

**Detailed History for Police Event #P103291104 As of 12/02/2010 08:12:02**

Output for:

Priority:1 Type:4F - Accident/Injury

Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB <100/ 1>

Map:68 B2

Created:	11/25/2010 18:11:50	CALL16	7421
Entered:	11/25/2010 18:12:18	CALL16	7421
Dispatch:	11/25/2010 18:14:17	DISP9	7720
Enroute:	11/25/2010 18:15:19	DISP9	7720
Onscene:	11/25/2010 18:16:44	M254	2468
Closed:	11/26/2010 05:39:55	DISP9	7421

ICUnit: PrimeUnit:1A62 Dispo:NR Type:4F - Accident/Injury

Agency:VP Darea:06 Zone:63 RD:834

Case #:OC100003275, VP100036484

XREF::EMS Event:#E103290070 Type:4F Agency:EV  Detail

- 18:11:50 CREATE Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB Type:4F  
Name:LADUKE,LORRAINE Phone:[REDACTED] Source:RESD Darea:06 RD:834  
TypeDesc:Accident/Injury LocDesc: <100/ 1> Priority:1 Response:MPAT Agency:VP Map:68  
B2 LocType:H
- 18:11:50 ALI E911Phne:[REDACTED] E911Pilot:[REDACTED] E911Add:[REDACTED] B  
E911Subs:[REDACTED] E911Srce:RESD
- 18:12:18 ENTRY Comment:RP HEARD A CRASH AT THIS AT THIS LOC...UNK 92A..RP IS WALKING  
TOWARDS IT
- 18:12:18 -ASSOC Service:E Event:#E103290070 Type:4F Agency:EV
- 18:12:19 -PREMIS Comment:PPR, EPR
- 18:12:57 CLARFY RPaddr:None->[REDACTED]
- 18:13:03 INFO Comment:10-39 DFR
- 18:13:09 INFO Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB LocDesc: <100/ 1>  
Comment:2 S/92A'S. XFR DFR
- 18:13:09 ALI E911Phne:[REDACTED] E911Pilot:[REDACTED] E911Add:QUERY CALLER FOR  
LOCATION,XX E911Subs:AT&T MOBILITY E911Srce:WPH2 Sector:L BLVD - AliLong:-  
81.316620 AliLatitude:28.898281
- 18:13:09 ALIGEO GeoLong:-81.316620 GeoLat:28.898281 ClosestAdd:257 EAGLE ESTATES DR AddDesc:174 ft  
W ClosestInt:EAGLE ESTATES DR / EDGELAKE DR InterDesc:383 ft W Area1:836  
Area2:9001 Area3:33
- 18:13:36 SELECT
- 18:13:36 INFO Comment:RP COULDN'T WALK FAR ENOUGH W/ THE PX TO GET ANY 14
- 18:13:50 INFO Phone:[REDACTED] Comment:T-BONE S/4, ELDERLY FEM IS CONSCIOUS BUT S/92A
- 18:13:55 NOMORE
- 18:14:12 INFO Location:DOGWOOD TR/N CHARLES R BEALL BLVD, DEB LocDesc: <1/ 100>
- 18:14:15 INFO Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB LocDesc: <100/ 1>  
Comment:911 CALL. ONE VEH IS LEAKING FLUIDS. THERE IS DEFINITE S/16.
- 18:14:15 ALI E911Phne:[REDACTED] E911Pilot:[REDACTED] E911Add:[REDACTED]  
SECTOR,XX E911Subs:AT&T MOBILITY E911Srce:WRLS AliLong:-81.300697  
AliLatitude:28.923891
- 18:14:17 DISP 1A62 Operator:1671 OperNames:GALARZA,ROY
- 18:14:17 -PRIU 1A62
- 18:14:59 INFO Comment:FEMALE DRIVER OF A VEH INVOLVED ADV THERE IS A BABY IN HER  
VEH AND SHE HAS A HEADACHE SHE WAS GIVEN TO CF

18:15:19 BACKER 1A60 UnitID:1A62 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:2468 OperNames:DAY,JAMES  
 18:15:23 ENRTE 1A62  
 18:15:57 INFO Comment:TRIED TO ADVISE DFR OF FLUIDS LEAKING, HOWEVER, NO ANSWER.  
 PROBABLY TALKING TO THE OTHER CALLERS.  
 18:16:44 \*ONSCN 1A60  
 18:18:06 BACKOS 1A61 UnitID:1A62 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7633 OperNames:SAWICKI,MICHAEL  
 18:20:20 BACKUP AIR1 UnitID:1A60 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:6700 7258 OperNames:DARLING,BUD OLDHAM,JOHN  
 18:20:29 MISC Comment:PER DFR TRAUMA ALERT.. REQUESTING AIR1  
 18:20:47 MISC 1A60 Comment:10-39 AIR1  
 18:24:31 MISC 1A61 Plate:P675DE Comment:X  
 18:25:35 BACKER 11A82 UnitID:1A62 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:OC1151 OperNames:CAVIDA,ROLLY  
 18:25:47 BACKER 1A63 UnitID:1A62 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7558 OperNames:RAY,GREGORY  
 18:26:03 MISC 1A61 Plate:853XMH Comment:X  
 18:26:38 LOGM 1A61 Message:011011252326014518 MessageType:Text Received:11/25/2010 18:26:07  
 Comment:NISS VBALID  
 18:26:51 OK 1A62 1A60 1A61  
 18:27:44 ENRTE AIR1  
 18:28:40 \*ONSCN 1A63  
 18:29:00 ONSCN 11A82  
 18:34:37 ONSCN AIR1  
 18:38:30 MISC AIR1 Comment:ON THE GROUND  
 18:39:23 \*CASE 1A61 Case#:VP100036484  
 18:40:05 MISC 1A62 Comment:REQ 10-81 FOR 2 VEH  
 18:40:16 MISC 1A62 Comment:10-39 PAULS  
 18:47:59 MISC 1A60 Comment:HAVE ON CALL THI CALL 1A60 ON NEXTEL  
 18:50:46 MISC 1A60 Comment:PER 1M42 HE WILL MAKE CONTACT WITH TURNEY  
 18:51:46 OK AIR1  
 18:52:10 OK 1A63 11A82  
 18:52:10 OK 1A63  
 18:52:32 MISC 1A60 Comment:NEED 182 RIGHT NOW  
 18:55:45 MISC Comment:PER CF ON VCWIDE1 AIR1 CANCELLED; THEIR MEDIC GOING W/EVAC  
 TO 802  
 18:56:08 CHGLOC AIR1 Location:802, OC Comment:TO PU PARAMEDIC.  
 18:56:51 MISC 1A60 Comment:1792 .....CHARLES BEALL IS SHUT DOWN TRAFFIC BEING  
 REDIRECTEDSB TRAFFIC DETOUR T.B.D.  
 18:57:35 MISCN Comment:PER 1M42 NOTIFIED SGT TURNEY REF TO ON CALL THI AND THE TEAM  
 IS COMING 10-8  
 19:00:57 ONSCN AIR1  
 19:02:40 BACKER 1M43 Operator:7190 OperNames:ALLISON,PATRICK  
 19:03:25 MISC 1A60 Comment:SEE IS COPIS AVAILABLE  
 19:04:19 BACKER 1A25 UnitID:1A60 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7551 OperNames:DEANE,TRAVIS  
 19:04:19 BACKER 1A26 UnitID:1A60 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7176 OperNames:NAHOUN,JOSEPH  
 19:04:27 MISC 1A60 Comment:PER 1M42...SGT. TURNEY, DEP. ALLISON AND DEP. CHARRON WITH  
 TH THI TEAM ARE COMING 10-8  
 19:04:34 MISC 1A25 Comment:PER 182 FOR TRAFFIC  
 19:06:57 MISC 1A60 Comment:NOBODY ANSWERING THE PHONES FOR COPS  
 19:10:51 MISC Comment:ON NON EMEMGENCY - CALLER SAYS IT LOOKS LIKE THE REROUTED  
 TRAFFIC MIGHT BE GETTING ALITTLE LOST AT SOFT SHADOW LN/N  
 PINEMEADOW AND THINKS IT MIGHT HELP TRAFFIC IF SOMEONE COULD GO

**THERE AND ROUTE CARS**

19:11:00 BACKUP 1M42 Operator:2363 OperNames:DALTON,KEITH M  
 19:12:33 \*ONSCN 1A26  
 19:13:41 MISC AIR1 Comment:WAITING ON THE PARAMEDIC...GOING FROM 802 TO 704  
 19:13:52 \*CLEAR 11A82 Dispo:NR DispoLevel:10  
 19:15:17 BACKUP 7243 UnitID:1A60 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7243 OperNames:CHARRON,CRAIG Comment:REF TO THI  
 19:18:56 OK 1A26  
 19:19:18 \*ONSCN 1A25  
 19:19:47 OK AIR1  
 19:19:49 ONSCN 1A25  
 19:21:52 \*ENRTE 1M42  
 19:22:04 BACKUP 1A41 UnitID:1A60 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7199 OperNames:TEW,TIMOTHY  
 19:24:56 ENRTE 1A41 7243  
 19:26:18 OK 1A25  
 19:28:24 \*ONSCN 1M42  
 19:34:53 BACKER 1M40 UnitID:1A61 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:2509 OperNames:TURNNEY,JOEL  
 19:35:00 CHGLOC 1M40 Location:D4, DLT  
 19:35:42 OK 1M42  
 19:35:47 MISC 1M40 Comment:TO PICK UP THE TRAILER  
 19:37:44 CHGLOC AIR1 Location:704, DB Comment:ETA 10MIN, 2.15HR FUEL, 1740 FT  
 19:42:34 BACKUP 11CP82 UnitID:1M40 Location:D4, DLT Operator:OC1237 OperNames:RIGGINS  
 JR,SHAWNIE  
 19:42:39 ENRTE 11CP82  
 19:43:08 BACKUP 11CP10 UnitID:1A61 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:OC1166 OperNames:FARLEY,DAN  
 19:44:39 MISC 1A60 Comment:OC IS SENDING COP FOR TRAFFIC CONTROL...  
 19:46:03 ONSCN AIR1  
 19:48:19 CASE Case#:OC100003275 Comment:REF TO 59  
 19:51:30 \*ONSCN 7243  
 19:51:51 \*BACKER 141 UnitID:1M40 Location:D4, DLT Operator:1413 OperNames:HUGHES,BRODIE  
 19:52:12 OK AIR1  
 19:53:00 MISC 1M40 Comment:10-97 AT D4 PICKING UP EQUIP.  
 19:53:14 CLOS 1M40 Location:D4, DLT  
 19:53:26 ONSCN 11CP10 11CP82  
 19:57:45 OK 1M40 11CP10 11CP82 7243  
 20:06:31 \*ONSCN 1A62  
 20:08:24 \*ONSCN 1M43  
 20:08:53 BACKOS 182 UnitID:1A60 Location:704, DB Operator:2320 OperNames:BROWN,CHARLES  
 20:09:05 CHGLOC 1M40  
 20:09:16 OK 182  
 20:13:03 \*CLEAR 1A25 Dispo:NR DispoLevel:10  
 20:15:56 ONSCN 141  
 20:16:29 CLOS 141  
 20:16:41 OK 1A62 141  
 20:16:48 OK 1M43  
 20:17:24 \*ONSCN 1M40  
 20:22:05 OK 1M40  
 20:31:59 \*CLEAR 1A26 Dispo:NR DispoLevel:10  
 20:43:53 CLOS 7243 Location:802, OC  
 20:52:28 CLEAR 1A62  
 20:53:46 CHGLOC AIR1 Location:802, OC Comment:TO DROP OFF RIDER  
 20:54:20 MISC AIR1 Comment:HIGHEST OBSTUCTION 1740 FT

20:56:54 RFT 1A41 OLN:M620104925250  
 20:57:15 LOGM 1A41 Message:011011260157001062 MessageType:Text Received:11/25/2010 20:56:57  
 Comment:LOGM  
 21:00:33 OK 7243  
 21:06:00 MISC Comment:ON CALL EVIDENCE TECH WILL BE NEEDED IN A FEW HOURS - JUST  
 CALL AND GIVE THEM A HEADS UP SO THEY WILL BE AWARE  
 21:06:49 ONSCN AIR1  
 21:07:21 MISC Comment:ALERTED KENNEDY - ON CALL EVIDENCE TECH  
 21:08:18 MISC Comment:10-39 KENNEDY  
 21:09:40 CLEAR AIR1  
 21:40:13 \*CHGLOC 7243 Location:704, DB  
 21:44:35 CLOS 1A41 Location:2225 HILLSIDE AV, OC  
 21:48:08 CHGLOC 1A41 Location:1131 N ALABAMA AV, DEL  
 22:03:45 \*ONSCN 1A41  
 22:06:15 \*CHGLOC 1A41 Location:2225 HILLSIDE AVE, ORANGE CITY  
 22:06:39 \*CHGLOC 1A41 Location:2225 HILLSIDE AVE, ORANGE CITY  
 22:19:25 \*ONSCN 1A41  
 22:21:26 \*ONSCN 7243  
 22:24:03 CHGLOC 182 Location:DEBARY  
 22:27:31 OK 1A41  
 22:30:37 OK 7243  
 22:44:09 \*RFT 1M42 OLN:M620433853880  
 22:44:24 CLEAR 182  
 22:44:48 BACKOS 182 UnitID:1A41 Location:2225 HILLSIDE AVE, ORANGE CITY Operator:2320  
 OperNames:BROWN,CHARLES  
 22:44:50 \*RFT 1M42 OLN:O220541834520  
 22:55:33 OK 182  
 22:59:21 CLEAR 1A61  
 23:03:42 MISC 1M42 Comment:REQ TO HAVE CF CONTACT ME AND HAVE THEM RESPOND TO 704  
 23:05:50 MISCN 1M42 Comment:10-39 ECC REF MEDICAL EXAMINI  
 23:05:53 MISCN 1M42 Comment:10-39 ECC REF MEDICAL EXAMINER  
 23:07:09 MISC Comment:EVIDENSE TECH-KENNEDY CALLED ...HE IS 10-26 ON STILL BEING ON  
 STAND BY - IS REQ ANOTHER CALL WHEN UNITS NEED HIM  
 23:10:30 \*CLEAR 1A60 Dispo:NR DispoLevel:10  
 23:14:29 \*CHGLOC 1A41 Location:1131 N. ALABAMA AVE, DELAND  
 23:22:21 \*ONSCN 1A41  
 23:25:17 BACKUP 1A61 UnitID:1M40 Location:N CHARLES R BEALL BLVD/DOGWOOD TR, DEB  
 Operator:7633 OperNames:SAWICKI,MICHAEL  
 23:26:26 ENRTE 1A61  
 23:26:31 ONSCN 1A61  
 23:29:26 OK 1A41  
 23:33:25 OK 1A61  
 23:35:23 \*CHGLOC 1A41 Location:2225 HILLSIDE AVE, OC  
 23:47:49 \*ONSCN 1A41  
 [11/26/2010]  
 00:06:02 OK 1A41  
 00:09:17 \*CLEAR 182  
 00:31:23 \*CHGLOC 7243 Location:LOI  
 00:31:24 \*ONSCN 7243  
 00:36:02 OK 7243  
 00:42:29 MISC Comment:EVIDENCE TECH CALLED IN WANTING ETA FOR RESPONSE, HE ADV HE  
 IS GOING TO BED, CALL WHEN AND IF NEEDED  
 01:03:39 MISC Comment:CALLING THE ON CALL EVIDENCE TECH  
 01:05:03 MISC Comment:10-39 KENNEDY  
 01:25:03 CHGLOC 1A41 Location:EVIDENCE, DEL Comment:FOLLOWING PAULS W/ 2 VEHS

01:25:13 OK 1A41  
 01:26:05 MISCN 1A41 Comment:LET EVIDENCE TECH KNOW UNIT IS ENROUTE TO DELAND NOW  
 01:26:39 \*CLEAR 141  
 01:26:50 \*CLEAR 1A63 Dispo:NR DispoLevel:10  
 01:27:09 CLEAR 1A61  
 01:27:15 CLEAR 11CP10 11CP82  
 01:28:20 MISCN 1A41 Comment:39 TO EVIDENCE TECH  
 01:34:19 XREF Service:P Event:#P103300107 Type:17 Agency:VP  
 01:36:46 \*CHGLOC 7243 Location:D4, DLT Comment:DROP EVIDENCE  
 01:36:50 \*ONSCN 7243  
 01:38:35 OK 7243  
 01:49:59 \*ONSCN 1A41  
 01:50:13 OK 1A41  
 01:54:13 \*CHGLOC 1A41 Location:DELTONA  
 01:57:36 \*RFT 1M42 Plate:223YWA  
 01:59:11 PRMPT 1M42 Comment:Preempted and dispatched to call #P103300136  
 01:59:14 PRMPT 1M43 Comment:Preempted and dispatched to call #P103300136  
 02:02:47 \*CLEAR 1M40 Dispo:NR DispoLevel:10  
 02:07:05 \*CHGLOC 1A41 Location:1330 SAXON BLVD, OC  
 02:07:14 \*ONSCN 1A41  
 02:07:39 \*MISC 1A41 Comment:COMFORT INN REFERENCE 10-17 THIS CALL  
 02:16:39 OK 1A41  
 02:18:36 \*CHGLOC 1A41 Location:D4, DLT  
 02:28:15 ONSCN 1A41  
 02:28:18 OK 1A41  
 02:56:59 \*CLEAR 7243 Dispo:NR DispoLevel:10  
 03:00:34 XREF Service:P Event:#P103300199 Type:17 Agency:VP  
 03:01:15 MISC 1A41 Comment:DFR ARRIVED ON SCENE 1816  
 05:39:55 CLEAR 1A41  
 05:39:55 -CLEAR  
 05:39:55 CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont	Other_PX	Weapon?
LADUKE,LORRAINE	386/753-9340				
		65 BOUGAINVILLEA #C			
	386/747-7961				

# Sheriff's Office



**William R. Lee**  
Chief Deputy  
123 W. Indiana Avenue  
P.O. Box 569  
DeLand, FL 32721-0569

**TO:** Captain Alan Osowski ID # 2120  
LES/Commander District VI


**DATE:** December 14, 2010

**FROM:** William R. Lee  
Chief Deputy

**FILE:** 041M00116.10

**SUBJECT:** Notification of Internal Investigation

**REFERENCE:** IA-10-028


 Pursuant to **Directive 52.1.58** you are hereby notified that you are the subject of an internal investigation. The complainant in this case is Chief Deputy William R. Lee.

This investigation is relevant to an alleged violation of Department Standards Directives:

**26.2.130 Commission of Felony** - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. *(Violation subject to dismissal)*

**26.2.118 Code of Ethics for Public Officers and Employees** - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal.)*

And, Volusia County Merit System Rules and Regulations 86-453 (13), Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

The alleged violations were reported to have occurred on November 25, 2010. 

A

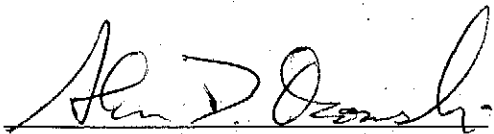
During the period of this investigation you are instructed not to drive a department vehicle, nor act in any capacity as a Deputy Sheriff.

Enclosed please find a copy of the Law Enforcement Officer's Rights which includes your rights and responsibilities relevant to this investigation.

Be advised that you are prohibited from contacting the complainant and/or witnesses relative to this investigation.

An appointment will be made with you at a later date for the purpose of taking your statement

A



This memo read and received by:  
Captain Alan Osowski ID # 2120  
Date: 12/14/10  
Time: 1305 hrs  
WRL/rg 040M0116.10

ALAN D. OSOWSKI

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[REDACTED]  
[REDACTED]

November 30, 2010

Sheriff Ben F. Johnson  
Volusia County Sheriff's Office  
123 West Indiana Avenue  
DeLand, FL 32720

Dear Sheriff Johnson,

It is with extreme mixed emotions that I announce that I will be retiring from the Volusia County Sheriff's Office and the County of Volusia effective January 21, 2011.

It has been a sincere privilege to have served the citizens of Volusia County as a Deputy Sheriff. I believe that I attended to my duties with professionalism, fairness, and compassion, and helped to make our citizens a little safer.

It has been a true pleasure working for you and your administration, and as I look forward to this next phase of my life, I will certainly miss all of the wonderful people I have worked with through the years.

Sincerely,



Alan D. Osowski



Sheriff



**Ben F. Johnson**

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue  
P.O. Box 569  
DeLand, FL 32721-0569

December 8, 2010

Captain Alan D. Osowski  
[REDACTED]  
[REDACTED]

Dear Captain Osowski:

I have received your letter notifying me of your intent to retire from the Volusia County Sheriff's Office effective January 21, 2011. I know that this wasn't exactly planned for this time, but with your recent family tragedy, I can certainly understand your reasoning. Despite that, I can say without hesitation that it won't be the same here without you.

Since you began your career in July 1981, you have seen tremendous growth within the department and witnessed a technological revolution, which has enhanced the way we perform our duties and provide services to the public. You have significantly contributed to making the Volusia County Sheriff's Office one of the finest law enforcement agencies in the state, if not the nation. You have worked in many assignments within the department such as Narcotics, Community Services and Patrol, but you spent the bulk of your time in Internal Affairs (seven years) and as the Commander of our District 6 (DeBary) substation (formerly known as District 4-A) for twelve years. No matter the assignment, you always devoted 100% and performed your duties with that infamous smile on your face. Thank you for more than 29 years of loyal and exceptional dedication to the Volusia County Sheriff's Office and the citizens we serve.

On behalf of all department members, I wish you and your family healing, health and happiness for the future. You will always be a member of the VCSO family and I hope you will visit us often. If I can ever be of assistance, personally or professionally, please don't hesitate to call.

Sincerely,

  
Ben F. Johnson  
Sheriff

BFJ:sp/040L0440.10

cc:	Chief Deputy W. R. Lee	Internal Affairs
	Major R. L. Jones	Inventory
	Major T. A. Sanders	Payroll
	Major V. V. Vecchi	Personnel
	Communications	Special Projects
	Fleet Management	Training
	Info Systems	Witness Management

**VOLUSIA COUNTY SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA #10-028**

**PERIOD COVERED:** November 25, 2010

**DATE REPORTED:** November 30, 2010

**SUBJECT(S) NAME:** Captain Alan Osowski #2120

**INVESTIGATING OFFICER:** Sergeant Timothy Morgan

**BASIS FOR INVESTIGATION:**

On November 25, 2010, Captain Alan Osowski, while off duty, responded to Charles Beal Rd and Pine Meadows Dr. located in the City of Debarry to a crash scene which involved his son Mr. Michael Osowski and his mother Mrs. Peggy Osowski. As result of the crash Mrs. Peggy Osowski passed away. Captain Osowski was suspected of obstructing the traffic crash investigation, by removing the driver of the vehicle (Michael Osowski) from the crash scene prior to the crash investigation being completed. Due to Captain Osowski's alleged actions while at the crash scene, Mr. Michael Osowski was not located and or made available for the traffic homicide investigation until the following day (November 26, 2010).

As a result of Captain Osowski's alleged actions or inactions surrounding his son's whereabouts after the crash, the Sheriff Office requested the State Attorney Office to conduct a criminal investigation. The State Attorney Office determined that no formal charges were to be filed against Captain Osowski.

**OFFENSE(S):**

**26.2.130 Commission of Felony** - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. (*Violation subject to dismissal*)

**26.2.118 Code of Ethics for Public Officers and Employees** - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. (*Violation subject up to dismissal.*)

And, Volusia **County Merit System Rules and Regulations 86-453 (13)**, any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

#### **INVESTIGATIVE SUMMARY:**

On November 25, 2011, Captain Osowski submitted a letter advising Sheriff Johnson of his intent to retire from the Volusia County Sheriff Office. *(See Tab-A)*

On December 14, 2010, Chief Deputy William Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Morgan.

On December 14, 2010, Sergeant T. Morgan and Lieutenant R. Goggin of the Internal Affairs Unit, served Captain Alan Osowski with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officers Bill of Rights. Captain Osowski was advised that he was suspended with pay until further notice. Lieutenant Goggin secured Captain Osowski's department issued weapon, vehicle, gun belt, and credentials. *(See Tab-A)*

On December 29, 2010, Sergeant Morgan obtained audio recordings of the interviews conducted by Investigator Jack Bisland with the State Attorney Office (SAO) which involved several members of the Volusia County Sheriff's Office covering the dates of December 6, thru December 28, 2010. The following is an overview of the interviews conducted:

During the sworn interviews all members of the Volusia County Sheriff's Office statements were consistent. Deputies who were in close proximity to Michael Osowski advised they did not detect the odor of an alcoholic beverage or any indications of intoxication. According to the subjects interviewed by the State Attorney Investigator, prior to Captain Allan Osowski removing his son Michael Osowski from the crash scene, he (Captain Osowski) obtained permission from an on duty deputy to leave with Michael Osowski, and respond to the hospital to check the well being of their relative. When Captain Osowski arrived at Fish Memorial Hospital with his son Michael Osowski, they learned that Peggy Osowski was to be airlift to Halifax Hospital. Captain Osowski left Fish Hospital with Michael Osowski in order to respond to Halifax Hospital, and upon his (Captain Osowski's) arrival at Halifax Hospital; Michael Osowski was not with him. While at Halifax Hospital, Captain Osowski was allotted time with his mother, and he (Captain Osowski) then returned to his residence located in Orange City. According to the statements, members of the Sheriff's Office contacted and questioned Captain Osowski at his residence in order to determine his son's location. Upon realizing that Captain Osowski had dropped off Michael Osowski at his (Michael Osowski's) residence located in Deland, deputies requested that Captain Osowski attempt to contact his son by phone. However, he (Captain Osowski) met with negative results. Members of the Sheriff's Office also attempted to contact Michael Osowski at his residence, but met with negative results. Captain Osowski provided deputies with Michael Osowski's cell phone number, but they were unable to contact Michael Osowski until November 26, 2010. *(See Transcripts Tab- B thru Tab-N for complete details)*

On Monday January 5, 2011, Investigator Bisland (SAO) conducted a recorded interview with Captain Allen Osowski. The Interview was conducted at the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit located at the courthouse in Deland, Florida.

### **Captain Allan Osowski**

During Captain Allan Osowski's sworn interview, he advised that on November 25, 2010, after spending Thanksgiving Day with his family, his son, Michael Osowski, was driving his (Michael's) grandmother Peggy Osowski home. Captain Osowski added, approximately 10 minutes after Michael Osowski left, he received a phone call from Michael Osowski advising they were involved in an accident. Michael Osowski also told Captain Osowski, Nana (**referring to his grandmother**) was hurt.

Captain Osowski advised that when he arrived on scene, he checked the well being of his mother and his son. Captain Osowski estimated his time on scene to be approximately 30- 40 minutes. Captain Osowski advised while on scene he spoke to Sergeant James Day briefly about the condition of his family members, and to Deputy Roy Galarza in order to obtain permission to respond to the hospital to check on his mother. Captain Osowski stated that after the ambulance left with his mother, he spoke to Deputy Galarza and asked him "*Can we can go?*" (**Referring to himself and Michael Osowski**) and Deputy Galarza told him "*Yes.*" Captain Osowski advised that prior to leaving the scene; he removed personal items from the vehicle which belonged to Michael Osowski. Captain Osowski described the items as school books, and work related items. Captain Osowski added that when he requested permission to leave, Michael Osowski was standing next to him. Captain Osowski stated when they (referring to himself and Mr. Michael Osowski) arrived at the Fish Hospital; the medical staff was working on his mother to stabilize her, and she was going to be airlifted to Halifax Hospital. When they placed her in the helicopter, he (Captain Osowski) left with Michael Osowski, and he (Captain Osowski) wanted to drop Michael Osowski off at his (Captain Osowski's) residence located in Orange City. However, Michael Osowski insisted on being dropped off at his residence located in Deland. Captain Osowski advised after dropping Michael Osowski off at his (Michael Osowski's) residence, he picked up his wife Ann Osowski at his residence located in Orange City and responded to Halifax Hospital.

Captain Osowski advised when he arrived at Halifax Hospital; he was informed his mother had passed away. Captain Osowski advised he was allowed to spend time with his mother and then he left the hospital. Captain Osowski advised that he believed his wife Ann Osowski contacted Michael from the hospital and notified him of his grandmother's death. It was at that time Ann Osowski advised Captain Osowski, Michael was going to take an Ambien, and go to sleep. Captain Osowski advised while at Halifax Hospital, he didn't recall anyone inquiring about the whereabouts of his son Michael Osowski prior to leaving. However, he recalls Captain Mandizha telling him the investigators would need to talk to Michael.

Captain Osowski advised when he returned to his residence in Orange City, he was contacted by Lieutenant Hughes, and he (Lieutenant Hughes) believed Michael Osowski was in Captain Osowski's residence. Captain Osowski added he told Lieutenant Hughes that he had dropped his son off at his (Michael Osowski's) residence located in Deland. Captain Osowski added Lieutenant

Hughes already had Michael Osowski's address and he (Captain Osowski) provided him with Michael Osowski's personal cell phone number. Captain Osowski advised at the request of Lieutenant Charlie Brown, he (Captain Osowski) had also attempted to call Michael Osowski, but met with negative results. Captain Osowski advised he was aware Michael may have consumed an Ambien, and cited that as a possible reason for Michael Osowski not answering the door or phone.

Captain Osowski stated on November 26, 2011, he was contacted by Michael, and he (Captain Osowski) asked Michael Osowski if he had spoken to the deputies last night. After determining that he had not spoken to the deputies, he (Captain Osowski) contacted the on duty Sergeant to make him aware Michael Osowski was at his (Michael Osowski's) house and he was available for the investigators. Captain Osowski advised that they (Michael, Ann Osowski, and Michael's girlfriend) responded to District IV in order to meet with the Traffic Homicide Investigators. During Captain Osowski's interview he advised that he had an "emotional meltdown" and he was not thinking clearly. (See Tab-B)

On Monday January 5, 2011, Investigator Bisland (SAO) conducted a recorded interview with Mrs. Ann Osowski. The Interview was conducted at the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit located at the courthouse in Deland, Florida.

#### **Mrs. Ann Osowski**

During Mrs. Ann Osowski's sworn interview, she advised on November 25, 2010, Captain Osowski her husband informed her of the accident involving Michael and Peggy Osowski. Mrs. Osowski advised, she recalled notifying Michael Osowski about his grandmothers passing while at Halifax Hospital. Mrs. Osowski stated Michael Osowski advised her he took an Ambien and was going to sleep. Mrs. Osowski advised that after Michael Osowski left her house with his grandmother, on November 25, 2010, she did not see him again until November 26, 2010 at District IV. (See Tab-C)

On Monday January 25, 2011, Investigator Bisland (SAO) conducted a recorded interview with Mr. Michael Osowski. The Interview was conducted at the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit located at the courthouse in Deland, Florida.

#### **Mr. Michael Osowski**

During Mr. Michael Osowski's sworn interview, he advised on November 25, 2010, he spent Thanksgiving Day with his family. Mr. Michael Osowski stated while driving his grandmother, Peggy Osowski home at her request, they were involved in a serious accident which resulted in significant injuries to his grandmother. Mr. M. Osowski advised immediately after the accident he remained in the vehicle to assist his grandmother with her injuries until medical personnel made him exit the vehicle.

Mr. Osowski advised after exiting the vehicle he contacted his father Captain Allan Osowski to notify him about the accident, and within minutes Captain Osowski arrived on scene. Mr. M.

Oowski advised at the request of an unknown deputy on scene, he provided the deputy with his Florida Drivers License, which was later returned to him (Mr. Oowski). He added while on scene deputies also checked his injuries (sore ribs) from the accident. Mr. Oowski stated he recalls approaching a deputy with his father (Captain Oowski) and his father asking the deputy something to the effect of are you done with him or can we go? To which the deputy said "yes". Mr. Oowski advised with the help of his father they removed a few personal items from his (Michael Oowski's) vehicle and they responded to Fish Memorial Hospital together.

Upon their arrival at Fish Memorial Hospital, Michael Oowski advised he recalls learning his grandmother (Peggy Oowski) was in serious but stable condition, and she was going to be airlifted to Halifax Hospital. Mr. Oowski advised after learning his grandmother was being airlifted to Halifax Hospital, they left and went to his (Michael Oowski's) residence located in Deland. Michael Oowski stated while traveling to his residence there was no discussion between them regarding the accident, but they did talk about his grandmother's condition. Upon their arrival at his (Michael Oowski's) residence, Captain Oowski entered to utilize the facilities and then departed to Orange City to pick up his step-mother Mrs. Ann Oowski.

Michael Oowski stated while at home he received a phone call from Mrs. Ann Oowski, who advised that his grandmother had passed away. Mr. Oowski advised after receiving the news, he consumed a sleeping pill and fell asleep. Michael Oowski advised he was not aware the deputies were attempting to contact him until the he woke up in the morning, and he scheduled an interview with the investigators that afternoon. (See Tab-I)

Captain Oowski's actions at the crash scene and his behavior after leaving the crash scene were investigated by State Attorney Office, and no formal charges were filed. On March 14, 2011, Investigator Bisland (SAO) provided Sergeant Morgan with the State Attorney Office's case summary. (See Attached Case Summary)

**CONCLUSION:**

Captain Oowski submitted a letter advising Sheriff Johnson of his intent to retire from the Volusia County Sheriff Office, prior to the State Attorney Office and the Volusia County Sheriff's Office completing their respective investigations. Captain Oowski's letter was accepted by Sheriff Johnson. The Volusia County Sheriff's Office continued their investigation into Captain Oowski's alleged policy violations to determine if policy and procedure were violated.

On March 16, 2011, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the listed Department Standards Directives to be:

<b>26.2.130 Commission of Felony</b>	<b>Exonerated</b>
<b>26.2.119 Code of Ethics for Public Officers and Employees County Merit System Rules and Regulations 86-453 (13),</b>	<b>Exonerated Sustained</b>

During the administrative presentation to the Sheriff and his administrative staff, the Sheriff determined Captain Osowski also violated two (2) additional policies:

**26.2.5** Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

A District Commander with the Volusia County Sheriff's Office is entrusted by this administration, to ensure compliance with all policies and procedures, to safeguard the integrity of the agency, and to ensure Florida Statutes are enforced. The findings of this investigation reflected unfavorably on the Volusia County Sheriff's Office, and the overall perception of the investigation may cause the public to mistrust the judgment and impartiality of the Sheriff's Office. In addition the behavior documented during this investigation could have resulted in a demotion and or termination.

**EXHIBIT(S):**

- A) Official Correspondence
- B) Transcripts of Captain Allan Osowski as obtain by Investigator Jack Bisland (SAO)
- C) Transcripts of Mrs. Ann Osowski as obtain by Investigator Jack Bisland (SAO)
- D) Transcripts of Deputy Roy Galarza as obtain by Investigator Jack Bisland (SAO)
- E) Transcripts of Deputy Gregory Ray as obtain by Investigator Jack Bisland (SAO)
- F) Transcripts of Sergeant James Day as obtain by Investigator Jack Bisland (SAO)
- G) Transcripts of Lieutenant Charlie Brown as obtain by Investigator Jack Bisland (SAO)
- H) Transcripts of Deputy Michael Sawicki as obtain by Investigator Jack Bisland (SAO)
- I) Transcripts of Mr. Michael Osowski as obtain by Investigator Jack Bisland (SAO)
- J) Transcripts of Deputy Joe Ramos as obtain by Investigator Jack Bisland (SAO)
- K) Transcripts of Lieutenant Brodie Hughes as obtain by Investigator Jack Bisland (SAO)
- L) Transcripts of Major Robert Jones as obtain by Investigator Jack Bisland (SAO)
- M) Transcripts of Deputy Timothy Tew as obtain by Investigator Jack Bisland (SAO)

- L) Transcripts of Major Robert Jones as obtain by Investigator Jack Bisland (SAO)
  - M) Transcripts of Deputy Timothy Tew as obtain by Investigator Jack Bisland (SAO)
  - N) Transcripts of Deputy Patrick Allison as obtain by Investigator Jack Bisland (SAO)
  - O) Transcripts of Mr. James Vickers as obtain by Investigator Jack Bisland (SAO)
  - P) Transcripts of Captain Mandizha as obtain by Investigator Jack Bisland (SAO)
  - Q) CAD Printout of Call #P103291104
  - R) Compact Disc of all recorded interviews
- Attached to this file is a copy of the State Attorney Office investigative summary**

**WITNESSES:**

Mrs. Ann Osowski  
Orange City, Florida

Deputy Roy Galarza  
Volusia County Sheriff's Office

Deputy Gregory Ray  
Volusia County Sheriff's Office

Sergeant James Day  
Volusia County Sheriff's Office

Lieutenant Charlie Brown  
Volusia County Sheriff's Office

Deputy Michael Sawicki  
Volusia County Sheriff's Office

Mr. Michael Osowski  
Deland, Florida

Deputy Joe Ramos  
Volusia County Sheriff's Office

Lieutenant Brodie Hughes  
Volusia County Sheriff's Office

Captain Charles Mandizha  
Volusia County Sheriff's Office



Major Robert Jones  
Volusia County Sheriff's Office

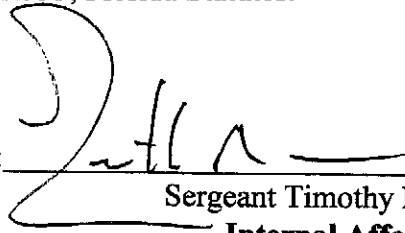
Deputy Timothy Tew  
Volusia County Sheriff's Office

Deputy Patrick Allison  
Volusia County Sheriff's Office

Mr. James Vickers  
Orange City, Florida

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:



Sergeant Timothy Morgan  
Internal Affairs

DATE: 3/22/11

APPROVED BY:



Chief Deputy William R. Lee  
SHERIFF BEN F. JOHNSON  
VOLUSIA COUNTY FLORIDA

DATE: 3/24/11

**FDLE**

Florida Department of  
Law Enforcement

**INTERNAL INVESTIGATION REPORT**

Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



CJSTC  
78

Please type or print in black or blue ink and use capital and small letters for names, titles, and addresses

**OFFICER**

- 1. Social Security Number: [REDACTED]
- 2. Officer's Name: **Osowski, Alan D**
- 3. Officer's Last Known Address: [REDACTED]
- 4. Officer's Telephone Number: [REDACTED]

**AGENCY**

- 5. Agency ORI: **FL0640000**
- 6. Agency Name: **Volusia County Sheriff's Office**
- 7. Agency Contact Person: **LT. PAUL ADKINS**
- 8. Agency Contact Person's Telephone Number: **386-736-5961**
- 9. Agency FAX Number: **386-740-5190**

**VIOLATION - ALLEGATION**

10. Nature of Allegation(s): **Deputy failed to follow directive which resulted in an investigation not being properly conducted by removing his son from a crash scene involving a fatality.**

11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.)   
Sustained - (Violation of Agency Policy)  Not Sustained  Unfounded  Exonerated

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: **December 14, 2010** Date Internal Investigation Completed: **March 16, 2010**

Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply **Days Tolled**

- Written waiver of limitation by officer
- Ongoing criminal investigation or criminal prosecution **95 days**
- Officer incapacitated or unavailable
- Multi-jurisdictional investigation
- Emergency or natural disaster as declared by the Governor

13. Criminal Charges Filed: **None filed.**

14. Agency Disciplinary Action: **Resigned prior to completion of internal investigation.**

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- Summary of the Facts
- Internal Investigation Report
- Name & Address of Witness
- Witness Statement/Disposition
- Certified Court Documents
- Other Supportive Information

**NOTICE:** Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

*William Rhee*

16. Agency administrator's signature

*3/24/11*

17. Date Signed

WILLIAM R. LEE

CHIEF DEPUTY

18. Agency administrator's name and title

Effective 1/1/1993

Form Effective Date: 6/9/2008

WITNESS STATEMENT

JB – Jack Bisland      AO – Capt. Alan Osowski

JB      Testing 1-2-3-4-5, 5-4-3-2-1. Today's date is January 5<sup>th</sup>, 2011. The time now is approximately 9:15am. My name is Jack Bisland, I'm an investigator sworn law enforcement officer with the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit. I'm conducting a criminal investigation and this interview is being conducted at the State Attorney's Office in Deland, Florida. I'm interviewing Mr. Alan Osowski. Also present in the room is Mike Teal an attorney representing Mr. Osowski. Before we get started I would like to establish first Alan that this statement is voluntary is that correct?

AO      That's correct.

JB      And that no one has threatened you, coerced you or made you any promises in order to induce you to make a statement at this time is that correct?

AO      That's correct.

JB      Additionally I want to establish that you're under no obligation to answer questions or give a statement in this matter as anything you say can and will be used as evidence against you in court, do you understand that?

AO      Yes I do.

JB      And essentially it's been represented to me that you're here today voluntarily waiving your rights aware of them because you want to tell your side of this story.

AO      That's correct.

JB      Very good. Your attorney's here Mr. Teal representing you to provide you counsel during this interview and at any time if you wish to confer with him or stop questioning or leave certainly you may do so, do you understand that?

AO      Yes I do.

JB      Ok this will be a sworn audio recorded statement taken by law enforcement officer pursuant to Florida Statute 117 10 and at this time I'd like to place you under oath. If you would please just raise your right hand. Do you solemnly swear of affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

AO      I do.

JB      Would you please state your full name and date of birth?

AO Alan D Osowski, born June 10<sup>th</sup>, 1949.

JB And your current address please?

AO [REDACTED]

JB And if you would provide a good contact phone number please.

AO [REDACTED]

JB Ok. Alan, is it ok to call you Alan?

AO Yeah absolutely.

JB As you're aware from our telephone conversation on December 25<sup>th</sup> the Sheriff's Office has asked the State Attorney's Office in late November to conduct an investigation into the tragic fatality accident which occurred on November 25<sup>th</sup>, Thanksgiving early evening involving members of your family and that's why we're here today.

AO Uh huh.

JB Specifically that investigation focuses on your actions and/or inactions and your son Michael's availability to traffic homicide investigators to provide an interview and/or potential blood draw. And essentially this investigation starts from the time that you were notified of the accident, got on scene until the events the following day...

AO Ok.

JB ...when you met with the Sheriff's investigators. So on November 25<sup>th</sup>, 2010 were you employed as the district commander of the Debarry district for the Volusia Sheriff's Office?

AO Yes, yes I was.

JB Were you on or off duty on Thanksgiving Day?

AO Off duty.

JB To establish a predicate if you will is it an accurate summary that yourself, your wife, and your son Michael, your mother Peggy and your mother in law I believe is it Dorothy O'Brien?

AO Yes.

JB Spent Thanksgiving Day early at your residence in Orange City, you then collectively went to the Debary Country Club where you had a meal and then returned back to your home. Is that an accurate summary of the day's events?

AO Yes, uh huh.

JB How did it come that evening or late afternoon, how did Michael come to drive your mother home?

AO We were planning on having a two day garage sale after Thanksgiving, we normally do it every year it's kind of like a tradition for us and so approximately 6:00 all our garage sale items were kept in my mother in law's garage so we all decided well it was time to start getting ready for that garage sale. My mom, I normally take my mom home but she doesn't get a chance to see her son, her grandson very often so she asked if he would take her home.

JB Ok.

AO And I agreed um, because we had some things to do and he needs to spend I like to see him spend time with his Nana and so that's how she got to be driven home by Michael.

JB Ok very good.

AO At the same time they left my wife and I in separate vehicles went over to my mother in law's house to start loading up the cars with all the garage sale items for the next day.

JB Very good. How were you notified of the accident?

AO I received a phone call from Michael and from the best of my recollection all he really said was "Dad I've been in an accident" and he told me where and I, he must have got busy with something I'm not sure but that was the extent of the conversation.

JB Ok.

AO My truck was backed into the, up to the garage door and my wife's car was in front of mine so I just said "listen Michael's been in an accident I need to go, give me your keys and I'll give you a call and let you know what's going on" I don't know if I'd actually left the driveway yet or whether I was just getting in the car but I got another phone call from Michael.

JB Ok.

- AO And he said something to the effect that Nana's hurt and he, your could tell he was just devastated, he was panicking and so I said "I'm on my way"
- JB Ok.
- AO And that's all, that's the only contact I had with him until I actually arrived on scene.
- JB Can you, if you can can you estimate the amount of time from when Michael and your mom left till you got the first phone call?
- AO Time, times are really screwed up for me that night. I'm going to guess maybe 10, 10 minutes?
- JB Ok very good. So you responded, you arrived on the scene and you were driving your wife's car as you said, what were your initial observations?
- AO I saw a lot of emergency personnel. I pulled up and I parked behind, behind a um, a fire department it wasn't a truck it was like a maybe like a command vehicle or something and I could see, I could see where Michael's car was up near the intersection up on the, up on the curb or the grass whatever and um, I could see Mike, as I started walking up to the car I saw Michael there looking, he had such a panicked look on his face like he was standing there watching and there was a female I assume was a paramedic or possibly a nurse leaning um, kind of kneeled outside the car and then I saw my mom kind of hunched over in the car. Um, they were trying to talk to her. As I got closer I, it didn't look like, her eyes weren't open but they were trying to get her to do something. Somebody had, I heard vital signs being called out and they sounded pretty good to me but so I got to the window and I started talking to her just, I don't know if she knew I was even there but I just thought maybe the sound of my voice would help her...I'm sorry.
- JB I understand.
- AO Realize that everything's going to be ok just relax and everything's going to be ok. And so that was my initial observations.
- JB Do you remember communicating with any of the deputy sheriff's at the scene?
- AO Uh, I know Sgt. Day came up and talked to me at one point. I don't know whether he just saw me or whether he was just coming over to check on Michael. I understand that he had already checked Michael, Sgt. Day is also a paramedic and he kind of checked his chest, Michael was hurting pretty bad he got, I guess he got the brunt of the steering wheel. Um, anyway I think I might have told him that it was my mom and I don't think he knew that and then of course he disappeared again and I don't recall having any long conversation with him.

JB Do you remember having a conversation with Deputy Sheriff Galarza?

AO Not necessarily a conversation but I think he was the one that, and I wasn't getting a lot of information from any of the medical people.

JB Ok.

AO They probably had no clue who I was but I think Dep. Galarza told me that they were taking, the helicopter already landed and they were originally going to be taking her to Halifax but when they were, when she was in the ambulance I guess they were having some kind of a, her vitals were going bad again and he said something about "they're going to take her to Fish Hospital to stabilize her before they take her to Halifax" and uh, I think that's the only contact, other contact I had with him until a little bit later after the, after the ambulance left. I said "is it ok can we go?" and he said "yeah go ahead"

JB Let me, let me, lets get in the weeds in that just a little bit (unintelligible).

AO Ok (unintelligible)

JB So at some point after your mom is transported via ambulance to Fish Memorial you have a conversation with Dep. Galarza and you essentially say...

AO It's just a question basically.

JB Ok.

AO You know I guess at that point he is telling me, I can't remember the exact timeline on how these conversations took place but...

JB I understand.

AO ...but um, I guess that's when he told me that the ambulance went to the Fish and I said "Can we go?"

JB Ok.

AO And, and he said, and his words were almost like, almost "yeah you can"

JB And you said "we" who...

AO We...

JB ...who was that?

AO It would have been myself and Michael.



JB And was Michael there if you can remember?

AO Yeah Michael was right there when I asked him that question.

JB And Deputy Sheriff Galarza said “yes”

AO Yes.

JB Prior to leaving the scene did you remove anything and take it with you from Michael’s vehicle?

AO Yeah we kind of took everything out of the trunk of his car. I um, it was obvious that car was never going to be driven again so we uh took, he had his school books and his work materials and it’s actually a hatch back so I think we had to go in behind the seat I don’t really recall specifically.

JB Ok.

AO And of course I grabbed my mom’s purse and her shoes because they had, they had taken them off and I knew that when she woke up and she would want, those were her favorite shoes and if I didn’t have her shoes I was going to be in big trouble.

JB So you and Michael then leave the scene of the accident, where are you going?

AO We go to Fish Hospital.

JB And why were you going to Fish?

AO Because that’s where I was told that the ambulance was going to Fish Hospital. And then um, then the helicopter was also going to Fish Hospital and they were going to air lift her from Fish to Halifax.

JB What did you learn at your arrival? Did you go directly to Fish?

AO I went directly to Fish.

JB What did you learn upon your arrival?

AO When I got there I met the acting chief he might be fire chief now but he was acting chief Rick Boregard and my first comment were “what are you doing here?” you know and he said “I heard the call” so he, he was going to escort me into the hospital. At the same time I think I ran into chaplain Alex Carmichael and so we were right there at the entrance to the ER and Rick opens the door and we walk in and I guess they were working on her in the first room on the left hand

side and they closed the curtain and I hear a flurry of activity and Rick said “lets step back outside again” so we step back outside, just outside the doors. The room’s right inside the doors and so we just stepped right outside the doors.

JB Is Michael with you this whole time?

AO And Michael is with me yes absolutely.

JB Ok very good.

AO And um, within a very short time and I, minutes perhaps two doctors come out and tell me um, ask who I am and I said “I’m her son and this is her grandson” I think, and they said um, “well her age is against her but she has a broken pelvic, she had a collapsed lung but we were able to put a chest tube in” and they mentioned some type of a head trauma but I didn’t really quite catch that and so I’m thinking well that’s not too bad, when she gets to Halifax I’m sure they’re going to fix her up just right you know so um, so anyway we just kind of stood around and waited because they hadn’t wheeled her back out to the helicopter yet so we were just basically waiting at this point.

JB Ok.

AO And I don’t recall any other conversation with a doc, with any of the medical personnel. There was a woman there um, she said something about “I was, I was at the scene” I think she was in scrubs and I think she said her name was Cindy but I’m not, I just don’t remember for sure.

JB I know you mentioned times are difficult for you because of the confusion and all but can you estimate how long generally you were at Fish?

AO I don’t think any longer than 10 minutes.

JB Ok.

AO Because I think after the doctors came out and that was, that was pretty quick after I got there I think they were, they were wheeling her on the gurney to the helicopter within, within minutes of that.

JB Do you remember seeing or speaking with any members of the Sheriff’s Office at Fish?

AO Um, no. I ran, Cliff Williams had stopped by. He was, he was at his mom’s and he heard the call so he came over um, I saw him just briefly and then um, and then Alex Carmichael of course.

JB Ok that’s the chaplain?

AO And then the Sheriff called me while, at that time and I was talking to the Sheriff.

JB Cliff Williams is that a deputy?

AO Uh yeah that's a lieutenant?

JB Ok was he working then?

AO No, no.

JB Ok.

AO He was off.

JB I learned from interviews, it was represented to me from interviews that I conducted that when you and Michael left Fish you were headed to your house to get Ann and go to Halifax is that accurate?

AO No because I never said anything about, I mean I'm not sure, no I never said anything. Um, at this point I had two, two main concerns. My mind wasn't working for whatever reason which is really distressing me today um, I, my mom, I had two focuses. One was my mom and being there for her when she, when she got out of the uh, when she got out of surgery and the other was for Michael who was hurting and basically in shock is the best I could recall and I knew that I was going to go to Halifax Hospital and I was going to stay there for the duration however long it took and I knew that Michael couldn't do that. He needed, he was hurting and I wanted, I really wanted to try to tell him to come to my house because we live fairly close to, close to there. Um, but he said "no I want to go home" so I chose to take him home.

JB What did you do when you left Fish?

AO I took him home.

JB You drove Michael home to Deland.

AO Drove Michael home right.

JB So you left Fish, you drove Michael home.

AO Right.

JB Did you go in the house when you got there? If you can remember.

AO I, yes because I had to help him carry all of his personal belongings into the house.

JB And then you left Michael's house where did you go?

AO I went right straight home to pick up Ann.

JB The route, that route then from Fish to Deland back to Orange City to Daytona, is there a reason why you didn't pick Ann up on the way and then go to Daytona? Was there any thought about that, can you...?

AO No there wasn't. I'm not even sure if she was home um, because when I left she stayed, when I left Dorothy's house she stayed with Dorothy. I don't know how long, I, I, just it really wasn't even a thought actually.

JB Ok. Do you remember having a phone conversation with Ann at some point. You said that you were preparing for the garage sale, you told her there's been an accident I'm going, do you remember subsequently shooting her a call of some kind briefing her?

AO Yeah I'm sure, I'm sure I did um, in fact that's why, that's, I think we talked about going to Halifax, she said she was going to pack toothbrushes...

JB Ok.

AO ...and mouthwash and mints and things because we were planning on being there for the duration. My mom has had several issues, medical issues and every single one she's bounced back and came thru with flying colors.

JB Ok.

AO Cancer, broken back, so it was not, I just knew that she was going to be fine um...

JB At the point in time where you take Michael to his house in Deland, did you, what were your conversations with him? I mean in your mind when you left what was Michael going to do that evening, had he shared any of that with you?

AO No he really didn't say. He was, he was pretty much just lethargic and, and we probably I don't even recall any conversations that we had.

JB Ok.

AO We just...

JB Ok that's fine.

AO I don't know.

JB So you pick up your wife Ann at your home in Orange City and then you travel to Halifax. Essentially when you arrive at Halifax who's there and what do you learn?

AO I'm um, when we get there uh I had never been to the new part so I pulled into the wrong parking lot and that's the first conscious thought I had when I pulled in and (unintelligible) nobody's here so and every parking lot, every parking space was a handicap so I had to find a, anyway when we get up to the door I'm greeted by Capt. Chico Mandizha and Lt. Charlie Brown and they of course said "come on back with us" so we start walking and I'm, I'm expecting there to be a flurry of activity. Well we're going passed all the emergency rooms, curtains closed lights on a lot of activity and we're going further and further back into the emergency room and it's getting darker and less activity and I've got this sinking feeling in my stomach and I don't, anyway we come to this nurses station where there's one nurse and she's on the phone and she, she just kind of cups the phone and says "have you been updated?" and I said "no" so she finishes her business on the phone and comes around the desk and "I'm sorry to tell you that your mom died" well the floor just fell out from under me and my wife just, it was bad.

JB Ok. There's a period of time there where you spend some time, you and your wife Ann...

AO Right, right.

JB ...with your mom. Did you or Ann call Michael to notify Michael?

AO I believe Ann did. We made a lot of phone calls after the, the um, and I'd say we were there a while. After the initial shock and you know I sat down, I called my sister um, and had a conversation with her. I think...

JB Does your sister live in New York?

AO Yeah she lives in New York yeah. Um, she uh, I think Ann called well she probably called everybody else I, I was, I was pretty upset.

JB Prior to leaving Halifax do you remember speaking with Capt. Mandizha and Lt. Brown and either one of them asking where Michael's location was?

AO Uh, no they never asked me that and that's something that I've thought about afterwards, no one ever asked me where Michael was. When we were leaving um, Capt. Mandizha said um, I'm trying to remember the exact words. Um, "you know the deputies are going to need to speak with Michael" and I'm thinking why are you telling, I know they are why are you telling me this you know. And I said "oh I know there's no problem" but they, no one ever asked me where he was.

JB So you don't remember any confusion about um, representing or saying "well he's at the house" meaning his house versus your house, do you have any recollection of any of that?

AO No, nothing was, nothing was said about, nothing was asked about his whereabouts until we got home.

JB Ok.

AO Um and then, then we had some conversations about that.

JB Ok, so you leave Halifax with your wife and where do you go?

AO To Dorothy's house. My mom and my mother in law were best friends and uh...

JB Ok.

AO ...and she took it really bad and, and I don't know if my wife called her by phone or not but I know that we wanted to stop by and see how she was doing. We were there probably 15, 20 minutes at the most.

JB And is she in close proximity to you in Orange City?

AO Yeah about three or four streets away from our house?

JB Ok very good.

AO In fact I had received a, after we left Halifax um, I received a call from Lt. Brown, um, saying, because when we left I guess there was some property that we were supposed to take with us and the nurse wasn't there so nobody I guess knew and so we were probably on ISB I think, I'm not even sure but he said "there's property here for you to pick up" and I said "listen can you just grab it" I did not want to go back into the emergency room for anything in the world.

JB Absolutely.

AO And I said "if you don't mind I'll just catch up with you later"

JB Very good.

AO So after we leave Dorothy's house we had just gone half way down the street and he calls again and said "hey I've got the property for you, I'm at your house" and I, "ok I'll be right there we're just around the corner" basically. So when we drove up there were three SO cars there.

JB What happened when you drove up and you engaged the Sheriff's Office?

AO Uh, Lt. Brown handed me the package and all that was in it was dentures and her watch but it was her property so he handed me the package and then I think, I think, I don't really remember. Lt. Hughes was there I know and Dep. Tew and for some reason they thought Michael was in the house and I said "no, there's no, he's not here I took him home" and then somebody asked me what his address was and you know I feel pretty ridiculous because I don't know his address but I know where it is of course but I don't know the actual numerical and uh, and then I think it was Lt. Hughes said "oh yeah it's..." something on [REDACTED] they had the address on the computer. You know that's his legal address, uh legal residence and that's what his car is registered at and so I was surprised that they hadn't already checked there but...

JB So they asked you about the address and when they, they mentioned the [REDACTED] address did you confirm that that was his address?

AO Yes, yes.

JB Ok did they ask you where his bedroom was at the house?

AO Uh, a little bit later.

JB Uh huh.

AO Dep. Tew kept returning to our house probably three different times and as I look back on it I'm sure that someone was at the house asking him to, radioing him to ask us questions and that's what it sounded like to me. Uh but yeah I kind of gave him a description of the house, it's a really big house it's been added on and to the best of my recollection I kind of guided them thru to where his bedroom might be.

JB Do you remember if you were asked if you had a key to the residence?

AO No I don't recall that and I don't because it's a, I don't.

JB Were you asked by Lt. Hughes, Lt. Brown or Dep. Tew that was there to attempt to call Michael on your cell phone?

AO Um, yes um...

JB Tell me about that.

AO Right about the time, we were still standing in the driveway of the house um, and Dep. Brown, Lt. Brown asked me "can you get a hold of him?" and I said "sure let me try" so I dial his number and it goes to voicemail so I left a message, I said "Michael there's deputies here, they want to get in touch with you, when you get

this call...” and I started to give central’s number but then I thought well what number should I give him and I guess Lt. Brown gave me a number, I don’t recall what that was at all.

JB Very good. Did you provide information to the deputies that night at your house about Michael’s girlfriend and her identity or phone number or any information about her?

AO Um, I don’t remember but all I knew was her first name so I wouldn’t have been able to give them any information about her other than her first name and the fact that I did know Michael had mentioned to me probably prior to Thanksgiving that she was going to be in south Florida for Thanksgiving...

JB Ok.

AO ...with her family, extended family I guess.

JB When was the last time you spoke with Michael on the night of the 25<sup>th</sup>?

AO Uh, when I personally spoke to him probably when I dropped him off at his house.

JB The next morning do you contact Michael or does Michael contact you?

AO Michael calls me, he must have got his messages and I’m guessing it’s around 7:30 in the morning.

JB And what’s that conversation, what happens as a result of that?

AO Um, I asked him “did the deputies get a hold of you?” because when they never came, when they never came back the night before I just assumed that they had made contact. No one, no one called me, no one said anything, so I just assumed that everything was fine. When he called me in the morning I said “did you talk with the deputies last night?” and he said “no” and I said “well go look on the outside of your door did anybody leave a card?” and no they didn’t. So I said “ok well they want to talk to you, stay by the phone” or something, words to that effect I’m not even sure what I said I didn’t get much sleep that night so I’m not really positive what I said.

JB Ok.

AO But I do know that as soon as I hung up with him I contacted the uh, I knew that delta shift was working, the sergeant is Dan Genovese, I was hoping he was working that day. I called him and said “listen do me a favor, see if you can get a hold of...” I can slow down a little bit if you want to...



JB No, I'm good.

AO Um, see if you can get a hold of Joe Ramos he's, he was the Debary motor man on duty and he's also a THI member but I didn't know what, I didn't know what team came out the night before.

JB Ok.

AO So I said "listen get a hold of whoever you need to get a hold of and let them know that I just got a, just received a phone call from Michael he's at the house and he's ready for somebody to contact him" and, and Sgt. Genovese assured me that he'd take care of that.

JB Ok and then ultimately yourself, Michael, I believe Ann and Hilary Drew who is Michael's girlfriend...

AO Drew, that's right.

JB ...later that day go to the Sheriff's Office Deltona sub...

AO Deltona substation right.

JB And all four of you are interviewed?

AO Yeah, right, correct.

JB Do you remember learning that Michael took a sleeping pill the night of the 25<sup>th</sup>?

AO Yes and...

JB Tell me about that please.

AO ...yeah this was strange um, we're sitting on our back porch about um, I'm going to guess, well it was after 11:10 because that's when our little decorative lights go off on the timer so we were sitting in the dark and I get a call from uh, Major Jones and his first words of course are his sympathies about the incident and uh, and then he says you know "the deputies need to, on a professional note, the deputies need to get in touch with Michael" and I said "yes I know they've been here and I've given them as much..." I don't recall the exact conversation but my wife is telling me while I'm talking to Major Jones my wife is telling me that she tried calling him several times and earlier and I don't even know when, I just don't know, but she said that he had taken an Ambien.

JB Ok.

AO Uh, to, and when I heard that I said no wonder they can't wake, you know knock on the door and he's not answering. It kind of like, oops you know.

JB Ok. I've got your sheriff's office cell records from that evening.

AO Uh huh.

JB And I just want to...

AO Sure.

JB ...just run thru these. On the 25<sup>th</sup> Thanksgiving there is an incoming call at approximately 6:14 from your son Michael's cell phone.

AO Ok.

JB Is that likely to have been the notification?

AO Probably the initial call right.

JB According to the CAD report I think they were dispatched at 1611 so, 1811 so.

AO Ok so that would make sense.

JB And then you had mentioned earlier that he had called right back and then there's another phone call at 6:15 from him as well...

AO Ok.

JB ...so that would probably be that second call.

AO Ok.

JB And then the activity on your phone next is at 6:18, presumably still at that scene I would presume you call Dorothy O'Brien your mother in law.

AO Ok, I talked to my wife then ok.

JB Ok and that's [REDACTED].

AO [REDACTED], correct.

JB That's her home number?

AO That's her home number right.

JB Ok. And then there's an incoming call at 6:25 to your cell phone from Dorothy's residence, that's probably Ann...

AO Ok probably my wife calling me back.

JB 6:45, 7:02, again there's incoming calls to your cell phone from that so it's probably continued conversations with your wife.

AO Ok probably wanting to know updates because at some point I'm sure I told her they were taking her, taking her to Halifax first.

JB Right.

AO And then taking her to Fish and then back to Halifax and...

JB At 7:07 there's a call from [REDACTED] that's your residence...

AO That's my residence.

JB ...to your cell phone, do you remember who that would have been?

AO I'm sure it was my wife.

JB Ok so she's...

AO Probably wanting to know, so she went home she must have gone home by that point.

JB Very good. And then another phone call from your wife to you about 7:44pm.

AO Ok.

JB And then I presume the next call of activity on your phone is to New York.

AO Ok.

JB And that's at 9:26.

AO 9:26 ok.

JB So that would have been after notification, you called your...

AO Ok so yeah, yeah exactly I have no, no, so this is actually filling in my timeline because I don't.

JB Right and that's what I wanted to do.

AO Ok but I called her, yeah.

JB That would have been from Halifax.

AO From Halifax right, from the ER.

JB And then at 10:18 there is a um, phone call to your voicemail so perhaps you checked your voicemail at that point. At 10:54...

AO To my voicemail?

JB Yeah, to your phone calling your voicemail.

AO I don't know what that would be, ok.

JB But at 10:54 there's a phone call two minutes in duration to your son Michael. Would that likely have been...

AO That's when Lt. Brown asked me to make that phone call.

JB Ok and you left a voicemail message?

AO And I left a voicemail message right.

JB And then the next activity on your phone is the following morning where you received an incoming call from Michael's cell phone at 7:13 in the morning.

AO It was 7:13 ok, I just thought it was 7:30 but I...

JB And that would have been, essentially Michael wakes up, hears his messages and calls his dad.

AO Hears his messages right, calls me right.

JB Ok. Do, you mention your conversation with Major Jones on the phone. Do you remember him asking you if you would go to Michael's house and assist the deputies?

AO No.

JB Ok.

AO Which I would have done had someone asked me to do that. But I don't believe, I don't believe he asked me that.

JB Ok. Um, just a follow up question from the scene, do you remember Michael surrendering his license to any one of the deputy sheriffs at the scene?

AO I never witnessed that but he told me he had and did all that information, he gave his story, he gave all the required information and received it all back and I don't know if it was before I got there, after I got there I, I just don't know.

JB Ok. Give me one minute just to make sure.

AO Ok.

JB I don't have any additional questions. Certainly at this time if you have any questions either of you I would be more than happy to try to answer them.

AO I'd just like to add one more thing.

JB Ok.

AO You know I'm a, I've been in law enforcement a long time and I've never had a problem making decisions, um, knowing what to do. That night I, I was clueless I had an emotional melt down. I don't remember times, I don't remember, remember anything and that's a real embarrassment to me today. That's not how you're supposed to act. I just wanted to let you know that.

JB Ok. Mr. Teal is there anything you'd like to add?

MT Just if I might ask him a question. You said you felt Michael was in shock?

AO Yeah, yeah.

MT And pain?

AO Yeah in pain.

MT You think you may have been in shock?

AO You know I've been told I might have been in shock um, I know that nothing, my brain wouldn't work, I, I remember people asking me you know thru out this whole ordeal "anything we can do for you just let us know"

MT Uh huh.

AO I didn't know what to do.

MT Right.

AO I, I couldn't make two thoughts come together in my head you know all I could see was my mom and my son and that's all, that's all I knew and looking at it later there's a ton of things I could have done but nothing worked.

JB Very good.

MT Do you have any idea how long you and Michael were at the scene before Dep. Galarza said it was ok to leave?

AO Um, I'm just going to guess. Well I didn't leave until after the ambulance left so you know I, whatever the CAD history would have but I'm going to say at least, at least a half hour, 40 45 minutes maybe I'm not sure.

MT Ok.

JB Any other questions or comments?

MT No, not at this time.

JB This will conclude the interview, the time now is approximately 9:52

WITNESS STATEMENT

JB – Jack Bisland      AO – Mrs. Ann Osowski

JB      Today's date is January 5th, 2011 the time now is approximately 10:02 AM. My name is Jack Bisland I'm an investigator sworn law enforcement officer and work for the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit and I'm conducting a criminal investigation and an interview at the State Attorney's Office in Deland. I'm interview Mrs. Alan, I'm sorry Mrs. Ann Osowski and the persons present are Mrs. Osowski and her attorney Mike Teal. Before we get started I'd like to establish that this statement is being given voluntarily, is that correct?

AO      Yes

JB      Ok. And also I'd like to establish and ask has anyone threatened, promised, or coerced you anything in order to induce you to make a statement at this time?

AO      No

JB      Ok. This will be a sworn recorded interview taken by a law enforcement officer pursuant to Statute 117.10. I'd like to do is swear you in. If you would please just raise your right hand for me. Do you solemnly swear that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

AO      I do.

JB      Very good. Can you tell me how and when you first learned of the accident on November 25th?

AO      We were at my mom's house and Alan got a phone call from Michael and he said there was an accident. We didn't know the extent of it at the time, and Alan left the house right away.

JB      Ok did Alan call you and give you an idea of what had happened?

AO      Yes we kept in touch by phone, excuse me the whole time. And I was at my mom's at the time and I just stayed there for a short while and said I've got to get home so I went home. And told Alan call me at the house not on my cell phone.

JB      And your mom is Ms Dorothy O'Brien correct?

AO      Dorothy O'Brien yes.

JB      Is here home phone number 386-775-8036?

AO Yes

JB Ok at some point after Alan leaves and you communicate through phone he comes back to your house.

AO Yes

JB And from there you all travel to, where do you travel?

AO Halifax hospital

JB Do you remember which route you took to get to Halifax?

AO I-4 I believe to ISB.

JB And who was with you?

AO Alan

JB Just you and Alan?

AO Yes

JB Ok at that time were you aware of Michael Osowski's location?

AO Yes

JB Ok and what were you, where did you believe he was?

AO At home, at his home.

JB After leaving Halifax hospital that evening where did you go?

AO We went to my mom's.

JB And that home is relatively close to your house is that right?

AO Yes it's about, not even two minutes away.

JB Ok how long can you estimate if you can were you there at your mom's house?

AO I'm going to guess maybe about 15 minutes?

JB Ok do you remember having conversations or a conversation with Michael that night?



AO Yes

JB Can you tell me about those?

AO We, I called him from the hospital after I found out about Peggy, I told him that she died and then I think it was later on in the car on the way home I think that's when it was I talked to him and believe that's when he told me that he had taken an Ambien. I don't know at what time he took it but I think that's when I spoke with him.

JB And that would have been a call from your cell phone to him?

AO yes

JB Ok so that would have been the only two times that you would have spoke to him that evening?

AO Yes I think, I might have called him again at the hospital but I'm really not sure. I don't think so.

JB Ok and in your second conversation which you believe may have been on the way home from Halifax during that conversation he mentions to you that he took an Ambien, a sleeping aid?

AO Yes

JB Ok after Michael left your house to drive Peggy home on thanksgiving evening around 6:00 when's the next time you saw Michael?

AO I believe it was the next day at the Sheriff's Office.

JB Was that in Deltona?

AO Yes

JB Ok I don't have any other questions, is there anything that you would like to ask of me? Or anything else that you'd like to add?

AO No I can't think of anything.

JB This will conclude the interview the time now is approximately 10:07 AM.

WITNESS STATEMENT

JB – Jack Bisland      BJ – Major Bobby Jones

JB      Testing 1-2-3-4-5. Today's date is Thursday December 9<sup>th</sup>, 2010. The time now is approximately 2:10 in the afternoon. This will be a recorded interview with Major Bobby Jones. The persons present are Major Jones and myself Jack Bisland an investigator 7<sup>th</sup> Judicial Circuit. This interview is taking place at the Deland Courthouse inside the State Attorney's Office. Major Jones for the record I want to establish that I'm conducting a criminal investigation that this is not an internal or an administrative matter do you understand that sir?

BJ      Yes sir.

JB      Additionally that you have been identified as a potential witness in this case and that you're here giving this statement voluntarily is that correct?

BJ      Yes sir it is.

JB      Ok. Essentially based on a complaint from the Sheriff's Office I'm conducting an investigation into the fatality accident which occurred on November 25, 2010 in Debarry involving members of the Osowski family. Specifically this investigation deals with the action and/or inaction of Capt. Alan Osowski after being notified of that accident. Before we begin the interview what I'd like to do is swear you in if you would sir please just raise your right hand. Do you solemnly swear or affirm the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

BJ      Yes I do.

JB      Thank you. Would you please just for the record state your name.

BJ      My name is Robert Jones.

JB      And you're currently employed with the Volusia County Sheriff's Department correct?

BJ      Yes sir I am.

JB      How long have you been employed?

BJ      23 Years.

JB      And your current assignment?

BJ      I'm the commander of law enforcement services division.

JB Ok were you working on Thanksgiving day November 25<sup>th</sup>, 2010?

BJ No sir I was not working.

JB Were you notified of an accident with injuries in your Debarry district involving family members of one of your members?

BJ Yes sir I was.

JB Can you just tell me about the notification, where were you and how you were notified?

BJ Yes sir it was the early part of the evening, I don't have the specific time. We were actually sitting at our dining room table, our dinner we normally eat in the evening on Thanksgiving. We had just sat down and were saying the blessing and I was called on the Nextel by Capt. Mandizha to begin to give me initial information about the accident.

JB Did you respond from your house to any location that evening?

BJ No sir I did not.

JB Ok you continued to get briefing from Capt. Mandizha as the events evolved thru out the night?

BJ Yes that's, yes.

JB Were you at some point made aware that there were efforts or first lets establish, during the briefing were you told that Alan Osowski's grandmother at some point in the evening had passed away as a result of her injuries from the accident? Alan Osowski's mother.

BJ Yes sir I was.

JB Ok were you also advised that the identified driver of that vehicle was Alan's son Michael Osowski?

BJ Yes sir I was.

JB Were you made aware at some point Alan Osowski and his son left the initial scene of the accident to go to Fish Memorial to initially check on the well being of Alan's mother Peggy?

BJ I was made aware of that but not in a contemporaneous manner, not as quickly as it was happening. Those facts were being gathered and there seemed to be some

delay in gathering or being able to gather them in the relay, not a delay between them getting to Capt. Mandizha or not between Capt. Mandizha relaying them to me but it seemed like in those getting to Capt. Mandizha.

JB Ok. Is there a point in time in the evening during these briefings you're receiving you're made aware that with it almost a sense of urgency there's an effort to try to locate, interview Michael Osowski.

BJ Yes, I'm first notified that he's not at the scene and it takes a little while to ascertain what does that mean? Has he been medically transported has he, what, what do you mean he's left the scene? So this process begins with Capt. Mandizha being the person on the ground collecting all this information and ultimately at the point where there between the hospital on Saxon and Halifax Hospital it's pretty clear by the time they arrive at Halifax and Michael's not with them that I am getting that information in real time that um, that Michael's not there and there's concerted effort to look for Michael.

JB Is there a point thru the evening where you had a conversation with Alan Osowski?

BJ Yes.

JB Can you tell me the details of that was it...

BJ I can. We had endeavored all night to be respectful of the circumstances of the accident and allow a long standing member of the agency the appropriate time to grieve and do those things that he needed to do. Felt like that had been accomplished by the time he departed Halifax Hospital. I had gotten regular updates and had also updated my supervisor of those things and basically felt like when he left Halifax we were going to be able to get with his son and interview his son. He, I was told that he was leaving Halifax and returning to his residence in Orange City. Capt. Osowski speaking of, um when he got there I was informed that personnel including Capt. Mandizha who was the person informing me expected Michael to be at the house in Orange City at Capt. Osowski's residence based on statements made by Capt. Osowski. When that did not occur as I said I had been regularly updating my supervisor, I was instructed to place a call to Alan and to make sure that Alan understood that we needed, we the sheriff's office specifically the traffic homicide investigators needed to speak with his son immediately. I clicked...

JB Go ahead.

BJ I clicked Alan on the Nextel, he responded very promptly. I expressed my condolences for his loss and for the circumstances with which he was dealing with right now and then I said something very close to "Alan it's imperative that the traffic homicide people speak with your son tonight, we've got to make that

happen.” Capt. Osowski told me that yeah he didn’t know if that was going to be possible, I kind of cut him off and said “Alan you told them he was at your house now where is he?” he said “well no” he said “his house I think” um he seemed kind of equivocal about it he said “but the problem is he took a sleeping pill I think” and I said “well Alan are you going, we have people either at his house, Michael’s house or responding there are you going there? Is there any way that you can assist them in gaining access to the house and getting in touch with Michael?” He said “no, no I can’t do that I don’t have a key, I don’t have any way to access the house, it wouldn’t be right he has other roommates I have no right to be in there” and then something along the lines of “you know you guys have to do what you have to do” and that was basically the end of our conversation. My, do you want me to continue or?

JB Yes please.

BJ My actions beyond that in that night were I briefed my supervisor. We discussed a plan where there would be a constant and continuous effort to attempt to locate Michael. That effort included directing that hotels be checked, that the residences in question continue to be checked periodically thru out the evening and that’s what we did that night.

JB And try to refresh your memory about the conversation. Was there a comment made by Alan Osowski during your Nextel conversation with him to the effect that his son is an adult? Was that part of the conversation or no?

BJ Um yes I think he said something about the fact that his son was an adult. It seemed to me at the time to be you know indicative that he wasn’t in a position to make decisions for his adult son.

JB And you had no conversations with Michael that night or the next day?

BJ I did not.

JB And you, did you have any other direct efforts to locate Michael that evening, you yourself?

BJ No I did not.

JB And you didn’t have another conversation with Alan Osowski after that?

BJ I did not, no.

JB And you didn’t respond to his house that evening?

BJ No I didn’t.

JB Ok. Give me one second. Major Jones given that you're acutely aware of the focus of this investigation being on Alan Osowski and his actions is there anything that you're aware of that I've neglected to ask that you think is relevant to that investigation?

BJ No not that I can think of.

JB Do you have any questions of me sir?

BJ No I don't.

JB Ok that's all my questions so this will conclude the interview. The time now is approximately 2:20.

WITNESS STATEMENT

JB – Jack Bisland      BH – Lt. Brodie Hughes

JB      Ok today's date is Monday December 6<sup>th</sup>, 2010. The time now is approximately 1:30 in the afternoon. This will be a recorded interview with Lt. Brodie Hughes. Present are myself, Jack Bisland an investigator with the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit and this interview is taking place at the courthouse in Deland, Florida. Lt. Hughes for the record I want to establish that I am conducting a criminal investigation.

BH      I understand that.

JB      This is not an internal or an administrative investigation, you understand that yes?

BH      I do understand that.

JB      Ok. Additionally that you've been identified as a potential witness in this investigation and that you are here giving this statement voluntarily.

BH      I am.

JB      Ok. Essentially based on a complaint from the Sheriff's Office I'm conducting an investigation into the events that surround a fatal accident, the investigation of a fatal accident which occurred on Thanksgiving Day early evening involving members of the Osowski family. The investigation specifically concerns the actions or inactions of Captain Alan Osowski after being notified of that accident. So prior to the start of the interview I'd like to swear you in. If you would please just raise your right hand for me. Do you swear or affirm solemnly that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

BH      I do.

JB      Very good. Will you for the record please just state your name?

BH      Brodie Hughes.

JB      And a contact phone number please?

BH      

JB      And how long have you been employed with the Sheriff's Department lieutenant?

BH      Coming up on 16 years.

JB And your current assignment?

BH I'm the lieutenant in district four which is the Deltona area, I'm in charge of patrol, K9 and motors which also oversees the traffic homicide investigation team.

JB And is it your traffic homicide investigative team that's investigating an accident that took place at approximately 6:00 on Thanksgiving in the Debarry district?

BH Yes it is.

JB Who is the traffic homicide investigator assigned?

BH Dep. Patrick Allison is the case agent.

JB And can you identify the deputy that was the reporting deputy for the purposes of the accident report?

BH Dep. Tim Tew T-E-W.

JB Were you working when the accident happened?

BH No I was not.

JB Can you tell me how you were notified of the accident?

BH I was notified by Nextel um, of the crash in Debarry. I um, I...

JB By who?

BH My recollection was is that it came in from the watch commander which was Lt. Brown. I immediately notified Sgt. Joel Turney who is the sergeant over the traffic unit and instructed him to have members of the traffic homicide team respond down there.

JB Ok and who responded?

BH Um, Sgt. Turney responded.

JB What's his name sergeant...?

BH Turney T-U-R-N-E-Y.

JB Ok.

BH Dep. Allison, Dep. Tew and Dep. Dalton.



JB Ok.

BH And Dep. Charron C-H-A-R-R-O-N.

JB And they're all part of the traffic homicide team?

BH They are.

JB Ok. Did you respond to the scene?

BH I did.

JB Tell me about your response.

BH Um, my response was extended. I was actually having Thanksgiving dinner in Palm Coast at the time um, so by the time I was able to finish and take my family back to our home in Port Orange and then respond over there a significant amount of time had elapsed. When I got on scene most of the parties were already gone, the helicopter was gone, the rescue personnel were gone and the deputies were just establishing what they were doing as far as the traffic homicide component of it.

JB Do you know approximately what time it was you arrived?

BH Without look, I don't know that I have the CAD with me, it would, it would be reflected probably in CAD because I logged out there but I don't think I...

JB I have a copy of it let me get it for you. 2015 does that sound right? 8:15?

BH That, that sounds about right.

JB You can take a look at that.

BH Uh, lets see Hughes dispatched (inaudible), yep that, that would be accurate about 8:15 is when I arrived.

JB Ok so you're approximately, give or take a few minutes, about two hours after the initial crash report?

BH That is correct.

JB Ok when you arrive your traffic homicide team is at work reconstructing...

BH They're already there.

JB ...doing what they're doing.

BH That is correct.

JB When, at what point upon your arrival do you or when do you first learn that the person involved who is injured in this accident is dead and who that person is?

BH Um when I arrived, well prior to my arrival I learned that the person who suffered the serious injuries was the mother of Capt. Osowski or Alan Osowski. When I arrived on scene I um, it was my understanding at that point that she had coded prior to leaving the scene so they took her by ground to the hospital in Orange City. She was already gone when I got there and that was for the purpose of trying to get her stabilized. I began discussing the dynamics of the crash and stuff like that with the THI team um, determining what direction we're going in with certain things, making sure that we you know processed everything you know and um, that was really our focus. At that point in time we really didn't know whether she was going to expire or not.

JB Ok.

BH Um, we didn't learn that she expired until probably I don't know if it was about an hour later or so?

JB Ok.

BH Um, so our focus really at that point was more of a, this is more of, we're going to go thru the motions incase she does expire...

JB Uh huh.

BH ...but there was not a fatality at that point.

JB Ok.

BH Um we're a little bit unique um, you know some agencies for instance the Highway Patrol rarely will come out unless the person's actually dead.

JB Ok.

BH We'll come out more in a preventative measure because we want to collect evidence that the patrol guy the average guy out there on the street isn't capable of doing.

JB In the event that the victim expires?

BH That is correct.

JB Ok. Did there come a point in time and when was that time when you were made aware who the driver of the, there's two vehicles involved in the accident, were any of the drivers there when you arrived?

BH No they were not.

JB Ok so both drivers had secured from the scene?

BH Yes.

JB Is there a point, what were you made aware about the location of both those drivers or what had been done?

BH I was told the, the one driver the driver of the vehicle that was traveling north bound had been taken to the hospital by ambulance um, that's not something that we can control. Um, the, as my, as I'm going thru the motions to identify what we're going to do and where people are at I had contact with Sgt. Day and I remember asking him the question of "where's the driver of the other car?" and he didn't know. Um, so we started asking some of the other deputies and we come to learn that he left the scene with his father Alan Osowski.

JB Ok is that when you first learned that the driver of the vehicle was Alan's son Michael or did you know that before you got there?

BH I don't remember if I knew that before I got there to be honest with you.

JB You learned he had gone to the hospital with his dad?

BH I, I did as the investigation continued and we started trying to track it down we found Dep. Galarza who indicated that he told him that it was ok for him to take his son to the hospital on Saxon.

JB Dep. Galarza had that conversation with you?

BH Yes.

JB Do you remember exactly what was said or to the best of your recollection what was said?

BH Um, Dep. Galarza indicated that, that Alan Osowski had come to him and asked him if it was ok for him and his son to go to the hospital to check on his mother and the son's grandmother and Dep. Galarza indicated that he had allowed that to transpire.

JB Was there a point in time where you instructed people or made some effort yourself to try to locate Michael Osowski for the purposes of continuing the investigation?

BH There was. When I learned that he had left the scene I contacted Capt. Mandizha, I knew that he was headed to the hospital to meet with the Osowski family. When I, when I finally got a hold of him and explained to him our problem he indicated that they had just left the hospital headed for Halifax um...

JB Ok.

BH So we kind of went into a mode of trying to track down the son because there was certain things that we needed to do in order to conduct a thorough investigation and that being that we needed to draw his blood.

JB And perhaps conduct an interview?

BH Yes absolutely.

JB Ok. How long did you stay at the scene?

BH I was at the scene for a better part of the night. I left at one point and went with the deputies up to a couple locations trying to locate Michael Osowski.

JB Tell me about those.

BH Um...

JB What got you, why were you there?

BH Well when, we waited for about an hour for Alan Osowski to show up at Halifax Hospital at least that's what I was told...

JB Ok.

BH ...that it took about an hour for him to get to Halifax Hospital maybe a little bit more I'm not sure. But when he, when he did arrive there I was notified that Michael Osowski was not with him and so we kind of went into a mode of we need to track down Michael Osowski he's got relevant information about how this crash occurred as well as you know we certainly need to determine whether or not there were any other mitigating circumstances to the crash. So we, I instructed Dep. Tew to head up to the Osowski home, Capt. Osowski's house in Orange City to try and locate him. Um, I was notified by Dep. Tew that he, while there the lights were all on in the house but there was no answer at the door so we, we went ahead and I told him then to go up to the house in Deland that came back as the registered owner of the tag which is um, on [REDACTED]

JB Which is the residence of Michael Osowski?

BH Correct.

JB Is that in Deland?

BH It's in the city of Deland yes sir. Actually I think it's in the unincorporated or something it may be the city but it's [REDACTED] its [REDACTED] or something like that.

JB Ok.

BH Um...

JB And then you personally went out and knocked some doors or at least checked some addresses, where did you go?

BH Well um, when Dep. Tew reported back to me that he had been to the [REDACTED] address um, he indicated that the lights were all on in the house that...

JB All on?

BH Yeah there were lights on inside the house and that there was no answer at that door. He had tried several different means of knocking in different areas and got no response. Um at that point I headed up, I told him "well go back to the house, Capt. Osowski's house and lets try and intercept him when he gets home so we can talk to him further about where his son is at". I left the scene at that point and headed for the Osowski house and...

JB Are you aware at this point that your victim is dead?

BH Yes.

JB Ok.

BH Yes. Um, I went to the Osowski house primarily because I thought it would be an uncomfortable position for a deputy, a slick sleeve deputy to have to question a captain of this agency. Um, so I went there just to ensure that things were done the way they needed to be done.

JB Ok.

BH Um, when I got there Lt. Brown was on scene along with Dep. Tew and they um, they were already having some dialog out in the driveway. I...

JB With Alan Osowski?

BH With Alan Osowski. Um, when I walked up I offered my condolences to him and asked him where his son was at.

JB What did he tell you?

BH He told us that he had taken him home.

JB What was said next?

BH I clarified where home was at because we were under the impression thru conversations that he had with other people that he had taken him to his house there in Orange City so he clarified that home was the house up in Deland. Um, the conversation maybe lasted about three minutes. I expressed to him that we had been to that house that there was no answer there um, that we were having a difficult time locating his son um, he indicated that he believed that his son may have taken a sleeping pill but that he should be at home if anywhere he should be at home sleeping and you know that was kind of the extent of it. I asked him if he had a key to the residence and he told me that he did not. Um, I asked him if he could tell me a little bit about where Michael had been thru out the day. He indicated that that they had Thanksgiving dinner as a family and originally had indicated that they had spent the day at the house there. Um, his wife Ann chimed in and said “well we were here most of the day but we went to dinner at the Debary Golf and Country Club”

JB Did Alan Osowski provide you with any information in an effort to help you locate his son beyond his address and the fact he had no key?

BH No.

JB Did he offer up or give a cell phone number for you all to try to locate?

BH He did later on when we went back to his house. Um, that conversation or that contact with Alan Osowski was only about three or four minutes...

JB Ok.

BH ...and we left the scene and went to the house back in Deland um, and while we were there I mean we, he did tell us what where he thought his room was in the house so that allowed us to work our way around the back of the house and start beating on the windows and stuff trying to gain a response from him. And when we got no response up there again I instructed Dep. Tew to go back down to the Osowski home and uh work on trying to get some additional information as far as you know cell phone number things like that.

JB And did he?

BH Yes he did.

JB So who provided the cell phone number?

BH Dep. Tew provided it to me, I don't...

JB Do you know who gave it to him?

BH I don't know if it was Alan or his wife or what.

JB What did you do with the cell phone number then?

BH Um, we called his cell phone multiple times, it would go it would ring a couple times and go to voicemail.

JB Were you actually calling it while you were outside the house...

BH Yes.

JB ...listening to hear if you could hear it ring?

BH Yes.

JB And could anybody hear it ring?

BH No.

JB Did you ever leave a message?

BH Uh I don't believe I did.

JB What happened next?

BH From there um, we were pretty much at a dead end with that aspect of it. We left uh Lt. Brown and I left there a short time later. We actually stood out in front of the house for probably half hour 45 minutes I think just talking trying to catch up you know he and I are pretty good friends and you know I kind of hung around there just thinking that maybe he'll come sliding in with somebody else or whatever and nothing so we ended up leaving, I went back down to the scene they were pretty much wrapping up there and that pretty much concluded our night with that.

JB And CAD says that you cleared at approximately 1:26 am is that pretty accurate?

BH Yeah I'd have to say so.

JB So the conversations that you had with Alan Osowski occurred at Alan's residence?

BH That is correct.

JB Ok. Did you get any information, did you personally get any information regarding Michael Osowski's girlfriend that evening?

BH No.

JB Are you aware that the Sheriff's Office got information concerning her identity and her cell phone number?

BH Yes.

JB What do you know about that?

BH Saturday or that was Thursday, Friday morning I get a call it's probably about 7:30, 7:45 in the morning um, its Dep. Allison, he's indicated that Michael Osowski is available for an interview at this point in time. Um, he tells me that this is coming by and thru uh a deputy assigned to Debarry by the name of Joe Ramos and he tells me that Capt. Osowski had reached out to Joe Ramos to let him know that his son was available for the interview.

JB And this was about 7:30, 7:45 in the morning?

BH Yes sir.

JB Did ultimately an interview take place of Michael Osowski?

BH It did, I instructed Dep. Allison that um, to schedule an interview for later that afternoon. My concern was kind of two folded in that, one was that Dep. Allison and the other members of the team had been out late that night by the time they secured the vehicle and evidence and what not so I felt that A they needed to get some sleep so that they could be on their A game when they conduct that interview but also that they needed some time to prepare a line of questioning for that interview.

JB So ultimately what time did it take place approximately?

BH Um, 1:00.



JB And who did the interview?

BH Dep. Allison conducted the interview and I sat in there with him and that was done at our district four office in Deltona.

JB What did Michael Osowski tell you in that interview about where he spent the evening?

BH Mike...

JB And your efforts to locate him that were...

BH Sure.

JB ...didn't work out, what did he tell you about that?

BH Michael Osowski indicated that um, when he left the scene that he went with his father to the hospital on Saxon and that after leaving the hospital his father took him to his house in Deland um, he said that when he got there he took an Ambien sleeping pill and never heard anybody knocking or anybody calling his phone.

JB Did he tell you or did you ask him about conversations he had with his father?

BH We did. Um, I don't remember the, the context of what he said though without reviewing the actual interview.

JB Ok.

BH It was all video recorded.

JB Did you go from the scene to the hospital on Saxon?

BH No.

JB Ok. Do you remember from your interview with him if Michael Osowski said that his father drove him or did he drive do you know?

BH He indicated he left with his father.

JB He left with his father. And they went to the hospital and then his father took him home.

BH Correct.

JB Did he talk about his state of anxiety, was he depressed, upset, hyper, did he say anything like that?

BH No um, he says he's had some issues with sleeping in the past and that's why he had the sleeping pills um...

JB So they were there they were his they didn't stop and buy them or anything?

BH No.

JB Ok.

BH No, no, no they were his. He said he had been prescribed them in the past and he's had a couple of them left over um, he uh, he was, he was very mellow about it um I uh, I think I probably would have been a little bit more of a basket case knowing that I was the, the person that may have caused my grandmother's death so it caught me a little bit off guard with his, his demeanor um, but we all, we all handle things differently. Um, the uh, he told me he took the Ambien pill, he, I talked to him about, about his um, whether or not he felt he was impaired or anything like that from you know having, he admitted to having alcohol during the day um, so you know in (unintelligible) he admitted that he didn't feel like he was impaired or anything like that.

JB Did he tell you that he called his father from the scene?

BH I think he did. Again I, the interview was quite lengthy so I mean I, without actually sitting and going thru each bit of it I...

JB Ok and if you don't remember we'll listen to it I just...

BH Yeah I, I think he did um...

JB Can you describe the extent of his if any reported?

BH He indicated that he had, he had some bruising on his right hip area which is indicative of the seat belt um and then he had a, he said he had a bump on is forehead and he had a small, I wouldn't call it a laceration more of like an abrasion on I think it was his right ankle.

JB During the interview if you remember did he discuss any instructions his father gave him?

BH No.

JB Ok. Did he in the interview if you remember discuss the, any of the conversations that he had with his father?

BH No.

JB Did he indicate that they went right from the hospital to his home or to Alan's house first?

BH He indicated that they went right from the hospital to his home and that Alan left his home and then went back to Alan's home to pick up Ann. I found that kind of odd only because the hospital to Alan's home would have been a you know right along the route, they could have gone there and then to Deland and then save yourself the time of just going right over 92 to Halifax Hospital so that, that, that kind of caught us a little bit you know peculiar but that was what he told us so.

JB Since, since the time of the accident and the subsequent interview have you learned of any events or conversations that took place that specifically relate to your efforts, the Sheriff's Office efforts to locate Michael Osowski that evening which ultimately turned to be unsuccessfully locate him? Did, has anybody talked...

BH No.

JB ...about it since, anything new that you've learned that...

BH Well I haven't learned anything new about it no. I, I, I mean we as the, as the group talked about it the THI team about the fact that we couldn't, we don't have his blood um, stuff like that but we haven't learned of anything new about what transpired that night from our level.

JB Do you have any reason to believe that Michael Osowski was anywhere other than in his house that night?

BH I have no reason to believe that no.

JB Ok. Do you believe the information that Alan Osowski gave you that night as to the whereabouts and location of his son was accurate if you have an opinion about it?

BH Yeah, I would, I would say that it was accurate um, I mean we didn't have anything at that point to disprove what he said to us um, he's a long term valued member of the agency so I mean we had every reason to believe when he told us that his son was at his house in Deland that, that's where we would find him.

JB Ok. Lieutenant, knowing the focus of this investigation is there anything that I've failed to ask you that you think is relative?

BH No.

JB Ok. And you have since secured or during that interview have you secured a blood sample from Michael Osowski?

BH We did.

JB Ok. As a traffic homicide investigator is there, is there an optimum time to get blood from someone who's involved in an accident?

BH I would, I would say that immediately following the accident is probably going to be your best sample of their blood um, you know not being a toxicologist I would say that from my training you know the alcohol content will dissipate after about eight hours so anything outside that window is kind of a shot in the dark as to what we might get.

JB Ok.

BH Um...

JB So delaying, the delay in getting a blood sample can make the investigation more of a challenge?

BH Well the investigation is what it is in the sense that we base our investigation off of physical evidence pretty much at the scene. The, the mitigating factors to that are, was there anything criminal to it? Was he impaired while he was driving? Was he acting in a reckless manner that would rise to the level of vehicular homicide, things like that. Um, I would tell you in this case that we aren't at a point now unless something spectacular happens that we would be able to make a, a DUI case against him. Um, he admitted to drinking alcohol but we don't know you know he may not have been impaired we just don't know that.

JB Ok.

BH We'll never know that at this point.

JB Ok. Well very good I appreciate you taking the time to come down and talk with me today and absent any question you may have we'll conclude this interview.

BH Ok.

JB Ok and the time now is approximately 2 pm.

WITNESS STATEMENT

JB – Jack Bisland      CB – Lt. Charlie Brown

JB     Testing 1-2-3-4-5. Today's date is Wednesday December 8<sup>th</sup>, 2010. The time now is approximately 9:55 am. This will be a recorded interview with Lt. Charlie Brown of the Volusia County Sheriff's Department. The persons present at the time are Lt. Brown and Jack Bisland investigator with the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit. This interview is taking place at the Courthouse State Attorney's Office in Deland Florida. Lt Brown I want to establish that I'm conducting a criminal investigation that this is not an internal or an administrative investigation do you understand that?

CB     Yes.

JB     Ok. Additionally you have been identified as a potential witness and you're here giving this statement voluntarily is that correct?

CB     Yes.

JB     Ok. Based on a complaint from the Sheriff's Office I'm conducting an investigation into the events surrounding the November 25<sup>th</sup>, 2010 fatality accident involving members of the Osowski family. Specifically this investigation concerns the actions and/or inactions of Capt. Alan Osowski after having been notified of that accident. So prior to the start of the interview what I'd like to do is swear you in. If you would please just raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

CB     Yes I do.

JB     Can you tell me how long you've worked for the Sheriff's Department?

CB     About 15 years.

JB     And your current assignment?

CB     I'm the, I'm a lieutenant. I'm one of the two watch commanders that cover the night shift for the Volusia County Sheriff's Office.

JB     And what district are you assigned to?

CB     Um, I'm assigned I guess to the office of the Sheriff.

JB     Oh ok.

CB I'm under...

JB So you don't have a specific district, you're...

CB No I cover the entire county during...

JB Ok one of two.

CB ...the evening shift of the alpha bravo rotation, I report directly to the executive officer Capt. Chico Mandizha.

JB Ok very good. Were you working the night of November 25<sup>th</sup> Thanksgiving?

CB Yes.

JB There was a report of an accident with injuries in the area of the entrance to Glen Abby subdivision on 17-92 in the city of Debarry around 6:00. Do you remember that call being dispatched?

CB Yes.

JB Ok do you remember where you were when it got dispatched?

CB Yeah I was just finishing up dinner at my house in Port Orange.

JB Ok. Did you respond to the accident initially?

CB I did not. Um, I got the information from Sgt. Day who was on scene. Obviously the information was coming in in bits and pieces. I, my first order of business was to find out what was going on a general overview and then I contacted my supervisor due to the fact that it was a significant crash with injuries as well as there was a Volusia County Sheriff's Office employee's family that was involved so I contacted Chico Mandizha.

JB Is there a point in time where you responded to the scene?

CB No I never responded to the scene.

JB Is there a point in time where you responded to another location to get involved in working or following or following up or assisting in the investigation of this accident?

CB Yes.

JB Can you tell me where?

CB Yes. Um, as per directed by Capt. Mandizha uh, there was, there was, because the scene was still unfolding and the health and welfare of the victim's were un-established and fluctuating at the time they were unsure where they were going to take the victim whether it was going to be to um, Saxon Hospital in Orange City or Halifax Hospital so I headed towards Halifax Hospital to be there incase the victim and/or the Osowski family went there.

JB And do you know, were you sent there by Capt. Mandizha?

CB Yes.

JB Ok do you know what you were supposed to do when you got there?

CB Yeah.

JB What were you told? What was your mission?

CB For the most part my mission was to um, report back to my supervisors as to what was going on with the, the um health and welfare of the patient and to basically assist the Osowski family with anything that they needed.

JB Do you know at that point in time when you're responding to Halifax are you aware at that point in time of a desire or a need by the traffic homicide investigators to locate, interview Michael Osowski?

CB Not while I was enroute. It wasn't until; when I left my house in Port Orange I had to head to New Smyrna first to get gas.

JB Ok.

CB Uh, and then I went to Halifax Hospital. And it wasn't till, it was some point later that that when that became an issue. I don't know if I was already at Halifax or it was just prior to getting there but it was, if it was a half hour or 45 minutes worth of time it was towards the later the 30 to 45 minute window as opposed to earlier on.

JB Ok so about the time you arrived.

CB Yeah.

JB Give or take. You were made aware by who and what were you made aware of?

CB Uh, Lt. Hughes I believe had called me on the Nextel and said that Michael Osowski was the driver of the vehicle um, which at the time was, they believed that Michael was the driver of the vehicle and at the time was some wondering

back and forth and they, he, he was not at the scene any longer and they didn't know where he was and that was, he'd try to see if we could find out where he was and try to locate him.

JB Who were you anticipating arriving at Halifax Hospital based on what you had? As I understand it you got there in advance of the Osowski family is that correct?

CB Yes, I got, yes. I was there I was the first one from the Sheriff's Office or the Osowski family that was there other than obviously Air1.

JB Can you estimate the time? Do you know what time that was you got there?

CB No but it would be in the call.

JB Do you, did you write a report about any of your activities that night?

CB I did not.

JB I don't know if you can tell from this CAD print out.

CB Yeah.

JB Take a look. This might help you as well I don't know.

CB My call sign is 182.

JB This, I don't know if this helps you either. Time dispatched, arrived 10-98.

CB Oh I've never seen that.

JB I think a lot of communications were taking place on Nextel and they're not part of the...

CB Yes.

JB ...radio log.

CB Most everything I do is on Nextel I don't even think I talked on the radio twice.

JB Yeah I was hoping maybe some event down there might help you...

CB According to this um, and I don't, there's, according to this right here it says back up on scene uh, was at 2008 hours uh, that's when I called out at Halifax and that was, that really looks like the first thing where I was logged on to the call which is not unusual.



JB So at 2008 hours CAD reflects that you arrived at Halifax Hospital.

CB Right and what I would have done, what's normal for me um, is that while sitting in the car as I pulled into the parking lot I would just call (unintelligible) call central, log out myself and say that I was on scene.

JB Ok. And does that sound like a reasonable time looking back now?

CB Yeah absolutely.

JB Just after 8:00. Can you estimate how long after that members of the Osowski family arrived?

CB Um, it was, I would say and I'm ball parking it but it was extended. It was 45 minutes, an hour or something. It felt, it felt very very long. I was there probably 10 minutes prior to Capt. Mandizha showing on scene or coming on scene.

JB And you and Capt. Mandizha were there waiting for the arrival of the Osowski family?

CB Yes.

JB Who were you anticipating from the Osowski family?

CB We, we had got information, Captain, Capt. Mandizha went to uh Saxon Hospital and um I believe spoke with I believe spoke with Capt. Osowski at the time Alan Osowski at the time and I think from what was relayed to me was that Alan was going to go home, pick up his wife and come to Halifax so I was anticipating Alan and his wife coming to Halifax Hospital.

JB You weren't anticipating Michael being with them?

CB I, I didn't think that. I didn't know if he was coming or he wasn't coming I didn't, I didn't know at the time where Michael was whether, I didn't even know Michael was with Alan.

JB Ok.

CB I had no idea.

JB Do you remember as you were waiting for the arrival of Alan you were notified of Peggy Osowski his mother's death is that correct?

CB Immediately upon my arrival at Halifax I spoke to the (unintelligible) doctor and the Air1 pilot or Air1, one of the people on Air1 I don't know if it was the pilot or not that she had expired almost immediately when I walked in the door.

JB Ok so now you're there and you're anticipating Alan, his wife and you're still in that assist the family mode.

CB Correct.

JB You're preparing probably for a notification.

CB Right.

JB Is it that point are you aware that there's some sense of urgency in getting Michael to Lt. Hughes and homicide people or is that not on the radar at that point?

CB No I don't, my initial thing when I first got there uh, that wasn't that didn't come up. My first initial thing when I got there was taking care of the Osowski family you know the, especially once finding out his mother had just passed that was my initial concern. I had already called for, before I even went to the hospital I had already called for the traffic homicide investigative group and Lt. Hughes was in charge of that.

JB Right.

CB So they were already taking care of that and quite, the way I kind of looked at it, once Lt. Hughes was going I kind of crossed that off and started focusing on the Osowski family that was really what...

JB Sure, that's your role as a watch commander get resources where they need to be.

CB Right that's I didn't really worry about that until Lt. Hughes called me back.

JB Would you tell me about that conversation?

CB Uh, I, we had about 70 conversations so I, what I can tell you what I remember specifically was we, Michael wasn't there he had left the scene and he, at some point I learned he had left the scene with Alan and we needed to locate him. We uh, I reached out to central to call central fire to verify thru EVAC just incase he was transported to one of the hospitals so we reached out to find out that. And then I know Lt. Hughes was starting to track down addresses to kind of see where he was um, both to check on his well being as well as you know for the investigation.

JB There comes a point in time where Alan and his wife arrive at the hospital.

CB Like I said about 10 minutes after I got there uh, Capt. Mandizha showed up. We spoke briefly about the situation. I informed him that Alan's mother had passed

- um, we found it best because of the way Halifax was laid out there was two real entrances that he could have come into um, there was the law enforcement/EVAC entrance or the front entrance so we decided to split up he went to the front main entrance and I went to the I stayed at the EVAC entrance and waited for him. The uh, what we did then is, is um I had due to some unrelated people causing an issue in the parking lot I went to where Capt. Mandizha was in the front and soon there after the Osowski had showed up.
- JB Ok and then tell me what happened when they, who showed up and tell me about the conversation.
- CB Alan Osowski and his wife showed up at Halifax um and we basically was a brief hello and we escorted them directly back to the ER pod where um, his mother was so that he so that the Osowski family could meet with the nurse and/or doctors and they could set, they could inform them of what happened to his mother.
- JB Ok so the medical staff did the notification?
- CB Correct. The nurse I want to say her name was Liza L-I-Z-A I don't know have no idea what her last name is.
- JB Ok what happened next at the hospital?
- CB The Osowski family, Capt. Mandizha and myself stayed out in the pod near the um, where the nurse was. Capt. Mandizha and his I'm sorry Capt. Osowski and his wife went into be with his mother.
- JB And how long were they in there?
- CB There were in there for a significant I would say more than a half hour. They were in there with, with his mom and at certain points in time they were on the telephone inside and certain points in time I believe each one of them came out to go to use the restroom and you know we spoke to them briefly outside. It was during that, it was during the time when they got there, after they got there and they were inside with the with their mother that it became more urgent the need to talk to Michael or I should say for me the understanding of the urgency to talk to Michael.
- JB Did you then have a conversation with either Ann or Alan or both about talking to Michael?
- CB Yeah um, we, you know again Alan's mom had passed away. My, my big, we try to be as discrete and as respectful as humanly possible um due to this is a Captain of the Sheriff's Office dedicated gentleman for you know 30 years of the agency. For me that's, I'm telling you my thought process. What was being as discrete as

- possible with, with what we were doing. The last thing we want to do if, if there was no issues what so ever was to further upset the situation or disrespect anyone.
- JB I understand.
- CB Um, his wife at one point had come out used the restroom and came back out and was talking with Capt. Mandizha and myself and we were normal sympathetic conversation you know reference to the issue um just general stuff about the family and then that's when we tried to kind of slip in you know how is Michael, where is Michael?. Mrs. Osowski said that she had spoke to him since she was at the hospital and he's taking it ok and you know had informed him of his grandmother's passing and that um, but she had spoke to him and he was you know, you know something to the effect you know as well as can be expected he was ok. I kind of I tried to ask again discreetly and she, where Michael was and she had indicated that he was at the house.
- JB Which house?
- CB That, that was the issue. Um she indicated that the house which I assumed was, that, and Michael, the way I assumed or took what they were saying was that Michael was at their house that they were at he was back at their house and he had left him and you know was there.
- JB Ok. Did you have a conversation with Alan about the whereabouts of Michael or just Ann?
- CB I specifically remember having a conversation with her um, did not really have I don't remember if I had a conversation with Alan. I don't remember...
- JB Do you remember overhearing a conversation between him and Capt. Mandizha about Michael's location?
- CB The only thing, the only thing I remember from there at that point was that he was at the house, everything was that he was at the house.
- JB Lt. Brown do you have a recollection of at some point in that conversation either hearing directly or learning indirectly from somebody else that Michael may have taken a sleeping pill?
- CB I, you know, and we talked about that while there. I don't remember who said it but I do believe, I do believe it was Alan Osowski that said I think you know "I told Michael to take a sleeping pill and went home" or that he took a sleeping, he might have taken a sleeping pill and went to sleep um and I remember that being odd. And I don't remember when that conversation was whether it was at the hospital or at his driveway I don't remember later on at his driveway I don't remember when that was.

JB Ok.

CB But I know we had, that was a conversation that had come up and I don't remember who said the sleeping pill but whether it was Alan or his wife but it might have been, it certainly might have been Alan I just don't remember.

JB What happens next at the hospital?

CB We were there for a while, the Osowski's were paying their respects to their mother for quite a long time we waited the entire time and tried to again find out where Michael was and we had said that you know we already had investigators at the house waiting for to try to locate Michael.

JB Which house?

CB The, we had an investigator sitting at Alan's house and we had I believe Lt. Hughes sent people to the house in Deland which is which turns out to be Michael's house to try to locate him there.

JB Ok.

CB Neither, no one answered at either door, either residence. Um...

JB Where do you go next?

CB After the Osowski's had left um the nurse had realized that they have personal property of the deceased that needed to get to the Osowski's and she had rather than call them back because I had found they had already left I agreed to sign for the property and deliver it to Alan Osowski. Um, I delivered it to his house. I had left probably a good 20 minutes after the Osowski's had left and I went directly to Alan's house in Orange City and I had, I had beaten him there I beat him to the house there was nobody, there was nobody else there. I mean there was no family members there yet the investigator was still on scene Inv. Tew was still on scene. It's T-E-W.

JB Sorry?

CB Inv. Tew that was there...

JB Tew.

CB ...it's T-E-W. Um, and so I had called Alan on the Nextel to ask him where he was and it took him a little bit to answer um, or I didn't ask him where he was I take that back, I asked him how long it was until he would arrive home and he had said he would be home in five minutes or whatever it was, something very very

short period of time. Once he, once he got there I signed over the stuff to him. At that time Lt. Hughes had showed up and the focus now was can we go inside and see if Michael's here...

JB Ok.

CB ...basically was our focus. And he's like "oh Michael's not here Michael's at his house" that's when I first learned that Michael, that Michael wasn't actually staying at their house.

JB Did Capt. Osowski provide information about the location of Michael's house?

CB Yes. He, he told us where it was. I don't remember if he knew the exact address but he told us where it was we knew what the address was that wasn't an issue. We had asked Alan if he would call Michael on his cell phone and he called Mike, we, in front of us he picked up his phone and it appeared as though he called someone.

JB What time would that have been?

CB Let me steal this again. I don't know if I...

JB That was from Alan's cell phone?

CB Yeah Alan picked up his cell phone and we asked him if he would call Michael and he said that he picked up his, according to the CAD print out, hang on one second. I arrived at Alan's house at 2244.

JB 2244. And who did he make this call in front of?

CB Um, it would be myself, Lt. Hughes and Inv. Tew was, was at the property and I'm almost positive that all three of us were sit were standing in the driveway.

JB I'm sorry again who was that? You...

CB Lt. Hughes.

JB And who else?

CB Inv. Tew and myself and Mrs. Osowski was there too.

JB So he picks up his phone and dials and...

CB He says...

JB ...based on your observation he appears to be calling Michael?

- CB Right he waits a little bit and says you know “oh it went to voicemail” and then he left a voice message, again it appears he left a voice message on Michael’s phone and he said he couldn’t get a hold of him and then we asked you know and I don’t remember which one of us but we asked um you know where did you think he was and he said well we believe he’s at his house in Deland.
- JB Did he say how he got there did Alan volunteer he took him there if you remember?
- CB At, at some point, at some point we learned that Alan after the, after the, after leaving the hospital in Orange City Alan went dropped him off um, at Michael’s house and then he went back to pick up his wife to go to the hospital. At some point we learned that because I remember thinking it was kind of odd that they went from Saxon from Orange City and Saxon past his house to get to drop Michael off and then go back to his house to get his wife to go back to Halifax, it seemed odd at the time when it could’ve been obviously a smoother run to just go from Saxon to his house which is in the middle of Orange City, pick up his wife, then drop his kid off in Deland and then just drive right down 92. Seemed like a normal straight route.
- JB Did Alan Osowski provide you or anybody else with his son’s cell phone number?
- CB He did not provide me with his cell phone number. I believe uh he provided, well I’ve got to, once we, once Alan called his son at his house and got the message and left a message uh, Lt. Hughes, myself and Inv. Tew all drove to Michael’s house in Orange City I’m sorry in Deland. We then knocked several times to the point of going around, walking around the entire house knocking on every window, every door, every wall for...
- JB No response.
- CB ...for an extended period of time probably Lt. Hughes and myself were probably there the longest, we were probably there a good half hour 45 minutes knocking on the door and house and window.
- JB No response?
- CB None what so ever. There was a TV on in the back bedroom which we believe was Michael’s but no response. We had like I said Lt. Hughes, myself had Tew Inv. Tew go back to Alan Osowski’s house um to get to find out where he is to try to get, then I believe that is when um, we got Michael’s cell phone. We tried to find out if you know where his girlfriend was and any other places he might be trying to locate him.

JB Ok according to the CAD report it indicates that you arrived back at Alan's house with his mother's personal property at what would be 10:44 is that correct?

CB I believe so yes.

JB On the 25<sup>th</sup>. Can you estimate the amount of time from 10:44 your arrival to the amount of time that passed until Alan made this call in front of you guys?

CB I arrived, I was talking to Inv. Tew for a couple of minutes. I then called Alan on the Nextel which took a couple of minutes for him to respond back, he said he would be three to five minutes out so I was probably there 10 minutes before Alan got there and he probably made that phone call within five minutes of us being there so I would say about 15 minutes, about 15 minutes after I had got there is when he made that phone call.

JB Ok. And I know this is a difficult question but it's important. Can you estimate how long he was on the phone? On that call, you said he left a message?

CB Yeah I can explain it to you this way. Um, that phone call was, it appeared as though he exactly did what he said. He picked up the phone, he dialed you know dialed the number like looked for the number, dialed the number, um, you know uh picked up the phone listened, said "oh it's going to voice mail" waited, then left a message I mean it, so the length of the phone call would be the ordinary length of a phone call that you know it rang a couple times and he left a message.

JB Ok.

CB At the time no indicator what so ever that that was a, the phone call was odd it seemed exactly like he had made a you know a made a phone call left a message. Matter of fact he, the message that he left or that he had said was he had gave him my name and phone number because I had gave him my phone number at the time to contact me because I would be, I would be the one to be awake all night long um, so we could set up an interview and I never received a phone call.

JB Ok. Efforts continue then thru out the evening um, back and fourth a little bit. At what time, what happens after that before the time that you essentially the units secure from there.

CB We um, again Lt. Hughes and I stayed at Michael's house in Deland extended period of time. For the most part doing nothing else but talking about this and about 17 other things um, just passing time to see incase Michael came back at some point and while basically we had some, we kept watch on the house we were standing in the driveway we weren't secretive or anything.

JB Right.



CB Um, just talking while Inv. Tew had time to go back down to Orange City to meet with Alan Osowski uh, get the information about that. We stayed there for a reasonable amount of time after that. Um, at that point after we had left I had called back to the uh night shift sergeant in district two to request that he have personnel thru out the night go back to that residence in Deland, Michael's residence in Deland, to continue to knock on the door. I gave him a full explanation of what we had seen as far as lights, cars and uh noise in the house or TV's in the house and such and um, the, a deputy went back at least once that I know of uh, thru out the rest of the night to check on him. I know the deputy after he went back the first time he reported back to me that again everything was exactly like we had left it as far as hearing the TV and certain lights that were on in the house and the investigator believed, not the investigator, the deputy that responded believed that he had uh, heard somebody cough inside the house but you know we couldn't really, couldn't prove or disprove that.

JB Ok.

CB That was I'd have to, I can't think of any other um, actions or things that I was either asked to do or did.

JB Were you involved in any of the follow up the following day?

CB No.

JB Did you work the following day do you remember?

CB No I do, uh, that was?

JB Friday.

CB No I was off all weekend.

JB Ok. In your direct conversations with Alan Osowski um, regarding the location of his son Michael do you feel like the information that you were provided was genuine? Do you feel like there was any misinformation? Do you have any sense of that either way if you do?

CB At the time that I'd spoke to him at the hospital um, I took everything that Alan said as genuine as can be that you know it was the loss of his mother that he was upset that um, nothing, nothing out of the ordinary as far as that is concerned. Once we were told that Michael was nowhere to be found that we were unable to locate him then some things just didn't start adding up.

JB Ok.

CB For me personally, and for me personally the things that didn't add up was here you had a person that was involved in a car crash with significant injuries of a family member and he went to sleep. Soon there after of finding out that um that uh his grandmother you know the car he was driving allegedly uh his mother in a crash, his grandmother passed away and the first thing he does is go to sleep. Um, I, I can't imagine the um, the feelings that he would be feeling other than to imagine that they would be extremely significant and the fact that he went to sleep and so quickly and so sound that he could not be you know heard from or woken. Obviously it doesn't make any sense that's not reasonable in any way shape or form. People grieve in different ways but that just don't make any sense. Um, and uh, once we got to his house to Alan's house and discovered that Michael didn't live there again which is what I, I took from the conversations that from the Osowski family. Then it was, then it became a little more clear that things just didn't make any sense.

JB Ok. Did you ever have a conversation with Michael? Have you ever talked to Michael?

CB No I don't believe I've ever met him.

JB Ok. And you weren't involved in any efforts the following day to locate Michael?

CB No.

JB Did you have a conversation with Dep. Galarza about his investigation of the accident?

CB No.

JB Ok Lieutenant is there, knowing the focus of this investigation is there anything that you can think of that I failed to ask or that you think is relevant that I forgot to ask?

CB I don't believe so.

JB Do you have any questions of me?

CB No sir.

JB I have no more questions so we'll conclude the interview. The time now is approximately 10:30.

WITNESS STATEMENT

JB – Jack Bisland      CM – Captain Chico Mandizha

JB      Testing 1-2-3-4-5, 5-4-3-2-1 testing. Today's date is Tuesday December 7<sup>th</sup>, 2010. The time now is approximately 11:07. This will be a recorded interview with Capt. Chico Mandizha. Person's present are Capt. Mandizha and Jack Bisland an investigator with the State Attorney's Office 7<sup>th</sup> Judicial Circuit. The interview is taking place at the State Attorney's Office at the Deland Courthouse. Capt. Mandizha for the record I want to establish with you that I am conducting a criminal investigation, this is not an internal or administrative investigation. Do you understand that?

CM      Yes I do.

JB      Ok. Additionally that you have been identified as a potential witness in this investigation and that you are here giving this statement voluntarily is that correct?

CM      Yes sir it is.

JB      Based on a complaint from the Sheriff's Office I'm conducting an investigation into the events of an accident which occurred on November 25<sup>th</sup>, 2010 in Debarry involving members of the Osowski family. Specifically this investigation is concentrating on the actions and inactions of Captain Alan Osowski at the point in time where he was notified of that accident. Prior to your statement what I'd like to do is swear you in so if you would please just raise your right hand. Do you solemnly swear of affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

CM      Yes sir I do.

JB      Could you please spell your name for me please?

CM      Mandizha, M-A-N-D-I-Z-H-A.

JB      And you're currently employed with the Volusia County Sheriff's Office is that correct?

CM      Yes sir.

JB      How long have you been so employed?

CM      Uh, since 91.

JB      And your current rank and assignment?

CM I'm the executive officer in charge of patrol law enforcement services.

JB So your office is located where?

CM Here in Deland in the administration building.

JB Ok. Were you working on November 25<sup>th</sup>, 2010 Thanksgiving day?

CM No sir.

JB Ok was there a point in time where you were contacted, notified of an accident that occurred in the district six area?

CM Yes, yes sir I was.

JB Can you tell me how you were notified and approximately when?

CM I was notified by the watch commander that there was a traffic crash in Debary that possibly may have family members involved of one of our captains.

JB And that watch commander was Lt. Brown is that correct?

CM Lt. Brown yes.

JB Ok what did you do next?

CM What I did is I started monitoring the call via the radio and the MDC to determine what in fact was happening. I uh, I got dressed and I started heading towards Halifax Hospital initially thinking that the individual in question being the mother of Alan Osowski was going to be air lifted to Halifax.

JB Ok. And then your plans changed, where did you respond to?

CM Ultimately I ended up at Saxon Medical in Orange City when it was determined that Alan and his mother were located at Saxon where she was receiving medical treatment.

JB So when you got to the hospital in Orange City did you have contact with Alan Osowski at that time?

CM No sir I didn't. When I arrived at the uh, at the hospital the helicopter was just taking off with Alan's mother to head to Halifax. Apparently what had happened there was some medical issues between the crash scene and loading her in the helicopter which prevented that so she had to be stabilized in the hospital which unbeknownst to me at the point they loaded her in the helicopter and started to

head there. I was the first person to arrive at the, at the hospital and then shortly after Dep. Ray arrived right behind me.

JB And who did you learn from that Alan Osowski had left?

CM I had asked Dep. Ray to go inside and find out where Capt. Osowski was at because I wanted to take him in my truck so that he wouldn't have to drive and get him to the hospital if in fact his mother was being flown to Halifax. Dep. Ray went inside, came out with an official from the uh, from the emergency room he was dressed in a collared Polo style shirt and he basically had told me that Alan and his son had just left the emergency room, he was pointing over towards the west where they were parked. He advised me that they were going um, they were going home to get his wife and then head to Halifax Hospital and I said, I basically asked him to reconfirm what he had said. I said "he's going home?" and he says "yes he's going home to [REDACTED] if that's where he still lives" I said "I don't know where he lives" the gentleman obviously knew who he was and where he lived so I said "ok" I turned around, got on I-4 and headed to Halifax Hospital.

JB Ok.

CM Because he had already left.

JB Based on what you were told anticipating that you would meet Alan Osowski, his wife and Michael at Halifax?

CM That's correct.

JB Ok so you redirect, you're heading to Halifax. Did you send someone in advance to your arrival there?

CM Yes I did.

JB Who was that?

CM I called um, the watch Commander Charlie Brown and sent him there incase he was in front of me and we missed each other. Because at this point obviously Michael shouldn't have been with them, Michael needed to be back at the, at the crash scene so now we're trying to not only be there to console Alan but we're also trying to get in contact with...

JB What time did you, did you respond that night?

CM To the hospital?

JB Initially what time did you leave your house and go to the hospital approximately?

CM Uh, I arrived I want to say shortly after 7:00 thereabouts is when I first started maybe quarter to 7 when I first went out trying to find where he was. I arrived at Saxon maybe around 7:40, 7:45 maybe somewhere right in there.

JB Did you ever go to the scene?

CM I never went to the scene no.

JB Ok. So you leave the hospital at Saxon and you head to Halifax Hospital, you send Lt. Brown out in advance of you, you arrive you meet with Lt. Brown and you discover that both of you had arrived in advance of the Osowski family is that correct?

CM That's correct.

JB Ok.

CM He arrived first and then when I arrived driving time I maybe got there at 8:00, wasn't, it was just driving time across I-4.

JB How long were you there before the Osowski family shows up or Alan shows up?

CM An hour and a half maybe, hour and 15 minutes. We were there a while. And basically what had happened is when Lt. Brown arrived down there he, he found out that she had passed away in flight so my concern was that I didn't want Alan to be blindsided by this not knowing where he was in between us whether he arrives and then determines oh my God my mother is passed away so I wanted to meet him.

JB Ok.

CM So we split up in the hospital.

JB So at some point they arrive maybe an hour and a half, hour 15 minutes later um, do you or does Lt. Brown have contact with him or both of you?

CM We actually both have...

JB Ok.

CM We both have contact. I had staged um, Lt. Brown on the east side entrance of the emergency room and I had gone to a north side entrance. While we were waiting totally separate apart a fight had broken out in the front parking lot that we had to

deal with so Charlie had actually come around to the front north side parking lot. When we concluded with that disturbance in the parking lot they arrived on scene in a little CRV uh, Honda CRV SUV little tiny car.

JB Ok you say they, who arrived?

CM Just Ann and Alan Osowski, he and his wife.

JB Any conversation with them at that point?

CM At that point no we didn't other than bracing him for the impending notification of the death so we didn't say anything about, about the son.

JB But you did, you did notify him that his mother passed away?

CM Yes, well we took him, yes we took him in and then we went back to where the nurse was and then collectively right where his mother was at then they told him that his mother had passed away.

JB Ok. At that point in time Alan and his wife are given an opportunity to grieve with his mother's body...

CM That's correct.

JB For a period of approximately how long?

CM Maybe a half an hour to 45 minutes something like that. They were, they were in with her.

JB At this point your, your focus is one compassionately dealing with your employee and your fellow Sheriff's Office employee correct?

CM That's correct.

JB As well as your responsibility to secure his son who was identified as the driver of one of the involved drivers in the accident.

CM That's correct.

JB The intent being to locate, interview and draw blood from Michael Osowski?

CM That's correct.

JB Ok. Given that, you mentioned that they went in and they spent about 45 minutes, a half hour to 45 minutes with the body. Who do you speak to next Alan or Ann?

CM Ann comes out several times. They both go in, of course they were visibly upset and crying. They had gone into right where we had notified at the emergency room she was in one of the rooms right there. Alan and Ann both go into the room, Ann comes out, she's very appreciative of us being there um, kind of started going off into a, a um, a dialogue about what they had done thru out the day that it was a beautiful day, they had all um, been together they had um, they had dinner, they ate at the club uh, they were playing pin the, pin the head on the turkey and just kind of was all off the page about how quickly life can change and we were, we were very sympathetic and apologized. That was during the first time, then the second time she came, she came out again was a little bit more composed, was just kind of rehashing the same thing that she had done before about how they were all together and um, that they had a great time at the uh, at uh, at the club at the Debary Golf and Country Club so not that we seized the opportunity but we asked how Michael was doing and she said "he's doing fine, I just talked to him" that was right about 9:30 or so and "of course he's taking it hard" and yeah it's during the second time and then that's when we, we had uh prompted to her that we needed to speak with him as a result...

JB You told her?

CM We told her that we need to speak to him with regard to the traffic crash um, and she said "yeah absolutely, absolutely" and she had gone back into the area that Alan was where his mother was at. At that point a little bit later Alan had come out to go to the bathroom, stopped and gave his pleasantries thanked us for being there and went back into the room again.

JB Then ultimately he comes out and you have another conversation with him?

CM Ultimately the both of them come out, um they had, they had basically said their final goodbyes in their own way and they were leaving the hospital. I escorted them back out to the north entrance and along the way I again expressed my uh, my sympathies with the passing of the, of his mother and just point blank told him "Alan we need to speak to your son, obviously he's a factor in the crash and it's imperative that we speak to him tonight" he said "absolutely, absolutely he's at the house" and I said "are you headed to the house now?" he says "yes" I said "the lead investigator is Patrick Allison, he's going to meet you there he's going to be in touch and he's going to speak to Michael tonight" and he says "absolutely, absolutely no problem" and out the front door they went. We returned back to the emergency room area and we were approached by the uh nurse, there was some personal effects that they had retrieved from the body and asked if we wanted to, if we could take that to Alan so we clicked Alan up on the radio on the Nextel and said "hey listen, she has her dentures some bracelets and necklace, earrings or something to that effect some personal things would you like us to bring them to you?" he said "that would be great thank you very much" so the nurse packaged it up, I instructed um, Lt. Brown "go directly to the house and deliver this to him" and he said...



JB In the meantime Inv. Allison is also responding to Alan's house?

CM Allison, the entire team, Lt. Hughes and all the investigators.

JB It was the traffic homicide unit.

CM Right, some are going to the um, I've got one that's still on scene and um, Tew, Tim Tew and Lt. Hughes I believe responding to the house. Actually I think they were waiting there.

JB Ok where do you go?

CM From there I go, I go home.

JB Ok. You secure for the evening.

CM I, well yeah I stayed by the radio and we still converse and talk about trying to find out where he's at and.

JB So you essentially thru out the evening hours now from, from uh the period of time where you leave Halifax, you...

CM I head home and then the rest is by MDC and Nextel.

JB Ok. Um, at the hospital when Alan Osowski had this conversation with you, after first sympathizing with his loss, you told him it's imperative we talk to your son Michael tonight about the accident...

CM Yes.

JB ...and he says "absolutely, absolutely"

CM Yes.

JB He indicates to you that he's at Alan's house at that time?

CM At Alan's house yes.

JB You learn from the deputies that go to Alan's house eventually what?

CM That the kid was not at Alan's house, was at his house in Deland.

JB Ok. Do you know, if you know directly if that was a misunderstanding or are you of the opinion if you have one way or another whether Alan took him to

Alan's house and then the kid relocated or ultimately did Alan take him to his house and there was a miscommunication or what?

CM Ok maybe I missed um, do I know if, what I know is that um, after, Alan had taken the kid to his house.

JB Who?

CM To the kid's house.

JB Michael's house.

CM To Michael's house in Deland and that I felt that I was being led to believe that Michael was at Alan's house.

JB Ok.

CM In Orange City.

JB And no reason to at that time hindsight's not wisdom but at that time no reason to believe that Michael was anywhere other than where Alan was telling you.

CM That's correct.

JB You later learned that it's believed that the young man is at his house on Alabama.

CM Right and what we had done in the interim other than that is that we obviously explore possibilities notwithstanding the fact that hey my kid should be at the house but not to say that he didn't get picked up and go somewhere else, we obviously found his address in Deland by way of registration.

JB Ok.

CM We had also checked it prior to, because we didn't get an answer at Alan's house so huh maybe how old is the kid where does he live? Oh there's an address in Deland well send somebody up there and see if he's in Deland. So prior to, prior to us realizing that Alan's beginning to play games we had already started trying to check that out anyways.

JB Ok so...

CM To include hotels and everything else.

JB Ok did you have any, so you had no conversation at all with Michael and you haven't since?

CM No.

JB Did you have conversations with Alan beyond that conversation at the hospital that night?

CM No sir.

JB The next day?

CM Uh no sir.

JB Ok. And you're aware that the efforts to locate Michael went on until the small hours of Friday November 26<sup>th</sup>?

CM Oh yeah.

JB Ok.

CM They kept me apprised.

JB Ok are you aware ultimately that Alan Osowski contacted a member of the Sheriff's Department the next day and the circumstances around that?

CM Yes.

JB Ok that's just based on what you were told by Lt. Hughes or...

CM That's correct.

JB Ok. Did you have a conversation with Dep. Galarza at all about his involvement in this?

CM Uh, no sir.

JB When Lt. Brown, did Lt. Brown report to you what happened when he went back to Alan's house with Alan's mother's personal belongings?

CM Yes he had arrived there and Alan was not there and he probably left 15, 15 or so maybe 20 minutes after they had.

JB Ok. Do you have a recollection of conversations either with Ann or Alan at the hospital involving Michael taking a sleeping pill? Is that something you heard direct or something you became made aware of?

CM Whether I was made aware of it or heard direct (unintelligible) yes that Alan, um had said that Michael had taken a sleeping aid and may not be answering the door as a result that he's out which at the time, that was a turning point for us I think because it didn't make sense why that would have been said when Ann had already talked to him after that. So that's when we started kind of thinking well wait hang on a second stuff's not adding up now then. I mean why would he be taking a sleeping aid. Ok yeah there's a traumatic experience that just occurred here and obviously he may feel that he but had he had done that and was asleep there's no way he could have received a phone call from his step mother Ann at around the 9:30 mark so that's when we started kind of working behind the scenes.

JB Ok. What time did you secure from Halifax, approximately, and go to your house?

CM Um...

JB Understanding that you continue to be briefed and work this thru out the...

CM Maybe 11:00 I got home, 11:30 somewhere in there?

JB And you're aware that your deputies efforts to locate Michael both at Alan Osowski's house and Michael Osowski's house to that point yielded negative results?

CM That's correct.

JB Are you also aware that your deputies had Michael's cell phone number?

CM Yes.

JB Do you know how they got that cell phone number?

CM They got it from Alan I believe because I had asked them well we need to start calling his phone, see if he'll answer his phone.

JB And are you aware of what happened when your deputies and investigators attempted to call that number?

CM Negative results.

JB It just went to, do you know how many times approximately they called?

CM I believe one time is when they called I'm not, I'm not exactly sure.

JB Ok. Alright Captain is there anything else that you can think of knowing the scope of the investigation that I'm conducting that I've failed to ask that you think is relevant or any questions you have of me?

CM No sir I don't think so.

JB Ok given that I don't have any additional questions and this will conclude the interview. The time now is approximately 11:28

WITNESS STATEMENT

JB – Jack Bisland      GR – Dep. Gregory Ray

JB      Testing 1-2-3-4-5, 5-4-3-2-1. Today's date is December 7<sup>th</sup>, 2010. The time now is approximately 2:55 pm. This will be a recorded interview with Deputy Sheriff Gregory Ray R-A-Y. This interview is taking place at the State Attorney's Office at the Deland Courthouse and present during the interview are myself Inv. Jack Bisland investigator with the 7<sup>th</sup> Circuit State Attorney's Office and Dep. Ray. Dep. Ray for the record I want to establish that you understand I am conducting a criminal investigation and this is not an internal or administrative investigation. Do you understand that?

GR      Yes sir.

JB      Ok. Additionally that you have been identified as a potential witness in this investigation and I want to have you acknowledge that you are here to give a statement about what you know about the day of the accident and that you're here voluntarily.

GR      Yes sir.

JB      Ok. And essentially based on a complaint from the Sheriff's Department the State Attorney's Office is investigating the circumstances around a November 25<sup>th</sup> crash involving members of the Osowski family. Specifically this investigation focuses on the actions and/or inactions of Alan Osowski around that accident. Before we start of the interview what I'd like to do is place you under oath so if you would please raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

GR      Yes sir.

JB      Ok very good. Would you please just state your name for the record?

GR      First name is Gregory, middle initial A, last name Ray.

JB      And you're currently employed with the Volusia County Sheriff's Office is that correct?

GR      Yes sir.

JB      How long have you been employed?

GR      July 14<sup>th</sup>, 2008.

JB Ok so you've been there about a year and a half?

GR About two years actually.

JB Your current assignment?

GR Law enforcement services district six road patrol.

JB District six is a Debary district correct?

GR Correct.

JB Were you working Thanksgiving Day?

GR Yes.

JB What shift were you assigned?

GR I was alpha 63 so I was night shift 3pm to 3am.

JB Ok 3p, so you came on at 3:00 in the afternoon...

GR Yes.

JB ...Thanksgiving Day?

GR Yes.

JB Ok.

GR That's an overtime shift for me.

JB Ok. At approximately, shortly after 6pm that night about 11 minutes after 6 a call came our for an accident with injuries. Did you hear that call come out on the radio?

GR I did.

JB Ok did you respond?

GR Initially no I was actually on my way to the fairgrounds to meet with prisoner transport.

JB Ok.

GR So the call came out and it was in my zone and um, I of course didn't want to respond yet because I was extended you know by about 10 minutes. Um, so just switched out my prisoner and then got back on I-4 and started coming back to the district area.

JB In the meantime other units responded to the accident?

GR Correct, yes.

JB And you according to the CAD report, you arrived at approximately 1828.

GR Uh huh.

JB Does that sound right?

GR Yes.

JB Approximately 6:30.

GR Yep.

JB What did you observe when you arrived?

GR Um...

JB Well before that, what did you know before you arrived? What had you heard on the radio? What did you learn about that accident with injuries?

GR I don't remember what unit number it was but I think it, it might have been alpha 61 called out with a tag for one of the vehicles, gave the description of the vehicle and dispatch returned with the information that it was registered to a Michael Alan Osowski which of course made me you know think Osowski's not a common name so I started thinking you know hopefully that has nothing to do with our captain.

JB Ok.

GR Um...

JB Who is alpha 61 which deputy is that?

GR I believe it was, it's Mike Sawicki.

JB Ok.



GR I know its Mike Sawicki but like I said I'm not sure if it was, if he called out with it or if it was uh...

JB Ok.

GR ...62, there were two units on scene. Um, and then as soon as I heard the name a few minutes after that they called out for Air1 I guess saying that EVAC was on scene and that they were calling a trauma alert. They don't give out that information on the radio as to who it was for so I didn't you know I'm still a few miles out um.

JB Ok.

GR I just knew there were two cars involved and that somebody was, was hurt pretty severely.

JB Ok and then when you arrived what do you see and what are your responsibilities?

GR I, I first when I first got on scene myself and an Orange City unit had called out to that we were enroute because we knew Air1 was coming we needed to establish a landing zone. I got to probably; I'm not good with yardage but probably 60 to 75 yards away from the intersection in the south bound lane which is where Sgt. Day told us to hold up. The Orange City unit blocked traffic southbound, Sgt. Day had me move my car to the northbound lane to illuminate power lines overhead just incase Air1 didn't see them. Uh, I noticed a small darker colored car I don't wanna say if it was blue or not because I can't say with certainty but it was off the road across the sidewalk uh, on the northbound side and then there was a four door lighter colored possibly tan uh vehicle also in the northbound lanes taking up the northbound lanes of the intersection of 17-92 and North Pine Meadow.

JB Ok. According to the CAD report that I've got you arrived at about 6:20 and it looks like you cleared that call at 1:30 the next morning. Is that accurate? Were you there for about seven hours?

GR Correct.

JB Ok. Were you at the scene for seven hours? Did you ever leave the scene going other places?

GR Yes um...

JB Ok let me, I don't want to get ahead of myself.

GR Sure.

JB So you arrive, you're assisting with the establishment of a perimeter for a landing zone, you're illuminating some lights, you've made some observations, there's a point in time where Air1 is cancelled are you aware of that?

GR Not necessarily cancelled.

JB Ok, they didn't land.

GR They, they landed...

JB Oh they did land?

GR Oh they landed.

JB Ok.

GR They landed and were on the ground for approximately I'd say somewhere between 12 to 15 minutes. Um, which is an awfully long time considering you know you're dealing with a, with a trauma alert.

JB Right.

GR Um, I never observed anybody get loaded into Air1.

JB Ok.

GR And then they took off.

JB Ok.

GR Just prior to them leaving an ambulance left the scene which we later learned was Ms. Osowski.

JB Ok.

GR As soon as Air1 left Sgt. Day instructed me to reposition my vehicle at Debary Plantation Blvd to, because they had moved an Orange City unit up there basically to block any southbound traffic to divert them onto Debary Plantation or have them turn around on 17 because they were establishing a perimeter for the uh, for what was now a crime scene obviously.

JB Ok.

GR Um, it's in my supplement because I went on CAD as to what time I repositioned my vehicle uh, sat at Debary Plantation for again just off the top of my head 20 minutes maybe?

JB Uh huh.

GR At which time was relieved by a uh COP unit then repositioned my car to uh, just before the intersection of Dogwood and 17-92 to divert traffic that was traveling eastbound on Dogwood to get to 17-92.

JB Ok so you're still engaged in traffic control?

GR And that's where I sat until the end of the investigation on that intersection.

JB Was there ever a point in time where you went to Fish Memorial Hospital?

GR Not me no.

JB No?

GR No.

JB Do you know who did besides Capt. Mandizha?

GR I honestly don't.

JB Ok.

GR Uh I was pretty much in charge of that side of the intersection, that's...

JB Did you have a, did you see Capt. Alan Osowski on the scene?

GR I saw him initially when I got there when we were creating the landing zone for, for Air1. I saw and obviously I didn't have any contact with him but from where I was standing it was, it looked like Capt. Osowski, it was a personal vehicle that I knew to belong to Capt. Osowski's wife and he was standing outside of the vehicle. I didn't see anyone else around him. I didn't see anybody in the vehicle and I didn't see Capt. O talking to anybody either.

JB Ok.

GR You know he was just kind of standing on the passenger side of the vehicle looking at the accident scene.

JB Was there a point in time where you were made aware that it was, while you were out there, obviously after the fact you learned a lot but at the time do you remember learning that Alan's mom was the one that was injured and that his son Michael may have been driving one of the cars. Did you learn that at the scene?

GR I did. Um, I actually asked Sgt. Day prior to me relocating my car to the Debarry Plantation Blvd uh location and this was based solely on the fact that I had heard when the tag came out who it was registered to.

JB Right.

GR So I in passing just asked Sgt. Day “hey is Captain’s son ok?” because at that time I didn’t know that his mother was in the car.

JB Ok.

GR To which Sgt. Day said “yeah” you know “Captain’s son is fine” now you know I need you to go move your car over there. Um, it was, when I moved my car back to the Dogwood area where I found out that the Captain’s mom had been uh, in the vehicle and that she was possibly that she had possibly passed on.

JB Ok.

GR I believe if I’m not mistaken it was from uh, there was a Deland deputy down with us to help with traffic control that had mentioned “hey I think the woman that was in the car...”

JB Ok so you had heard.

GR ...you know “passed away” and I said “I didn’t know there was a woman in the car but ok” so.

JB Ok do you know Michael Osowski, had you met him?

GR Not, no.

JB Did you talk to him that evening?

GR No.

JB Did you make any effort during this time or the next day to follow up or assist units and investigators in locating Michael Osowski that night?

GR No sir.

JB No. Give me a second. Did you have a conversation with Capt. Osowski at all?

GR No sir.

JB Did you overhear any conversations between Alan Osowski and anyone else that day?

GR No sir.

JB Did you have a conversation with Michael, I may have asked you that already.

GR No, you did ask me but no I didn't.

JB Ok did you overhear any conversations with Michael?

GR (Inaudible)

JB Do you know who is assigned to investigate, not the homicide not the traffic fatality, but who the reporting deputy was working the signal four?

GR I think it was Dep. Sawicki I believe. I talked to him, he was holding a position on the other side of the intersection on North Pine Meadow so when the THI investigators were breaking down their equipment, basically at the conclusion of the, the uh, the initial investigation I talked to Dep. Sawicki. I just thought it was kind of peculiar but I don't know enough about THI's that he was asked to um, do the initial report where I thought you know that when there's a traffic related death that we pretty much just hold the, like I said hold the perimeter and...

JB Ok.

GR ...your THI folks do, so it was peculiar to me but I don't know our policy 100% but.

JB And you, you learned.

GR Right.

JB Ok.

GR But I believe Dep. Sawicki was responsible for the initial crash report. He in turn handed it off to one of the THI investigators and then they take it from there.

JB So you spent most of your time involved in traffic control, established the perimeter and re-diverting cars?

GR Correct.

JB Were you aware the radio traffic of unit's attempts to locate Michael Osowski as the day went on, as the evening went on?

GR No sir.

JB Ok. Were you, did you speak with Dep. Galarza that night?

GR Yes.

JB Ok what was his role at the scene as you were aware?

GR I don't really know that he was one of the first responders.

JB Ok.

GR Um, but he was also one of the first people cleared from the scene to...

JB Ok.

GR ...go out and handle other calls. Um, that's why it was my impression that Dep. Sawicki was responsible for the report.

JB Ok.

GR The one thing I knew is that I wasn't responsible for it because again I didn't get there until...

JB I understand.

GR ...after. Um so Dep. Galarza's role I think initially was you know establishing hey, close down traffic over here, here's what we have. Once the investigators got on scene once THI got on scene he didn't really he didn't have any role. It was you know go back in service and handle calls.

JB Ok. Did you see Alan Osowski leave the scene that night?

GR I did not. Um, at one point and this is where I think it happened um, myself and the Orange City Officer had an issue with a, a car that was trying to move thru the perimeter.

JB Ok.

GR Um...

JB So you're dealing with that?

GR Right. That was right around the last time that I saw uh, Capt. O. I don't know where he went from there, I don't because again the intersection was closed off so.

JB Ok.

GR I can't even speculate how he got out of that area.

JB Do you know how Michael Osowski departed the scene that night?

GR I can honestly say I've never, I used this terminology that night, I couldn't pick Michael Osowski out of a line up so...

JB Ok.

GR ...he could have driven by me and I would have, I would have not known that it was him. Um, never saw him anywhere near the vehicle that he was reportedly driving, never.

JB Are you aware that anybody else was transported with injuries from that scene?

GR The only person I knew of and again after the fact was uh, Ms. Osowski.

JB Ok. Have you had a conversation with Dep. Galarza since about Michael Osowski's departure from that scene?

GR No.

JB Ok. Were you ever asked the next day by THI to drop off statement forms to anybody?

GR I've never, no have not been contacted by anybody from...

JB Did you work the next day actually? It was Friday because this was an overtime shift.

GR Yes it was, Friday was my regular, Friday, Saturday, Sunday is my regular shift.

JB So you almost did like, ok. You went in at 3 you still got off at 3:00 in the afternoon?

GR Yeah, yep uh 3 in the morning, 3 in the morning.

JB Ok then you came back at 6p the next night?

GR Yep.

JB Ok. I don't want to have to ask you or call you back so I just want to make sure I've covered everything here.

GR Sure.

JB The watch commander that year was who? Do you know?

GR Lt. Brown, Charlie Brown?

JB That's who you believe?

GR I, yeah I didn't have any, I didn't have any contact but I believe yeah.

JB Ok.

GR I think he's 182.

JB Just be patient with me one more second here.

GR Sure.

JB Let me make sure.

GR And I apologize I don't know if it's Charles or Charlie I don't know what his legal name is.

JB That's alright. Ok that's it; I don't have any other questions. Do you have, knowing what I'm investigating at this point is there something you're aware of that you think is relative that I failed to ask?

GR The only thing, when, when you mentioned about radio traffic as to anyone looking for Michael, again I didn't hear anything. I did note on CAD for the call that, like I said that's why I mentioned 182 because I believe he had gone to Capt. Osowski's house with another deputy at one point.

JB Who is 182?

GR Uh...

JB Charlie?

GR Yes. Uh, when I saw that though I assumed it was for a death notification.

JB Uh huh.

GR I didn't, again once Capt. O left I didn't know where he went to. It was...

JB Ok.

GR At that point like I said I was guarding an intersection.



JB Absolutely, no I understand.

GR So I just kind of assumed like I said that they were going to make a death notification that his mom had in fact uh, passed.

JB Ok.

GR Didn't really think anything of it that they were looking for anyone or...

JB Ok. Do you have any questions of me?

GR No sir.

JB Ok well with that this will conclude the interview, the time now is approximately 3:15 in the afternoon.

WITNESS STATEMENT

JB – Jack Bisland      JD – Sgt. James Day

JB     Testing 1-2-3-4-5. Today's date is December 7<sup>th</sup>, 2010. This will be a recorded interview with Sgt. James Day of the Volusia County Sheriff's Department. The person's present are Sgt. Day and Inv. Jack Bisland with the State Attorney's Office. This interview is taking place in Deland at the courthouse inside the State Attorney's Office. Sgt. Day for the record I want to establish that I am conducting a criminal investigation and this is not an internal or an administrative investigation. Do you understand that?

JD     Yes I do.

JB     Ok. Additionally that you have been identified as a potential witness and are giving this statement voluntarily is that the case?

JD     Yes sir.

JB     Ok. Based on a complaint from the Sheriff's Office I'm conducting an investigation into the events surrounding the fatality accident which occurred in Debarry on November 25<sup>th</sup>, 2010 involving members of the Osowski family. Specifically this investigation concerns the action or inaction of Capt. Alan Osowski after being notified of that accident. So prior to the start of the interview what I'd like to do is swear you in. If you would please just raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

JD     I do.

JB     Ok. If you would for me please state and spell your full name.

JD     James Day, J-A-M-E-S Day, D-A-Y.

JB     And a good contact phone number for you sir?

JD     [REDACTED]

JB     And...

JD     [REDACTED]

JB     [REDACTED]

JD     Yeah it didn't look like a two from here.

JB And you're currently employed with the Volusia County Sheriff's Office is that correct?

JD Yes sir.

JB How long have you been employed?

JD It'll be 10 years October, this 2011 so nine and a half.

JB Ok and your current assignment?

JD I'm currently assigned to Debarry or district six as a road supervisor.

JB Were you working on Thanksgiving Day?

JD Yes sir.

JB What shift were you working?

JD It would've been alpha.

JB That's 6p to 6a?

JD Yes sir, no, yes 6p to 6a yes sir.

JB Ok. It would have been early on in your shift then units got dispatched to a traffic accident on 17-92 near the entrance to Glen Abby. Can you tell me about how you first were aware of that call and then your response please?

JD We were at the district and subsequently the radio called us and said there was a traffic accident on Charles R Beal and, well entrance to Glen Abby but it's also North Pine Meadow.

JB Uh huh.

JD Um, just a, just a standard you know car accident with injuries.

JB Ok and did you respond?

JD Yes sir.

JB Ok do you remember the other units that responded and arrived?

JD Yes sir um, my 61 man which is Dep. Sawicki responded as well as my 62 person um, which is Dep. Galarza. We also had another unit that was available but he

was in the process of being transport, or taking a prisoner to the fairgrounds so he was out of the equation at this point but he does come to the scene.

JB His name?

JD Dep. Ray, he comes to the scene later on.

JB Can you describe for me what you saw when you first got there essentially?

JD As we uh, virtually all three of us showed up on scene seconds you know and again you know anytime you say seconds, 10 to 15 you know it's within the minute timeframe I mean so, but uh there was one car, traffic was virtually at a stand still or was limited access and primarily the, those that were moving were those on 17-92 heading south.

JB Ok.

JD It was, the turn lane was definitely blocked from 17 Charles R Beal as you turn into Glen Abby. You had a car in the intersection and then you had the uh, what later, and a lot of this you know that's hindsight.

JB Uh huh.

JD But later was determined to be the Osowski vehicle on the north east corner up on the sidewalk near the um...

JB Lets ask, let me ask you this question then. So there was significant road blockage and you evaluated for injuries and did the things that you would traditionally do at a scene. At what point did you learn that the involved, one of the involved vehicles contained Peggy Osowski and Michael Osowski?

JD Um, well I need to be able to, so that you, I mean...

JB Was it soon after you arrived you realized who was there or, or was it some point in time after?

JD It was some point in time after.

JB Ok.

JD Um and that's why I mean, that's you know you have my statement and that's what was going on.

JB Uh huh.

JD We were setting up, detouring traffic, rescue was again on the spot they were right behind us. Did I see a woman in the car injured? Yes. Did I know who? No, didn't have a clue but she was hurt ok we've got one here, where is the other parties, ok there they're set and then that's when as soon as rescue showed up they were requesting the helicopter.

JB Right.

JD So as I was in the process of establishing the, a landing zone by this time we had the um additional, we were able to, I requested additional units from Orange City to come down to try to help with traffic control.

JB Right.

JD And then I see this one private vehicle and it was a uh, like a, what was he driving? I don't know an Isuzu SUV or something along those lines it was just you know it was his private car but all's a remember having to see the parrot head uh tag on the front. But I see this and I was like who is this driving when I had the road dang near blocked and he uh, pulls into the right at the entrance to the turn lane of 17-92 south as you would turn into Glen Abby and parks and subsequently he gets out and then that's when I recognize it was the Captain.

JB Ok was it at some point after that that you realized that he was there because his family members were involved in the wreck?

JD Well as he was approaching again you know it didn't key in because he's Capt. Osowski.

JB Right.

JD He's I mean...

JB He might have been in the area right.

JD ...that's his district.

JB Sure.

JD Um, you know but out of, you know I'm a sergeant you know it was like oh ok, got brass, captain.

JB Uh huh.

JD So I did walk over to him and "Captain what's up?" and then that's when he informed me.

JB Ok.

JD That's my family.

JB So that's how you learned?

JD Yes sir.

JB Ok. So you're coordinating a landing zone for a potential transport and then as I understand the facts the decision was made to transport her to a local hospital to stabilize her, helicopter is cancelled from the scene but my concern is at what point are you aware that Capt. Osowski and his son Michael leave the scene?

JD Um, at what point?

JB Did the point in time come where you realized they weren't there?

JD Yeah but that was I mean we're talking I mean, well the helicopter had already left, the grandmother had already left, at that point it was ok lets (unintelligible) um...

JB So would you...

JD It was several I mean several minutes uh...

JB Ok would you estimate that from the time that Capt. Osowski got to the scene to the time that he left with his son to be 15 to 30 minutes? More than 30 minutes? Just if you can estimate.

JD A solid 30 minutes.

JB Ok.

JD I mean...

JB Give or take but at least 30 or around 30 minutes.

JD Yeah I mean again we can I mean to answer your question or bring it home I know that and that's why its easier just to walk thru and I know you...

JB Ok.

JD ...but you, the helicopter has already landed. In fact, so I mean I actually had to move Capt. Osowski's vehicle. In fact I went over to him and he was standing, and he was standing by an individual but even at that point I mean it was a male but I didn't even know it was his son and while anytime a family member's

involved in an accident with the SO or anyone of significant you've got to start notifying chain of command so all of this is going on and like anything else they start asking a whole bunch of questions and you don't know that answer and you've got to go find these, are you sure it's his son? Yeah it's his well let me check and um, but um, EVAC transported because she goes into cardiac arrest.

JB Uh huh.

JD You can't go in the helicopter, and that's when they take her around to 802 and so it was I mean, I know whatever time the EVAC left and then it was a couple minutes there after that I finally learned that he actually left so.

JB Who did you assign to investigate the traffic accident?

JD Initially it was going to be Dep. Galarza and his trainee but once we realized oh this is more, the accident itself was too much that's when we switched it to Dep. Sawicki to do but, and as it, he would have been able to handle it had it not been the fact that oh wow this is not this, I'm going to err on the side of caution lets just go ahead and do the THI notification.

JB Uh huh.

JD So that's how that played out.

JB So initially Dep. Galarza and his trainee, would that have been trainee James Vickers?

JD Yes.

JB Ok they were originally were assigned to work the accident. Are you aware of who Michael Osowski surrendered his driver's license to?

JD Because of the supplement I know that Dep. Vickers got his information, now whether he surrendered that driver's license to him I don't know that answer.

JB Ok so you don't, were you, did there come a point in time when Alan Osowski and his son left the scene that day?

JD Yes sir.

JB Ok what, were you involved in the circumstances of their departure? Did the Captain talk to you before he left?

JD No sir.

JB Did he talk to any one of your people before he left?

JD I believe it was Dep. Galarza.

JB What did Dep. Galarza tell you?

JD That the Captain said “are we good?” or I don’t know that’s the word well you’ll have to...

JB I’ll talk to him.

JD But it was either “are we good?” or “we’re going to go to the hospital” um, and even whether you want this information or not even there was even some of my command staff asked me did I or see them leave? And the answer is no. But and I even asked Roy “did you see them leave?” and he said “well I saw them walking in that general direction together” well as a prudent person, as a reasonable person if hey I’m going, he doesn’t have a ride his vehicle is damaged I think it’s reasonable to say that both of them loaded up in Capt. Osowski’s vehicle.

JB Ok. The driver of the other involved vehicle was that driver transported to the hospital to your recollection?

JD Yes sir.

JB Ok. So you continued to work the scene, at some point the traffic homicide unit shows up is that correct?

JD Yes sir.

JB Let me see, I’ve got the CAD report here lets see how long you were at the scene.

JD Oh I was there, I mean virtually all night.

JB Lets just verify the times, I’ve just got to find the piece of paper here. Dispatched at 1815, arrived at 1816 and you stayed there till just after 11:00 does that sound right 2310? About five and a half hours, well five hours roughly.

JD Yeah, on, confirm on scene yes, now did I come back? Oh yeah, I came back numerous times.

JB Were you, did you, did you have a conversation with Alan Osowski when he arrived on the scene?

JD Captain, because he was walking across the median, Captain what’s, I mean I think it was a “hello Captain” and he says “that’s my family” “ooh” I walked half way across the 17-92 north bound and he continued on towards where his, after identifying or after learning it was his son and his mother. Turned away, I



mean that was the conversation. As soon as I found out it was his mother um, and son, got on the phone and started calling command um, that was the conversation that I had with the Captain and...

JB Any other conversations thru out the night beyond that one?

JD Not with Capt. Osowski.

JB Ok.

JD But I, you know so that you've got all of it his son I had to actually, I made contact with his son at one point.

JB Uh huh.

JD And the reason for that was I was talking to command and they wanted to verify that was it Mike or I can't remember if the Lieutenant said "was it Michael or Mike?" and because I've never met his family I don't know. Well got to get him an answer so I actually was able to make contact with Michael at the, still at the intersection I shook his hand, I introduced myself and I confirmed that his name was Mike that way I could report back to the Lieutenant that I uh, you know yeah it definitely was his son. And I asked him "are you alright" and he said "yeah" but he was complaining of some right side rib pain um, right under just right here.

JB Was Alan at the scene at that point?

JD Yes sir.

JB Ok.

JD Oh yes, yes.

JB Alright.

JD Now in fairness I can't say he was standing right there when I did the introduction.

JB That's fine.

JD I um, but...

JB Did you have any other conversations with Michael Osowski that day?

JD That was it.

JB Ok any other conversations with Alan Osowski that day?

JD No sir.

JB Were you involved at all that night in efforts to locate Michael Osowski?

JD No sir.

JB Were you aware that there were deputies and investigators attempting to locate Michael Osowski?

JD Yes sir.

JB What are you aware of?

JD I was aware of um, I think it was, I'm not 100% sure but I think it was Lt. Hughes but never the less to answer your question I was aware that they were trying to locate Michael, Michael was not at the um hospital. In fact I was instructed to check to see if he was transported by EVAC and so I contacted dispatch just to make sure that there was not two patients in that ambulance because it did transport and turns out no there was only one and that was the driver of the other vehicle.

JB Ok.

JD Um, so I confirmed this, relayed the information back no according to dispatch, according to EVAC they only took one.

JB Ok.

JD There was some scuttle as to where he was actually located and I did know that they said he was up in Deland. They went to the Deland address, apparently there was no answer at the residence so that's the gist of what I was able to know that they were looking for.

JB So the checked the hospital and residence. Who was assigned to work the traffic homicide? Who was the traffic homicide investigator assigned do you know?

JD I don't.

JB Ok. Have you had a conversation with Dep. Galarza since where he has shared with you his conversation with Alan Osowski?

JD Again I can't give you, I'd have to go back to the, because we were instructed to write out a statement.

JB Yes.

JD And um...

JB I've got your statement here, you verified that this is an accurate, that's an authentic copy of your statement right?

JD Yes sir.

JB Ok.

JD And I made it real clear to all this guys this is one of those cases that just write it up as is and there is you know don't try to do anything just what your job was. In fact Lt. Williams even brought that point home later on prior to this for us come to talk with you.

JB Ok.

JD But um, as far as again I can't I don't remember right off the top of my head what Roy said as far as whether the Captain said "are we good?" or...

JB I'll ask him, that's ok. Did Dep. Vickers ask you at some point thru out the night what's going on?

JD We immediately pulled Dep. Vickers I mean and it was a, Roy because he knew his trainee, no he never necessarily asked what was going on I mean because we immediately assigned him to direct traffic and even at that point he was having difficulties in effectively doing, I don't know if he ever directed traffic but you have to prepare for the worst when these folks are driving and you can't just do a half, you got to be very authoritative...

JB Right.

JD ...command presence. Um, I know that I spoke to him, I tried bringing him up to speed because at the time I didn't know he was going to resign.

JB Uh huh.

JD But I was trying to bring him up to speed as to what was happening because I don't think he's ever seen a traffic homicide before and all that, what has to go on and I did give him instructions about putting up crime scene tape, securing the area.

JB Ok.

JD That type of thing but I don't believe he, I mean you asked a question did he ever ask what was going on.

JB Yes.

JD No, the answer would be no.

JB Ok. Do you remember, is it possible he asked you “is there anything you can tell me?” to which you may have responded “it’s better off you don’t know” does that make any sense does that conversation in or out of context make any sense?

JD Yeah he did and, and, and, because I had already been instructed that because we were unable to locate or they were unable to locate the Captain’s son and when this occurred it didn’t take a rocket scientist to figure out uh oh, something’s wrong here.

JB Ok.

JD And yes that would be a fair, um, in fact yeah that would be very fair.

JB Ok.

JD And you know it’s like anything else there’s certain times you want to know things and there’s other times you don’t.

JB Absolutely I understand that completely.

JD And um while I may have been able to speculate some it was not the time to be speculating.

JB Right I agree, I, and I understand. Were you involved in any follow up investigation the following day?

JD No sir.

JB Related to this? Did you obtain statements or were you asked to obtain statements from anybody?

JD No sir.

JB Were you aware, did you work the next day? Friday.

JD No that’d been Thursday night no because Friday night, that would have been Thursday night we were off that weekend.

JB Ok so that was your last shift for a few days.

JD Yes sir.

JB So essentially when you secured at some time after 11:00 from the scene your roll and responsibility beyond approving reports was done?

JD I don't know necessarily it was done I mean I had to go back around there and I sat with THI for a while, um, one, I was responsible to make sure the Orange City guys, so I kept coming back and fourth we were out there after long after 11:00 sir.

JB Ok.

JD Now maybe my guys, in fact I know my guys are still blocking the intersection had Dep. Ray at one corner and Dep. Sawicki at the other. Roy was the only person that was able to snag calls and I had two visiting Orange City PD's um COP's down.

JB Ok.

JD So I mean while I didn't have direct, and on doing anything as far as a THI...

JB It was a major event in your area of responsibility that night and you kept a thumb on it I understand.

JD And I tried picking some of the guys brains as far as why do you got these all these line ups like this and they would explain to me how the photography would be able to bring it back around.

JB Ok, alright. Is there anything that you think is relevant to the investigation I'm conducting that I've neglected to ask you that you would like to add or any questions that you have of me?

JD I don't have no, I mean again everyone's brought this thing home. This is not, this is a no brainer. It is what it is and that's the beauty of this particular one. We handled it we did what we needed to do so I'm very proud of my guys.

JB Ok.

JD But it is what it is is what it comes down to.

JB Ok alright well I don't have any further questions and I appreciate you coming here today and getting on the record officially and if you have no questions for me then we'll go ahead and terminate the interview.

JD The time now is approximately 9:38 and this will terminate the interview with Sgt. James.



WITNESS STATEMENT

JB – Jack Bisland      JV – James Vickers

JB     Testing 1-2-3-4-5, testing. Today's date is Monday December 6<sup>th</sup>, 2010. The time now is approximately 9:05am. This will be a recorded interview with Mr. James Vickers. Person's present during this interview are myself, Jack Bisland, an investigator with the State Attorney's Office in the 7<sup>th</sup> Judicial Circuit and Mr. Vickers. This interview is taking place at the State Attorney's Office in the Deland Courthouse. Mr. Vickers for the record I want to establish that I am conducting a criminal investigation and this is not an internal or an administrative investigation. And additionally that you've been identified as a potential witness to the events that I would like to talk to you about today and I also want to establish that you're here voluntarily is that correct?

JV     That is correct.

JB     Ok. Based on a complaint from the Sheriff's Department I'm conducting an investigation essentially into the events surrounding Thanksgiving, November 25<sup>th</sup> accident in Debarry involving members of the Osowski family. Specifically the investigation concerns the actions or inactions of Capt. Alan Osowski after being notified of that accident. So prior to the start of the statement what I'd like to do is swear you in.

JV     Ok.

JB     So if you would please just raise your right hand for me? Do you solemnly swear of affirm that the statement that you are about to give will be the truth the whole truth and nothing but the truth so help you God?

JV     I do.

JB     Can you for me just state and spell your name?

JV     My name is James Franklin Vickers the third. J-A-M-E-S, Franklin F-R-A-N-K-L-I-N, Vickers V-I-C-K-E-R-S.

JB     And a contact phone number for you?

JV     XXXXXXXXXX

JB     And on November 25<sup>th</sup> Thanksgiving day this just a couple weeks ago, you were in fact employed by the Volusia County Sheriff's Office is that correct?

JV     That is correct.

JB In what capacity?

JV I was a trainee deputy. I guess you would say I was in training.

JB Ok and what was your assignment on the 25<sup>th</sup>? What hours were you scheduled to work and what was your assignment?

JV I was scheduled to work six to six and...

JB Is that 6a to 6p?

JV Yes it is, uh 6p to 6a excuse me.

JB Ok.

JV Um and that was of course over night and so it was just in the beginning of my shift when the crash occurred.

JB Ok and tell me about, were you riding with somebody were you in the car by yourself?

JV Yeah I was riding with another deputy, I'm trying to think of his name at the moment. His name escapes me.

JB Could it be Roy Galarza?

JV Yes it is.

JB Ok.

JV It is Dep. Roy Galarza I was riding with. I'd only been with him at that point for maybe one or two days.

JB Been with him in training for one or two days?

JV Yeah.

JB Ok, and were you assigned to a particular patrol zone?

JV I was assigned to zone 62.

JB Ok. Tell me what happened when you were, how you became aware of the accident and what your involvement, what you did.

JV We were actually, I believe, where were we? I think we were patrolling the road and you know we heard the call come over the radio and you know he was driving



he turned the car around and we headed towards the crash. Arriving on scene you know he told me you know “take care of it” basically meaning that you know do it as if it was your call so go on and investigate an accident. So at this time we didn’t know that there was going to be a fatality involved because no trainees are allowed to work any fatalities so at this point you know I was going to do my investigation, got to the first person that I saw standing near the vehicle and I believe his first name was Michael I didn’t get his last name, and asked him if he was the driver of the vehicle and he responded “yes” I asked him for his information which he handed me his driver’s license you know he didn’t have any problem giving me his driver’s license, he did it fairly fast. Just what I observed uh, didn’t really catch any odor but I only talked to him for a moment you know mere moments maybe five seconds at the most. Then Roy I guess realized or you know realized that there was a fatality involved and had me direct traffic, pulled me off the crash.

JB So your training deputy Dep. Galarza he realized that the injuries were significant enough...

JV Right.

JB ...and this might become something that you shouldn’t handle because your training status?

JV Exactly, right.

JB Ok.

JV So I gave him back his ID at that point, pretty much only wrote down his first name um, beginning of his last name, I went and directed traffic for the remainder of the time that I was on scene. I did help put up some caution tape at one point. That’s about the extent of you know my activity on the site.

JB Ok did you have a portable radio that night?

JV Yes I did.

JB Ok. Is there a point in time during, I looked at the CAD report the computer assisted dispatch report and it puts you all on scene at about 1814 hours.

JV Ok.

JB And then your report actually says you secured at approximately 2200 hours. So you were there for nearly four hours does that seem reasonable?

JV Yes it does.

JB At what point can you tell me you were aware that the individual you spoke to Michael was in fact Michael Osowski and in some way related to someone at the Sheriff's Office? Tell me how you learned of that.

JV It wasn't until later on towards almost the time that we left I heard, I overheard Dep. Galarza and the sergeant on duty whose name I can't recall I only met him briefly, uh over you know over talking of who he was and where did he go because apparently I guess he left the scene pretty quickly afterwards and they were trying to gather his information and were asking me you know what information did I get in that short period of time that I talked to him.

JB Do you know the circumstances under which or why Michael Osowski left the scene?

JV Um, I do not actually. From what I was told he went with, from what I overheard I believe he left with a lieutenant to go to the hospital but I wasn't sure if it was because that was his mother or you know what exactly was taking place. They kind of kept me out of the loop on the whole situation.

JB Ok. Who took on the responsibilities of investigating the crash, not the fatality...

JV Right.

JB ...but the crash do you remember?

JV Uh I believe Roy handed it off to another deputy named Sawicki. I remember seeing him typing and getting all the information afterwards and me and Roy were handling traffic and Roy was helping out with some other things that you know they were doing I'm not sure they kind of kept me far away.

JB Did you have, beyond that initial contact with this individual you came to know only as Michael at that point in time you wrote down some of his information, did you have any further contact with him?

JV No I did not.

JB Did you, were you assigned or did you make any effort later in your shift at any time to assist units in locating him?

JV Uh no I did not. All they had me do was write a, a small report.

JB Let me show you...

JV A narrative supplement.

JB ...a piece of paper and ask you if that's in fact the report that you wrote. Take a minute to read it.

JV Yes it is.

JB Ok. Were you with Dep. Galarza when he had a conversation with Michael Osowski?

JV No I was not.

JB Ok do you remember seeing Michael Osowski leave the scene?

JV No I just remember hearing afterwards, I did not physically see him get in a car and leave.

JB Do you know Captain Alan Osowski the district commander of the Debarry district?

JV No I do not.

JB So you don't know him on sight, you didn't know him that day?

JV Never met him.

JB You don't know whether he was on scene?

JV Don't know him. Just from what I was, just from what I heard.

JB Any radio traffic you're familiar with thru out the rest of the evening, other units attempting to locate Michael Osowski?

JV Nope.

JB Did you ask or question anybody and I mean you're in training you're learning, did you ask anybody why did that guy, why was he allowed to leave the scene?

JV I actually did ask and I was told that they weren't going to talk to me about it because it was probably going to be an investigation and I asked the sergeant later on...

JB Who did you ask that said that?

JV I asked Dep. Galarza.

JB And then what did you ask the sergeant later on?

JV If there was any information he could give me on the crash and what was going on and he said at this time it would probably be better off if I you know didn't get any.

JB Do you remember the sergeant's name?

JV I know it was a short name, it's I want to say Deck or?

JB How about Day, Sgt. Day?

JV Day that's what it was I knew it was with a Day and it was short, or with a D and it was short.

JB Ok and so what did Sgt. Day say to you?

JV Uh basically I just asked him you know because he asked me to write a supplement and I said "what exactly is going on is there anything you can tell me?" you know and he said you know "at this time it's better off that you don't know" and I just said "ok".

JB So you secured from the scene at about 2200 hours.

JV Right.

JB Did you go to the hospital, did you and/or Roy in any way participate in any follow up relating to that accident?

JV No we did not.

JB Ok was the rest of the shift relatively uneventful or were there any other...

JV Relatively uneventful.

JB Ok I've learned that you resigned after that shift. Can you offer why you did, you resigned your position?

JV Sure. Basically it was something that I've been thinking about for the last month and I you know kind of gave it another month just to see you know what I thought but basically just realized it wasn't for me and I was unhappy doing it so you know I always believe if you're unhappy doing something you shouldn't be doing it.

JB Absolutely, I mean sometimes people have that feeling but they don't act on it and then they spend 10 or 15 or 20 years doing something they're miserable doing.

JV Right.

JB And so you know credit to you for recognizing it and having the ware with all to stand by your conviction and try something else so good for you.

JV Yeah basically I was, you know basically that's the idea and it really had nothing to do with the crash or you know the investigation I really don't even know that much about it so.

JB I understand. How long had you been with the Sheriff's Office?

JV Um, six to eight months.

JB Since that time have you had a conversation with any of your former peers, supervisors or trainers or classmates about this incident?

JV No.

JB Are you currently aware of Capt. Osowski's status with the agency?

JV No I'm not.

JB Ok. Did, and I think you may have answered this, did Dep. Galarza tell you that they went to the hospital? You said something about, hold on one second let me make sure I've got it right here. Yeah, that Michael had left with a lieutenant you believed to go to the hospital and check on the victim who was possibly related, a mother or something.

JV Right that's what I overheard him talking to another deputy, I'm not sure if it was a sergeant or whoever I didn't really catch it because I was directing traffic and you know I just overheard him say that he left with a lieutenant, sergeant not sure.

JB Ok. Alright is there anything else that you think is relevant knowing what I'm investigating that I haven't asked you that you think is important I need to know?

JV Um it seemed I mean I don't even know but it seemed as if what I heard from the other people that they were more concerned if he was intoxicated by alcohol or not. You know I think it would be unfair for me not to say anything but I didn't you know recognize any sign of that but then again I only talked to him for a few seconds.

JB And I think that's exactly what your report reflects.

JV Right.

JB Ok well anything else or any questions you may have?

JV Nope that's it.

JB This will conclude the interview; the time now is approximately 9:20 am.

WITNESS STATEMENT

JB – Jack Bisland      JR – Dep. Joe Ramos

JB      Test, test 1-2-3-4-5. It's good to go. Today's date is December 6<sup>th</sup>, 2010. The time now is approximately 3pm. This will be a recorded interview with Dep. Joe Ramos of the Volusia County Sheriff's Department. The person's present are Dep. Ramos and myself, Jack Bisland an investigator with the State Attorney's Office the 7<sup>th</sup> Judicial Circuit. This interview is taking place at the State Attorney's Office, the Courthouse in Deland. Dep. Ramos for the record I want to establish that I am conducting a criminal investigation. This is not an internal or administrative investigation. Do you understand that?

JR      Yes.

JB      Ok. Additionally you've been identified as a potential witness and are here giving this statement voluntarily is that correct?

JR      Yes.

JB      Ok. Based on a complaint from the Sheriff's Office I'm conducting an investigation into the events surrounding the investigation of a fatality accident that happened on Thanksgiving evening at approximately 6pm in Debarry involving members of the Osowski family. This investigation specifically concerns the actions or inactions of Captain Alan Osowski after having been notified of that accident. So prior to the start of the interview what I'd like to do is swear you in. If you would please just raise your right hand. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

JR      I do.

JB      Good thank you. If you would spell your name for me please.

JR      Last name R-A-M-O-S.

JB      And how long have you been employed with the Sheriff's Department Dep. Ramos?

JR      Over 10 years.

JB      And a good contact phone number for you?

JR      Yes [REDACTED].

JB      Ok and you're currently assigned what duties and where?

JR District six Debary, motor unit.

JB Were you working Thanksgiving Day the 25<sup>th</sup> of November?

JR Yes.

JB Ok and what was your assignment that day?

JR I was working overtime for another motor unit in Debary.

JB So were you dispatched to the scene of the crash?

JR No.

JB Ok did you hear the crash being dispatched?

JR No.

JB Ok. Was it in, did the crash happen inside the, your district?

JR Yes it did.

JB Ok but another unit was dispatched presumably?

JR That's correct I had already logged off for the day when the crash occurred.

JB Ok so you were not on duty when it occurred?

JR That's correct.

JB Ok my mistake then I thought you were working. You worked that day but you get off at what time?

JR 2:00 that day.

JB Ok that explains it. So you were not on duty when the accident happened?

JR Yes sir.

JB When did you first learn of the accident?

JR The next day.

JB Did you report for work that day?



JR Yes sir.

JB What were your hours?

JR 6am to 6pm.

JB You normally work a 12 hour tour is that what you work?

JR Yes sir.

JB You came to work that day and you learned, what did you learn about this accident?

JR I learned that the Captain's mother had passed away in a traffic homicide and that his son was driving the vehicle.

JB Were you aware, was there a point in time when you were made aware of efforts to locate his son to interview his son? Was there a briefing that morning, was there anything discussed with you?

JR No, no I was advised by Sgt. Turney to bring some statements to the Debary Golf and Country Club, see if I could get statements from the server, possibly the manager that's...

JB Did you do that?

JR The manager was not on duty. I spoke with I believe an accountant and I left statements with her with my card, I believe also with the case number and uh...

JB So essentially you were conducting some follow up?

JR Yes sir.

JB For the traffic homicide investigators?

JR Yes sir.

JB Ok. At the country club. At some point in that morning you received a phone call from Capt. Osowski did you not?

JR No.

JB Ok. Did you call Dep. Allison at some point that day and tell him that you were aware that Michael Osowski, Capt. Osowski's son was available for interview?

JR Probably, I don't really recall. I did, I do recall speaking to Dep. Allison.

JB Ok. Were you made aware by anybody that Michael Osowski was ready to be interviewed?

JR Yes I believe I was advised.

JB Can you tell me how that came about?

JR Somebody advised me on my Nextel and said that his son was available for an interview, I think it was around 9 or 10 that day I really don't recall.

JB Do you remember who it was that called you?

JR No sir.

JB So is it not an accurate statement that you called Dep. Allison and told Dep. Allison that Capt. Osowski called you and told you that his son was available for an interview somewhere after 7am?

JR He may have yes, he may have I don't really recall. I didn't write down any notes...

JB Well lets, ok.

JR ...on this I was just basically the go between with the traffic homicide investigators.

JB And who? Go between, between who?

JR Joel, Sgt. Turney and Dep. Allison and I don't recall talking to the Captain that day I may have, I don't remember.

JB What's your cell phone number?

JR 386-

JB Is that the one you gave me?

JR No that's my personal Nextel number.

JB What's your company cell?

JR My county Nextel is [REDACTED].

JB Do you have direct connect?

JR Yes sir.

JB Ok. No that's ok.

JR Oh.

JB How long have you worked in Debary district?

JR Approximately eight years.

JB And how long have you worked for Capt. Osowski?

JR That time, about eight years.

JB Ok. I have a statement from, and I'm just trying to clear this up because this might just be a miscommunication what it sounds like.

JR Uh huh.

JB That after you called Dep. Allison to tell him that and how you called him or told him Nextel, cell, in person I don't know.

JR Uh huh.

JB After you communicated with Dep. Allison.

JR Uh huh.

JB That you, I've been told that you communicated with him.

JR Uh huh.

JB And told him "look I was contacted by Capt. Osowski"

JR Uh huh.

JB "His son is available to be interviewed"

JR Uh huh.

JB Dep. Allison then contacts Lt. Hughes and this is between 7:30 7:45 the next day Friday November 26<sup>th</sup>.

JR Ok.

JB At that point in time Lt. Hughes then arranges to interview Michael Osowski with Dep. Allison sometime later that afternoon about 1:00. Is that an inaccurate statement or you just don't...

JR I, I just don't know what Dep. Allison did I didn't see him that day, I didn't see.

JB Ok but I'm more, more focused on deputy I mean Capt. Osowski contacting you. Are you saying you don't have any recollection of that?

JR At this time no and I didn't write it down. He may have called me he may not have called me. It could have been Sgt. Turney who may have called me.

JB Ok.

JR I, I don't remember.

JB Is it uncommon for the Captain to call you directly?

JR No, not at all, not at all.

JB Ok a frequent thing he would call you?

JR Absolutely if he needed something he would call me directly.

JB So you worked Debarry that whole day then the Friday too, your 6:00 tour?

JR Yes sir, yes.

JB Did you ever talk with Capt. Osowski that day about the accident or his son?

JR I don't recall I don't think so.

JB Do you know his son Michael?

JR I think I met him once.

JB Have you talked to the Captain since this tragedy?

JR Yes I spoke with the Captain at the district for about a minute.

JB And what was the topic?

JR The topic was I asked how he was doing, how the family was doing.

JB Do you remember when that was?

JR I guess the day he resigned?

JB Ok.

JR And he didn't tell me he was going to resign I didn't know.

JB Ok. Are you a traffic homicide investigator?

JR Yes.

JB Ok. Do you remember if Capt. Osowski came to the, the Debary district on Friday the 26<sup>th</sup>? I realize you're on the road and you're not there the whole time but during...

JR That's correct.

JB ...the period either when you started your shift, ended your shift or had business there, do you remember seeing him that day...

JR No sir.

JB ...at the precinct or the district office. Beyond interviewing or leaving statement forms at the Debary Country Club did you have any other role ancillary or otherwise in the follow up investigation?

JR No sir.

JB Did you ever interview anybody at the Debary Country Club?

JR No sir.

JB Ok. Did you ever pick the statements up and review them?

JR No sir.

JB Ok you just dropped off the forms essentially?

JR Yes. I believe Dep. Allison picked them up.

JB Ok. Michael Osowski was interviewed Friday the 26<sup>th</sup> at about 1:00. Were you aware that he had interviewed?

JR No.

JB Ok. I'm just making sure there's nothing else that I wanted to ask you about. Now Dep. Allison he's also a traffic homicide investigator this is his case right?

JR I believe so yes, he is a traffic homicide investigator.

JB He works in a different district than you?

JR District four Deltona.

JB Deltona. Do you all communicate frequently?

JR Every once in a while, yes.

JB Ok, ok. So once you, I mean Dep. Allison remembers you calling saying essentially that Michael Osowski was available for interview.

JR Uh huh.

JB Do you believe that, I just want to clarify this because this is important.

JR Uh huh, right.

JB That that is likely to have happened and you don't remember, that never happened or...?

JR It's likely, it could've happened sure.

JB Ok. Ok, is there anything else Dep. Ramos that given the information you have now and being aware of what this investigation is about that you think is relevant or important that I haven't asked?

JR No sir not at this time.

JB Ok do you have any questions of me about anything that, about anything for that matter?

JR No.

JB Ok well I have no more questions; this is going to conclude the interview. The time now is approximately 3:10pm

WITNESS STATEMENT

JB – Jack Bisland      MO – Michael Osowski      TJ – Atty. Tammy Jacks

JB     Testing 1-2-3-4-5, 5-4-3-2-1. Today's date is Tuesday January 25, 2011. The time now is approximately 10:40 am. My name is Jack Bisland I'm an investigator with the State Attorney's Office a law enforcement officer conducting a criminal investigation. The interview is being conducted at the Law Office of Ms. Tammy Jacks in Deland, Florida. I am interviewing Michael Osowski. The persons present are Mr. Osowski and his attorney Ms. Tammy Jacks. Before we get started Michael, it's okay to call you Michael?

MO     Yes.

JB     Before we get started I want to confirm this is a voluntary statement and that no one has threatened you, coerced you or promised you anything in order to induce you to make that statement, is that correct?

MO     Yes.

JB     Ok. Additionally I would like to establish that you are under no obligation to answer any questions or give a statement in this matter as anything you say can be used as evidence against you in court, do you understand that?

MO     I do.

JB     Ok you have your attorney Ms. Jacks here representing you today to provide counsel during this interview and if at any time you wish to confer with her prior to answering any questions or stop the questioning or leave you may do so, do you understand that?

MO     I do.

JB     Ok very good. This will be a sworn audio recorded statement taken by a law enforcement officer pursuant to chapter 117.10. At this time I would like to place you under oath. If you would please just raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth, the whole truth and nothing but the truth so help you God?

MO     I do.

JB     Ok. Would you please state your full name and date of birth for me?

MO     Michael Alan Osowski 12-12-1983.

JB     And your current address?

MO [REDACTED]

JB And do you have a good contact phone number?

MO [REDACTED]

JB Are you currently employed?

MO I am.

JB Ok. As you're aware from our previous telephone conversation the State Attorney's Office was asked by the Sheriff's Office to conduct an investigation into the events relating to the circumstances around the tragic accident which occurred on November 25<sup>th</sup> involving members of your family. Specifically relating to the action or inactions of yourself and your father Alan Osowski and your availability to traffic homicide investigators the evening of the 25<sup>th</sup> for the purposes of an interview or a potential blood draw, that's essentially why we're here today. And to establish a summary if you will, that day as I've come to learn you traveled to your father's home in Orange City where you spent the day with your dad, your step mom, your grandma, your step mom's mother and yourself and you had some time at the house. Collectively you traveled to the DeBary Country Club where you enjoyed Thanksgiving dinner and then went back to your dad's residence in Orange City, is that an accurate statement?

MO Yes.

JB Ok at some point in time that early evening you came to drive your grandmother home, how did that come about? How did you come to drive your grandma home?

MO Um, she asked me.

JB Ok. Shortly after that your vehicle was involved in a traffic accident. Who did you notify of the accident after it happened if you remember?

MO I didn't notify anyone right after the accident. The accident occurred, she was hurt, I was hurt and I started yelling for help because I saw cars stopping. And I stayed in the car until after the emergency personnel got there and asked me to exit the vehicle. However long that was because they said that wanted to try and get her out. While I was waiting a deputy came up and asked for my ID. I gave him it and at that time I called my dad to tell him I was in the accident.

JB Ok. So at some point after the accident, after EMS is there you use a cell phone I presume and you call your father?



MO Yes.

JB Ok you told him there was an accident and where it was.

MO Right.

JB Is he the only person you called to notify of the accident at that time?

MO At that time yes, I believe.

JB You said you had a conversation with a deputy sheriff on the scene and you gave that person your driver's license?

MO He asked for my license and I don't remember much else about, I don't believe he said anything else he said "can I have your ID?" and he took it away and then he brought it back and handed it back to me.

JB Did you know who that deputy sheriff is?

MO I don't.

JB But he took your Florida drivers license and at some point in time the same deputy returned it to you?

MO I believe so.

JB Ok.

MO At that point I was by the car while they were with my grandmother.

JB Do you remember having any conversations with any additional law enforcement people?

MO There was one more deputy.

JB Ok.

MO Uh, and he came over, he introduced himself and I can't remember his name. He checked my ribs and I believe that was all he said.

JB Ok.

MO And then he said you know "what hurts?" poked in my ribs to see and that was the only conversation I had until after my grandmother was taken away.

JB Ok. At some point after your phone conversation with your dad I presume he arrives at the scene?

MO Yes.

JB Ok and you remember your dad arriving?

MO Mostly.

JB Ok. Did, how long if you can estimate for me and I know that we're going back some time and it was an anxious time but do you have an idea of the amount of time that you spent after the accident until ultimately you and your dad drove from the accident to Fish?

MO My best estimate is between an hour and an hour and a half though I honestly can't say. It seemed to be forever. It seemed to take a long time however we did stay I know until after the chopper flew away so I'm sure there's a record of when it left and we were there until after that.

JB Did you have a conversation with any of the deputies at the scene or any law enforcement people at the scene about leaving the scene and going to Bert Fish to check on your grandma?

MO After the helicopter left my dad and I we walked over to I want to say there was a fire truck there and there was a deputy there and he had a mustache and I don't know who he was and my dad asked him "are you done with him?" and he said "yes he can go" and then we went to the hospital.

JB And you were privilege to that conversation...

MO I was standing right there.

JB ...you heard your father ask the deputy sheriff "are you done with him, can we go" is that right?

MO Yeah, yeah. Now I don't know if that's verbatim or not but that's the gist of the conversation.

JB That's what you remember, and you remember the deputy responding in the affirmative?

MO Yes.

JB Did you remove anything from your vehicle, you and your father remove anything from your vehicle before you left?

MO Yes.

JB Do you remember going into the trunk or some of the items that you might have removed?

MO I had a, probably my computer a gym bag, I'm not sure what else I had. Maybe my grandmother's purse.

JB So after the conversation that your dad had with the deputy what happens next?

MO We got into his car and we went to Bert Fish.

JB Who drove?

MO He did.

JB Ok.

MO We arrived there and we go to the emergency entrance.

JB What did you learn when you got there?

MO I didn't learn much. Alex Carmichael was there and...

JB Who is that?

MO He's the county chaplain.

JB Ok.

MO I didn't know him at the time, another gentleman who I want to say may have been associated with the helicopter he was a pilot or...

JB Ok.

MO ...someone who worked with transportation doing that. So they were there, I don't know if they got there when we got there or they were there before or after but they met my dad and they talked for a while I just kind of stood around. I know we went in but they were working on her. The nurse who was a first responder at the scene was in there but I don't know her name and at some point I learned that she was stable but not doing well and they had to take her to Halifax.

JB And are you aware of how your grandma was transported to...

MO I believe she was transported in the helicopter.

JB Ok. Did that happen while you all were there do you know?

MO Yes.

JB Can you estimate how long you were there?

MO No.

JB Do you remember anybody from the sheriff's office engaging you in conversation at that location?

MO At me?

JB Yes.

MO No.

JB What about your dad?

MO I don't know, there was, at some point around this time I called my mom and there was a car that pulled up, it was an unmarked I mean it was a personal car and there was a black gentleman inside and I want to say he was a deputy but I'm not positive.

JB Ok. At some point after that you and your father leave Bert Fish is that correct?

MO Right.

JB Tell me where you're going and what you're doing when you leave there.

MO He said "I'm going to take you home" and that's what he did he took me home. And really most of the conversation I remember in there is talking about my grandmother and you know she was a strong woman, she was, we assumed she was going to be fine.

JB Ok.

MO We hoped.

JB Do you have any recollection of your father encouraging you to stay at his house?

MO No.

JB Ok.

MO No.

JB He was going to take you home. Do you remember any conversation or decision about a trip to Halifax?

MO No.

JB Ok. Were you aware that once your father dropped you off where he was going?

MO Yes.

JB Tell me what you were aware he was going to do?

MO I knew he was going to pick up Ann and go to Halifax to wait it out.

JB When your dad drove you to your house in Deland, you arrived at your house did your dad come in with you do you remember?

MO He came in, he used the restroom before leaving.

JB Ok. And do you remember how you left it with him that night? He was going to Halifax, you were going home, was there any conversation between your dad and you?

MO I don't think so, it might...

JB Any agreement to call each other later, let me know about her condition anything like that?

MO I'm sure yeah.

JB But nothing you remember specifically?

MO Nothing I remember specifically.

JB When's the next, so you're at home are you alone?

MO Yes.

JB Do you live alone?

MO Well I have a roommate he's over seas.

JB Ok, you're home alone. Do you remember being contacted by Ann or your father later that evening?

MO Yes.

JB Tell me about that.

MO I had, I had gotten up I was going to make a bowl of soup or something so I'm in the kitchen and when I get back to my room I see that I missed a call from her so I give her a call and I mean basically the conversation is you know "how is she?" "it's bad are you sitting down?" "I can be why?" and she tells me she didn't make it.

JB She, Ann's telling you this your step mom?

MO Ann yeah.

JB Ok.

MO So after that I don't remember much I just remember she said "take some time, give me a call back" so I did. You know I don't remember much after that. I know I called her and talked to dad, talked to her, um I know that night I also talked to my mother and my brother and my girlfriend um...

JB Do you remember taking a sleeping pill that evening?

MO Uh huh.

JB Tell me about that.

MO After that call I went in the kitchen and um, I know I took the sleeping pill and I know I was on the floor in the kitchen crying. I went back to my room and that was basically the night. My girlfriend got to the house about three in the morning she said, where I was in bed.

JB When was the last time you had a conversation with your dad that night?

MO It would have been when I called after.

JB The follow up called from being notified?

MO Yeah.

JB Ok.

MO And I didn't hear from him, well I had missed calls from them during the night but I didn't see it until the morning.

JB Ok, do you remember where Ann and your dad were when you called back? That follow up call?

MO No I assumed they were at the hospital still.

JB Ok. What kind of sleeping pill was it you took?

MO Ambian.

JB Were you ever aware of phone calls made to you and attempts to summons you to the front door at your residence later that evening?

MO Not until the following morning.

JB Following morning you learned of that.

MO I had missed calls from I'm guessing my dad and Ann and then they said that the cops were there knocking on the door.

JB You learned that the next day?

MO Yeah.

JB Alright when you wake up, you call your dad did your dad call you do you remember?

MO I called him, it was nine something in the morning.

JB And that's when he tells you...

MO That I'm needed for, to give a statement.

JB So after talking with your dad on the morning of the 26<sup>th</sup> what do you do next, what happens?

MO He said he would call them and let them know you know where I was and what not. Um, that they can call me and get, get me I guess so I got off the phone with him, I'm guessing he called the investigator, I can't remember his name and then I got a phone call from him saying "we can schedule a time to get you in here in Deltona"

JB Ok. And later that day you provided a statement and...

MO Yes.

JB At the Deltona substation?

MO Yeah.

JB I have a log of your dad's cellular phone activity and I think the number identified as [REDACTED] is that your phone number?

MO That's me.

JB Ok. I just, I just want to verify a few phone calls. The accident according to the computer assisted dispatch report happened around 6:00 on Thanksgiving evening and then there's a call at 6:14 and 6:15 almost like back to back from you to your dad's cell phone. Would that have been those calls that you mentioned notifying him you'd been involved in the accident?

MO Yeah

JB And then the next activity relating to your phone, there's a phone call from your dad's phone to you at 10:54 pm that appears to have gone unanswered and your father left a voicemail. Is that a period of time when you believe that you were probably asleep?

MO Yeah because I was, I would have had to have been home at 8:30 or 9.

JB Ok and then the following morning the 26<sup>th</sup> there's a call from you to your dad's phone at 7:13 in the morning you estimated that to be somewhere...

MO Oh nine yeah.

JB Nine.

MO It was seven.

JB Could that have been that call?

MO Yeah that could've been that call.

JB That was, either way that was the first contact with him that morning.

MO Yeah.

JB Was about I'm awake and...

MO Ok.

JB Is that correct?

MO Yes.



JB Ok very good. When your father and you leave Bert Fish thru interviews that I have conducted it has been represented to me that when your father and you left Bert Fish that you collectively were intent on or had mentioned to somebody that you were leaving there, going to get Ann and then going to Halifax. Is that an inaccurate statement or not a true statement of the facts?

MO With me?

JB Yes.

MO No.

JB Ok so you, when you and your father left Bert Fish you said that your father wanted to take you home.

MO Yes.

JB And that's what he did immediately.

MO Yes.

JB Then he went back and he got Ann. And then you know that they ended up at Halifax because you spoke to him on the phone later that day.

MO Right.

JB Were there any conversations with you that evening either enroute to Bert Fish or from Bert Fish to your house while you were with your dad after the accident about any subsequent investigation about talking to investigators or anything of that nature?

MO No.

JB Ok. I don't have any further questions. Do you have any questions of me at this point?

MO No I don't believe so.

JB Ok. Ms. Jacks any questions?

TJ No questions.

JB Ok I don't have any further questions. This will conclude the interview. The time now is approximately 11:00am



WITNESS STATEMENT

JB – Jack Bisland      MS – Dep. Michael Sawicki

JB      Ok today's date is December 21<sup>st</sup>, 2010 the time is approximately 1:55 PM. This will be a recorded interview with Dep. Michael Sawicki. Present during the interview are myself, Inv. Jack Bisland with the State Attorney's Office and Dep. Sawicki. This interview is taking place at the courthouse in Deland at the State Attorney's Office, Florida. Dep. Sawicki for the record I want to establish that I am conducting a criminal investigation. This is not an internal or administrative investigation. Do you understand that?

JB      Ok. Additionally I want to establish that you've been identified as a potential witness in this investigation and that you are here giving this statement voluntarily.

MS      Yes

JB      Ok. Based on a complaint from the Sheriff's Office the State Attorney's Office is investigating the events surrounding the November 25<sup>th</sup> Thanksgiving Day accident, fatal accident involving members of the Osowski family. Specifically this investigation is focused on the actions and or inactions of Captain Alan Osowski after notification of that accident. You understand?

MS      Yes

JB      Before we get started what I'd like to do is swear you in. If you would please just raise your right hand for me. Do you solemnly swear that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

MS      I do.

JB      Very good. If you would just spell your name for me please?

MS      Michael M-I-C-H-A-E-L Sawicki S-A-W-I-C-K-I

JB      Ok very good and you're currently employed with the Volusia County Sheriff's Office, is that correct?

MS      Correct

JB      And how long have you been employed by the Sheriff's Office?

MS      Approximately a year and a half.

JB And your current assignment?

MS District 6 in Debarry on Alpha shift.

JB And uniform patrol right?

MS Yes.

JB Were you working on Thanksgiving Day?

MS Yes I was.

JB What was your scheduled shift on the 25<sup>th</sup> November?

MS 6PM to 6AM

JB So you arrived for duty at the District Office somewhere before 6 I imagine?

MS Approximately 5:40.

JB Ok do you remember being dispatched or hearing a radio call for an accident with injuries early in the shift?

MS Yes I do.

JB Can you tell me how you learned of that incident?

MS It was dispatched to us through the radio from Central; I believe it was approximately 6:15 around there.

JB And it went out as an accident with injuries?

MS Yes

JB At what location?

MS North Charles R. Beal and Pine Meadow.

JB That's the entrance to Glen Abbey subdivision right?

MS Yes it is.

JB Ok very good, were you in a car by yourself that evening?

MS Yes

JB Ok and did any others respond with you?

MS Yes

JB Who were they?

MS Dep. Galarza, Sgt Day, and later on Dep. Ray was there for traffic control.

JB Did Dep. Sheriff Galarza have a trainee with him that night if you remember?

MS Yes he did.

JB Do you remember that person's name?

MS Dep. Vickers

JB Ok generally just describe for me what you saw when you arrived.

MS When I arrived I saw a car in the intersection and I saw another car on the northeast corner on the sidewalk by a pole.

JB Ok were you originally assigned this call? Was it your call to investigate the accident?

MS No originally it was Dep. Galarza that was the primary unit dispatched.

JB Ok did there come a point in time that that responsibility shifted to you?

MS Yes it did.

JB And do you know why that occurred?

MS At the time it was stated to me by Dep. Galarza because his trainee was falling behind on prior reports from the shift on the day before.

JB So eventually you handled the call?

MS Yes

JB I've got an incident report supplement, I'd ask you to take a look at it I think it's authored by you...

MS Yeah

JB ...and just take a minute to read that and authenticate it as an accurate representation of your report please.

MS Here you go.

JB Is that the supplement that you authored?

MS Yes it is.

JB And you also completed a long form traffic crash report?

MS Yes

JB How long after you arrived on the scene were you aware that involved members in this accident or people involved in the accident were members of Alan Osowski's family?

MS Probably about 5-10 minutes.

JB Ok and how did you learn that and what did you learn?

MS I turned around and I saw the Captain standing there with his arm around someone and when I ran the tag of both vehicles.

JB Ok were you involved in traffic control responsibilities initially or attending...

MS That was the first thing I did was start rerouting traffic as soon as I got out of my car.

JB Ok you say you ran both tags of the involved vehicles and one came back to an individual named Osowski?

MS Yes

JB Do you know Capt Osowski's son Michael Osowski?

MS No

JB Did you know him before that day, or ever met him?

MS Never met him, I honestly didn't even know he had a son.

JB Did you engage the Captain in conversation at the scene?

MS Not at all.

JB Did you engage his son Michael or who you later learned was his son Michael at any point?

MS Nope

JB Ask him how he was when you arrived? Get his DL?

MS I was never able to make contact with him.

JB So you never had a personal one on one conversation with either Alan or Michael Osowski that day?

MS No

JB Did you overhear any conversations between those two and others?

MS No

JB Were you made aware or did you see Capt. Osowski and his son leave the scene?

MS No

JB Were you aware at some point that they had in fact left the scene?

MS After they left I was made aware yes.

JB And how were you made aware?

MS By speaking with Dep. Galarza and the other deputies that were on scene.

JB And what was your understanding of the most serious injured victim who was identified as Peggy Osowski, Capt. Osowski's mother.

MS From my understanding last I heard was that she was a trauma alert, no specifics as far as injuries went.

JN Ok did you have a conversation with Dep. Galarza at the scene about Capt. Osowski's departure from the scene?

MS We were both trying to figure out when and where he went to. Or when he left I mean.

JB Ok did Dep. Galarza share with you any conversations he had with Alan Osowski prior to Alan's departure?

MS No

JB Ok but at some point you're engaged with trying to figure out where are they, where have they gone?

MS Yes

JB Ok Did you at some point after that learn where they had traveled to?

MS No

JB Ok were you ever involved later that evening in efforts to locate Michael Osowski?

MS No

JB Ever instructed to go to his house or the Captain's house?

MS No

JB Knock on doors?

MS Nope

JB Make any phone calls?

MS No

JB Ok did you work the following day?

MS No I didn't.

JB If you can just try to put this in a timeline. At what point after your arrival, you said you saw the Captain arrive, and then later you learned that he had left. At what point were you aware that a decision was made to contact traffic homicide investigators because of the severity of the injuries? If you can put it in relation?

MS I believe it was after all the occupants were out of their vehicles and one from the other vehicle, the driver, had been transported up to Fish Memorial.

JB Do you know who made that call?

MS No

JB Who was your boss at the time at the scene?

MS Sgt James Day



JB Did you have conversation with Sgt Day about Alan and Michael Osowski's departure from the scene?

MS Just that we didn't know where they went to.

JB Ok did you have a conversation with trainee Vickers about this accident?

MS No

JB Ok how long did you stay on the scene? How long were you out there?

MS From the time I was dispatched until approximately 1:30 in the morning?

JB I think I have the CAD print out let me see, it's got more information on it.

MS Yeah

JB Bear with here so I can...

MS Inaudible

JB I don't see your name on that, do you see that summary?

MS Yeah I'm not on here.

JB Ok would you estimate the time that you secured from the scene to be about 1:30 the next morning?

MS Yes

JB So you were there roughly 7 ½ hours?

MS 7 hours yeah

JB Were you aware while you were there working traffic control, whatever your responsibilities were, of ongoing efforts by other investigators and deputies to locate Michael Osowski?

MS Yes

JB And that was because of radio chatter or how were you aware of that?

MS By looking on CAD I could see some of the addresses that the other deputies on the call where they were going to.

JB Ok given that you're now aware of the focus of the investigation that I'm conducting is there anything that you think is relevant or that I've neglected to failed to ask as it relates to the actions of Alan Osowski after the notifying him of this accident?

MS Not that I could see.

JB Ok you said you saw him on the scene, do you know how he arrived?

MS I was told that he arrived on scene by his personal vehicle, I didn't see it. I don't know where it was.

JB Ok and again you had no conversation with him?

MS No

JB Ok and at the time he was the District Commander of the Debary District is that right?

MS Yes

JB Ok alright well I have no further questions. Do you have any questions of me?

MS As of now, no.

JB Ok well this will terminate, conclude the interview the time is now approximately 2:07 PM.

WITNESS STATEMENT

JB – Jack Bisland      PA – Dep. Patrick Allison

JB      Testing 1-2-3-4-5, 5-4-3-2-1. Today's date is Thursday December 9<sup>th</sup>. The time now is approximately 10:25 am. This will be a recorded interview with Dep. Patrick Allison. Present during the interview are Dep. Allison and myself, Jack Bisland, an investigator with the State Attorney's Office 7<sup>th</sup> Judicial Circuit. This interview is taking place at the State Attorney's Office the courthouse in Deland. Dep. Allison for the record I want to establish that I am conducting a criminal investigation and this is not an internal or an administrative investigation. Do you understand that?

PA      Yes.

JB      And additionally you've been identified as a potential witness in this investigation and you are here giving this statement voluntarily is that correct?

PA      Yes.

JB      Ok. Based on a complaint from the Sheriff's Department I am investigating the events surrounding a November 25<sup>th</sup>, 2010 fatality accident involving members of the Osowski family. Specifically this investigation involves the action or inaction of Alan Osowski after being notified of that accident. So prior to this interview what I'd like to do is swear you in. If you would please just raise your right hand for me. Do you solemnly swear or affirm the statement you are about to give will be the truth, the whole truth and nothing but the truth so help you God?

PA      I do.

JB      Very good. Could you please spell your name for me?

PA      Yeah it's Patrick, P-A-T-R-I-C-K, last name is Allison, A-L-L-I-S-O-N.

JB      And you're currently employed with the Volusia County Sheriff's Department is that correct?

PA      Yes I am.

JB      How long have you been so employed?

PA      Since February of 2006.

JB      What is your current assignment?

PA      I'm in motors, district four Deltona motors.

JB Are you also a traffic homicide investigator?

PA Yes I am.

JB Ok. You were assigned to investigate a traffic fatality that occurred on November 25<sup>th</sup>, the victim is Peggy Osowski is that correct?

PA Yes.

JB Were you working that day when that call came in?

PA No I was actually off at home when the call came.

JB Tell me about the notification.

PA I got notified by Dep. Dalton that there was a crash in Debary that looked like it was going to be a traffic homicide investigation that we would be getting called out. I got that call I think it was about 6:55pm, I was just at my parent's house eating dinner.

JB Ok and you, did you respond to the scene initially?

PA Yeah I went home, got changed into some clothes and then I responded to the scene. I think I got there somewhere around, I'd say somewhere around 7:35, 7:40pm.

JB I have a CAD report here (inaudible) help identify some times for you.

PA Uh, dispatched, arrived at, oh I arrived at 8:00, 8:08 I was off by a half an hour.

JB Ok. Generally describe your observations when you arrived.

PA Um, just when I arrived I observed the vehicles in the, in the intersection. There was a blue Honda Civic that was on the north west corner and then there was a also another vehicle that was in the middle towards the middle of the intersection it was a Nissan, gold Nissan.

JB Ok.

PA And they had it roped off with crime scene and there was a couple fire trucks that were present along with a few other deputies from district six and also Dep. Dalton was also on scene.

JB Were any of the parties, operators or passengers of the two vehicles still at the scene when you arrived?

PA Uh, yes the passenger of vehicle, the two, of the Nissan was there with her with the child. The driver of both vehicles were gone by the time I got, I got there.

JB Ok. Is there a point in time, at what point in time do you learn that the seriously injured party in this accident is Alan Osowski's mother and the driver of the vehicle that she occupied is Alan Osowski's son Michael?

PA Um, it was probably about 15 minutes after I arrived, somewhere around there 15, 20 minutes I believe.

JB Do you know how you found out?

PA I forget who told me. I think it might have been Dep. Dalton I'm not 100% sure. Somebody just had mentioned.

JB Did you, at some point, did you stay at the scene the entire night or is there a point in time where you left the scene?

PA No I was on scene pretty much from the time I arrived at approximately 8:08 and I left somewhere around I believe 1:30 in the morning, 1:40 in the morning somewhere around there.

JB Did you ever have a conversation that night with Alan Osowski?

PA No I did not.

JB Were you ever at Alan Osowski's residence?

PA No I was not.

JB Did you ever have a conversation with Michael Osowski?

PA No I did not.

JB Were you ever at his residence?

PA No I was not.

JB Was there a point in time where you were made aware while you're investigating this accident or you identified as the homicide investigator of what, at that point in your mind as a potential homicide because I don't think at that point you were aware that your victim died initially is that right?

PA Yeah initially no, initially she was taken to the hospital and then she was flown to another hospital.

JB Ok is it, do you remember or at what point in time in the evening you were notified that your victim expired?

PA I don't recall the exact time but I would say it was somewhere about an hour to an hour and a half after I arrived so somewhere around 9:30 I believe somewhere around there.

JB Did you ever discuss with either your supervisor, who is that is that Brodie Hughes?

PA Yeah Lt. Hughes was on scene and also Sgt. Turney was also on scene.

JB Do you remember identifying and communicating a need to talk to Michael Osowski and then when that may have became with a sense of urgency?

PA Uh, it was probably right around that same time because that's when Lt. Hughes was the one that informed us that the grandmother had died and that they were trying to get in contact with Michael.

JB And as a traffic homicide investigator what value would there have been in you talking to the, to Michael that night?

PA Just to find out the information of what happened at the crash. Uh, it's one and then also just trying to um, you know see how he was physically at the scene.

JB When you secured from the scene what time was that?

PA It was about 2:00, 2am. Well I left the scene around 1:30, 1:40 somewhere around there I, by the time I got done with my shift it was around 2:00.

JB After you left the scene what did you do?

PA After I left the scene I pretty much went home. Stopped and got some gas and went home.

JB Were you aware at that point in time of Lt. Brown, Capt. Mandizha's, other deputies' efforts to locate Michael Osowski?

PA Uh, yes well Lt. Hughes had told me that they, they tried a couple different locations to locate him.

JB Did you speak with Dep. Galarza at the scene?

PA No I did not, no I didn't.

JB Who's the reporting deputy on the signal four?

PA I think it was Dep. Sawicki that I originally uh, spoke with.

JB And he's the reporting officer is that right?

PA Um...

JB Reporting deputy.

PA He was the one that was on scene, he ended up taking the basic information and then that was turned over to I believe it was Dep. Tew ended up finishing the crash report for it, the long form.

JB When you got there initially you may have spoke you think to Dep. Sawicki, did he or any deputy there talk to you about the circumstances under which Michael Osowski left the scene? Who shared that with you?

PA I don't think I got that from Dep. Sawicki I believe that came from either Lt. Hughes or Sgt. Turney.

JB And what were you told?

PA Just told that he provided um, the Captain provided his son's drivers license information to one of the deputies and asked if he was, the driver was needed or his son was needed anymore and he was told no and he left the scene with his son to go to the hospital.

JB You said you were briefed that he had left his drivers license information. Do you know if, is, if Michael Osowski's license was ever surrendered to a deputy that night or just the information on it?

PA I don't know, as from what I uh, just from what I was told they said that he handed his license and information to the deputy.

JB You interviewed, ok, you...

PA I didn't interview Sawicki I just got the, he handed me the form that he had started...

JB Ok and it had the information on it?

PA ...the crash report and it had the information on it.

JB When you interviewed Michael Osowski the following day at approximately 1:00 did you, did he have his license with him then? Did you ask for his license?

PA Uh, we didn't ask for his license I don't think at that time.

JB Ok.

PA I don't think we got his...

JB So you don't know the physical location of his license where that is?

PA No I didn't. I don't know if Lt. Hughes asked for it but I don't recall getting his license.

JB The following day, the 26<sup>th</sup> Friday.

PA Uh huh.

JB Around 1:00 you, you and I think Lt. Hughes initiated an interview with Michael and others.

PA Yes.

JB Where did those interviews take place?

PA At the district four office.

JB Did you receive a call earlier in the day from somebody notifying you that Michael Osowski was available for interview?

PA Yes, yes I did.

JB Who was that from?

PA I got a phone call from Dep. Joe Ramos, he's a district six motor deputy.

JB What did Dep. Ramos tell you?

PA He said that the Captain had called him and said that his son was available to be interviewed at this time.

JB Did you take it from there or did you further involve Dep. Ramos? Get a hold of him and have him call me, how did that...

PA No actually I got, I called the Captain myself and asked him for his son's cell phone number so I can get in contact with him.

JB Tell me about that conversation with the Captain.



PA He said that he talked to his son this morning or that morning and that he had taken a sleeping pill that's why he didn't hear his phone or anything but that he was up now and that he was available to be interviewed. I told him I, you know sorry for his loss. He gave me his son's cell phone number.

JB What time was that approximately?

PA I think it was right around 7:30 if I recall correctly because I remember looking at the clock and I only got a few hours of sleep.

JB And then you called...

PA Michael and spoke to him.

JB Tell me about that conversation.

PA Um, well actually I spoke or I tried calling Sgt. Turney to notify him and then I also called Lt. Hughes to let him know that um, you know that the captain had called me with his son's phone number. Um, so then I gave Michael a call and asked him if we could set up an interview time for him at the district at which time we set up about 1:00 and after that I called Lt. Hughes back and informed him that we set up a time for 1:00 at the district four office.

JB And both you and Lt. Hughes conducted that interview?

PA Yes.

JB And that interview is audio and video recorded correct?

PA Yes.

JB Who else did you interview that day?

PA Um, also interviewed the Captain, the Captain's wife and Michael's girlfriend.

JB Do you remember her name?

PA Actually I have it here in my notes. Interview...Hillary Drew is, is her name.

JB Do you have a contact phone number or address for her?

PA Um that I do not.

JB Ok. Your initial conversation with Dep. Ramos tell me what he, he said that the Captain called him and that his son Michael to paraphrase was now available for an interview.

PA Yes.

JB Did you have a, did any of that conversation involve another sheriff's office deputy or perhaps a sergeant Dan Genovese?

PA Not that I know of. I don't know if Joe had spoken to the sergeant or not I uh, I wasn't privy to that.

JB Ok.

PA I just know that Joe called me and said that the Captain had called and said that his son was available to be interviewed.

JB Ok. Give me a second here. You said when you called Capt. Osowski he said something about his son had taken a sleeping pill, can you elaborate on that? Is that...

PA I just believe that he said that his son had taken a sleeping pill and that's why he couldn't get nobody could get in contact with him.

JB Did he, did he reveal where his son had spent the night or any information on that?

PA No not at that time I don't recall.

JB Ok. Give me one second to review my notes and make sure I asked you everything I wanted to ask you please.

PA Uh huh.

JB The vehicle that was operated by Michael Osowski, who was that vehicle registered to?

PA Uh it was registered to Michael.

JB Ok. Did you know or do you know Michael Osowski prior to this?

PA No I do not.

JB Ok. I don't have any other questions. Being aware of the focus of this investigation is there anything Dep. Allison you can think of that I've neglected or failed to ask that you think is relevant?

PA No.

JB Ok. Do you have any questions of me?

PA No I do not.

JB Ok this will conclude the interview. The time now is 10:44.

WITNESS STATEMENT

JB – Jack Bisland      RG – Deputy Roy Galarza

JB      Testing 1-2-3-4-5. Today's date is Thursday December 9<sup>th</sup>, 2010. The time now is approximately 1:00. This will be a recorded interview with Dep. Roy Galarza. The interview is being conducted at the State Attorney's Office in the Courthouse in Deland. The persons present are Dep. Galarza and myself Jack Bisland investigator with the 7<sup>th</sup> Judicial Circuit. This interview again will be recorded. Dep. Galarza for the record I want to establish that I'm conducting a criminal investigation that this is not an internal or an administrative investigation do you understand that?

RG      Yes I do.

JB      Ok and you have been identified as a witness, potential witness in this investigation. I just also want to establish that you're here giving a statement today voluntarily is that correct?

RG      Yes.

JB      Ok. Essentially based on a complaint from the Sheriff's Office the State Attorney's Office is conducting an investigation into the events of a fatality accident that occurred Thanksgiving night the 25<sup>th</sup> of November in Debarry involving members of the Osowski family. This specific investigation deals with Alan Osowski and his action and/or inaction when notified of that accident. Before we start the interview what I'd like to do is swear you in so if you would please just raise your right hand for me. Do you solemnly swear or affirm that the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

RG      Yes I do.

JB      Ok very good. If you would please state and spell your name for me?

RG      Deputy Roy Galarza. Spelling of the first name is R-O-Y, last name Galarza G-A-L-A-R-Z-A.

JB      And you're currently employed with the Volusia County Sheriff's Office is that correct?

RG      Correct.

JB      How long have you been employed there?

RG      I've been hired since 2003.

JB What is your current assignment?

RG Patrol district six alpha shift.

JB And that's the Debary district right?

RG Yes district six.

JB Were you working on the night of November 25<sup>th</sup>?

RG Yes I was.

JB Ok. What was your, you said alpha is that 6p to 6a?

RG Uh right now yes 6p to 6a.

JB Is that what it was then too?

RG Yes it still is.

JB So you started work that day at 6:00 in the evening?

RG Yes.

JB Do you remember hearing a radio call or being dispatched to a traffic accident with injuries near the entrance to Glen Abby?

RG Yes.

JB Ok where were you when that call came in?

RG I was at the office with my trainee Dep. Vickers I believe is his name.

JB Would that be James Vickers?

RG Yes.

JB And did you respond?

RG Yes myself and Dep. Vickers responded.

JB Was it your call?

RG Yes. Just, when you say my call like?

JB Your area of responsibility, your zone.

RG Actually that's not my area of responsibility but we pretty much got dispatched. That's considered 63 zone and I'm 62 zone so we still responded anyways.

JB Ok. Generally speaking tell me when you arrived what you saw, generally.

RG As soon as we arrived, when we arrived uh one vehicle like in the center of the intersection uh, pretty much just left there nobody in that vehicle and another vehicle on the side of 17-92 right beside a light pole um there were, paramedics were there helping an elderly female giving her first aid.

JB This is a CAD report of the times you see your name you can look over, what time did you arrive at the scene? According to that report.

RH According to this one it says 2006 but it's wrong. At the time, I believe at that time my, we didn't actually hit on scene because there's like an hour time lapse right there.

JB Ok.

RH Yeah but we were at literally like...

JB You were dispatched at 1814.

RG Yes.

JB And you immediately responded?

RG Yeah.

JB So it would have been your drive time?

RG Drive time from the district there so.

JB Ok.

RG But I guess at that time we just were in a rush to find out what's going on and just got out of the car.

JB Got it. How long were you on the scene before you were made aware or you became aware personally that members of Alan Osowski's family were involved in this accident?

RG I want to say approximately like 20 minutes.

JB Ok.

RG I don't know for sure but at first I had no idea who he was.

JB And how did you discover, how did you learn that members...

RG I was advised by another deputy.

JB I'm sorry?

RG Another deputy let me know.

JB Who was that?

RG Dep. Sawicki.

JB Do you remember what he said?

RG If I knew who they were and I told him like no I don't know who it was and he told me it was the Captain's family members.

JB Did you have a conversation with Michael Osowski at the scene?

RG The Captain's son?

JB Yes.

RG Uh no.

JB You did not?

RG No because as far as conversations it was just "are you ok?" and that's pretty much it.

JB Ok so you did have, you did...

RG Yeah it was just "are you ok?"

JB And the response you got?

RG Yes, just a nod yes.

JB Ok, did you see Capt. Osowski arrive on the scene?

RG Yes. I think before he actually got there he had already been there because I noticed his vehicle being pulled in like towards the scene but I think he was

already there but when I noticed him he could have already been there but I just hadn't noticed him.

JB Uh huh, ok. Did you have a conversation with Capt. Osowski at the scene?

RG Yes.

JB Tell me about that.

RG Uh, one of the conversations was I went over there and made sure he was ok and let him know what was going on and then another conversation we had was when I went over there and talked to him and they were getting some belongings out of the vehicle and he asked if they were good to go, good to leave.

JB Ok lets talk specifically about that conversation.

RG Ok.

JB That's pretty, pretty critical. So you, this conversation occurred in close proximity to Michael Osowski's vehicle?

RG Uh, yes.

JB They were retrieving personal belongings?

RG Yeah they were in the rear of the trunk. I had just walked over because I had just finished talking to paramedics on the EVAC and asked them um if she was going to be ok and they pretty much told me she was in stable condition at the time.

JB They were removing personal items from the trunk, do you remember what those items were?

RG No I don't.

JB So you walked up at that point and...

RG Yeah I walked up at that point uh...

JB And what did the, tell me the conversation you had.

RG That's pretty much the conversation, I told them everything was going to be ok and she was in stable condition um and he asked me if they could leave because they wanted to go to the hospital and at that time I told them that she was, that was fine.

JB Who asked you Capt. Osowski?



RG Yes.

JB Do you remember specifically what he asked?

RG No but it was somewhere down the lines if they could leave because they wanted to go to the hospital.

JB So he asked you if it was ok to leave?

RG Yes. Because they both wanted to go to the hospital to see their mother, grandmother.

JB Do you know at that time whether the traffic homicide people had been notified or dispatched or a decision had been made to involve them?

RG I don't know specifically at that time I don't know for sure.

JB Ok.

RG Actually they, from my, yeah they actually had been notified um, I think by that time we already had crime scene tape up but my understanding was it was just like a precaution.

JB Ok. So Capt. Osowski asks you "is it ok to go to the hospital to check my mom" meaning him and Michael.

RG Yes both of them.

JB At that point had you positively identified Michael, had you had his driver's license (inaudible)?

RG Yes actually I, I personally identified him...

JB Then.

RG ...but it was, but it was my, Dep. Vickers who actually identified him.

JB Ok.

RG When we responded he was initially I instructed him to take over the call, do what you need to do since I was training him.

JB Ok.

RG Uh, he went over uh, spoke to Mr, his son.

JB Michael.

RG Michael and actually grabbed his drivers license and ID'd him with his drivers license.

JB So Vickers had possession of his DL?

RG Yes. But at one point I had to pull him away because it was too much for him and but he was able to ID him and write down his information in his note pad.

JB Ok. Do you know what happened to the drivers license was it given back to Michael?

RG Given back to him as soon as I pulled him away from that scene he gave it back to him.

JB So I understand, Vickers was a trainee on the way there or it's assumed...

RG We were both riding in the same car, it's...

JB Ok.

RG ...it's I believe it's my sergeant who gets there and then me right behind him and I instructed pretty much this is what you got, you got an accident handle the call do what you need to do.

JB And then if I understand correct at some point a decision is made because this is a little bit more serious than he can handle we're going to reassign that and...

RG Not just because who they are or anything like that...

JB Right.

RG ...because we didn't even know it was just it was too much for him and he's just getting flustered.

JB Ok.

RG And at that time I just made the decision you know what you can't handle this this is too much right now for you and he was already having problems from the prior nights and I'm going like ok you don't handle it, stop lets go direct traffic and I had Dep. Sawicki you know what you have to handle this one.

JB Ok.

RG It's actually Dep. Sawicki who actually handled most of the call.

JB Got it.

RG Did the paperwork.

JB So after your, lets go back to the conversation with Capt. Osowski where he to paraphrase essentially says is it ok to leave, go to the hospital check on my mom, you said yes?

RG Yes I told him yes that's fine.

JB Was there ever any agreement, arrangement or conversation about come back later or we'll get with you or was it just go do what you've got to do (inaudible)?

RG Yes just go to the hospital.

JB Ok with no...

RG No come back or anything like that.

JB Ok alright. What do you do next then?

RG After that, after that conversation I think I pretty much he goes and...

JB You saw him leave?

RG I saw them walking away together, my understanding is pretty much they're leaving together but other than actually getting in the car together at the same time no.

JB Ok.

RG But I was under the impression they were leaving together.

JB Then you went about investigating the accident supporting traffic control...

RG Yes.

JB ...and the things you do at a scene right?

RG Yes.

JB Ok. Give me a second here I want to show you a report. If I could find it (inaudible). Is that a, is that your report that you wrote about your activities? Take a minute and read it.

RG Yes.

JB Ok. Did you at any time leave the scene?

RG I left the scene after being relieved then I came back later. Actually I also took photos of the scene.

JB While you were there you took photos?

RG Yes was instructed to take photos.

JB There was a point in time where you left the scene and came back, tell me about that why did you leave?

RG Actually I was just being relieved um, there were I believe there was a couple of calls pending so they pretty much just relieved me, it was the sergeant's decision to let me go.

JB So you went out and answered calls?

RG Yes and I came back I think when I came back it was probably like an hour or two, I don't know how long it was.

JB Ok for what it's worth this CAD report says that you cleared at 2052 would that have been that, so it was almost 9:00 would that have been the first time you secured from the scene?

RG That sounds about right.

JB So you secured from the scene the first time somewhere close to 9:00 approximately. You answered calls and then at some point you stop back by?

RG I stopped by when they called me back and I think that was passed midnight.

JB Ok.

RG I'm not, I'm not sure but passed midnight they asked me if I had taken some photos and if I could burn them and give them a copy. I just responded later to give them a copy of the pictures.

JB Ok. Were you involved that night in any of the efforts to locate Michael Osowski after him and his dad went to the hospital?

RG No.

JB Did you overhear any conversations while you were at the scene between Alan Osowski and anyone else?

RG No, no.

JB Did you overhear any conversations with Michael and anyone else?

RG No.

JB Ok so when Capt. Osowski asked you “is it ok if we go to the hospital” you said yes, what was your expectation?

RG That they would be going to the hospital and incase we needed anything we could just go to the hospital and give him his copy of the paperwork and pretty much it.

JB Ok. Did you have any interaction with the driver of the other vehicle?

RG Yes I spoke to them, make sure they’re ok they all advised they were fine. I think the other driver the male I think he had, I’m not sure if it was broken but his arm was injured.

JB Was he transported by ambulance to the hospital?

RG Yes I believe so.

JB Ok.

RG And his wife and their kid stayed behind she was fine and the kid was fine as well.

JB Ok. Did you have any other involvement in this follow up accident investigation the next day?

RG No I just, just that night that’s it.

JB So you secured that night wrote your report and then your responsibilities in that accident investigation were done?

RG Yes.

JB I had an opportunity to interview former deputy Vickers and he explained to me his response to the scene that he was with you training and at some point early on he was reassigned to traffic control. He made the statement to me that he asked you at the scene, I’ll tell you specifically what he said, it was something to the effect of “can you tell me what’s going on?” you told, he reported that you said to

him that you didn't want to talk to him about it because there would probably be an investigation later. Is that accurate?

RG That sounds accurate because at the time I told him that it was the Captain's son and actually he's, because it was the Captain's son and I told him like "you know what, I don't know what's going on but all I know it's the Captain's son so lets, Mike's going to handle this and THI is coming out here so I don't even really know what's going on"

JB Ok. Do you remember mentioning something about "there may be an investigation later"?

RG Reference the THI yes.

JB Ok but not about a, an internal investigation?

RG Oh no, no, no, no.

JB Ok.

RG No.

JB So the statement that...

RG Unless he misunderstood me but yeah.

JB Ok. Well let me just take a second here and I'll tell you what he said exactly and then that may put it in context for you and you can explain it. Mr. Vickers also stated that he asked Deputy Sheriff Galarza what was going on, Deputy Sheriff Galarza answered "I'm not going to discuss it with you because there may be an investigation later". Is that an accurate statement?

RG Yes.

JB Ok. And that investigation you're referring to was the traffic homicide investigation.

RG Traffic homicide. I mean I'm literally known what was actually going on just being aware that the Captain's family members now he's asking me question like I don't know.

JB Right I understand.

RG I don't know what's going on.

JB That explains it, I understand. Did you have a conversation with Sgt. Ray?

RG Um, Dep. Ray?

JB I'm sorry, Sgt. Day, Sgt. James Day I'm sorry.

RG Oh Sgt. Day.

JB About, let me just do this. Did there come a point in time while you were there involved in assisting the investigation of the accident after Alan and his son Michael had left the scene where you were told either by Sgt. Day or anybody for that matter that there was now a growing sense of urgency in finding, locating and talking to Michael?

RG Yes after everything had calmed down and next thing you know I was advised I guess she had gone into I'm not sure cardiac arrest or I'm not sure what happened to her but there were, she was going into code or something and he advised me that they were looking for him and if I knew where to and I'm going "well as far as I know they were going to the hospital"

JB Ok so the sense of urgency in locating Michael to you knowledge was to notify him that his mother's condition was getting worse?

RG I, I don't know for sure I believe so.

JB Ok, ok.

RG Yeah I don't know for, all I know is they were trying to find him and they were asking me.

JB Ok.

RG And I told them well last time I know is them asking me they were leaving and my understanding was they were going to the hospital together.

JB Again just to make it clear for the record, did Capt. Osowski ask you if it were ok to leave or did he tell you they were leaving?

RG If it was ok to leave.

JB Ok. Was there ever a point in time during the evening while you were working that night that you were aware that there were units both at Michael's house and at Alan's house and at maybe one or two hospitals attempting to locate Michael for investigative purposes not for notification purposes.

RG I found out later after I had cleared the call and everything was done I found out that they were, I guess they went to the hospital to find them I'm not sure if it was during the actual time I was still on the call or I had just left or when I came back.

JB I understand.

RG But I found out they were looking for him at this hospital and at his house but other than the Captain's house I don't know for sure.

JB For investigative purposes or simply for notification or you didn't know?

RG I don't know, all they told me was they were trying to track him down.

JB Do you remember having a conversation with Sgt. Day about Capt. Osowski and his son leaving the scene?

RG I don't think I actually, I don't remember to be honest.

JB Ok.

RG Conversation just in regards to them just leaving, me telling them to leave or?

JB Did Sgt. Day ask you "where are they?" did you let him know "hey just so you're aware Sarge Captain and his son are going to be at the hospital" was there any, if you can remember if there was a conversation.

RG Yeah I don't, I don't remember to be honest with you.

JB And you did not participate any efforts to locate Michael later that night?

RG No, no.

JB So you about roughly 10 minutes till 9 you secure you're handling calls you go back to do some photographic work...

RG Actually the photographs were taken on scene the first time we were there.

JB To provide copies of photos to the homicide guys?

RG Yes just copies just in case anything got moved.

JB Ok. At what time is the intersection freed up and everybody secure from there do you remember?

RG I want to say it was probably like one or two I'm not sure to be honest.



JB Did you have a conversation with Dep. Allison the investigating traffic homicide investigator?

RG No. Reference the incident?

JB Yes.

RG No. Actually hold on one second because there was a deputy that came on scene first.

JB Do you know Dep. Allison?

RG No.

JB Ok.

RG I just, I don't know for sure.

JB Ok.

RG Because there was one who got there first and I don't think that's Allison.

JB Ok it might have been Keith Dalton?

RG Dalton that's who it was. Um, he was in an unmarked white Crown Vic, I think it was him.

JB What was your conversation with him?

RG Him it was pretty much letting him know what happened, this is the information we got. We got witnesses saying the vehicle was coming this way and just gave him the basic information that's pretty much it.

JB Ok.

RG And turned over most of the information to him.

JB Let me just make sure there's nothing else I wanted to ask you about. Being aware of the focus of this investigation now is there anything you can think of Dep. Galarza that I've neglected to ask you that you think is relevant to my investigation?

RG Uh, if anybody was drinking?

JB No I, that's of no...

RG Ok.

JB ...interest in this investigation.

RG Oh ok.

JB That's part of the traffic fatality investigation. I really don't want to get into that.

RG Yeah ok.

JB I'm focusing on the investigation from the time that Alan Osowski arrived on scene until the next day at about 1:00 essentially.

RG Um, I know at one point...

JB And efforts to locate Michael.

RG Yeah ok. I know at one point they were asking if, I want to make sure, he asked me if it was ok to leave, I told him yes it's fine whether the actual words were yes I pretty much told him it was ok.

JB Ok.

RG Because at the time my understanding was, paramedics pretty much told me you know she's fine she's in stable condition.

JB Ok.

RG So since me and the other deputy were handling the call well it's pretty much just an accident she's going to be fine.

JB Ok.

RG So.

JB Well let me ask you this then. Alan Osowski is your...?

RG Captain.

JB Your Captain.

RG Yes.

JB Commander of the district.

RG Yes.

JB Did you feel like he used any undue influence or coercion or use his position?

RG No, he was just asking. He was in civilian clothes, he was just coming over to see his family who had just got in an accident. Just like anybody else would ask me and based on that you know the patient is fine she's, at the time I didn't believe she was going to die or anything like that.

JB Ok.

RG So I made a decision you know what we're fine if I need anything we can just run up to the hospital and give you her form of your accident.

JB Right.

RG That's pretty much it.

JB Ok very good. Well do you have any questions of me?

RG No that's pretty much it.

JB Ok this will conclude the interview, the time now is approximately 1:25

WITNESS STATEMENT

JB – Jack Bisland      TT – Deputy Tim Tew

JB      Testing 1-2-3-4-5. Today's date is Thursday December 9<sup>th</sup>, 2010. This will be a recorded interview with Dep. Tim Tew. The persons present during the interview are myself Inv. Jack Bisland with the State Attorney's Office and Dep. This interview is taking place at the State Attorney's Office in the Deland Courthouse. Dep. Tew for the record I want to establish that I'm conducting a criminal investigation this is not an internal or an administrative investigation do you understand that?

TT      I do.

JB      Additionally you have been identified as a potential witness in this investigation and I just want to establish that you're here voluntarily to give a statement is that correct?

TT      I am that's correct.

JB      Ok. Essentially based on a complaint from the Sheriff to the State Attorney we're conducting an investigation for some of the events surrounding the accident involving the Osowski which tragically occurred on November 25, 2010. This investigation specifically focuses on Capt. Alan Osowski and his actions and/or inactions upon being notified of that accident. So before we begin the interview what I'd like to do is swear you in if you would please just raise your right hand. Do you solemnly swear or affirm the statement you are about to give will be the truth the whole truth and nothing but the truth so help you God?

TT      I do.

JB      Very good. Would you please spell your name for me?

TT      First name is spelled Timothy, T-I-M-O-T-H-Y, middle initial C as in Charles, last name is Tew spelled T-E-W.

JB      Ok and you're currently employed with the Volusia County Sheriff's Office is that right?

TT      I am.

JB      How long have you been employed there sir?

TT      Since February 20, 2006.

JB      Ok and your current assignment?

TT I'm assigned to district four patrol that's primarily the city of Deltona.

JB Were you working Thanksgiving?

TT I was.

JB Ok what shift were you on?

TT I was working Charlie shift from a 4pm to a 4am standard shift for me.

JB 4p to 4a.

TT Correct.

JB So you came on Thanksgiving day at 4pm?

TT That's correct.

JB Assigned in the Deltona district.

TT Uh huh.

JB Is there a point in time where you became involved or asked to respond to a traffic accident in the Debarry district?

TT There was. I was monitoring radio traffic and was aware that a traffic crash had occurred in the city of uh, Orange City or just outside of city limits I'm not sure where the boundary is and at a point afterwards I heard that the traffic homicide team had been paged out and I was asked by Lt. Brodie on the radio to respond to the traffic crash scene in regards to taking photographs and generally assisting with the on call THI team.

JB Ok that was Lt. Brodie Hughes?

TT Correct sir.

JB And are you a traffic homicide investigator?

TT I am.

JB Ok. So you responded to the scene is that correct?

TT Correct.

JB Would that be in the vicinity of 17-92 near the entrance to Glen Abby?

TT That's correct.

JB Do you remember what time you, let me show you first of all show you a CAD print out with some times on it. You see your name there if that helps your recollection.

TT Yes sir it does. I was, I was dispatched at 1922 hours and I arrived on scene at 2203 hours.

JB And I know the accident to have happened just after 6:00 so you're there approximately two hours after it happens?

TT Yeah 1922 approximately yes.

JB Dispatched and you arrive...

TT 7:22 approximately an...

JB Oh no wait you're four hours...

TT ...hour and 10 minutes after they. If...

JB Is that 2200 hours, let me see what you got here.

TT 22, my on scene time is 10:00pm.

JB Does that make, does that sound reasonable?

TT I don't, no not really.

JB Because it wouldn't have been a...

TT No.

JB A nearly two hour response.

TT If I was dispatched at 1922 then it's only probably...

JB Drive time.

TT ...10 to 15 minutes drive time from my area.

JB Ok. Perhaps the other time is the time you secured?

TT I secured around 0530...

JB Ok.

TT ...on the 26<sup>th</sup> I believe approximately.

JB But you know that you were called over there at 20 after 7 and then your drive time is about 15.

TT That's correct uh huh.

JB Just generally speaking because I don't want to get into the details of the accident investigation.

TT Correct.

JB Generally speaking what did you observe when you arrived on the scene?

TT When I arrived on the scene I observed of course two vehicles that appear to have been involved in a traffic crash in or near the intersection. The intersection had already been taped off with crime scene tape and I'm not sure what time the other THI team members arrived but I believe Dep. Earney was already on scene and Dep. Allison soon came to the scene.

JB You preceded Dep. Allison's arrival?

TT I believe so, I'm not exactly sure on that.

JB Ok at what point in time were you made aware that persons involved in this accident were members of Alan Osowski's family?

TT Shortly after I arrived. I arrived there and I don't recall exactly who I asked but I normally just go up to one of the deputies on scene just to get an overall information about what's going on, what they have and what they need me to do.

JB As it relates to Alan's family what were you told, who was involved and what role did they have?

TT I was, I was informed that they uh, the elderly female was involved in the crash was Capt. Osowski's mother and that the driver of the vehicle that she had been in was driven by Capt. Osowski's son.

JB Ok do you know Capt. Osowski's son Michael Osowski?

TT No sir I do not.

JB Do you know his, did you know his mother Peggy Osowski?

TT I did not no.

JB But you do know Capt. Osowski correct?

TT Yes, yes.

JB He's not your boss he supervises a different district is that right?

TT He's a supervisor for district six yeah.

JB Ok. Did you have a conversation with Alan Osowski that night? At any time that night did you have a conversation with Alan?

TT Yes I did.

JB Could you tell me about that?

TT At some point when I'd finished doing some photography at the scene I was advised that Capt. Osowski's son which was one of the involved parties in the crash was no longer at the scene. I was advised that most of us thought he had gone to the hospital but he could not be located and I was asked to go to Capt. Osowski's home in Orange City to see if I could if he had information as to the whereabouts of his son that I could possibly meet him and interview him.

JB Do you remember what time that was?

TT I, I don't. I've got...

JB Let me ask you this.

TT Uh huh.

JB When you got to Alan Osowski's house in Orange City.

TT Uh huh.

JB Was anyone home?

TT Not at that time, no sir.

JB Ok so when you got to the house did you knock on the door and no one answered?



TT That's correct I knocked on the door and no answer, I went around to the rear of the house to see if someone was possibly on the rear porch that might not have heard me knocking and the residence appeared to be unoccupied.

JB Did you wait there until somebody else came?

TT Yeah I waited there until Lt. Hughes and Lt. Brown came to the scene.

JB Were you aware of attempts to locate Michael with some sense of urgency or what was the motive for trying to locate Michael that you were aware of?

TT The motive that I was aware of is normally in a THI incident we need to interview the involved parties at the scene and it's unusual that he was not at the scene and didn't appear to be hospitalized and that was our purpose in trying to locate him was to conduct a standard interview.

JB Ok. Lt. Hughes, Lt. Brown arrive at the house, what are you told about at this point where's Alan where's Michael?

TT Uh, from my recollection I was told that Capt. Osowski was over at Halifax Hospital and we believed his son was with him and then at some point we looked, we did some investigation and found a home address listed for Michael Osowski using the DAVID system with his drivers license and he had a home listed there in Deland on [REDACTED] to my recollection.

JB Did you go there?

TT Yes sir I went up there um...

JB Let me ask this question, before you went there...

TT Uh huh.

JB ...had Alan showed up back, had Alan showed up at his house before you left to go check Michael's house?

TT Not that I believe so, no.

JB Ok.

TT I have a uh, it should be in the THI case file, I completed an information report and it's listed times exactly to the minute of my action that day.

JB I think I have a copy of your...

TT It's yeah I don't believe it's in the uh, the Copperfire file.

JB Ok.

TT I was just asked to complete a white paper statement.

JB And it's part of the THI report?

TT Yes sir, yes sir. I also have a copy at my office.

JB Ok, did you complete the crash report? Were you ultimately assigned the person to do the long form to do the accident report?

TT That's correct yeah district six deputy had initially completed a hand written long form.

JB Who was that?

TT I do not recall.

JB Sawicki? Could it have been Sawicki does that sound right?

TT Sawicki I believe that was it yeah. And uh, in an incident like this we usually like the long forms to be in a typed presentation.

JB So you officially did, prepared...

TT Yes.

JB ...the accident report, the long form?

TT Correct, uh huh, yeah.

JB Ok. I think that's what I got sent a copy of.

TT Ok.

JB (inaudible) Can you see that for me?

TT Yes sir I can.

JB Goodness gracious, there we are. Is that your report?

TT Yeah it's V1 should be the Haan's and V2 should be the other vehicle.

JB But in addition to this...

TT That appears to be my report yes.

JB Ok and in addition to this you prepared a report of your activities which is part of the THI report?

TT That's correct yeah.

JB Ok.

TT That report documents my action to the very minute each action was taken.

JB Ok I'll get a copy of that thank you. So you go over to [REDACTED] what happens when you go to [REDACTED]?

TT When I went to [REDACTED] there was, there were two vehicles in the driveway, there was a pick up truck and an older four door large sedan. There was one light on in the front left of the house that appears to be a kitchen area. Knocked on the door, no response. Knocked loudly numerous times no response. At that time to my recollection I was called on the radio by Lt. Brodie and said that he received information that Capt. Osowski and his son were returning to his home in Orange, Capt. Osowski's home in Orange City. I went back and arrived there again nobody was there yet.

JB Ok so you're the first to get there.

TT Yeah Lt. Hughes and Lt. Brown shortly arrived there after and we waited till Capt. Osowski arrived.

JB Ok. Just so I have the chronology correct.

TT Uh huh.

JB Before you went to [REDACTED] you were at Alan's house?

TT I was.

JB And Lieutenant...

TT No one was home.

JB But Lt. Hughes and Lt. Brown were there at that time?

TT I believe they, they came, I don't know if they came that time or if I was instructed on the radio to...

JB Go down...

TT ...go to the house on [REDACTED] like that.

JB So the first time you were there and knocked on the door and walked around the back to see anybody was there...

TT Uh huh, no one was home. If I had a copy of my report I...

JB I understand.

TT ...it's very detailed.

JB So you go to [REDACTED], knock unsuccessfully getting anybody to respond at the residence.

TT Uh huh.

JB You're instructed on the radio to go back over to the Orange City house Alan Osowski's residence.

TT Uh huh.

JB You get there, no one's there you wait for somebody to arrive?

TT Yes I did, yes.

JB And who was the first to arrive?

TT Um, I believe Lt. Brodie, uh no Lt. Brown came on scene and after that was Lt. Brodie.

JB Did Alan Osowski show up eventually?

TT He did yes.

JB Was Michael with him?

TT No he was not.

JB Was his wife Ann with him?

TT She was yes.

JB Were you partial to the conversations with Alan Osowski and Lt. Brown and...

TT Yes I was there. I didn't have any conversation with Capt. Osowski, Capt. Hughes and Brown were speaking...

JB But you were there you heard the...

TT I was there yes.

JB Tell me the basis of the conversation.

TT The conversation it just involved us trying to find out where Michael Osowski was um, we were, I heard that Capt. Osowski told Lt. Brown and Hughes that he had dropped him off at his house in Deland and that he should be at the house. I believe we were, to my recollection we were told that, that um, this, Capt. Osowski said that he, he took Michael to the house, dropped him off, came back picked his wife and they went to Halifax and that Michael should be at the house and we advised him that there was no answer at the house and Capt. Osowski said well he may have taken a sleeping pill and didn't hear us but he assured us that that's where he dropped him off.

JB Were you present when he was asked to make a phone call to his son?

TT Uh huh, I was yeah.

JB Tell me what happened with that.

TT Uh, he made a, he called a number I don't know what number he called and it went to voicemail and I heard Capt. Osowski leave a message that if he gets this message please call him back because he needs to be interviewed for the traffic crash.

JB Ok. Subsequently you secure from [REDACTED] or no you secure from Alan's house.

TT Yeah we do.

JB Where do you go then?

TT Well myself, Lt. Hughes and Lt. Brown went back to the house in Deland, came on scene there appeared to be no changes in the lighting or the vehicle's from the last time I was there. Knocked on the front door again, no answer. I went around to the north side of the house, the porch knocked on the door again no answer. Went around to the back of the house, there was a light on in a rear bedroom on the south east corner of the house that has a door, sliding door that opens to a pool area. There appeared to be, there was a television on in the room and there appeared to be some kind of vice that was possibly a cell phone plugged into a charger on the wall. We could, there was very little that we could see in the room

thru the blinds and what not. Here again banging on the doors, and we got no response.

JB Did you feel someone was inside?

TT I, I had, I don't know. There was a TV on but that's the only thing we had.

JB Ok.

TT Nobody appeared to be inside.

JB Did you, did anyone attempt to call Michael's phone while you all were outside and listen or see if that phone (inaudible) attempts like that?

TT No, I was, I was instructed to go by Lt. Hughes to go back to Capt. Osowski's house contact him again to see if, see if we could get a phone number or see if Michael had a girlfriend that might be in the area that he could've been to the house or you know whatever just get as much information as we could.

JB And tell me how that went when you went back to the house and spoke to Alan.

TT I went back, Capt. Osowski said that his son did have a girlfriend but as far as he knew she was in south Florida this date and Capt. Osowski furnished me a cell phone number that he said was Michael's cell phone. I thanked him and then went outside and called Lt. Hughes and gave him the phone number and I was advised by him a few minutes later that he had called that number and did not hear any phone ringing in the house that they could hear.

JB What did you do next?

TT After that I was just, to my recollection I was asked by Lt. Hughes just to return to the traffic crash scene and finish assisting with photography and whatever help they needed down there.

JB And that's what you did?

TT That's correct.

JB Did Alan Osowski provide you the identity or phone number for Michael's girlfriend that was in south Florida?

TT He didn't, there was no phone number he didn't know the phone number he said he didn't know her last name.

JB Ok.

TT Didn't know really anything about her other than her first name and I can't recall what it was. Seemed to me it might have been Nicole or something like that but it's in my, my initial white paper that I did.

JB Ok.

TT I can email you a copy of that...

JB Perfect I'll give you...

TT If you would like furnish me your email address.

JB Yeah.

TT Ok.

JB Perfect. You returned to the scene to assist with reconstruction investigation there and you secured about 5:30 the next morning?

TT Uh huh, that's correct.

JB The following day did you participate in any interviews?

TT No I did not.

JB Did you work the following day?

TT I did.

JB Ok any efforts to follow up with witnesses on the traffic homicide?

TT Yeah I, I did. The uh, I was advised I believe by Dep. Allison that the, one of the convenient stores on the corner may have cameras that record the intersection. I went to the, I forget what the store's name is but it's the store on the south west corner of the intersection.

JB Gas station?

TT Gas station yeah. There was a clerk on hand and he didn't have access to the recording machine but standing in the counter area they have a monitor with four, four panes on it. I believe the upper right video uh, clearly showed the gas pumps and the intersection in the background to include the traffic signals that faced, faced west on the road that leads into the intersection.

JB Ok.

TT So, and I don't know if a copy of that video was retrieved. I was informed that the manager would be in the next day and they're the only ones that could do it. I let Dep. Allison know that. He informed me that I believe Dep. Charron was working the next morning coming in and he would be going to see about getting, C-H-A-R-R-O-N, Dep. Charron and he would be the one going to pick up a copy of the video.

JB So you just essentially went by to confirm or dispel is there in fact video.

TT Uh huh.

JB You determined there was...

TT Correct.

JB ...and you passed that information.

TT Correct.

JB Any other involvement in follow ups in that investigation?

TT No, nothing, nothing at all.

JB Ok did you ever have a conversation with Michael Osowski?

TT I did not.

JB Ok and beyond the ones you described here that night any conversations with Alan Osowski?

TT Just other than assess the two contacts we had I believe.

JB Ok.

TT Going back to the house.

JB Ok. Alright give me one second here.

TT Ok.

JB Did you talk to Dep. Galarza that night on the scene?

TT Just in passing I believe just to say hi.

JB Ok. Were you ever told by anybody what the circumstances were under which Michael Osowski left the scene of the accident that night?



TT No, no.

JB Ok. The following morning, no, no, no, let me check that. I don't have any other questions. Knowing the focus of this investigation Dep. Tew is there anything you can think of that's relevant to what I'm investigation that I've neglected or failed to ask you?

TT No sir I believe, I believe you covered everything.

JB Ok do you have any questions of me?

TT No sir I do not.

JB Ok given that this will conclude the interview, the time now is approximately 3:15pm thank you.