

WITNESS STATEMENT

JB – Jack Bisland TT – Deputy Tim Tew

JB Testing 1-2-3-4-5. Today's date is Thursday December 9th, 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 26th 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.