

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 7th, 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 7th 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 25th, 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 25th, 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 26th?

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