

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.