunt, where is the Corolla now?

4 A. The Corolla is currently located at Joe's
5 Towing.

6 Q. And do you have -- does Largo Police Department
7 have a contract with Joe's Towing?

8 A. We do. Joe's Towing does all of our long
9 storage -- long-term storage for vehicles for our traffic
10 homicides and for our homicide investigations.

11 Q. So all the vehicles for any of your
12 investigations are housed at Joe's Towing, correct?

13 A. Correct.

14 Q. So, ultimately, it did end up to where Largo
15 Police Department is contracted with where it stores
16 vehicles?

17 A. That is where our evidence division stores
18 evidentiary vehicles, yes.

19 MS. SPADARO: No further questions.

20 THE COURT: Thank you, sir. You may step down.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: All right. Mr. Brunvand, have you
23 decided if you're going to call your other witness or
24 not.

25 MR. BRUNVAND: Yes. Sergeant Jacob Miller.

1 THE COURT: All right. Well, let's take a
2 break. Let's take a 10-minute break.

3 Then, State, how many rebuttal witnesses do you
4 have?

5 MR. VONDERHEIDE: It depends on if Defense is
6 done, whoever is left kind of, but it will be quick.
7 So I've -- are you done after Miller? Maybe?

8 MR. BRUNVAND: I think we can stipulate to
9 Klein. Klein would testify that the 11 blind swabs
10 were done and tested negative for --

11 MR. VONDERHEIDE: Stipulated right now.

12 THE COURT: All right. Done deal.

13 MR. VONDERHEIDE: It's a done deal.

14 So, I'm sorry, Melton, with Tarpon; Moore with
15 Largo PD, Levesque with the Sheriff's Office.

16 THE COURT: Okay.

17 MR. VONDERHEIDE: That's it.

18 THE COURT: Charlene, do you want 10 minutes or
19 15?

20 THE COURT REPORTER: 10 minutes.

21 THE COURT: Very good. See you in 10 minutes.

22 (Break taken.)

23 THE COURT: All right. Defense, please call
24 your next witness.

25 MR. BRUNVAND: Jacob Miller.

1 THE BAILIFF: Step this way, stand right here.
2 Face the clerk, raise your right hand to be sworn.

3 (Witness was duly sworn on oath.)

4 THE BAILIFF: Come have a seat up here. Adjust
5 the mic. Speak in a loud and clear voice for the
6 Court.

7 THE COURT: You may inquire.

8 DIRECT EXAMINATION

9 BY MR. BRUNVAND:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. Please state your name.

13 A. Jacob Miller.

14 Q. And how are you employed?

15 A. A sergeant with the Tarpon Springs Police
16 Department.

17 Q. And how were you employed back in March of 2023?

18 A. I was a detective with the agency.

19 Q. Okay. So you've been promoted since then?

20 A. Yes, sir.

21 Q. Congratulations.

22 A. Thank you, sir.

23 Q. What was your involvement in this case?

24 A. I was called out by Detective Sergeant Crawford
25 at the time to come assist with the search, execute a

1 search warrant of a residence in Tarpon Springs.

2 Q. Okay. And he's now Major Crawford?

3 A. Yes, sir.

4 Q. So you did not enter the property with the SWAT
5 team that night, I'm assuming?

6 A. No, sir.

7 Q. Did you have, like, a body camera or recording
8 device with you when you went to the 511 Seaview?

9 A. I had it, yes, sir.

10 Q. Was it functioning?

11 A. It was functioning, sir.

12 Q. Was it charged?

13 A. It was charged. It was not on.

14 Q. Okay. It was charged and then you said it was
15 not on?

16 A. Correct.

17 Q. Okay. And was it not on because Major Crawford
18 told you not to record?

19 A. Major Crawford or Detective Sergeant Crawford at
20 the time indicated that we were not going to be utilizing
21 our body cams at that time.

22 Q. Right. And he was your superior, right, at the
23 time?

24 A. Yes, sir.

25 Q. Okay. So when he tells you not to utilize the

1 body camera, you don't utilize the body camera, right?

2 A. Yes, sir.

3 Q. Okay. Which part of the property did you
4 search?

5 A. I was responsible for searching the second
6 floor, which was the living quarters of the residence.
7 Bedrooms, bathroom, kitchen, living area.

8 Q. Okay. Was the search broken up into teams?

9 A. It was, sir.

10 Q. All right. So your team was responsible for the
11 second floor?

12 A. Yes, sir.

13 Q. And who was on your team?

14 A. Detective Moore from Largo Police, myself, there
15 was a Pinellas County Sheriff's Office forensic
16 technician, and then ASA Spadaro.

17 Q. So there's four of you?

18 A. Yes, sir.

19 Q. So the four of you are walking around as a group
20 doing the search or do you spread out and do your own
21 thing?

22 A. We were in a group, sir.

23 Q. As a group?

24 A. Yes.

25 Q. Okay. Would members of Largo Police Department

1 maybe point out something of interest for you to look at?

2 A. Again, based on my review of the search warrant,
3 seeing what the scope of the search warrant was, specific
4 items that were of interest in the search warrant and
5 named in the search warrant, I opened closets,
6 compartments, drawers, cabinets where those items would
7 reasonably be either held or concealed in.

8 Q. Okay. But my question was: Would members of
9 Largo Police Department direct you to certain items?

10 A. They would not direct me, no, sir. I conducted
11 the search on, again, based on the contents of the search
12 warrant of what items they were seeking, where they would
13 be reasonably believed to be either contained or held,
14 that's where I conducted the search.

15 Q. Okay. So Detective Moore with Largo was on your
16 team, right?

17 A. Yes, sir.

18 Q. So he never instructed you or pointed out
19 potential evidence during the search?

20 A. He did not instruct at all. If I opened a
21 drawer or a closet or a cabinet and there was something
22 that he may have seen that was relevant to the
23 investigation, he may have indicated that.

24 Q. Okay. So he may have pointed out evidence that
25 he thought might be relevant to the investigation?

1 A. He may have indicated that, yes, sir.

2 Q. Okay.

3 A. He would have had more knowledge of the
4 thoroughness of the investigation than I would have.

5 Q. All right. And it's his case or it's Largo's
6 case, right?

7 A. Yes, sir.

8 Q. Okay. So when he points out something that he
9 believes is of value, you're going to pay extra attention
10 to that, right?

11 A. Yeah. Again, if it was something that I
12 observed that was in the search warrant --

13 Q. Sure--

14 A. -- that I thought was relevant and I saw it,
15 then it would be identified as potential evidence and that
16 would be relayed to the forensic technician that was
17 assigned to us to document.

18 Q. Okay. But what about Assistant State Attorney
19 Spadaro, were there any instructions from her regarding
20 how to conduct the search?

21 A. Just that Tarpon Springs officers or detectives
22 were the ones that were going to be conducting the search.

23 Q. Okay. What about if when Moore would point
24 something out, was there any communications about maybe
25 you shouldn't participate and let Tarpon Springs do the

1 search?

2 A. She did not point anything out.

3 Q. Okay. So she didn't say anything?

4 A. She didn't point any items of evidence out.

5 Q. Right. But did she comment on what Detective
6 Moore did with Largo Police Department?

7 A. Not to my recollection.

8 Q. What about the forensic person that was on your
9 team?

10 A. No, sir. They were strictly to document and
11 collect evidence.

12 Q. And who was that?

13 A. I do not recall their name.

14 Q. All right.

15 Who was on the second team?

16 A. That was at the time Detective Sergeant
17 Crawford. I don't know who was assigned to his team, but
18 presumably would have had a Largo representative and,
19 again, an evidence technician.

20 MR. BRUNVAND: Okay. Could I have a moment?

21 THE COURT: Yes.

22 BY MR. BRUNVAND:

23 Q. You're familiar with Detective Bolton from Largo
24 Police Department; are you not?

25 A. Just through this investigation.

1 Q. Sure. He is the lead detective on the case,
2 right?

3 A. Yes, sir.

4 Q. Did you instruct him to handle any of the
5 evidence?

6 A. No. I never -- I didn't really have any
7 interaction with him at all that night, and that's really
8 the only interaction I've ever had with them.

9 MR. BRUNVAND: Okay. Thank you.

10 THE COURT: Any cross-examination?

11 MR. VONDERHEIDE: Just one.

12 CROSS-EXAMINATION

13 BY MR. VONDERHEIDE:

14 Q. Tarpon Springs PD, do you guys use Pinellas
15 County Sheriff's Office Forensic Unit for your major crime
16 scenes?

17 A. Yes, sir.

18 Q. And do you use them for all crime scenes or just
19 major crime scenes?

20 A. Typically, major crime scenes.

21 Q. Homicide would count as that?

22 A. Yes, sir.

23 MR. VONDERHEIDE: All right. Nothing else.

24 THE COURT: Any redirect?

25 MR. BRUNVAND: No, Your Honor.

1 THE COURT: All right. Thank you, sir.

2 THE WITNESS: Thank you, sir.

3 THE COURT: Any further witnesses for the
4 Defense?

5 MR. BRUNVAND: Do we have Lance Wagoner?

6 MR. VONDERHEIDE: He's out there.

7 MR. BRUNVAND: We would call Lance Wagoner.

8 THE BAILIFF: Step this way, stand right here.
9 Face the clerk, raise your right hand to be sworn.

10 (Witness was duly sworn on oath.)

11 THE BAILIFF: Come have a seat up here. Adjust
12 the mic. Speak in a loud and clear voice for the
13 Court.

14 THE COURT: Good afternoon, sir.

15 THE WITNESS: Good afternoon.

16 THE COURT: You may inquire.

17 DIRECT EXAMINATION

18 BY MR. BRUNVAND:

19 Q. Good afternoon.

20 A. Good afternoon.

21 Q. Please tell the Court your name.

22 A. Lance Wagoner.

23 Q. And how are you employed?

24 A. I'm a detective with the Largo Police
25 Department.

1 Q. How long have you been so employed?

2 A. 25 years.

3 Q. And were you a detective back in March of 2023?

4 A. I was.

5 Q. Were you present at 34 Orange Street in Tarpon
6 Springs shortly after Dr. Tom Kosowski had been detained?

7 A. I was.

8 Q. Okay. Have you had a chance to review any of
9 the body cam video footage from that event?

10 A. No.

11 Q. Okay. Do you recall being in the presence of
12 the Corolla shortly before Detective Bolton opens the
13 front driver's side door of the Corolla?

14 A. I don't recall seeing him open it. I don't know
15 when it was opened.

16 Q. Do you recall it being opened at all?

17 A. Yes.

18 Q. Okay. You just don't recall who opened it?

19 A. Correct.

20 Q. Okay. The person that opened the door, the
21 driver's side door -- and Detective Bolton has already
22 indicated that he did, but regardless of that -- then goes
23 on to flip a little switch to open the trunk, right?

24 Do you recall that?

25 A. No.

1 Q. Do you recall someone opening the trunk?

2 A. When I got there, I think the trunk was already
3 opened.

4 Q. Do you recall telling -- when the trunk -- when
5 the trunk is opened, are you sure that you arrived there
6 after the trunk was already opened?

7 A. From what I can recall, I believe, when I got
8 there, the trunk was open. I mean, I can't say for sure.
9 I don't remember for sure, but I remember seeing the trunk
10 open.

11 Q. You remember being there when the door was
12 opened, right?

13 A. Yes.

14 Q. Okay. So if I tell you that the body camera
15 video shows that the trunk is open after the door was
16 opened, then you would have been there when the trunk was
17 being opened.

18 A. Okay.

19 Q. Okay? It appears on the body cam video, and I
20 believe it's you, that you questioned whether or not you
21 needed to get a search warrant before you guys look inside
22 the trunk in the car, and Detective Bolton responds, I'm
23 just doing a cursory search.

24 Do you recall that?

25 A. I remember asking if they were going to get a

1 warrant. I don't remember what he said.

2 Q. Okay. So you do remember asking about getting a
3 warrant?

4 A. Correct.

5 Q. Before you do any searching?

6 A. Yes.

7 Q. Okay. And was that about the same time that
8 people were searching the Corolla to do --

9 A. No one searched the Corolla until they got a
10 search warrant.

11 Q. Well, they opened the door to the driver's side
12 in your presence, right?

13 A. That's what you're saying. I don't remember
14 that, because I don't remember anyone going into the car
15 until PCSO forensics got there with the search warrant.

16 Q. While we're waiting for that -- here we go. Can
17 you see it?

18 A. Uh-huh.

19 Q. All right.

20 (Body camera video published.)

21 BY MR. BRUNVAND:

22 Q. Do you recognize the person that's standing
23 there?

24 A. Yes.

25 Q. Who is that?

1 A. Detective Allred.

2 Q. All right. And at that point, all the doors
3 were closed, and the trunk was closed, right?

4 A. Yes.

5 Q. Okay. Who is that?

6 A. Well, that was me in the blue shirt.

7 Q. So you're there?

8 A. Yes.

9 Q. Okay. It looks like you're walking towards the
10 Corolla?

11 A. Yes.

12 Q. Is that you in the blue shirt?

13 A. Yes.

14 Q. Okay. Who is next to you?

15 A. That's Detective Allred.

16 Q. The person who is describing what he is seeing,
17 that sounds like Bolton?

18 A. Yes.

19 Q. Do you hear someone say don't we need to get a
20 search warrant?

21 A. Yes.

22 Q. And that was you?

23 A. That was me.

24 Q. Okay. And Bolton basically says, I'm just doing
25 a cursory search, right?

1 A. That's what he said, yes.

2 Q. Okay. So can we agree that the Corolla was
3 searched to some degree?

4 A. I mean, I don't know if I would say it was
5 searched, but he's definitely looking at the trunk. He's
6 not touching anything.

7 Q. Can you search with your eyes?

8 A. Well, yeah, but he's doing a plain view search,
9 yes.

10 Q. Well, I mean, opening the trunk is not plain
11 view, right? You can't look into that trunk unless you
12 open it?

13 A. I don't know what the reasons were he said for
14 opening the trunk.

15 Q. No. My question is strictly whether or not
16 there was a cursory search based on what we see on the
17 video?

18 A. Yes, but I can't say why he opened the trunk. I
19 don't know.

20 Q. No, I understand. I'm not asking you that.

21 A. Okay.

22 Q. Yeah, I'm not asking you why. I'm asking you,
23 if you asked about, Should we get a warrant, and Bolton
24 says, I'm just doing a cursory search, right?

25 A. That's what he said, yes.

1 Q. Okay. And then earlier when I asked you if it
2 was searched, you said, no, and --

3 A. Yes.

4 Q. -- maybe it wasn't searched to the extent that
5 you would normally consider a search, but it was searched
6 to some degree; would you agree?

7 A. Yes. He looked in the trunk, that's correct.

8 Q. Okay. Do you recall a cell phone being removed
9 from the Toyota at the scene?

10 A. Yes.

11 Q. And who was that removed by; do you recall?

12 A. I believe PCSO forensics removed the phone.

13 Q. Was it turned over to one of the detectives?

14 A. Yes.

15 Q. Who?

16 A. Detective Keith Wedin.

17 Q. Detective who?

18 A. Keith Wedin.

19 Q. Okay. And that was prior to the search that
20 takes place later on by forensics, right?

21 A. I don't recall.

22 Q. Well, it was at the scene, right?

23 A. Yes, it was at the scene.

24 Q. Okay. But you don't recall if it was prior to
25 the search by forensics at the scene?

1 A. It was after they've gotten the search
2 warrant --

3 Q. Okay.

4 A. -- and then PCSO forensics went to the car.

5 Q. Okay. To what degree? Did you witness the
6 search by the forensics at the scene?

7 A. No.

8 Q. Do you know if there even was a search at the
9 scene?

10 A. I remember them taking photographs. I don't
11 remember them -- what they were getting in the car, but I
12 remember them looking in the car.

13 Q. But you're not sure whether or not the phone was
14 turned over immediately before that or after that?

15 A. I know the phone was turned over while the car
16 was at the scene.

17 Q. While the car was at the scene?

18 A. Right.

19 Q. It did not remain in the car?

20 A. No.

21 Q. Do you know whether or not there was a specific
22 search warrant to seize the phone?

23 A. I don't know.

24 MR. BRUNVAND: Could I have a moment?

25 THE COURT: You may.

1 MR. BRUNVAND: Okay. No other questions, Your
2 Honor?

3 THE COURT: Thank you.
4 Cross-examination?

5 MS. SPADARO: Briefly, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. SPADARO:

8 Q. Detective, you didn't open the trunk, right?

9 A. No.

10 Q. You weren't the one who drafted the warrant for
11 the Corolla, right?

12 A. No.

13 Q. And never while you were on scene did you
14 collect or process any evidence from the Corolla, correct?

15 A. I never did, correct.

16 Q. Okay. Other than the opening of the trunk by
17 Detective Bolton, there was no search executed on the
18 Corolla until after the search warrant was obtained?

19 A. That is correct.

20 Q. And that search warrant was obtained and read by
21 a Tarpon Springs police officer?

22 A. That is correct.

23 Q. And after the warrant was executed by Tarpon
24 Springs, only Pinellas County Sheriff's Office forensics
25 and Tarpon Springs Police Department officers or

1 detectives collected or seized evidence, correct?

2 A. That is correct.

3 Q. Largo did not do that ever?

4 A. No.

5 Q. To your knowledge?

6 A. To my knowledge.

7 MS. SPADARO: Nothing else.

8 THE COURT: Thank you.

9 Any redirect?

10 MR. BRUNVAND: No, Your Honor. Thank you.

11 THE COURT: Thank you, sir. You may step down.

12 Any further witnesses for the Defense?

13 MR. BRUNVAND: One moment.

14 THE COURT: All right. I have another question
15 while we're at it here. You know, it's amazingly
16 important, so it may not be important at all, is the
17 person who opened up the door and the trunk. We've
18 heard that that person didn't wear gloves, but it
19 looked like the person had gloves, right?

20 MR. VONDERHEIDE: No.

21 MR. BRUNVAND: That's a different person.

22 THE COURT: Oh, okay.

23 MR. VONDERHEIDE: And he's on video wearing
24 gloves, right?

25 MR. BRUNVAND: Allred did not wear gloves.

1 MR. VONDERHEIDE: The one who shut the trunk,
2 our first witness.

3 THE COURT: Okay. The one who shut the trunk,
4 and I guess he shut the door, too?

5 MR. VONDERHEIDE: Yes, Your Honor.

6 MR. BRUNVAND: Yes.

7 THE COURT: That was a while ago now.

8 MR. BRUNVAND: John Melton, Your Honor.

9 THE BAILIFF: Stand next to me, please. Stand
10 right here. Turn and face the clerk. Raise your
11 right hand to be sworn.

12 (Witness was duly sworn on oath.)

13 THE BAILIFF: Over here, please. Have a seat.
14 Speak in a loud and clear voice for the Court. You
15 could adjust the mic accordingly.

16 THE COURT: Good afternoon, sir.

17 THE WITNESS: Good afternoon.

18 THE COURT: Mr. Brunvand, you may inquire.

19 MR. BRUNVAND: Thank you.

20 DIRECT EXAMINATION

21 BY MR. BRUNVAND:

22 Q. Good afternoon.

23 A. Good afternoon.

24 Q. Please tell the Court your full name.

25 A. John Paul Melton.

1 Q. And how are you employed?

2 A. I am a detective with the Tarpon Springs Police
3 Department.

4 Q. And back in 2023, how were you employed in March
5 of 2023?

6 A. I was a detective with Tarpon Springs Police
7 Department.

8 Q. Any particular type of crimes?

9 A. We work -- so it's a small department. We work
10 all different types of crimes. Now I'm classified as a
11 major crimes detective.

12 Q. Okay. Did you -- well, what was your
13 involvement in this case?

14 A. My involvement in this particular case, we
15 responded -- we were asked to assist the Largo Police
16 Department. They had a search warrant. We were asked to
17 assist them in the service of that search warrant.

18 Q. Okay. Did you have any involvement as far as
19 the entry of the home on Seaview -- 511 Seaview, the
20 initial entry as far as the SWAT team, did you have any
21 involvement in that?

22 A. My first assigned task was when we drove up to
23 the residence. I took a parameter position at the
24 northeast corner of the property line to the residence.

25 Q. Okay.

1 A. And I stood out there while the SWAT team did
2 their entry into the house and did all of that stuff.
3 Following what the SWAT team did, after they pulled out of
4 the house, I was told that I needed to read the search
5 warrant to the house.

6 Q. Right.

7 A. So they gave me the search warrant. I went up
8 to the front door. Then I read the search warrant to the
9 house.

10 Q. And it was your understanding at that time that
11 the house was empty, right?

12 A. Yes, sir, I believe the house was empty at that
13 time.

14 Q. Is there a particular reason why you go upstairs
15 to the front door to read it?

16 A. Well, we are reading it to that property.
17 That's the property that's governed under the search
18 warrant, so we read it to that property.

19 Q. Okay. But couldn't you do that from the
20 driveway?

21 A. We always read them at the front door, sir.

22 Q. Okay. So that's the procedure that you always
23 follow?

24 A. Yes, sir.

25 Q. All right. The reading of the search warrant is

1 on body cam video, right?

2 A. Yes, sir.

3 Q. It's activated, it's charged, it's working?

4 A. Yes, sir.

5 Q. When you read the search warrant, do you read
6 the search warrant and the affidavit or just the search
7 warrant?

8 A. Just the search warrant.

9 Q. Okay. Did you have a copy of the affidavit or
10 no?

11 A. (No response.)

12 Q. And if you don't recall, that's fine.

13 A. I'm pretty sure I did. I'm not going to tell
14 you I did -- I recall 100 percent, but I'm pretty sure
15 everything was there.

16 Q. Okay. Is it your normal practice just to read
17 the search warrant and not the affidavit?

18 A. Yes.

19 Q. Is that a policy within your department, or is
20 that's practice?

21 A. That's just the procedure of reading, you read
22 the search warrant.

23 Q. Not the affidavit?

24 A. Correct.

25 Q. Is the affidavit always left by law enforcement

1 after the search is completed or just the search warrant?

2 A. The search warrant.

3 Q. Okay. And why is that; do you know?

4 A. That's our policy and procedure. That's how we
5 do it.

6 Q. All right. You then participated -- or what's
7 the next thing that you do after you read the search
8 warrant?

9 A. After I read the search warrant, I was tasked
10 with looking through the ground floor of the residence for
11 some of the items that were listed in the search warrant.

12 Q. Okay. Did -- I think at the time it was -- what
13 was Crawford's rank back in 2023?

14 A. He was a sergeant.

15 Q. Okay. Now he is a major?

16 A. Yes.

17 Q. Did Sergeant Crawford, now Major Crawford,
18 instruct you that for purposes of the searching, you
19 needed to turn off your body cam?

20 A. No.

21 Q. Okay. Did you turn off your body cam?

22 A. No.

23 Q. Okay. So your body cam was operational during
24 the part where you were searching the property?

25 A. Yes.

1 Q. Okay. And was that uploaded at some point?

2 A. Yes.

3 Q. Okay. The people that searched both the lower
4 level and the upper level of the residence, do you recall
5 how many members of Tarpon Springs Police Department were
6 involved in the search?

7 A. All I can tell you is that now Major Crawford,
8 then Sergeant Crawford, was with me on the first floor.

9 Q. Okay.

10 A. I don't know who did -- that was -- the other
11 floors were not my responsibility, so I do not know who
12 was tasked with that.

13 Q. How many members of Largo Police Department were
14 present with you and Crawford on the first floor?

15 A. I only remember one Largo detective who was on
16 the first floor.

17 Q. And who was that, Detective Bolton?

18 A. I don't remember his name, sir.

19 Q. Okay. Do you recall --

20 A. He is on my body camera, though. You can see
21 him in it.

22 Q. Okay. Right.

23 In viewing your body cam, do you actually see
24 him looking into the truck?

25 A. He looks into the bed of the truck, yes.

1 Q. Okay. What about into the compartment, the
2 compartment driver's side or passenger's side?

3 A. I don't recall if he specifically looked in
4 there. The door was opened. At one point, I opened the
5 door.

6 Q. Right.

7 A. So he certainly could have seen in there.

8 Q. All right. Did you witness him touching
9 anything during this -- the time that you were there with
10 him?

11 A. Not that I recall.

12 MR. BRUNVAND: Okay. Could I have a moment?

13 THE COURT: You may.

14 MR. BRUNVAND: No other questions. Thank you.

15 THE COURT: Thank you.

16 Cross-examination?

17 CROSS-EXAMINATION

18 BY MR. VONDERHEIDE:

19 Q. So when you first got there, you all weren't
20 expecting to have to serve the search warrant that night,
21 right?

22 A. No, sir, I was not expecting that.

23 Q. Now, did your body camera record -- so, for
24 example, when SWAT makes an entry --

25 A. Yes.

1 Q. -- you're standing on the parameter outside of
2 the house?

3 A. I was.

4 Q. Okay. And then they tell you to go fetch the
5 search warrant paperwork, right?

6 A. Yes.

7 Q. And then if you turn around, I know it's a
8 little close, but if you need to move because the big TV
9 is so close to the witness stand.

10 Do you recall this is your body cam?

11 A. (No response.)

12 Q. If we backed it up a little bit and saw your
13 car --

14 A. I believe it is. If you play it, I can
15 certainly --

16 Q. It's already in evidence, and it's yours.

17 A. Okay.

18 Q. I'll just tell you it's yours.

19 A. It appears to be.

20 Q. So when you find out that you all have to search
21 the search warrant, Major Trill was there, right?

22 A. Yes, he was.

23 Q. And he was incredulous, to say the least, right,
24 that they would have to serve the search warrant at first?
25 He didn't believe it?

1 A. I think we were all taken by surprise that we
2 actually had to read the search warrant and participate,
3 yes.

4 Q. Okay. And he made that known?

5 A. He did.

6 Q. Major Trill was a character who would make
7 things known, right?

8 A. I don't think he -- if I refer -- if he was
9 right there and I would refer to him as being boisterous,
10 I think he would agree.

11 Q. Boisterous, yes.

12 Then Ms. Spadaro was there, too?

13 A. She was.

14 Q. Okay. And then you actually -- your
15 conversation about this whole thing is on body cam, right?

16 A. Yes.

17 Q. Let's hit play.

18 (Body camera footage was published.)

19 BY MR. VONDERHEIDE:

20 Q. So then you read the search warrant, right?

21 A. Yes.

22 Q. Okay. And then you recorded your portion -- you
23 didn't stay all night, right?

24 A. I did not.

25 (Body camera video playing while questioning

1 takes place.)

2 BY MR. VONDERHEIDE:

3 Q. You are in the residence with your body cam
4 serving the search warrant, right?

5 A. Yes.

6 Q. This is the freezer and everything he's talking
7 about?

8 A. I think first he's talking about -- he was
9 pointing at the cart that was there first, and then the
10 freezer is back there just past the -- that's the freezer
11 right there.

12 Q. Do you remember if that freezer was plugged in
13 and functioning?

14 A. The freezer was not plugged in. It was not on.

15 Q. Okay. That was like a utility cart that was
16 there?

17 A. It was like a four-wheel utility cart.

18 Q. Did you find any animals in that freezer? Any
19 Hunting products in that freezer?

20 A. I don't recall finding anything like that.

21 Q. It looks like he had some Mike's Hard Lemonade
22 down there. There's no kind of (indiscernible) or any
23 kind of hunting --

24 A. Not that I recall.

25 Q. Okay. You can see the cord -- you can see the

1 cord right across the top of the freezer there indicating
2 it was not plugged in.

3 A. Yes.

4 Q. I mean, you obviously read the warrant, right?
5 You read it out loud, so you knew what you were looking
6 for from the direction of the warrant?

7 A. I did. There were certain items listed in the
8 warrant that were specified we were looking for.

9 Q. One of them was the Toyota Tundra?

10 A. One of them was the Toyota Tundra.

11 Q. Is that it?

12 A. That is a Toyota Tundra pickup truck, yes. So
13 the bed had a tonneau cover over it.

14 Q. Do you remember if it was lockable or not?

15 A. It was lockable. It was locked at this time.
16 We couldn't see it yet.

17 Q. Did Crawford locate the keys for you?

18 A. Crawford did locate the keys. They were hanging
19 under the stairwell, or right by the stairwell there was a
20 key hanger.

21 Q. And now Major Crawford works for the Tarpon
22 Springs Police Department, right?

23 A. Yes. Then Sergeant Crawford.

24 Q. So you opened the truck. You're searching the
25 truck and Pinellas County Sheriff's Office Forensic Team

1 comes in and processes the truck? Well, they actually
2 take it to their forensic bay, right?

3 A. They do.

4 Q. And as it relates to this, the Largo guys aren't
5 getting into the truck, touching it, removing pieces of
6 evidence or anything like that?

7 A. I didn't see them touch anything as it relates
8 to the truck. They looked at the truck. They looked into
9 the bed from the outside once we opened it, but I did not
10 see them touch it or remove anything from it.

11 Q. I hesitate to say the next statement, but we
12 have 34 minutes and 46 seconds left of this video, but I
13 will say just to not play the whole thing. The rest of
14 the search, is this how it went? You searching. Maybe
15 some Largo guys milling around. One of them may have
16 left.

17 Do you remember if Detective Hunt left?

18 A. He left during -- he left at some point, yes. I
19 remember his absence.

20 Q. And do you remember Detective Bolton maybe, at
21 one point, left and maybe was taking a nap in his car or
22 something at some point?

23 A. I don't have that knowledge.

24 Q. Okay. But the way the search was conducted is
25 you were going through as a member of Tarpon Springs

1 Police Department, Pinellas County Sheriff's Office
2 forensic technicians, which you use, by the way, right?

3 A. Yes.

4 Q. For all of your major crimes?

5 A. All of my major crimes, I call out the Sheriff's
6 Office Forensic Team.

7 Q. Okay. So you guys have a contract with the
8 Pinellas County Sheriff's Office forensic team, and they
9 can search, right?

10 A. Yes.

11 Q. And you didn't see the Largo guys in your
12 presence that you were watching search anything?

13 A. Other than look around, I did not see them
14 physically touch, remove, or search anything.

15 Q. In fact, it looks like you were the one who put
16 the Fanta back on top of the unplugged freezer, right?
17 You didn't even have them do that?

18 A. I did.

19 Q. All right.

20 MR. VONDERHEIDE: So we'll spare everybody.

21 It's in evidence.

22 MR. BRUNVAND: Can we --

23 MR. VONDERHEIDE: Do you want to watch the whole
24 thing?

25 MR. BRUNVAND: No, but at least five more

1 minutes.

2 MR. VONDERHEIDE: Five more minutes?

3 MR. BRUNVAND: Yes.

4 MR. VONDERHEIDE: Okay.

5 (Video from body camera was published.)

6 BY MR. VONDERHEIDE:

7 Q. Who is that with the flashlight right there?

8 A. That is now Major Crawford.

9 Q. Detective Melton, do you know what that gizmo
10 was, that little remote? What it did?

11 A. I did some research after this. I don't know
12 100 percent what it does, but I have a reasonable guess.

13 MR. BRUNVAND: Objection. Speculation.

14 MR. VONDERHEIDE: That's fine.

15 BY MR. VONDERHEIDE:

16 Q. I think what the whole point of that was was
17 that Detective Bolton was leaning into the Tundra, right?
18 Maybe? There was a guy leaning into the Tundra --

19 A. There was someone in the doorway there --

20 Q. Correct.

21 A. -- that I saw. The doorway of the truck.

22 Q. Was he removing property from the truck that you
23 see?

24 A. I didn't see him remove anything.

25 Q. And he wasn't taking any swabs, right? He is

1 the guy in the Polo shirt and he's a detective. He's not
2 taking swabs like a forensic processing unit does?

3 A. I didn't see him take any swabs, no.

4 Q. Okay. And he certainly didn't report back, Hey,
5 I found some evidence inside this Tundra, the cab of the
6 truck, when he was leaning into it?

7 A. No. I have no knowledge of that.

8 MR. VONDERHEIDE: Did you guys need to see any
9 more?

10 MR. BRUNVAND: No.

11 BY MR. VONDERHEIDE:

12 Q. So you ended up leaving, and you had no further
13 involvement in this investigation?

14 A. That's correct.

15 MR. VONDERHEIDE: I have nothing further.

16 THE COURT: Any redirect?

17 MR. BRUNVAND: Just briefly.

18 REDIRECT EXAMINATION

19 BY MR. BRUNVAND:

20 Q. Would you agree that you can certainly search an
21 item by looking as part of searching?

22 A. I disagree with that.

23 Q. Okay. Well, I mean, because --

24 A. If I'm searching something, I'm going through
25 things. I'm looking through things. I'm moving things,

1 moving items. You can walk into a room, and you can look
2 through a room, but somebody could still be hiding in that
3 room, whether it's behind something, under the bed. To do
4 a search, you have to check those spots.

5 Q. Understood. But there are certain places that
6 you can search, for example, the interior of a car. You
7 have access to it with a search warrant, and if you are
8 going and you're looking in it, you are searching to see
9 what might be in there, right? It may not be the
10 conclusion of the search, but it is a part of the search;
11 would you agree?

12 A. Your eyes are like a video camera.

13 Q. Right.

14 A. So it records, right --

15 Q. Sure.

16 A. -- what you see.

17 Q. Sure. Then you can come to court later --

18 A. (Indiscernible.)

19 Q. You can come to court later on, and you can talk
20 about what you saw?

21 A. Sure.

22 Q. Right? So that's a search? That's a form of
23 search?

24 A. I -- not to me, sir.

25 Q. Okay. The -- I believe the instruction that we

1 heard on the video was that Largo could only advise,
2 right, could only advise? Do you remember hearing that?

3 A. I remember hearing that.

4 Q. Okay. Versus instruct, I guess, would be the
5 opposite, right?

6 A. I heard advise --

7 Q. Right.

8 A. -- from, I believe it was, Lieutenant Lomonaco.

9 Q. Okay. That was part of the instructions, right?

10 A. Yes, but there were other instructions that were
11 provided by Assistant State Attorney Spadaro.

12 Q. Okay. Indicating that they could not even
13 advise or could they advise?

14 A. No. My understanding -- I went into this
15 knowing they could advise. They could instruct me on what
16 they would like me to search.

17 Q. Okay. So your understanding was not only could
18 they advise, they could instruct you as well?

19 A. Well, that's advising, yes.

20 Q. Okay. Well, would you agree that advising
21 generally is suggesting that you may want to do something,
22 while instructing is telling them, this is what I want you
23 to do?

24 A. No. Instructing is how to do something.

25 Q. Okay.

1 A. Instructing, they teach you how to do something.
2 How to build a model or whatever.

3 Q. Sure. The bottom line is, you were told that it
4 was okay for Largo to both advise and instruct regarding
5 the search warrant.

6 MR. VONDERHEIDE: Objection. This is leading.

7 THE WITNESS: Advising. They advised me what
8 they wanted me to look at.

9 THE COURT: Overruled.

10 MR. BRUNVAND: One moment, Your Honor.

11 That's all. Thank you, Your Honor.

12 THE COURT: Any further questions?

13 MR. VONDERHEIDE: No, Your Honor.

14 THE COURT: Thank you, sir. You may step down.

15 All right. Any further witnesses for the
16 Defense?

17 MR. BRUNVAND: No, Your Honor.

18 THE COURT: State, I don't know if there's any
19 witnesses left. I think there may be one, right?

20 MR. VONDERHEIDE: Two.

21 THE COURT: Two?

22 MR. VONDERHEIDE: Yes. First one, Ashley Luth,
23 formerly Ashley Levesque.

24 THE BAILIFF: Stand next to me, please. Stand
25 here. Face the clerk. Raise your right hand to

1 receive the oath.

2 (Witness was duly sworn on oath.)

3 THE BAILIFF: Come have a seat up here. Adjust
4 the mic. Speak in a loud and clear voice for the
5 Court.

6 THE COURT: Good afternoon.

7 You may inquire.

8 DIRECT EXAMINATION

9 BY MR. VONDERHEIDE:

10 Q. Can you please state your name and spell your
11 last name for the court reporter, please.

12 A. Yes. My name is Ashley Luth. Luth is spelled
13 L-U-T-H.

14 Q. Okay. Where are you presently employed?

15 A. For the Pinellas County Sheriff's Office.

16 Q. Okay. How long have you been with the Pinellas
17 County Sheriff's Office?

18 A. Just over seven years.

19 Q. All right. What do you do there?

20 A. I'm an assistant forensic science supervisor.

21 Q. All right. For over the course of those seven
22 years, what have you done at the Pinellas County Sheriff's
23 Office?

24 A. I've been in the forensics unit the whole time.
25 Prior to getting promoted, I was a forensic science

1 specialist.

2 Q. Okay. And tell me just briefly, if you can,
3 about your training relating to crime scene
4 investigations?

5 A. I got my bachelor's degree from the University
6 of Central Florida with a major in forensic science and
7 minors in chemistry and anthropology. Once I got hired
8 with the Pinellas County Sheriff's Office, we go through
9 what we call our in-house academy. That's approximately
10 12 weeks. Then we do field training -- or, I'm sorry, the
11 in-house academy is approximately two to three weeks, and
12 then the field training is 12 weeks.

13 Q. And over the course of the seven years, it's
14 safe to say that you've -- what do you think in a week,
15 how many crime scenes do you think you've processed on
16 average?

17 A. Now that I'm a supervisor, it's a little bit
18 less, but when I was a specialist, I would say anywhere
19 from, like, 5 to 7.

20 Q. A week?

21 A. A week, yes.

22 Q. I won't do the math. I've been called out for
23 that earlier before, but it's 5 to 7 a week, essentially,
24 for 7 years?

25 A. Correct.

1 Q. Now, in this particular case, were you called
2 out to 1501 Belcher to process a bathroom?

3 A. Yes.

4 Q. And other various locations in the building,
5 right?

6 A. Correct.

7 Q. Did you wear gloves when you process?

8 A. I did.

9 Q. Do you wear booties on your shoes when you
10 process?

11 A. Yes.

12 Q. And then how often do you change these things
13 out, the gloves? Are gloves more than booties or just
14 tell me about that.

15 A. Yes, gloves more than booties.

16 Q. All right. So how often do you change the
17 gloves out?

18 A. Any time I need to touch anything for possible
19 DNA or just to prevent contamination.

20 Q. Okay. Now, there's one thing I want to ask you
21 about specifically from Supplement Number 5, which I
22 believe might be your first supplement related to 1501
23 Belcher.

24 A. Okay.

25 Q. Did you do phenolphthalein tests at 1501

1 Belcher?

2 A. I did.

3 Q. All right. And did you document all of the
4 results of your phenolphthalein tests?

5 A. Yes.

6 Q. Okay. And we can work on spelling later if we
7 need to. No? Okay.

8 And that's a presumptive positive, right, for
9 blood or not blood?

10 A. It is a presumptive test for blood, yes.

11 Q. Now, it can -- like, cabbage soup, right, could
12 maybe trigger it? This is a possibility; do you know?

13 A. I know horseradish and potato.

14 Q. Horseradish and potato?

15 A. Yes.

16 Q. Certain -- is there any -- well, what is it
17 about that? Do you know what it is about horseradish or
18 potato that could trigger it?

19 A. I do not know, no.

20 Q. Okay. But in the totality of your
21 investigation, you had no indication that somebody, for
22 example, spilled horseradish or potato soup or something
23 in this bathroom, right?

24 A. That's correct.

25 Q. So you did a presumptive test on the -- there

1 was, like, a smudge on the bathroom door, do you remember
2 this, on the exterior of the bathroom door?

3 A. Yes.

4 Q. And you did a phenolphthalein presumptive test
5 on the door?

6 A. I did on the exterior of the door, yes.

7 Q. And was that red smudge that was on the door, on
8 the men's bathroom door exterior, was that positive for
9 the presence of blood?

10 A. May I refer to my report?

11 Q. You may. Page 5 of 7, Supplement Number 5.

12 A. Yes, I obtained positive results for that area.

13 Q. So when you do a crime scene, you document the
14 scene, right, through photographs?

15 A. I do the OSCR360, so --

16 Q. OSCR --

17 A. -- photos in this instance, but, yes.

18 Q. All right. OSCR360 is kind of like what FARO is
19 or --

20 A. Kind of.

21 Q. Kind of? Okay. But it makes like a 360
22 degree -- almost like a real estate listing kind of
23 picture, right?

24 A. Yes.

25 Q. So you did that. So that's like documentation?

1 A. Correct.

2 Q. You keep notes, right?

3 A. Yes.

4 Q. Labels?

5 A. Yes.

6 Q. Then you also collect evidence, right?

7 A. Yes.

8 Q. And you process it? This would be part of the
9 processing, right? Collecting and processing?

10 A. Correct.

11 Q. Then it's shipped off to the DNA analyst, and
12 you're not really privy what happens from there, right?

13 A. I submit it to property and evidence, and where
14 it goes from there is not up to me.

15 Q. Okay. So for today until six weeks from now,
16 perhaps, we're going to table 1501 Belcher at this point.

17 But did you also process a Toyota Corolla in
18 this case?

19 A. I did.

20 Q. Okay. And where was that Toyota Corolla
21 processed, and what day, if you can remember?

22 A. It was at our vehicle processing bay. May I
23 refer to my report for the date?

24 Q. You may.

25 A. That was on March 25th of 2023.

1 Q. All right. When you say your "processing bay,"
2 is that right across the street, essentially?

3 A. Yes.

4 Q. Where the rest of your office is --

5 A. Yes. That's just north of our office, but yes,
6 it's right there.

7 Q. When you were there, who was with you from your
8 agency?

9 A. It was assistant supervisor Ateka Sanford.

10 Q. Okay. So it's you and Ateka Sanford and you're
11 processing the Corolla?

12 A. Correct.

13 Q. And when I say "process," you're collecting
14 evidence from it?

15 A. Yes.

16 Q. Swabs?

17 A. Yes.

18 Q. Removing items?

19 A. Yes.

20 Q. Was a member of Largo Police Department there?

21 A. Yes.

22 Q. Was a member of -- do you remember his name?

23 A. Detective Allred was with me.

24 Q. Was Allred participating in that search?

25 A. No.

1 Q. Okay. So what was he doing?

2 A. He was standing there and observing what we were
3 doing.

4 Q. Was there a substantial amount of U.S. currency
5 found in Dr. Kosowski's Corolla?

6 A. Yes.

7 Q. Do you recall the amount?

8 A. I do not.

9 Q. And why do you not recall the amount? Did you
10 count it yourself?

11 A. I did not count it.

12 Q. All right. Did somebody assist you in counting
13 out the 280-plus-thousand dollars?

14 A. The money was turned over to Detective Allred
15 because we don't collect money, and I believe he counted
16 it with someone else. I don't know who.

17 Q. Okay. When you collect evidence for, let's say,
18 Tarpon Springs or Largo Police Department, are you aware
19 that they transferred the custody of that evidence that
20 you collect to those different agencies?

21 A. Yes.

22 Q. All right. And do you -- for Largo Police
23 Department in particular, do you -- obviously, I mean, in
24 this case you did, but do you process a lot of major crime
25 scenes for them?

1 A. Yes.

2 Q. Is it all of their major crime scenes?

3 A. Yes.

4 Q. Tarpon Springs, the same question.

5 A. Yes.

6 Q. All the major crime scenes?

7 A. Yes.

8 MR. VONDERHEIDE: May I have a moment?

9 THE COURT: You may.

10 MR. VONDERHEIDE: Nothing else.

11 THE COURT: All right.

12 Any cross-examination?

13 CROSS-EXAMINATION

14 BY MR. BRUNVAND:

15 Q. Good afternoon.

16 A. Good afternoon.

17 Q. You testified about -- I believe you asked about
18 a smear on the door at the Belcher location?

19 A. Yes.

20 Q. And I believe the question was: Did it test
21 positive for blood?

22 A. For possible blood.

23 Q. Possible blood?

24 A. Yes?

25 Q. Presumptive blood, right?

1 A. Correct.

2 Q. Which is not the same as testing positive for
3 blood; would you agree?

4 A. We always say positive -- or, I'm sorry,
5 possible.

6 Q. Possible, right.

7 A. Yes.

8 Q. The only time you would say "blood" would be if
9 you had, in fact, a confirmation test that it was, in
10 fact, blood?

11 A. That's not a test that we do, so --

12 Q. No, I understand.

13 So you would -- for you, it would always be
14 possible blood?

15 A. Correct.

16 Q. Not actual blood?

17 A. Correct.

18 Q. Okay. And the processing bay where you
19 conducted the search is right across the street here?

20 A. Yes.

21 Q. Okay. Not at the Largo Police Department?

22 A. Correct.

23 Q. Not in the City of Largo?

24 A. No.

25 MR. BRUNVAND: Okay. Could I have one moment,

1 Your Honor?

2 THE COURT: You may.

3 MR. BRUNVAND: I have no other questions, Your
4 Honor.

5 MR. VONDERHEIDE: She may be excused.

6 THE COURT: All right. Thank you, ma'am.
7 State, please call your next witness.

8 MR. VONDERHEIDE: The State calls Detective
9 Bobby Moore with the Largo Police Department.

10 THE BAILIFF: Step this way, stand right here.
11 Face the clerk, raise your right hand to be sworn.

12 (Witness was duly sworn on oath.)

13 THE BAILIFF: Come have a seat up here. Adjust
14 the mic. Speak in a loud and clear voice for the
15 Court.

16 THE COURT: Good afternoon.

17 You may inquire.

18 DIRECT EXAMINATION

19 BY MR. VONDERHEIDE:

20 Q. Detective, please state your full name and spell
21 your last name for the court reporter, please.

22 A. It's Detective Lance Moore. I go by my middle
23 name. My last name is M-O-O-R-E.

24 Q. Where are you presently employed, sir?

25 A. Largo Police Department.

1 Q. How long have you been there?

2 A. It will be 21 years next month.

3 Q. Current assignment there?

4 A. My current assignment is cybercrimes in the
5 Investigative Services Division.

6 Q. Were you the same thing back in March of 2003?

7 A. Yes, sir.

8 Q. Training and experience? It's a lot, right?

9 A. Yes.

10 Q. In 21 years, tell me the different units that
11 you've been in over the 21 years.

12 A. I've been a field training officer. I've been a
13 crime scene investigator. I've been on our SWAT team.
14 And with the Investigative Services Division, I've done
15 property crimes as a detective, crimes against person, and
16 now cybercrimes.

17 Q. All right. So in this particular case, your
18 main role was actually doing a lot of the electronic work?

19 A. Yes, sir.

20 Q. Cell phones, that kind of thing?

21 A. Yes, sir.

22 Q. Tell me about your training for homicide
23 investigations. What do you have for training?

24 A. Well, as a crimes against persons detective
25 previously, I've investigated homicides. I've been the

1 lead detective in four homicides, in addition to IPTM
2 training that's for homicide investigations.

3 Q. On March 25, 2023, you had already done some
4 work on this case of Steven Cozzi having been missing?

5 A. Yes.

6 Q. Had you reviewed surveillance video?

7 A. Yes.

8 Q. And what else? And you actually were at 511
9 Seaview?

10 A. Yes.

11 Q. And you were there to assist Tarpon Springs
12 should they need it on the search warrant?

13 A. Yes, on the night of the 23rd.

14 Q. All right. On the night of the 23rd at 511
15 Seaview it became abundantly clear to everybody in
16 attendance that this was going to have to be Tarpon
17 Springs and Pinellas County Sheriff's Office obligation to
18 serve this warrant or job to serve this warrant?

19 A. Yes.

20 Q. Were you a part of the team that went inside who
21 was with a Tarpon Springs detective?

22 A. Yes, I went inside, I believe, at approximately
23 2:50 a.m. on the -- that Thursday, so I believe that would
24 be the 24th, with Detective Miller of the Tarpon Springs
25 Police Department.

1 Q. All right. Were you actively searching
2 anything?

3 A. I just followed Detective Miller around.

4 Q. And was there a reason that you were not
5 actively searching anything?

6 A. Yes. We were told repeatedly by the attorneys
7 for the State that we were not allowed to physically
8 search for any items.

9 Q. So as a result, you didn't do that, right?

10 A. Correct.

11 Q. Sheriff's Office collected. Tarpon Springs
12 opened and looked in, these kind of things, right?

13 A. Yes.

14 Q. So let's fast forward to March 25th. Were you
15 actually working that day? Like on shift on that day?

16 A. The 25th being a Saturday?

17 Q. It was a Saturday, yes.

18 A. Saturday? No, I was not.

19 Q. At some point, did you get called out or called
20 in or called to do a search warrant to process the person
21 of Dr. Kosowski?

22 A. Yes. If I recall correctly, I was with family
23 when I was notified that a stop had been made and that
24 Mr. Kosowski was in custody and requested to start working
25 on a search warrant.

1 Q. Do you recall independently, or can you refresh
2 your memory from your report, about what time that was?

3 A. I believe it was approximately 5:00 p.m. on the
4 25th.

5 Q. All right. So at that point, did you have to
6 begin drafting probable cause for said warrant?

7 A. Yes. I drove home. I had my work computer,
8 began working on that draft, the search warrant.

9 Q. And had you had any of their probable cause
10 written out yet for a search warrant in this particular
11 case?

12 A. No, sir, because I didn't have knowledge
13 beforehand that I would have to write that.

14 Q. Okay. So you had to write the probable cause
15 affidavit essentially from scratch and notes or whatever
16 you had?

17 A. Yes.

18 Q. And, of course, you have to source it, right?
19 Your affiant knows these things from some capacity, right?
20 So that had to go on throughout the process for that?

21 A. Yes.

22 Q. Upon or during, I guess, of writing that
23 probable cause -- well, how long did that take you to
24 write the probable cause out?

25 A. I don't know exactly, but it took several hours

1 to write that.

2 Q. Okay.

3 A. I mean, I've authored several search warrants in
4 my time of almost 21 years, and it is a timely process.

5 Q. I mean, when you say "timely process," tell us
6 about that. What does that mean?

7 A. Well, the typical process would be that we would
8 draft a search warrant. As you said -- previously stated,
9 gathering the information, the facts of the case, typing
10 that out, sending that to the State Attorney that's
11 assigned to work with us. They review it.

12 We're typically making repeated edits going back
13 and forth with that, which then leads to a final result of
14 contacting the on-duty judge then arranging a time and
15 date to meet with them.

16 Q. Now, around this time we had a new useful tool
17 for making the process more streamlined and efficient,
18 isn't that right, CloudGavel?

19 A. Yes, it was being rolled out.

20 Q. All right. Now you are well-versed in
21 CloudGavel, you do a lot of warrants from there?

22 A. Yes, sir.

23 Q. At the time, it had just gone live for, what,
24 maybe a month, if that?

25 A. I believe so, yes.

1 Q. So in CloudGavel, for anyone reading this
2 transcript ever in the future, there's a box where you
3 type in your PC, right?

4 A. Yes. It's made to be simple for investigators
5 in almost a template from?

6 Q. And it's very simple if there's actually a
7 template in there for what you're searching for, right?

8 A. Yes.

9 Q. Was there a template in there for searching a
10 person back in March of 2023?

11 A. No.

12 Q. Did we, collectively, I guess, attempt to have
13 the CloudGavel corporation do something that night to get
14 one in there?

15 A. Yes. If I recall correctly, I believe you and I
16 had spoken about that, and then you had contacted
17 CloudGavel themselves or the person responsible for
18 CloudGavel, trying to see if they could provide a template
19 for that.

20 Q. And we never got a template, right?

21 A. No, sir.

22 Q. Okay. So as a result, did you have to do the
23 warrant the old-fashioned way?

24 A. Yes.

25 Q. And by "old-fashioned way," I mean pen and paper

1 and printing it out?

2 A. Yes. I had to type it out. Then once the
3 warrant was finally -- the edits were done and approved, I
4 recall meeting you here at the courthouse so that it was
5 printed up.

6 Q. All right. So another stage in the process is
7 you actually have to physically print out the three copies
8 of it, right?

9 A. Yes, sir.

10 Q. And was there an investigative decision made to
11 seal said search warrant?

12 A. Yes, sir.

13 Q. And as a result of sealing the search warrant,
14 you have to actually -- we jokingly refer to it as an arts
15 and crafts project, because you have to get envelopes,
16 tape, Sharpies, and these kinds of things, right?

17 A. Yes, sir.

18 Q. And all of those things were obtained?

19 A. Yes, sir.

20 Q. From the courthouse, did we then have to
21 actually meet Judge Bulone in person?

22 A. Yes.

23 Q. Then do you recall independently, or can you
24 review -- refresh your recollection from your notes
25 approximately what time it was that the warrant was

1 actually signed?

2 A. I recall it was approximately 11:50 that night,
3 I believe.

4 Q. Okay.

5 A. The night of the 25th.

6 Q. Okay. And it's not -- other than, say, driving
7 to meet at the criminal courthouse, the justice center
8 right here, and formatting and sending back, were you
9 doing anything else in between? Taking any long breaks or
10 lounging by the pool or anything in there?

11 A. No, sir. It was a matter of making the edits,
12 revising the edits, then creating our plan to when to come
13 here and to drive to get that signed.

14 Q. So once it's signed, you need to give a physical
15 copy of said warrant to whoever is serving it, right?

16 A. Yes.

17 Q. And in this case, it was the Sheriff's Office
18 that was going to serve it?

19 A. At that point in time, I had driven back to meet
20 with detectives who were on scene at Tarpon Springs, and I
21 provided the warrant to Detective Hung who was going to
22 then hand that to the Sheriff's Office.

23 Q. Okay. And the deputy actually came out with the
24 forensics person to serve the warrant?

25 A. From what I recall, yes.

1 Q. Did you stay for that part?

2 A. No, sir.

3 Q. Okay. So when it was actually -- when the
4 writing, the printing, the sealing, the signing with the
5 Sharpie on the seal, the driving the warrant to where the
6 Sheriff has to come serve it on Dr. Kosowski, did you stop
7 and get dinner or --

8 A. No.

9 Q. Nothing?

10 A. No, sir.

11 Q. It was all one continuance event for you?

12 A. Yes, sir.

13 MR. VONDERHEIDE: I have nothing further.

14 THE COURT: Thank you. Any cross?

15 MR. VONDERHEIDE: Actually, one second, Your
16 Honor. Nothing further. Thank you, Your Honor.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MR. BRUNVAND:

20 Q. Good evening.

21 A. Good evening.

22 Q. You participated in -- I believe you testified
23 you participated in the search warrant at Seaview; is that
24 correct?

25 A. Yes, sir.

1 Q. All right. And at the time, did you have a body
2 camera?

3 A. No, sir.

4 Q. Did you have the app on your phone where you
5 could activate your phone to work as a --

6 A. I don't recall. They were just being released
7 to our department, from my memory, at that time.

8 Q. So if Bolton had the app on his phone, you would
9 likely have the app on your phone?

10 A. Potentially, yeah. I would imagine so, yes.

11 Q. All right. You don't think he got it way in
12 advance of you?

13 A. I don't believe so, no.

14 Q. Probably usually when those things happen, it's
15 provided to all the detectives at the same time, right?

16 A. I would imagine so, yes.

17 Q. Okay. But you did not -- you did not use that
18 device, right?

19 A. No, sir.

20 Q. During the search warrant?

21 A. No, sir.

22 Q. Were you instructed by anyone not to use it?

23 A. No, sir.

24 Q. It was just a discretionary decision on your
25 part?

1 A. Yes, sir.

2 Q. All right. Who instructed you to prepare the
3 body warrant affidavit?

4 A. I don't recall at the time. I don't know if it
5 potentially would have been Detective Bolton or Hunt.

6 Q. Most likely one of the two of them?

7 A. Probably so, yes.

8 Q. Mr. Vonderheide talked about, you know, how you
9 had to write it from scratch. I assume writing it from
10 scratch includes a little bit of cutting and pasting?

11 A. Potentially because you're using documented
12 reports as well, and information that is known to you.

13 Q. Right. And presumably, you had the two prior
14 warrant affidavits that had been prepared, right?

15 A. They would have been issued previously, yes.

16 Q. Right. And you had access to those, and you
17 could cut and paste those things into your affidavit?

18 A. They could have been used, but they also have to
19 be read to verify the information and what is known to me.

20 Q. No, of course. Of course. You're not just
21 going to rely on that, but certainly, a big chunk of this
22 affidavit included a narrative that had already been
23 prepared by fellow officers?

24 A. Yes. A lot of the information and facts were
25 very similar.

1 Q. Okay. I want to make sure the time that you
2 started the process of putting together the affidavit was
3 5:00 p.m. on the 25th?

4 A. If I recall correctly, that would have been the
5 approximate time that I had received the phone call and
6 request and began that process, which I then had to drive
7 back to my home to get my work computer to start that,
8 yes.

9 Q. Okay. So when you got the call, you were not at
10 home?

11 A. Correct.

12 Q. So you drove home.

13 How long did it take for you to get home?

14 A. Approximately 20 to 30 minutes, I guess.

15 Q. Then you had a work computer at the house that
16 you could use?

17 A. Yes, my Department computer, yes.

18 Q. Sure. Then presumably, it has some sort of a
19 word processing program?

20 A. Yes.

21 Q. And then via e-mail, presumably, the other
22 affidavits were shared with you for your review and
23 incorporation as you please?

24 A. I would imagine so, yes.

25 Q. Okay. So about 5:20, 5:30 is when you actually

1 started drafting the affidavit?

2 A. I would say approximately at that time, yes.

3 Q. Okay. Was it your conclusion that there was
4 sufficient probable cause at that time, or were you
5 instructed by Boston or Hunt?

6 A. To complete the body warrant?

7 Q. Yes.

8 A. Yes.

9 Q. That was your decision?

10 A. Yes.

11 Q. Okay. Were you instructed by them, though, that
12 they believed that there was probable cause?

13 A. Well, I wasn't instructed by them technically
14 per say, no. It was my belief that there was probable
15 cause for that.

16 Q. Which was based on the information they provided
17 you, right?

18 A. We had all worked together starting on the 21st
19 to lead up to the 25th. So a lot of the information and
20 facts were known by all of the detectives involved.

21 Q. Okay. And what time did you actually try to
22 submit it to CloudGavel when you determined that there was
23 an issue?

24 A. As soon as we would have logged on to
25 CloudGavel, there was no form of a template for a body

1 warrant. There is now, but at that time, there was not.

2 Q. Okay. So almost immediately you learned that
3 you can't use CloudGavel?

4 A. Correct. No for a body warrant for DNA.

5 Q. Okay. And then you contact Mr. Vonderheide?

6 A. Yes.

7 Q. And he contacts the company that runs
8 CloudGavel?

9 A. From my recollection, yes.

10 Q. And how much of a time period do we have from
11 when you immediately find out that it's not working until
12 you're advised by Mr. Vonderheide that it's not going to
13 work, and we had to do it the old-fashioned way?

14 A. If I had to guess from memory, I would estimate
15 maybe an hour.

16 Q. Okay. So at this point, it's maybe 6:30, 7:00
17 at the most?

18 A. I would imagine so, yes.

19 Q. Okay. And you indicated you had a work computer
20 at home. Did you also have a work printer and paper at
21 the house?

22 A. No, sir.

23 Q. Okay. So were you communicating with Mr.
24 Vonderheide, and was he able to assist you with printing,
25 or did you have to do the printing?

1 A. We met here at the courthouse, where he was able
2 to print out the search warrants.

3 Q. Okay. And what time was that?

4 A. I don't recall exactly. I know it was at
5 nighttime, potentially 10:00 or so, 10:30.

6 Q. So even though at 6:30 or 7:00, you learned that
7 CloudGavel was not going to work, it's another almost
8 three hours before you meet here at the courthouse?

9 A. I believe so, yes, approximately.

10 Q. Okay. I'm assuming it didn't take you that long
11 to actually draft the affidavit, considering the fact that
12 you already had two prior narratives of the majority of
13 what's in your affidavit?

14 A. I'm not exactly sure how many drafts were made
15 or revisions or edits were made, but it was just a matter
16 of me getting -- drafting the search warrant, submitting
17 it to Mr. Vonderheide. Any revisions that may have needed
18 to be made, making those, and sending it back.

19 MR. BRUNVAND: Can I have a moment?

20 THE COURT: You may.

21 MR. BRUNVAND: No other questions.

22 THE COURT: Thank you.

23 Any redirect?

24 MR. VONDERHEIDE: Real quick.

25 REDIRECT EXAMINATION

1 BY MR. VONDERHEIDE:

2 Q. Six hours from start to finish drafting a search
3 warrant the old-fashioned way, driving around to get it
4 signed and get it delivered, that's actually pretty
5 efficient, wasn't it, before CloudGavel?

6 A. Yes, sir.

7 MR. VONDERHEIDE: Okay. I have nothing else.

8 THE COURT: Thank you, sir. You may step down.

9 THE WITNESS: Thank you.

10 THE COURT: State, any other witnesses?

11 MR. VONDERHEIDE: We rest our rebuttal case.

12 THE COURT: All right. Any rebuttal by Defense?
13 Any other witnesses?

14 MR. BRUNVAND: No, Your Honor.

15 THE COURT: So here's our choices, neither of
16 which may be that popular. One is we hear argument
17 and then I rule on things, or we can do that sometime
18 next week. I don't really want to go beyond next
19 week because it's a lot easier for me to remember
20 things for one week as opposed to more than one week.

21 So it just so happens my Monday afternoon
22 cleared up, so that would be, what, four days from
23 now, and my Friday afternoon cleared up.

24 MR. VONDERHEIDE: Your Honor, I don't anticipate
25 saying much more than my memorandum of law, which I

1 filed in both the residence and in the Corolla. And
2 then I didn't file one in the body warrant, but I
3 wasn't -- I think it's all related.

4 I think the only argument is the reasonableness
5 of the detention for Detective Moore and the body
6 warrant. So I would say let's go tonight. I'm
7 starting jury selection on Monday for a one-week-long
8 case.

9 THE COURT: All right. Let's take a five-minute
10 break and then we will be back.

11 (Break taken.)

12 THE COURT: You may be seated. All right. It's
13 the Defense motion. If they would like to go first,
14 they may.

15 MR. WISE: Thank you, Your Honor.

16 Your Honor, there are several reasons why the
17 evidence that was obtained from all three of these
18 warrants are subject to suppression. The reasons
19 are, essentially, laid out in our motions and
20 memorandum, but to go back over them now that we've
21 had the evidentiary hearing.

22 First, starting with the, I guess, the first
23 warrant that was executed, the one of the residence
24 at 511 Seaview, there's no probable cause by that
25 point or really at any point any of these warrants

1 are authored that any crime has been committed,
2 particularly not on first-degree murder based on
3 what's known to law enforcement.

4 That search warrant affidavit is authored about
5 48 hours after, I believe, Mr. Cozzi is reported
6 missing. Obviously, Mr. Cozzi has not been found and
7 still hasn't to this day. I acknowledge that the
8 disappearance is suspicious, and they certainly
9 had -- law enforcement had reason to investigate
10 further what may have happened, but by the time they
11 issued this or authored the search warrant affidavit,
12 there's nothing to suggest that a first-degree murder
13 has taken place.

14 There is a minute amount of blood, suspected
15 blood, I would suggest -- not suggest, it was
16 suspected blood at that point -- in the bathroom of
17 the building. There is what's seen on the video, and
18 essentially beyond that, there's nothing more to
19 suggest what might have happened. There is nothing
20 that would support, as alleged in the affidavit, that
21 a first-degree murder has taken place by that point.

22 One of the factors that I believe is very
23 critical in this particular situation and hasn't been
24 addressed in much detail yet is the qualifications of
25 these detectives by that point. And I believe why

1 that's particularly critical here is because this is
2 a situation where it's very unclear what happened.

3 If this were a situation where there's a body,
4 it's clearly a homicide, maybe the qualifications of
5 the detective would not be that important, but here
6 we have just a missing person and a couple of
7 suspicious circumstantial factors that are in play.

8 So the first affiant, Detective Bolton,
9 admittedly provides a little bit more of his
10 experience in the affidavit, but he still really,
11 essentially, just said in this affidavit that he's
12 been an officer since 2013 and that he's been
13 assigned to the Investigative Services Division.

14 No information is provided in the four corners
15 of this affidavit to suggest what would qualify him
16 to say this suspicious missing persons investigation
17 is probable cause for first-degree murder. And,
18 again, if it's a situation where there's a body, and
19 it's clear that, you know, there's been a homicide of
20 some kind, maybe it wouldn't matter, but here, we
21 have someone taking just a suspicious missing person
22 circumstance and bootstrapping them into a
23 first-degree murder.

24 And based on the four corners of this affidavit,
25 all we have to go on to show why he would be

1 qualified to say that is that he's been an officer
2 for, I guess, 9 years at that point.

3 Jumping ahead to the second critical factor --
4 and I would suggest is perhaps the most important --
5 is the omitted information that is known to law
6 enforcement at the time this search warrant is
7 authored.

8 Initially, law enforcement, as you've seen on
9 the videos, talks to Jake Blanchard, talks to Mr.
10 McDonald, both of who say they know of no one who has
11 had reason to harm Mr. Cozzi.

12 Law enforcement has learned of Mr. Cozzi's
13 history with alcohol abuse and the anxiety that he
14 takes medication for, which, again, not to disparage
15 him, but the reason that's important is it provides
16 explanations, why within simply 48 hours after he's
17 disappeared why he might be missing, other than a
18 first-degree murder.

19 Fingerprints. The only fingerprint that's
20 referenced in the search warrant affidavit is one
21 fingerprint from the utility closet. Well, by that
22 point, law enforcement has known there are 169 other
23 fingerprints found in that same area where
24 Dr. Kosowski's fingerprint is found, including, I
25 believe, 12 on that very same door. One of -- at

1 least one of whom law enforcement has identified by
2 that point, and just like Dr. Kosowski, they don't
3 know why that fingerprint would be there.

4 You've heard some evidence that that utility
5 closet is in some sort of similar common area. I
6 would suggest to you that it's perfectly reasonable,
7 somebody who is not familiar with the building is at
8 a deposition and is trying to find a bathroom might
9 open that door and realize they're in the wrong
10 place.

11 But in any event, what's really important is
12 that the affidavit entirely omits 168 other
13 fingerprints, including 12 of which are on that same
14 door and at least one of which has been identified to
15 someone else, who just like Dr. Kosowski, allegedly
16 has no reason to be there.

17 Another fingerprint that's absolutely critical
18 that is left out is one that is in blood on a napkin
19 in the trash can that, again, does not match
20 Dr. Kosowski, and this is known to law enforcement
21 when that search warrant is authored.

22 Turning to the blood. I know there's been a lot
23 of discussion about what suspected blood is found,
24 and I would suggest knowing what was actually found
25 and seeing now body cams and hearing about specifics

1 as to the small areas of blood that are found in the
2 bathroom when the search warrant is read in its
3 entirety, it's misleading as to the amount of blood
4 that's found.

5 And with respect to the Seaview search warrant,
6 it's misleading as to whether it's actual blood or
7 presumptive because, as you've heard, there are
8 portions of that search warrant affidavit where we
9 know it's nothing more than presumptive blood, but
10 it's represented as blood.

11 Celeste Bacher is evidence that is excluded from
12 the search warrant. I know there's been discussion
13 of whether she excluded Dr. Kosowski or recognized
14 she didn't exclude him, but she certainly didn't
15 identify him either. At best, it was a maybe.

16 But what's also important about what she says
17 is, as you heard Detective Hunt say, the description
18 she gives is consistent with what he sees of the
19 person leaving on the video. The person who, at that
20 point, is wearing a mask, and Detective Hunt can't
21 see his face, but Celeste Bacher says that person has
22 a goatee when she sees him, and you've heard evidence
23 that Dr. Kosowski was not known to ever have a goatee
24 and certainly did not have a goatee when he was
25 arrested or in his DAVID photo. So that critical

1 evidence is left out.

2 One thing that I know has been argued in the
3 State's memorandum is that, even if this information
4 is left out, it wasn't left out with the intent to
5 deceive the Court. Perhaps it wasn't, but it doesn't
6 have to only be intent. It can also be reckless
7 disregard for the truth.

8 I would suggest that's what we have here. Maybe
9 this is an inexperienced detective who has never
10 authored a search warrant in a murder case. As he
11 said, this was his first murder investigation, and
12 maybe he has good intentions, but he has blinders on
13 and excludes everything that doesn't support his
14 theory, which is essentially what happened.

15 In this situation, especially when we have this
16 level of evidence, that number of material items that
17 are left out, it's reckless disregard for the truth
18 at best.

19 One other thing that we've learned is that law
20 enforcement has gone to Dr. Kosowski's house by this
21 point. I would suggest, based on the testimony
22 you've heard, it's very likely that his property was
23 trespassed on to take photographs. At the very
24 least, to the north end, where the mangrove trails
25 go.

1 We know that Largo Police is there while the
2 search is being conducted. Later on, Detective
3 Bolton is taking photographs, I believe. At the very
4 least is looking into the truck and is giving
5 guidance to Largo officers in violation of
6 jurisdictional search rules.

7 And the reason I think those last two factors
8 are critical is that it demonstrates the bad faith
9 that's being exhibited by Largo Police detectives in
10 the execution of these search warrants and in
11 obtaining these search warrants or attempting to
12 obtain evidence to support the search warrants.

13 And I think that would -- I believe that good
14 faith is not an issue here because there's a lack of
15 PC to begin with, but even to the extent the Court
16 may find there is PC and other Fourth Amendment
17 issues with the search warrant, I believe that the
18 actions of Largo detectives would go -- would cut
19 against any kind of good faith exception.

20 Jumping over to the Corolla. A lot of the same
21 reasons why the evidence obtained from the Corolla is
22 subject to suppression. Again, no probable cause.
23 And for a lot of the same reasons that there was no
24 probable cause at the time of the Seaview search
25 warrant, I believe there's no probable cause at the

1 time of the Corolla.

2 And, really, the execution of the search warrant
3 at Seaview, I think, supports that because the only,
4 you know, potential significant evidence that is
5 found at Seaview are these very minute areas of
6 suspected blood in the truck.

7 I know the State may argue, Well, that gives
8 more probable cause, but I think that the lack of
9 evidence that's found at Seaview actually cuts
10 against the probable cause being increased from the
11 time of the Seaview warrant to the Corolla warrant.

12 At best, we've got a couple drops of some kind
13 of suspected blood on the truck bed and some area
14 that's cleaned up. Now, this would go back to some
15 of the information that's not provided in this
16 warrant, but Dr. Kosowski is a surgeon, and, again, I
17 recognize none of the officers have noted,
18 apparently, the evidence of him being a hunter in the
19 garage, but there are surgical clogs in the garage as
20 well, and they all knew, at that point, he is a
21 surgeon. So it's certainly not unreasonable for
22 someone who is performing surgeries to have blood
23 within their property just based on the nature of the
24 work that they do.

25 Jumping back to the PC. This one, I think, is

1 absolutely critical with respect to what is left out
2 of Detective Hunt's qualifications. He testified
3 today that it was apparently left out because of some
4 issue with CloudGavel.

5 Well, what's -- you know, the only thing that we
6 can go off of is the four corners of the affidavit,
7 and I think the case law is pretty clear on that.
8 There is nothing about his experience, in the four
9 corners of the affidavit, other than the fact that he
10 is a sworn law enforcement officer.

11 So, again, this is a situation where the Court
12 is being asked to determine whether there's probable
13 cause to believe that a first-degree murder may have
14 occurred based on the missing person investigation
15 and some other circumstantial evidence, and the
16 affiant gives nothing to support why he is qualified
17 to make that determination.

18 And the Goesel case that we have cited, I
19 believe, in both memorandums, I think is telling in
20 that regard. It's a situation where a search warrant
21 was found to be lacking probable cause based in part
22 on an affiant's opinion that the pictures were child
23 pornography, but the affiant didn't give any
24 explanation as to what qualified him to make that
25 determination.

1 And this is really a very similar situation, in
2 fact, I think even more so because clearly, in the
3 child pornography situation, it's probably a matter
4 of is he qualified to say what the victim's age was.
5 Here, we have to rely on many more inferences to
6 suggest that this missing person situation is
7 actually a first-degree murder or probable cause for
8 first-degree murder.

9 And when we know nothing in the four corners
10 about this detective's qualifications, it's not
11 possible to reach that and I would suggest that
12 probable cause, for that reason alone, is lacking.

13 An additional factor with respect to the Corolla
14 warrant is the nexus because, of course, we have the
15 commission element that's required and a nexus
16 element. And the reason nexus is important with the
17 Corolla is its only connection to this alleged
18 offense is that it's seen leaving that Seaview
19 residence after the truck is gone. But, again, when
20 the Seaview house is searched, other than these --
21 this minute spot of blood and this suspected blood
22 that's been cleaned up -- again, it's suspected in
23 both situations -- there's nothing linking that
24 Corolla to this alleged crime.

25 And, in fact, when the Corolla is seen leaving

1 the affiant even says, It doesn't look like it's
2 carrying a heavy load. And a Corolla, as we all
3 likely know, is a small car. If it's got a body in
4 the back and a wagon, if those things could even fit,
5 we would expect it probably would be showing some
6 kind of sinking load.

7 But there's nothing that's found in the house
8 and there's nothing that is known in the
9 investigation that creates a nexus to this alleged
10 offense and the Corolla other than the fact that it's
11 owned by Dr. Kosowski.

12 Again, all of the information that had been
13 omitted from the Seaview warrant was omitted from
14 this one as well, but the additional information
15 that's omitted again, as I mentioned, is that
16 Dr. Kosowski is a surgeon and has this -- you know,
17 just based on the nature of his profession, it would
18 explain why a small amount of blood would be found in
19 his garage.

20 The other thing that's omitted from this one,
21 similar to the first, is the location of this blood
22 that's found in the Seaview garage, the number of
23 areas and the volume of possible blood. And as we
24 heard from the testimony today, we're talking a
25 couple of droplets in the bed, and a smearing on the

1 floor.

2 But again, if you read the search warrant
3 affidavit in its totality, it's misleading in the
4 fact that it doesn't -- it basically leads the reader
5 to believe there's blood all over this garage, I
6 would suggest, and we know now that's not the case.

7 As to some evidence of bad faith in this
8 particular situation, and we know that the car is
9 clearly searched without a warrant. I believe
10 everyone -- several officers, at least, have
11 recognized that, and the body cam footage speaks for
12 itself.

13 Detective Bolton goes into the car. This is a
14 car that he's told, at that point, Tarpon Springs has
15 cleared. It's not darkly tinted. You can clearly
16 see into the car, but he goes into the car not simply
17 to search for a body, he's looking all through it to
18 the point he can find this handgun inside the car.

19 Then he goes into the trunk and searches it.
20 Then he asks -- he has, what, 11 blind swabs taken
21 all before there's a search warrant. So clearly this
22 search is being performed before there's ever a
23 warrant out.

24 Now, again, I know Detective Hunt says he didn't
25 know that, and he's authored a search warrant by the

1 time that's happening, but it shows bad faith on the
2 part of Largo PD by this point.

3 Compounding on that, Largo searches it while
4 it's in Tarpon Springs' jurisdiction clearly knowing
5 it's in Tarpon Springs' jurisdiction and knowing
6 they've already dealt with this from the Seaview
7 warrant previously.

8 Then from there -- and I know that the State has
9 lots of reasons why this happened, but the warrant is
10 very clear that the only place the car is to be
11 transported to is Largo Police, and it's transported,
12 in clear violation of that, to PCSO.

13 As to the body warrant that is then issued while
14 the -- not while, but shortly after the car is being
15 searched, it's a fruit of the poisonous tree. And I
16 would suggest that the illegality begins with the
17 Seaview warrant, evidence obtained there is used to
18 obtain the Corolla warrant, and all of that evidence
19 is used to obtain the body warrant, but the
20 additional factor, I think, in regards to the body
21 warrant, is the unreasonable delay in obtaining the
22 warrant, especially as Dr. Kosowski is in custody the
23 entire time.

24 You know, I think maybe technology makes us
25 forget that it wasn't that long ago that all search

1 warrants would have been drafted the way this one
2 was. It really wasn't even that long ago that that's
3 how it would have been done. It is not a situation
4 where he's carving this out of stone. I mean, he has
5 two search warrants to go off of, to copy.

6 So the delay -- or I'm sorry, not the delay, but
7 whatever difficulties were imposed by the CloudGavel
8 system really do not explain why it would have taken
9 over six hours for this warrant to be obtained while
10 Dr. Kosowski is standing by for 9 and a half hours in
11 custody waiting for the warrant.

12 So given, in addition to the other factors, the
13 unreasonable delay in obtaining the body warrant
14 would have been a Fourth Amendment violation as well.

15 May I have just a moment, Your Honor?

16 THE COURT: You may.

17 MR. WISE: Nothing further.

18 THE COURT: All right.

19 Response by the State?

20 MR. VONDERHEIDE: Yes. But (indiscernible) all
21 Fourth Amendment searches and seizures is
22 reasonableness. It's reasonableness in intentions,
23 the reasonableness in the execution of the search and
24 the search warrant.

25 I will start first with 511 Seaview. Detective

1 Bolton did have his pedigree populated in that
2 particular warrant, but I don't think the probable
3 cause in this case requires any form of expertise.

4 As the Florida Statutes allow, anyone in this
5 room could be an affiant if they are a person with
6 knowledge. It wouldn't require no specialized
7 knowledge.

8 In this particular case, what's interesting
9 about the evidence and the probable cause is it's
10 really kind of following the surveillance. So you
11 follow the surveillance.

12 And there's been suggestions and argument
13 throughout that it's a small amount of blood, but I
14 would suggest to the Court the photographs which are
15 in evidence, if you saw that in the bathroom at the
16 Wawa, you would turn around and go to another
17 location. There's blood on the urinal wall. There's
18 blood on the toilet. There's blood on the walls.
19 And, in fact, there's blood smeared on the exterior
20 of the men's restroom door.

21 So to suggest it's a small amount of blood, I
22 would respectfully disagree with that
23 characterization. There's a lot of pictures up there
24 that show you that it's actually a lot of blood in a
25 lot of different locations, but the key factor in 511

1 and the Corolla affidavit is nobody ever pled that
2 there was a large volume of blood anywhere in those
3 affidavits.

4 So the argument in the Motion to Suppress is
5 misplaced as it relates to that, but just, again,
6 following the dots. So we have a man who is missing.
7 His personal effects and items are left on his desk.
8 His car is left in the parking lot. He's not
9 reaching out to any of his friends or his family
10 members.

11 And his own boss -- although, initially, he said
12 he couldn't think who could harm him, when thinking
13 about it and confronted with there's blood in the
14 bathroom, he immediately thinks of Dr. Kosowski. So
15 to suggest anything else would be silly for them to
16 put. Well, he initially said he couldn't know who
17 harmed him until he thought about it. That wouldn't
18 make any sense in the context of the affidavit, and
19 I'm going to get to that in a second, but you don't
20 need any expertise to establish probable cause in
21 this case because what you have is a man -- I would
22 submit to you is Dr. Kosowski, but we'll get there in
23 a couple weeks' time -- pulling a wagon out of the
24 facility.

25 This same man had walked into the facility with

1 a wagon on his holder. It appears to be something
2 that he is pulling that's heavier than just a
3 standard issue for a beach wagon. It goes to a gray
4 Toyota Tundra which is in the parking lot.

5 And this is not pled in any -- this is facts, I
6 guess, not in evidence, but it's there for a period
7 of time, all right, and then the wagon moves again.
8 The wagon goes in the back of the truck and then it
9 leaves. Actually, no, it's facts in evidence. The
10 affidavit is in evidence.

11 And then they just start following surveillance.
12 Anybody can do that without specialized knowledge.
13 The surveillance, the Flock cameras, the readers from
14 the same tag -- and incidentally, because it says it
15 in the affidavit, with a wagon in the back that's
16 covered, which I would submit to the Court looks like
17 a human body in the bed of his truck. It's followed
18 by PTSA for a period of time.

19 It's all in the warrant. All you need is eyes.
20 You need no specialized knowledge to be able to plead
21 this and put it in the warrant. It goes where?
22 Well, the camera -- the Ring camera footage of
23 Dr. Kosowski's next-door neighbor shows it going in
24 the direction of his house never leaving again.

25 There's no way out. That's only a one-way

1 street. It goes into his house. Then what's the
2 next car that leaves from that end of the street
3 that's his registered? This one is actually
4 registered to him. The Tundra is not. He bought it
5 in cash. He didn't register it, but the Corolla is
6 actually registered to him. They see it. He leaves
7 for three minutes. He comes back, and then he leaves
8 again.

9 So the reasonable conclusion is that the Toyota
10 Tundra is inside of the garage of that residence
11 having absented something heavy left. It didn't
12 go -- something heavy did not go in in the wagon to
13 the veterinary clinic, but something heavy left, got
14 into his truck, and was driven to his house. Didn't
15 see it leave. Didn't see the Tundra leave.

16 So it's reasonable to conclude, which is the
17 threshold question is whether there's probable cause
18 or not -- and it's a definition that I know there's
19 the -- I guess the -- in many of the motions, given
20 the nature of the facts we've had to argue case law,
21 that was perhaps from the early 20th Century.

22 Here is a case from the First DCA that
23 incidentally it reiterates something from 1878, but
24 it's reiterating it, about what probable cause is,
25 and it's a reasonable prudent person, a cautious

1 judge, a neutral arbiter would have a reason to
2 believe that there's evidence of a crime in a
3 particular place -- particular evidence of a crime in
4 a particular place.

5 I think just following the surveillance into the
6 residence at 511 Seaview would give anyone -- and, in
7 fact, Judge Federico, he read it, and in the four
8 corners of the document he said there was probable
9 cause to believe there was evidence of a crime
10 therein.

11 As it relates -- there's no Franks issue in this
12 case. There just isn't. Franks is a big burden.
13 You have to actively deceive the Court or, in the
14 alternative, act with reckless disregard for the
15 truth, which isn't really defined in the criminal
16 cases. It's from the civil cases when you're seeing
17 somebody for reckless disregard of the truth. Like
18 when a newspaper is using it against somebody's name.

19 Negligence -- mere negligence is never a Franks
20 issue. So I think, at best, a failure to include
21 some of this information -- at best, best argument,
22 best case scenario -- the failure to include the
23 information would be mere negligence, but it's not in
24 this case.

25 What it is in this case is the Court -- and I

1 think the actual direct examinations of the affiants
2 demonstrated this. Why you can't put this all in a
3 warrant because they will all be 200 pages if you put
4 all of this information it is.

5 It's the Johnson court. Johnson is 660 So.2d
6 640. It's referenced in my Memorandum of Law. It's
7 talking about the exclusion of certain facts. Such
8 an exclusion is a valid and necessary part of the
9 warrant process.

10 Moreover, some (indiscernible) information is
11 simply overlooked in the exigencies of the moment,
12 which I would submit to you was the photopack. But
13 even still, the photopack doesn't do anything for the
14 case. It's debatable whether it actually is
15 inculpatory or exculpatory as it relates to
16 Dr. Kosowski. He's not the goatee'd man. He's the
17 guy with the mask with the wagon on his shoulder
18 walking into the bathroom. He's not Jack Hannah in
19 the Jack Hannah-styled shirt.

20 But be that as it may, Bacher -- Ms. Bacher sees
21 the photopack and says there's a chance it might be
22 him. Is she remembering him from some other time
23 being in the building? I don't know. But she says
24 probably or a chance. So it doesn't mean anything as
25 it relates to the case.

1 Some of that information is simply overlooked in
2 the exigencies of the moment with -- without an
3 intent to deceive or recklessness with respect to the
4 truth. The State and the Defense reasonably may
5 disagree as to the import and effect of the large
6 amount of information that necessarily would be
7 omitted in the warrant process.

8 So there is no Franks issue at 511 Seaview.
9 There's also no -- similarly, there's no Franks issue
10 relating to the Toyota Corolla search warrant.

11 As it relates to the jurisdictional issues. I
12 don't think there's any issue for 511 at this point.
13 We've seen the video where everybody is upset. Ms.
14 Spadaro is there. Everybody is not happy with the
15 information that Tarpon Springs has to serve it, and
16 there's no evidence that's been presented here today
17 that suggests that it's anything different than what
18 everybody testified to how it went down. Tarpon
19 Springs, Pinellas County Sheriff's Office, Largo guys
20 there to assist should it be necessary.

21 So that's 511. The rest of it, I will let it
22 stand in my 20-page response that I filed back in
23 February.

24 As it relates to the Corolla, I filed a 23-page
25 response in the Corolla, and I will largely rely on

1 the argument in there, but I do want to say there's
2 PC all day. PC all day, just like I said before,
3 requiring no specialist training, no expertise. It's
4 just mere observations.

5 And not only -- now we've got -- we found the
6 Tundra, and there's blood in it in the tailgate that
7 they observed presumptive -- they always say
8 presumptive positive, but the reality is
9 phenolphthalein tests are also done at the lab.

10 So if they don't like -- that's what they do on
11 the street, and that's what they do in the lab. Then
12 they do a DNA analysis. Then they find out -- and
13 it's, I think, Detective Bolton testified to the
14 smear on the door, that's Steven Cozzi's DNA in there
15 mixed with Dr. Kosowski's DNA as well.

16 So to the extent that there's a phenolphthalein
17 test at that point, presumptive positive. Well, when
18 it goes to the lab, I guess it's never blood is the
19 logical conclusion of that because if they do a
20 phenolphthalein test, it comes back presumptive
21 positive for blood, then they go through and they
22 give astronomical statistics for not excluding
23 anybody from it. It's just including a victim,
24 astronomical statistics that it's them, and it's from
25 testing that swab.

1 There's no Franks issue in this case. Tarpon
2 Springs PD, very clearly from the videos the Defense
3 played, stopped the car. And they can rely on fellow
4 officer rule for the reason to stop a vehicle in
5 their jurisdiction, which they certainly did.

6 I didn't play it for the Court because it's
7 late, but it's in evidence. Rose's camera, which is
8 in evidence, very clearly shows her reading the
9 search warrant. It very clearly shows that nobody
10 takes a thing from that Toyota Corolla until that
11 search warrant is read.

12 In fact, the testimony is here, it's on the
13 video, Rose actually reaches in and gets Dr.
14 Kosowski's phone. She then puts it in a bag, one of
15 the Sheriff's Office people, who then hands it over
16 to Largo in a Faraday bag, so it's not remotely
17 deleted. That's perfectly proper. They seized it,
18 and then they can turn it over to the other
19 jurisdiction.

20 That happens -- you heard the testimony from
21 Specialist Luth who said that happens routinely. But
22 not only that, the testimony here today -- and,
23 actually, it's evident on the footage as well -- is
24 that Tarpon Springs read the warrant. They collected
25 the evidence. You can see Specialist Klein and

1 Briggs is the other one taking pictures and
2 processing the swabs.

3 Then the car is towed. It's towed as a result
4 of Tarpon Springs seeking it to be towed. To where?
5 Across the street. It's Largo jurisdiction,
6 incidentally, but also the forensic processing bay.
7 Pinellas County Sheriff's Office is very specifically
8 named in that search warrant.

9 And what did Specialist Luth say? She's the one
10 who processed the Corolla. She's the one who
11 processed the Corolla. She did it. So it is acting
12 within the confines of the warrant.

13 But let's say it's all wrong. Let's say it is
14 just all wrong, right? I don't think there's any
15 question it was he was pulled over by Tarpon Springs.
16 No question the car was seized by Tarpon Springs. No
17 question the car was taken by Tarpon Springs and
18 brought across the street.

19 Bolton opens the trunk and looks in, but he's --
20 I don't know this searching with the eyes thing. I
21 don't -- he doesn't grab anything. He looks in the
22 car. Steven Cozzi is still missing. He doesn't know
23 what he's going to find. If you see, Tarpon didn't
24 do a full sweep of the car to see what was going on
25 with the car, but it's a car, and we do search

1 warrants for cars. We do. If PC is outstanding, you
2 do a search warrant for the car, but you don't have
3 to.

4 And the Carroll Doctrine since, what,
5 prohibition times has allowed that. If it's got
6 wheels, then you've got probable cause, you can
7 search it. And as I cited in my Memorandum of Law,
8 that's the same thing in the Second District Court of
9 Appeals. And that includes even if a car has been
10 seized and it's been in an impound lot, and there
11 ain't nobody driving it away, if you've got probable
12 cause, you can get in the car and you can search the
13 car.

14 So if nothing else, if everything was wrong with
15 the search warrant, the probable cause, and the case
16 law -- and the probable cause, as they testified, I
17 believe Bolton said he had PC to search the Corolla
18 as soon as he was inside the garage observing things.
19 I guess searching with his eyes but observing things
20 inside of the garage.

21 Then Detective Hunt told you that he actually
22 literally drafted the probable cause while he's
23 driving to Miami. So that's clearly the day before
24 they even stopped the car. So he had PC to search.

25 Had it been stopped in another jurisdiction,

1 they would have done the same thing, seized it,
2 likely shipped it up to this area so we could search
3 it up here or search it down there. Then transfer
4 the custody of the evidence, which is what happens in
5 every case. They collect it, the Sheriff's Office.
6 They transfer it to the agency.

7 There's no exception in this case. The Corolla
8 is sitting at Joe's Towing, which is where Largo
9 keeps all of their vehicles.

10 I want to say just as it relates to the body
11 warrant, the same arguments applies as for probable
12 cause, but the additional factor of the reasonable
13 detention, he's there from 3:00 in the afternoon
14 until he's arrested at 00:53, I believe the time was.
15 I'm not going to do the math, because I've been
16 called out for it already, but it's over nine hours.

17 In the Sixth Judicial Circuit, that was a pretty
18 fast warrant for an old school warrant that you're
19 doing on paper and you're having it sealed and you
20 have two different parties driving from two different
21 locations to meet a judge, and then that party has to
22 drive that warrant to a place to be served on a
23 person.

24 And then the Sheriff's Office has got to be
25 called out because they're the ones who served it.

1 Since it wasn't pled, I didn't bring those witnesses
2 in today. It wasn't pled in the warrant that the
3 jurisdiction was an issue, because it wasn't. The
4 Sheriff's Office served it, so that process took
5 time, too.

6 The detention for investigating and dispelling
7 the suspicion about a person who committed
8 first-degree murder wherein at this residence,
9 there's a truck that looks like it absented a human
10 body from an office that had blood in the back of it
11 that appears so by phenolphthalein test as well
12 confirmatory, and who is caught in the jurisdiction,
13 and as they're sitting there what the officers are
14 getting relayed to them by Detective Allred who is
15 sitting over here at the garage is more damning
16 information against Dr. Kosowski. 280 grand. Not a
17 normal thing to drive around in your hybrid Corolla.

18 A murder kit, at some point, is located with a
19 drug that they can't even pronounce and a bunch of
20 masks and tape. There's trash bags found in the car.
21 There's guns found in the car. A burner phone is
22 found in the car. So they keep getting this
23 additional information while the body warrant is
24 being drafted. Then the body warrant is drafted, and
25 it's served by the Sheriff's Office.

1 So I think the reasonableness of the detention
2 in a first-degree murder where a victim is missing, I
3 think he could have probably been detained for maybe
4 double the time to figure out the rest of this
5 information, but he wasn't because it was all done
6 efficiently.

7 I will rely, for the remainder of my argument,
8 on the Memorandums. Thank you, Your Honor.

9 THE COURT: All right.

10 Any rebuttal argument on anything new, Mr. Wise?

11 MR. WISE: Just briefly, Your Honor.

12 Clearly, we disagree on the volume of blood
13 that's in the bathroom. Your Honor has seen the
14 evidence, but I think what's telling is that we have,
15 I believe, it's three different officers on body cams
16 saying that very day there's not a lot of blood in
17 this bathroom. I believe it's Detective Hunt; I'm
18 not exactly sure who is speaking, but we heard the
19 body cam this morning where he said, It's suspicious,
20 but we don't have concerns for him at this point.
21 That's when everyone is seeing the blood in the
22 bathroom.

23 So the officers, by their own -- by their own
24 words, they're saying that it is not a lot of blood,
25 but the search warrant, as authored, is clearly

1 misleading as to the amount that's there. It's more
2 than mere negligence, particularly when we know that
3 Detective Bolton, as you've heard, has specialized
4 training as a forensic technician.

5 So when he is leaving this information out and
6 then leaving out the fact that phenolphthalein and
7 the presumptive testing is simply presumptive and
8 that it's not blood, known blood at that point,
9 that's reckless disregard for the truth.

10 On that same note, one thing I forgot to
11 mention, I believe, as far as the information left
12 out, the testing from the sink and the P-trap don't
13 have any presumptive blood. They don't show
14 presumptive blood, and that is absolutely critical
15 when the theory is that it's been cleaned.

16 THE COURT: I have a question about that, and I
17 wasn't quite sure of this answer, but I thought that
18 the detective said that he found out that information
19 after the search warrant, didn't he say that?

20 MR. WISE: The detective may have, but I believe
21 that it was tested before the search warrant. So,
22 again, this goes back to --

23 THE COURT: But he didn't have the result before
24 the search warrant?

25 MR. WISE: I don't know if he had the result.

1 Well, I think law enforcement had the result. The
2 crime scene technicians, I believe, did, and I think,
3 Mr. Vonderheide can correct me if I'm wrong on that,
4 but I believe it's no.

5 Now, again, when a detective is swearing on a
6 search warrant affidavit in this kind of situation,
7 it's incumbent upon him to find this information out,
8 and that's particularly critical information when the
9 theory, at that point, is that blood has been
10 cleaned. And the P-trap, I mean, it is simply that,
11 it's a trap.

12 And when it's -- as I'm sure Your Honor has seen
13 in other cases, when blood is being washed away, you
14 may not see it on the walls, but you're going to find
15 some evidence of it in the P-trap because it can't --
16 it's not feasible to really clean out the P-trap.
17 That's what it's intended for, to catch the water
18 that's washed down.

19 So even if the detective himself who authored it
20 didn't know that, it was incumbent on him to find
21 that out when he knows the crime scene technicians
22 have processed that scene.

23 Then briefly, Your Honor, as to the car. To
24 search the car without a warrant, you still need
25 probable cause. And as argued before, I don't

1 believe there was probable cause here, and there
2 wasn't an exigency. Even if there was probable
3 cause, this car is parked, Dr. Kosowski is in
4 custody, and it's parked in a --

5 THE COURT: Isn't the case law that it doesn't
6 matter if it's parked or even if it's immobile? If
7 it's a vehicle, the Carroll Doctrine applies, right?

8 MR. WISE: It's -- yes, it does. But, again,
9 there still has to be PC to begin with to get to that
10 point.

11 THE COURT: Okay.

12 MR. WISE: And, finally, going back to something
13 that Mr. Vonderheide said that I think is crucial is
14 that, you know, if all of this information is
15 included in every affidavit, it may be 200 pages.

16 Again, I think what's important is to look at
17 this case by case. If we have a dead body with a
18 bullet in it, maybe we don't need to include all of
19 this information, but here we have what, in law
20 enforcement's own words are, it's suspicious, but we
21 don't have concerns for it at this point.

22 We have a missing persons case with a couple of
23 strange circumstances. So, yeah, in this situation,
24 even if it is 200 pages, all of that information
25 needs to be included because the Court has to make a

1 well-reasoned decision as to whether there's probable
2 cause, and when all of this omitted information is
3 included, it's not there.

4 THE COURT: All right. Thank you.

5 So I'll go over all of these issues here, or at
6 least I'll try to remember all of the issues.

7 The first issue is if the search warrants
8 establish that a crime was committed. I'll go over
9 the search warrant for the residence and I think that
10 would be enough in regard to that issue.

11 Now, the timeline in this case is important, and
12 there's plenty of times that we know exactly from the
13 surveillance and -- now, I'm not, obviously, going to
14 go through this whole search warrant, but I am going
15 to try to go through it chronologically so that we
16 can see if there's the probable cause that a crime
17 was committed, and I'll go over the times, but I'll
18 skip the seconds, because it's not really relevant,
19 plus it's going to take too much time.

20 All right. So at 8:34, according to the
21 surveillance, a male walks towards the main entrance
22 of the law office. The male was carrying a large box
23 and appeared to be wearing dark gloves, and that male
24 walked into the lobby at that time.

25 And this is all from the four corners of the

1 affidavit. I mean, I heard other things, like, I
2 heard that when he was holding the box, he was hiding
3 his face, but the things that I've heard really
4 aren't relevant in order to determine if there's
5 probable cause that a crime was committed and if
6 there is enough nexus that the defendant is the one
7 who is involved in the crime.

8 So this is the four corners of the affidavit.

9 So male comes in at 8:34. Then -- I'm going to
10 call him the victim. I could call him the alleged
11 victim. I could call him Steve Cozzi, but victim is
12 a lot shorter. It's obviously the alleged victim
13 because the Defense obviously is having the position
14 that he may not be a victim at all, but I'm going to
15 call him the victim here.

16 So he enters the building at 8:34, so that's
17 about -- excuse me. 8:37, so that's about three
18 minutes after this male does. Then according to the
19 statements of the witnesses, between 9:30 or 10:00,
20 the victim goes in the restroom.

21 At 9:50, the sensor affixed to the victim's
22 office door recorded an opening and closing event.
23 So we can deem from that that it's probable that he
24 left his office at 9:50 to go to the restroom.

25 Then at 10:22, which is obviously eight minutes

1 before the hearing that was scheduled at 10:30, the
2 male now is wearing a white surgical mask and hat and
3 exits the main entrance of the law firm. The male is
4 pulling a wagon, and the contents appear to fill the
5 wagon, and the contents appear to be covered by a red
6 or orange blanket.

7 At 10:30 is when there was a telephonic hearing,
8 a CMC, with the judge and the defendant and the
9 victim, and the victim did not appear for that.

10 At 11:16, a gray truck appears pulling forward
11 from the parking lot. In the bed of the truck is a
12 red item consistent with the item that the male was
13 seen dragging from the law office. So a wagon and it
14 has an item in it and it's covered by a red or orange
15 blanket.

16 Then the truck drives off northbound on Belcher
17 Road. And for those who may not know, the
18 defendant's residence is north of Belcher Road in
19 Largo.

20 At 11:51, there's a Flock camera in Tarpon -- in
21 Tarpon Springs which depicts that gray Toyota Tundra
22 with the wagon in the bed of the truck covered by a
23 red or orange blanket. The truck was affixed with a
24 yellow New Jersey license plate which was not valid
25 or registered to any motor vehicle.

1 So the timeline, as far as leaving and then
2 being observed at these locations, matches up to the
3 truck going up to the defendant's residence.

4 Now, the victim's key, wallet, cell phone,
5 laptop and tablet remain in his office. He did not
6 appear for that hearing at 10:30. The victim's
7 vehicle was still in the parking lot. A review of
8 the surveillance video never showed the victim
9 leaving the building, and law enforcement searched
10 the building looking for the victim, and they could
11 not locate the victim.

12 Blood was observed in the restroom. Law
13 enforcement officers observed that the room smelled
14 strongly of cleaning products. So the issue is, you
15 know, probable cause. What is probable? And the
16 most probable explanation is that the victim is in
17 that wagon because he's observed coming into the
18 office, and when they review the surveillance, they
19 did not see him leave the office. All of his stuff
20 was still in the office. His vehicle was still in
21 the parking lot, and he wasn't in the building.

22 So if he was never seen leaving the building and
23 if he's not in the building, and somehow, he got out
24 of the building without being seen, and the most
25 probable thing is that he was in the wagon. So it's

1 probable that he's the victim of a crime at this
2 point, obviously. Either it's murder, or it's
3 kidnapping.

4 I don't know what the State's theory is going to
5 be in this case. Maybe he was murdered in that
6 bathroom. Maybe he was deemed or rendered
7 unconscious by sedatives, and maybe he was still
8 alive, and he was in the wagon still alive, and then
9 being transported up to Tarpon Springs.

10 So I do think that there is probable cause that
11 there was a crime that was committed either
12 first-degree murder or a kidnapping. And the most
13 likely would probably be murder, but maybe he was
14 brought up there unconscious, and something else
15 happened up there.

16 All right. So is there probable cause that
17 there is a nexus between this crime and the
18 defendant? There is.

19 At 7:51 a.m., there is a surveillance camera at
20 the residence just south of the defendant's
21 residence. This is a dead end, so going southbound,
22 and the only thing northbound is the defendant's
23 residence is a Toyota Tundra.

24 All right. Then we learn from before that this
25 male goes into the law office or that building at

1 8:34. So, again, obviously, we have knowledge of
2 Pinellas County and how long things take. The
3 timeline adds up.

4 So this Ring camera is at the neighbor's house
5 just south of the defendant's house, and the only
6 thing there would be the defendant's residence, and
7 then there's a dead end, and then there's Fred Howard
8 Park, and then there's mangroves and marsh. All
9 right.

10 So then at 11:58 a.m., that camera depicts the
11 Toyota Tundra with a wagon covered by a red or an
12 orange blanket in the bed of the truck, and it's
13 driving northbound towards the defendant's house.
14 This, again, is from the victim's -- excuse me --
15 from the neighbor's Ring camera just south of the
16 defendant's residence.

17 So this Tundra, which has the wagon in it
18 covered by the red or orange blanket, is going to his
19 residence because there's really nothing else there.

20 Then at 3:48 p.m., that camera depicts a red
21 Toyota Corolla driving southbound past the neighbor's
22 house. Then I think it's gone for three minutes, and
23 then it comes back again at 3:58 and leaves then.
24 Well, actually, it leaves at 3:48. It comes back at
25 3:51. Then it leaves again at 3:58. And the

1 neighbor identifies that Corolla as belonging to the
2 defendant and that car was actually registered to the
3 defendant.

4 The Tundra is not observed leaving the area, and
5 it would have to be observed leaving the area because
6 that's the only place it can go in order to leave.
7 So what we have is that red wagon in the Tundra going
8 to the defendant's house. The Tundra never leaves.
9 So the Tundra is there. So there's a nexus between
10 what occurred back at the law office on Belcher Road
11 and the defendant because the Tundra goes right
12 there.

13 Then at 9:36 p.m., the license plate reader in
14 Collier County reveals that that Corolla is way down
15 in South Florida. All right.

16 Now the March 14th incident further corroborates
17 the involvement of the defendant. So why do I say
18 that? Debora Henrichs walks into the utility closet
19 on March 14th, which is a week before the incident
20 that we're talking about here. She went to close the
21 door and observed a male hiding behind the door in a
22 dark room.

23 Again, this is all in the four corners of the
24 affidavit. The male was wearing jeans and a surgical
25 mask, which is exactly how that male on March 21 was

1 dressed. Obviously, when he came out, he was wearing
2 a surgical mask. He was wearing jeans both times.

3 We can all take notice of the fact that,
4 basically, we're done wearing masks after COVID, at
5 least a couple years before this. So it's pretty
6 unusual for a person to wear a surgical mask.
7 Although, I guess if you're a surgeon, it may not be
8 that unusual.

9 So on 3/14, the male left in what was believed
10 to be a Toyota Tundra, which, obviously, is the same
11 vehicle that the defendant was driving on 3/21, and
12 the truck was affixed with a yellow license tag,
13 which Debra Henrichs believed was from New Jersey.
14 So, obviously, there's a huge nexus between what
15 happens on 3/14 and what happens on 3/21.

16 Now, why is this relevant? Well, because
17 there's a fingerprint in that utility closet, and one
18 of those fingerprints belongs to the defendant. So
19 that corroborates the fact that this is the same
20 person, and that that person appeared to be with the
21 defendant, based upon the probable cause by the
22 Toyota Tundra with the wagon going to his residence
23 in Tarpon Springs, and it's corroborated by the fact
24 that his fingerprint is in that utility area.

25 Now, as far as the red Corolla, there was a

1 whole lot of the same information. Judge Federico
2 signs the search warrant for the residence on 3/23.
3 They go to the residence. They find the gray Toyota
4 Tundra in the garage just as they had thought, just
5 as there was probable cause that it would be there,
6 and there appeared to be blood in the bed of the
7 truck.

8 There was a presumptive test done. It was
9 positive for blood. The defendant's Corolla was not
10 at the residence. Areas of blood was observed also
11 on the garage floor, and there was a presumptive test
12 that it was positive.

13 Now, Mr. Wise indicated that it was highly
14 relevant that nothing was found in the residence in
15 regard to the wagon, the body, the red blanket, but
16 it's really just the opposite because there's
17 probable cause that the Tundra goes into the garage
18 with the wagon and whatever is in it, and the Corolla
19 leaves, and then there is nothing in the garage in
20 regard to that or in the whole house.

21 There's, obviously, blood on the -- on the bed
22 of the truck, and there was blood on the garage
23 floor, but none of that stuff is there, and the
24 Corolla is gone.

25 So where did it go? Well, the most probable

1 thing is it's in the Corolla. Even if it's not
2 probable that the body is still in there; although,
3 that may be probable, even if it's not probable that
4 the wagon is in there, it's probable that there's
5 going to be some sort of evidence in there because
6 that's the most probably way that things were
7 disposed of because things go in. It's not there.
8 Somehow it left. The only way it left, logically,
9 and probably is through the Corolla.

10 So there's probable cause there. All right.

11 In regard to the qualifications. Obviously,
12 there was one instance where CloudGavel, which was
13 pretty new, I guess, disposed of law enforcement
14 officer's qualifications, and the other one was of
15 the fact that he was a law enforcement officer and
16 how long he's been a law enforcement officer.

17 That is sort of -- obviously, the Goesel case,
18 which is at 305 So.3d 821, cited by the Defense
19 really is not on point. There, there had to be
20 specialized knowledge or specialized training because
21 it's a warrant for possession of child pornography,
22 and the law enforcement officer in that case said
23 that he looked at the images and it was child
24 pornography.

25 Well, you have to have some specialty to know if

1 it's child pornography or not. You have to be able
2 to figure out the age of the child. And many times,
3 that's done by actual doctors and nurses and people
4 with all kinds of specialized training, or it at
5 least has to be a law enforcement officer that went
6 to a whole lot of classes to be able to determine if
7 that image would be a pornographic image.

8 Either way, the issue is not really if it's
9 pornographic, just is it a child or not, would have
10 to be done by someone who has some special knowledge
11 of it.

12 Here, it's people looking at the surveillance
13 videos, looking at the blood, making logical
14 common-sense inferences to form probable cause or
15 not, and you don't really need specialized training
16 for any of that specific. So I don't think that that
17 invalidates the warrant at all.

18 All right. In regard to the Franks issues.
19 Franks vs. Delaware. There must be a showing that
20 there is a misstatement material to the question of
21 probable cause and must show a requisite level of
22 intent by police to deceit.

23 First of all, I haven't seen anything or heard
24 anything that there's an intent to deceive or there's
25 reckless disregard of the truth here. They really

1 painstakingly put everything that they should have
2 put in there.

3 As it said in the Johnson case -- and I'll cite
4 that one. 660 So.2d 648 -- not everything has to go
5 in here, into the warrant. Now, Franks also is
6 extended to omissions. I don't think there's really
7 any allegation of any material misstatements at all
8 in here.

9 The only potential one is possibly misleading
10 information as to the amount of blood that was in the
11 restroom. And if you look at page 4, I think it's
12 the third paragraph from the bottom, there really is
13 nothing in there that indicates that there's a large
14 volume of blood.

15 Now, there isn't a large volume of blood, but
16 there seems to be a large volume of spaces where
17 there is blood in there, and they just went over
18 that, and it was very accurate as to exactly how much
19 blood they found and exactly where they found it. So
20 I'm not going to read it because it's kind of a long
21 paragraph, but it's there. There's nothing untrue or
22 even misleading in there.

23 Now, the next issue is, I guess, an omission
24 that the specialist from the Sheriff's Office tested
25 the suspected blood and it came back positive. So it

1 doesn't say that it's just a presumptive test and it
2 didn't go off to the lab, but it does say in there
3 that they saw what appeared to be blood, based upon
4 the fact that it's liquid and it's red and it looked
5 like blood. Any normal person can figure out what
6 blood looks like.

7 Then, obviously, it's a forensic processor at
8 the scene who lets them know that the red substance
9 that appeared to be blood tested positive as blood.
10 So, obviously, that's at the scene. That's not
11 something that was sent off to the lab and weeks or
12 months later comes back as it's definitely blood.

13 So it's a presumptive test which comes back
14 positive. So what's another word for presumptive?
15 How about probable? All right. So probable cause
16 that there's actually blood there. And, again, we
17 don't know, and I don't know what the State's theory
18 is going to be, but maybe there's a little skirmish
19 where the alleged victim in the case is given a
20 sedative, and then he is put in the wagon, or maybe
21 the murder actually occurred there. I don't know
22 what their theory is on that. Maybe we'll find out
23 in a couple weeks.

24 All right. The issue of the fingerprints on the
25 March 14 issue. The issue isn't all of the

1 fingerprints. The issue is the defendant's
2 fingerprint is in there. So he's the one where all
3 of the evidence is pointing to.

4 The Toyota Tundra that comes from his house
5 early in the morning. The Toyota Tundra that's
6 there. The Toyota Tundra with the wagon and the
7 contents in it and it's up at his house. The same
8 Toyota Tundra with that person dressed the same way
9 with that surgical mask in the utility closet, and
10 his fingerprint is in there.

11 So the fact that there's other fingerprints
12 throughout the building, and the fact that there
13 might have been a few inside of the utility closet,
14 really doesn't matter. And even in the Johnson case
15 they say this: The fact that Johnson's fingerprints
16 were found at the scene near a window that reasonably
17 appeared to have been forcibly entered is sufficient,
18 in and of itself, to create probable cause.

19 Nor is it relevant that the fingerprints of
20 another person were found inside the house since this
21 will be true at almost any time crime scene. All of
22 these omissions, at best, were di minimus, and in no
23 sense vitiated probable cause and there certainly is
24 no suggestion of reckless or intentional disregard of
25 the truth.

1 So the fact that in a public building there's
2 fingerprints all over the place should surprise no
3 one. There may be other people that have gone in
4 that closet before, but the fact that the defendant
5 was in there, and he had absolutely no reason to be
6 in there, then everything else points to him,
7 including the fact that it's the same person that was
8 there on the 14th is just extra probable cause.

9 On the P-trap. We heard that the detective who
10 drafted the warrant, you know, for the residence,
11 learned of that after the warrant was signed, and
12 even if he knew or should have known, that's not
13 something that's going to vitiate the warrant.

14 All right. So Celeste Bacher. That's kind of
15 interesting. So there's really not a whole lot of
16 evidence at all that the person that she sees is the
17 male that we've been talking about.

18 Now, Mr. Vonderheide put a whole lot more in his
19 memorandum on this than I think we've heard from the
20 stand, but we did hear this, that she observed
21 someone who may have been suspicious because,
22 obviously, something strange happened. So like a
23 good citizen, she lets them know that there's a
24 suspicious person. However, the only thing that
25 could possibly match him to being the male is the

1 jacket that he's wearing. There's nothing about him
2 dealing with a wagon or anything else that's
3 involved.

4 Now, if you want to talk about omissions, the
5 Defense said that she did not positively identify the
6 defendant as that person that she saw, but she did
7 exclude others, and then said, in regard to the
8 defendant, that it may be him or a chance that it's
9 him. I think there was one other where she said that
10 as well, but she did exclude others and then said
11 that maybe it was him or there was a chance that it
12 was him. So that really doesn't help the Defense
13 much.

14 And I think it's probable that the person that
15 she saw here is not the same person as the male,
16 especially since that person goes in at 8:37, then we
17 don't see him coming out again until 10:22, and she
18 said that she saw this person about 9:30. So it's
19 probably not the male. And even if it is the male,
20 she did not exclude it. So that really doesn't help
21 the Defense a whole lot.

22 All right. In regard to the Corolla, I think I
23 went over the added PC for that. I did. I mean,
24 after they search the Tundra, they find blood in the
25 bed of the truck and also on the floor of the garage.

1 So potential omissions where there would be
2 blood in the bed of the truck and on the floor of the
3 garage. They knew that the defendant was a surgeon.
4 I'm trying to think of one reasonable hypothesis of
5 how you would have blood all over him from performing
6 an operation and then having it going in the bed of
7 the truck and on the floor of the garage. I mean,
8 what are the chances of that? Slim or none.

9 The fact that he's a hunter. They had
10 absolutely no knowledge that he was a hunter. So I'm
11 not sure that even if they knew that, that that means
12 all that much. It certainly does not vitiate the
13 probable cause in the warrant when you consider
14 everything else.

15 So I think that there was probable cause to
16 search the Corolla. All right. So the Corolla was
17 stopped by Tarpon Springs, and it's because it's in
18 the jurisdiction of Tarpon Springs, so nothing wrong
19 with that.

20 Then we have the detective with the Largo Police
21 Department opening the driver door, and then opening
22 the trunk, and then him indicating that it is a
23 cursory search. Well, as I said, there's probable
24 cause that the body goes in the Tundra and then comes
25 out of the Corolla. So there's a potential here for

1 that body being in the trunk, and there's still a
2 very slight possibility that that body is alive.
3 Slight, because it's been a few days, but you never
4 no or that body could be deceased in there.

5 So he opens up the door, I think, to open up the
6 trunk, basically. Then that's how you open up the
7 trunk, and then he looks into the trunk. And as the
8 State pointed out, there's probable cause at this
9 point, and under the Carroll Doctrine, you can look.

10 But probably the most important thing about that
11 is that there is, under the exclusionary rule, the
12 rule that the fruit of the poisonous tree must be
13 excluded if there's a Fourth Amendment violation.

14 Well, in order to have the fruit of the
15 poisonous tree, there has to be fruit, right? And
16 there's no fruit in the car that he observed or in
17 the trunk, and there's nothing that's used for
18 probable cause for anything else.

19 So under the Carroll Doctrine, they could have
20 opened up the vehicle and searched the vehicle if
21 there's probable cause, and I've indicated that there
22 was, even if there wasn't a search warrant. And,
23 furthermore, it was a cursory search to basically see
24 if there's a body there.

25 But anyway, the search warrant is completed and

1 it's Tarpon Springs and the Sheriff's Office that
2 does the search. It's not the Largo Police
3 Department. It's also the Tarpon Springs Police
4 Department and the Pinellas County Sheriff's Office
5 that does the search in the residence.

6 So Largo doesn't search anything. They're
7 there. They're allowed to be there as advisers.
8 After all, it is their case. They know all about it.
9 Tarpon is not involved at all, except for executing
10 the search warrant because of jurisdictional issues.
11 As a matter of fact, I've heard that they're not very
12 happy about being there either because it's not their
13 case. No one likes to do a whole bunch of work on
14 someone else's case.

15 All right. As far as the reasonable detention
16 or possible unreasonable detention before we have the
17 body search warrant signed. Well, why do the police
18 and law enforcement take so much time to draft these
19 warrants?

20 Well, gosh. We started at 8:30 this morning and
21 it is now 7:24 and we've been talking about
22 everything that's in the warrant and everything
23 that's not in the warrant. That's why they take so
24 much time, because these things get reviewed and
25 analyzed every single word that's in there or not in

1 there, and these things just take time.

2 That's one reason that you've got the court
3 system and the State and everyone involved. They got
4 involved with CloudGavel because they have templates
5 for different things, and it's supposed to speed
6 things up and you can just type it right into the
7 computer, and that goes right into the template, but,
8 obviously, it is brand new then. Any time you have
9 anything brand new like this, you're going to have
10 some hiccups. So it had to end up being done the
11 old-fashioned way and the old-fashioned way takes
12 time.

13 I heard all the things that he had to do. At
14 5:00, he gets the call. Then they've got to go to
15 his house. Then they have to pick up the computer.
16 He tried to pull it in CloudGavel and then they
17 didn't have the template for that.

18 So he gets with Mr. Vonderheide. Mr.
19 Vonderheide tries to get with CloudGavel. Things
20 don't work out. The law enforcement officer has to
21 come to the State Attorney's Office here in order to
22 get it printed out. They make sure that everything
23 is in there that should be in there because they want
24 to make sure there's no omissions that are relevant.

25 The detention isn't unreasonable for a couple of

1 reasons. Number 1: That's just how long it is
2 taking, and no one is goofing off; and Number 2,
3 there's really probable cause to arrest him at this
4 point, especially when they find out everything that
5 they find out at the residence.

6 And, obviously, if they're detaining him and
7 it's taking too long, well, it's -- I was going to
8 say no blood, no foul, but let's just keep blood out
9 of it. It's no foul because they have probable cause
10 to arrest him anyway.

11 I'm going to find that, under all of the
12 circumstances, that detention is not unreasonable.
13 The defendant had to go to the restroom. They took
14 him there, and they just took as long as they needed
15 in order to get that search warrant drafted, as far
16 as the body is concerned.

17 So is there any big issue that I forgot? Does
18 anyone want to hear me talk more?

19 MR. VONDERHEIDE: There was quite a bit of
20 litigation about property lines --

21 THE COURT: Oh, yeah.

22 MR. VONDERHEIDE: -- at the residence.

23 THE COURT: Okay. Yeah. Well, the same thing,
24 okay. There is no fruit of the poisonous tree if
25 there's no fruit, right? They're out there and they

1 don't observe anything really of evidentiary value.

2 And what I heard is that they did whatever they
3 could not to go on the defendant's property. They
4 did not cross the fence line. They had the
5 appraiser's printout or, excuse me, website for that
6 particular property, and they did whatever they could
7 not to go on his property.

8 They did take the photographs from the
9 neighbor's property. They had permission for that.
10 They took photographs in the street. Obviously,
11 they're allowed to be in the street. I heard some
12 testimony that maybe accidentally they cut a corner and
13 may have gone on the defendant's property, but I
14 haven't heard any evidence that any photographs were
15 taken there.

16 So if they take the photographs north of the
17 defendant's property where Fred Howard Park is and
18 the mangroves and marsh and a lot of mud, but they
19 don't find anything. Now, the only thing that maybe
20 could be excluded if they're on his property are the
21 photographs, but there's a whole bunch of photographs
22 where there is absolutely no doubt that they were not
23 on his property.

24 So I don't know if the Defense is moving to
25 exclude the photographs, but there's really nothing

1 to exclude but the photographs. Then it's kind of
2 hard for me to figure out what could have possibly
3 been on his property than not.

4 So if the State and the Defense want to get
5 together on that and figure that out. Obviously, the
6 ones from the neighbor's house and from the -- from
7 the street, and all the way in the marsh, no way is
8 on his property. Maybe there's some that could have
9 possibly been on his property. I don't know. But if
10 the Defense wants that excluded because that's about
11 the only thing that can be excluded because there's
12 nothing found. There's no fruit.

13 So if you can get together on that and then
14 agree that those things that could possibly have been
15 on the property, as far as the photographs, will not
16 come into evidence. There's really nothing of
17 evidentiary value anyway. So it really doesn't
18 matter. Okay.

19 Anything else?

20 MR. VONDERHEIDE: There's one more issue that is
21 vague. There was a suggestion that it said the car
22 must be towed to Largo PD to be searched. It says:
23 It is further ordered that, if needed, the vehicle
24 may be towed from the current location in front of 34
25 Orange Street to Largo Police Department to be

1 searched and processed, but the reality is it went to
2 Largo jurisdiction across the street and it's
3 currently stored in the custody of Largo at Joe's
4 Towing in their fenced-in compound. So that's it.

5 THE COURT: Yeah. And other major crimes, it's
6 the Sheriff's Office that does all of that anyway, so
7 I don't think that invalidates the whole warrant that
8 it didn't say that they do what they always do
9 because they actually have a contract. So,
10 obviously, Largo investigates the crime, and then the
11 Sheriff's Office does the forensics and that happens
12 in every case because of the contract.

13 Then the Sheriff's Office got it to process it
14 across the street. Then it goes back to Largo after
15 that. So I don't think that invalidates the warrant
16 either.

17 All right. Anything else I forgot because I
18 know Charlene wants to hear more.

19 MR. VONDERHEIDE: I don't believe so, Your
20 Honor.

21 MR. BRUNVAND: No.

22 THE COURT: All right. So I'm going to deny the
23 Defense Motions to Suppress. All right.

24 So we're set for trial on May 19th. Do we have
25 any other motions or anything that need to be heard

1 in the future?

2 MR. VONDERHEIDE: We will be filing a Motion for
3 Jury View at the 1501 Belcher. So figuring out -- we
4 have to get together -- the Defense team and us have
5 to get together to do a preliminary view, but we're
6 going to file a motion to do it because I think in
7 this case it would be relevant and necessary pursuant
8 to the case law.

9 I don't think -- are there any other motions?
10 We do have some additional discovery outstanding. We
11 discovered there is perhaps some blood on some shoes
12 that we haven't had tested. On Dr. Kosowski's shoes,
13 there's blood on them and we missed it. So we
14 sent -- that's at the lab right now pending forensic
15 processing.

16 Other than that, we've got some depositions remaining
17 and I think that's it. Motions in Limine --

18 THE COURT: Anything ever happen with that cell
19 phone?

20 MR. VONDERHEIDE: Who?

21 THE COURT: His cell phone. The defendant's
22 cell phone.

23 MR. VONDERHEIDE: His -- we have it, yes. It's
24 downloaded. 200 gigabytes, I think. It's a lot of
25 information. Then there's location -- there's -- his

1 phone records also reveal that he was there at
2 Belcher Road at the time.

3 THE COURT: That's not necessarily from his
4 phone, is it? Is it from the towers or --

5 MR. VONDERHEIDE: There's a tower that if you're
6 sitting in his Tundra and you look to your right you
7 see the tower and he's banging off that tower for the
8 entirety of the time period that he's in the
9 conference court with the Court system. Then it
10 disconnects from the tower. The phone powers down.
11 Then the figure starts moving the wagon again. Then
12 the truck leaves shortly thereafter.

13 THE COURT: All right. I'll tell you, this is a
14 very detailed circumstantial thing. This thing is
15 going to take a while.

16 MR. VONDERHEIDE: Yes.

17 THE COURT: Then if we're driving over to
18 Belcher, that's going to take a while. We have to
19 make sure that the jurors are structured so that they
20 don't go around looking at things they're not
21 supposed to look at and doing things they're not
22 supposed to do.

23 I think Judge Covert had an issue with that one
24 time. First, we have to see what the Defense thinks
25 about that. So do we want to set that for a hearing?

1 I know you're going to be in trial next week.

2 Is it only going to take a week?

3 MR. VONDERHEIDE: There's some debate about
4 that. Mr. Futerman or Ms. Sullivan could weigh in
5 more on that, probably. I think it's going to be a
6 week. My estimate it is, but May 9th? Mr. Brunvand
7 said May 9th.

8 THE COURT: All right. So why don't we say --

9 MR. VONDERHEIDE: We've got depositions that day.

10 MR. BRUNVAND: Right, but the afternoon.

11 MR. VONDERHEIDE: Yeah, the afternoon of May
12 9th, a Friday.

13 THE COURT: Can we say all remaining pending
14 motions heard May 9th at 1:30?

15 MR. VONDERHEIDE: Sure. That's fine with me.

16 THE COURT: Let me see if I have anything else
17 set that day. I have a Motion to Suppress, but you
18 know what, I can move that.

19 MR. VONDERHEIDE: 1:30, Your Honor?

20 THE COURT: Yeah. Unless you want to do it at
21 10:30.

22 MR. VONDERHEIDE: We have depositions that morning.

23 MR. BRUNVAND: We have depositions.

24 THE COURT: All right. So let's say 1:30. Let
25 me know in advance through e-mail and things what

1 motions we're actually going to hear. If they're
2 going to be evidentiary, how long will they take
3 because if it's going to take a while, I will just
4 reset that other motion so we can hear your motions,
5 but if it's going to be, like, a five-minute thing,
6 then I can do both. Just let me know.

7 MR. VONDERHEIDE: Yeah. We will advise the
8 Court.

9 THE COURT: Okay. Anything else we should talk
10 about at this point?

11 MR. BRUNVAND: No, Your Honor.

12 THE COURT: All right. Well, good job by
13 everybody. Thank you very much, and see you next
14 time.

15 (Hearing concluded.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, CHARLENE M. EANNEL, RPR, Stenographic Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record of my stenographic notes.

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

DATED this 29th day of May, 2025.

Charlene M. Eannel, RPR

CHARLENE M. EANNEL, RPR