

WITNESS STATEMENT

JB – Jack Bisland CB – Lt. Charlie Brown

JB Testing 1-2-3-4-5. Today's date is Wednesday December 8th, 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 7th 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 25th, 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 25th 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 in case 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 25th. 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.