FL v. Tomasz Kosowski-Sentencing

(26:59 - 27:24)

All right, before the court is state of Florida versus Thomas Roman Kosowski, it's case number 2302935. We're set for the actual sentencing today under Florida law at this point. I believe I have to do an order either way, so I did do a written order.

(27:26 - 27:55)

And you're still representing yourself. Is that correct, Mr. Kosowski? Yes, Your Honor. All right.

And there's no legal reason why the sentencing cannot go forth at this time, is there? I have a new motion to bring before the court. All right, well, what's the motion? Motion to disqualify Joseph Ballone. Okay.

Well, is it in writing? Yes, it is. All right, well, go ahead and present it to the bailiff. Could you give one copy to the state? Yes.

(27:56 - 28:09)

One copy to Judge Ballone. One copy to... All right, and I will return in a few minutes. All rise.

(28:11 - 45:50)

The court is in recess by a few minutes by the 4 o'clock. The circuit court is back in session. All right, you may be seated.

(45:58 - 46:16)

The clerk hears an order for the state and one for the defense. If the bailiff could give one to the state and one to the defense. All right, we will now proceed with the sentencing.

(46:17 - 46:23)

Your Honor, if I may. You may. Just to perfect the record, we filed an additional discovery document on 11-17.

(46:24 - 46:37)

I sent it over to the jail so that a defendant could have a copy. I then asked that a courtesy copy be emailed to him so he would have it digitally through a standby counsel. I had no means to convey it to him digitally.

(46:38 - 47:04)

It's just an additional discovery document related to the FBI. While they independently analyzed the cell phone data presented to them from T-Mobile from March 14 to March 21, and then the second exhibit is March 21 to March 26, they did an independent analysis of that, testified to it in this court. We entered their PowerPoint presentation into the record.

(47:05 - 47:11)

It was not considered what they call a peer review. They independently analyzed it. That's all the discovery was related to.

(47:12 - 47:21)

All right. Thank you. All right, in regard to the sentencing, State, I'm not going to impose any fees or costs on this case.

(47:21 - 47:35)

I assume you have no objection? No objection, Your Honor. All right, we will proceed with the sentencing. The court finds that the State has established two statutory aggravating factors beyond a reasonable doubt.

(47:35 - 48:04)

While the defendant, representing himself, presented no mitigation, special counsel has presented mitigation on behalf of the court, and the court has reviewed the record for mitigating circumstances. The court finds that the evidence establishes one statutory mitigating circumstance and five non-statutory mitigating circumstances. In weighing the aggravating factors and the mitigating circumstances, the court has carefully and thoroughly assessed the significance of each factor and circumstance.

(48:05 - 48:24)

The court recognizes that in considering the aggravating and mitigating factors, there is no mathematical formula. It is not enough to weigh the number of aggravators against the number of mitigators. The court has carefully and thoroughly considered the nature and quality of each of the aggravators and mitigators.

(48:25 - 48:51)

The court has given great weight to the aggravating factor that the homicide was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification. The court also gives moderate weight to the aggravating factor that the murder was committed, at least in part, for pecuniary gain. While the record demonstrates several mitigating circumstances, they are outweighed by these two aggravating factors.

(48:52 - 49:16)

Further, the court finds that the aggravating factor of cold, calculated, and premeditated found by the court standing alone would be sufficient to outweigh any and all mitigation presented in this case. Therefore, the court concludes that the defendant, under the laws of the state of Florida, has forfeited his right to live. Accordingly, it is ordered and adjudged that the defendant, Tomasz Kosowski, is sentenced to death for the murder of Steven Kazi.

(49:17 - 49:35)

The defendant will be committed to the custody of the Florida Department of Corrections for this sentence to be carried out as provided by law. The defendant is notified that his judgment and sentence are subject to automatic review by the Florida Supreme Court. At this time, I will appoint the Public Defender's Office to represent you for purposes of appeal.

(49:35 - 49:50)

If you want to hire a private lawyer, you may do so. If you want to represent yourself in the appeal, then you can deal with that at the appropriate time. Thank you.

(49:51 - 50:00)

All rise. I do have copies of the order. There's your copy.

(50:00 - 50:23)

That's a copy for Mr. Kosowski. We have one for Mr. Mulgren, one for Mr. Hernandez, one for Ms. McNeil, and then I have a couple of extras for whoever would like to look at those. I also have copies of the order that I just signed for all the appropriate parties.

(50:23 - 50:27)

All right, thank you. I do.