

LOOKING FOR ANSWERS IN ALL THE WRONG PLACES

On September 06, 2001, I visited Sgt. James Allen MacKenzie at the Tarpon Springs Police Department. It was just four days after my son's horrible death and two days after he had closed the case. I was accompanied by Margaret Mackay who had come to Florida to help with the funeral arrangements. Ms. Mackay witnessed and heard everything Sgt. MacKenzie said that day. In addition, I took extensive notes while Sgt. MacKenzie gave us his version of the events that had occurred that night based on Officer Parson's interviews, the police report and what Sgt. MacKenzie referred to as his own "forensic" investigation. I was looking for answers and expected to hear truthful and factual information as to what had actually happened the night my son, Shawn was shot with Officer Dan Nordmark's laser sighted handgun.

Sgt. MacKenzie was quick to tell us that Officer Nordmark was not arrested after my son was killed because he did nothing wrong and nothing illegal. According to the Detective, Dan Nordmark and Shawn were alone at the Shades Bar located on Alternate 19 in Palm Harbor, drinking and singing karaoke when they got into a verbal argument with some other patrons. I immediately thought this odd since Shawn had never been one to engage in this type of behavior. He was always a gentleman and a peacemaker when confronted with troublemakers. MacKenzie said that while outside of the Shades Bar, the same group of males they supposedly got into an argument with started "messing" with them again. He said Dan Nordmark retrieved his gun from his car for "protection" then Shawn approached, observed that Dan Nordmark was intoxicated and asked to hold the gun. Sgt. MacKenzie said that Shawn was trying to keep Nordmark from doing something stupid.

Sgt. MacKenzie went on to say that Dan Nordmark gave the gun to Shawn (with the safety on) and observed a police type car drive through the parking lot. He said the group of guys messing with them saw the cruiser and left. Officer Nordmark, then realized that he had locked his keys in the car and called his sister-in-law, Rita Nordmark at home just before 2:00 AM and asked her to pick them up. He went on to explain that as Shawn was telling Rita Nordmark how to get to his house, Dan Nordmark asked Shawn to give the gun back and accidentally shot himself. Rita Nordmark had apparently told the same story telling the police that she was at home when he called and after picking them up at the bar around 2:00 AM, drove North on Alt 19 and stated that when Dan Nordmark asked Shawn for the gun it fired. Sgt. MacKenzie was in complete agreement with the explanation of Nordmark's sister in law, Rita Nordmark and the extremely inebriated (MacKenzie's words) Dan Nordmark.

Sgt. MacKenzie relayed that Shawn was sitting in the middle of the back seat and asserted that it would have been impossible for Nordmark to shoot Shawn from the front seat of the car. He actually set up two chairs to demonstrate and had Margaret sit in the chair which would have been the front passenger seat where he said Nordmark sat and the other one was set up for me as if I were sitting in the middle of the back seat where he insisted Shawn was sitting at the time he was shot. Then he instructed Margaret to see if she could aim an imaginary gun at my head. Margaret effortlessly turned and instantly put her trigger finger against my temple. Sgt. MacKenzie frowned at us and then mumbled that it would be a lot harder to do that inside a car. And besides, he said, he had conclusive proof that Dan Nordmark was not close enough to Shawn to harm him. He told us that four tests including visual, alternate light source, phthalien and Luminal tests were done on Nordmark's shirt to see if there was any blood on it. Sgt.

MacKenzie said all of the tests showed not one trace of blood on Dan Nordmark's shirt. (We now know this is false).

Sgt. MacKenzie went on to elaborate on how extremely inebriated Dan Nordmark was that night. When I asked about the results of his breath tests, I was told that he did not perform any alcohol or drug tests on Officer Nordmark because again, he did not do anything illegal and he did not commit any crime. When questioned about this further, MacKenzie impatiently said Nordmark's extreme intoxication was witnessed by him and by the other police officers and would show in the police report. He told us that Dan Nordmark was an off-duty corrections officer and he did not know if Nordmark was authorized to carry a concealed firearm but that most agencies give blanket authorizations to carry them and it is normal for off duty law enforcement to carry guns with the safety off even when they go to bars and drink alcohol. When I challenged this assertion, he angrily replied that Nordmark did nothing wrong and that he had the right to carry the gun in public even if he were drinking. (The next day when I had the opportunity to review the police reports but I could not find any police statements verifying Officer Nordmark's extreme drunkenness).

Knowing that Shawn was much too intelligent to shoot himself, I asked Sgt. MacKenzie whose fingerprints were on the gun and was told that he did not take any fingerprints on the firearm because he had eyewitness testimony that both men had handled the gun. When pressed, he told us his eyewitnesses were Rita and Dan Nordmark. He told us that he had fingerprinted Shawn while he lay in the hospital. He also stated that he did not perform any residue tests on the gun, because again his "eyewitnesses" said both men touched the gun. Thus according to Sgt. MacKenzie, a GSR residue test would not show any difference if Shawn had touched the gun and Officer Nordmark had fired the gun. I told him that Shawn would not have handled the gun and GSR residue tests could have proven that Shawn didn't fire or touch the weapon. Sgt. MacKenzie then informed us that another reason no one tested Shawn's fingers was because after Shawn was fingerprinted, "they" washed his hands. This seems highly unusual that emergency room staff, police or anyone else would wash his hands while they were focused on his brain injury. When I arrived at Helen Ellis Hospital, Shawn's hands were not covered and the Tarpon Springs police stood around and watched as I held and touched his hands, head and body. I have been told by intelligent and professional members of law enforcement that had there been an honest and competent police investigation that night, required police procedure would have mandated that the victim's hands be covered to preserve evidence.

I asked Sgt. MacKenzie why he concluded that Shawn touched the gun based on the Nordmarks' testimony? Why did the Tarpon Springs police accept the explanation of this highly intoxicated individual, Dan Nordmark and his sister in law, Rita Nordmark instead of searching for and questioning the employees and patrons of the Shades Bar, where they said they had been that night, the men in the alleged confrontation etc. How could they close the case just one and a half days after Shawn's death without ever seeking any witnesses? Why weren't the Nordmarks considered to be suspects in Shawn's death? How could either of these people be considered unbiased competent witnesses in a possible murder? The Tarpon Springs police clearly knew that Officer Dan Nordmark was so drunk, he could not even stand up that night and they knew that Rita was a family member of Dan Nordmark's. Again, Sgt. MacKenzie's angry reply was that Officer Nordmark did nothing illegal and he did not commit any crime. Sgt. MacKenzie then had the nerve to tell us he believed their story because if Officer Nordmark had shot Shawn

they would have parked in a regular parking space at the hospital instead of pulling up to the emergency room doors. Where did this detective get his training?

Later Sgt. MacKenzie told the FDLE he did try to take fingerprints but if you look at the photos taken on September 04, 2002 you can see gun was clean and shiny although by late September when I requested that the FDLE get involved, the gun had been smudged and covered with grey powder. Richard Pyles, an FDLE agent said their crime labs could not find any fingerprints because all prints had been completely obliterated by the Tarpon Springs police. Mr. Pyles also told the State Attorney that the weapon was covered with black powder and smudged when the FDLE received it from the Tarpon Spring Police Department.

Sgt. MacKenzie went on to say that he was sure Shawn was alone in back seat and shot himself because the two blood splatters on the passenger side right door, one high forward and one low back indicates low probability that anyone was in the back with Shawn. He said that the CT scan showed that the bullet entered Shawn's right temple and fractured the left side of his skull but lodged there and did not exit actually remaining completely under the skin. He said that accounted for absence of evidence of material from an exit wound of the bullet. He said there was very little blood in the car which proved they were very close to the hospital, made a U-turn and came back to the hospital immediately. He also said the presence of blood drops on the car shade on the left foot well was consistent with the Nordmarks' story. Sgt. MacKenzie said Shawn was still sitting up after the shooting and fell over when Rita Nordmark, the driver turned the corner. The Police report says Rita looked back when she heard the shot and Shawn was lying down with his head toward the back door on the driver's side of the car.

Sgt. MacKenzie said that the wound was a contact wound - close or against Shawn's head and that the 25 caliber gun had a laser sighting device with a safety on the back of the gun handle. According to MacKenzie, you squeeze the safety 1/2 way to activate the laser and to release the safety and you squeeze a little more with your finger on the trigger and it fires (staging the trigger). MacKenzie said a person would have to have a lot of manual dexterity to activate the laser without putting his finger on the trigger. He also said that there was another very small safety on the side of the gun which Shawn could not have seen unless he was in bright sunlight or under very bright indoor lighting. Sgt. MacKenzie said the gun was set to fire and the alternate safety was in the off position contrary to the police report which says Nordmark stated that the safety was on when he gave the gun to Shawn. (Sgt. MacKenzie told the Medical Examiner's investigator there was no safety on the gun).

We were then told that the car was never impounded or taken to a crime lab to gather evidence. MacKenzie informed us that he had released the Honda Civic car to Rita and Dan Nordmark the same night of the shooting. He also told us there was blood on the back of the driver's head rest that appeared to be manually transferred but concluded that it was placed there when Shawn was removed from the car. The blood on the back of the driver's seat was not tested for prints.

Sgt. MacKenzie told us that he believed that the wound was self inflicted but was positive that Shawn absolutely did not commit suicide because Shawn was sitting in the middle of the back seat, leaning forward, talking and giving directions home when the gun supposedly fired. However, Sgt. MacKenzie said, he could not control what the medical examiner would say. (I later found out that Sgt. MacKenzie and Officer Parsons had already spoken to the medical

examiner's investigator a few days before he met with us and had discussed their version of the events and the M.E.'s determination of suicide).

MacKenzie then made reference to a family that has fought with him for years because he said their relative's death was suicide and the family believed it was murder. It appears that he was trying to keep me from causing problems although he had apparently already indicated suicide to the medical examiner. A finding of suicide would of course re-enforce Sgt. MacKenzie's efforts to show that Dan Nordmark did nothing illegal that night and would relieve Officers MacKenzie and Parsons, the Tarpon Springs Police Department and Dan and Rita Nordmark and any others who may have been involved of all blame and responsibility for Shawn's death and the subsequent lack of an appropriate investigation with interviews, mandatory drug and alcohol test, fingerprints, residue tests etc and which should have resulted in Nordmark's arrest.

Before Margaret and I left MacKenzie's office, he leaned forward, locking his eyes on mine and carefully explained that an internal investigation would be conducted by the Inspector General's office because Officer Nordmark is associated with law enforcement pursuant to his position as a prison guard for the Department of Corrections. He said if Officer Nordmark admits anything at all during that investigation, it could not be held against him in criminal court because he would have no fifth amendment right and it would be considered compelled testimony and alternative evidence would have to be used in court, however, MacKenzie and other officers failed to gather any physical evidence of any kind that could be used in criminal court.

Then as Ms. Mackay looked on, Sgt. MacKenzie warned me several times in a threatening tone of voice that if I spoke with the press or anyone else before the investigation was completed that I would be criminally liable with criminal sanctions against me. He did not arrest the drunken owner of the gun after my son was killed, but he threatened to arrest me the day after my son's funeral. He obviously was attempting to intimidate me. I have heard that he now denies making these statements, but he did make them and again, I had a witness with me who clearly heard him and is willing to testify in court if necessary.

In the days that followed, Sgt. MacKenzie behaved in an unprofessional, volatile and aggressive manner, shouting at Shawn's distraught younger brother, Daniel McMillan and at me on at least two different occasions when we came to the police department to request a copy of the police procedures which were normally followed in the event of a shooting. On another occasion after demanding to know why there was no reference to Officer Nordmark's extreme intoxication in the police report Sgt. MacKenzie pointed out that Shawn had said, "you are intoxicated, let me hold the gun." He incorrectly assured me that this was a "statement of interest". I told him this was not a "Statement Against Interest" and it could not be held against Dan Nordmark in Court. Daniel and I also wanted to know what is the required Tarpon Springs Police Department procedure when there is a death by gunshot and the owner of the gun is extremely intoxicated? Sgt. MacKenzie refused to give any written procedure to me or to my younger son when we requested it and said it's based on thirty years of experience and volumes of textbooks and everyone does things differently. He then yelled that I should just leave the poor man alone. He was going to have to carry the incident with him the rest of his life. What about Shawn? What about all of his family, friends and fraternity brothers who loved him and would never see him again? Obviously, Sgt. MacKenzie cared only for Officer Nordmark.

Later, when Daniel had called City Hall to ask for a copy of the police procedures, he was told to go to the front desk of the police department, which he did. Although he did not ask to see Sgt. MacKenzie, he was angrily greeted by him, shouted at and actually followed to the door by this irate and crude Tarpon Springs police officer.

I had gone to speak with Sgt. MacKenzie to get answers but all I got from him was the distinct conviction knowledge that Sgt. MacKenzie and other Tarpon Springs police officers failed to gather any physical evidence of any kind that could be used against Officer Dan Nordmark. They failed to obtain any fingerprints from the weapon (I believe that if my son had touched that gun and there had been one single print of his, the Tarpon Springs police would have found it and quickly informed the Press). The Tarpon Springs police failed to take residue tests; failed to cover Shawn's hands, as is routine procedure with a serious or fatal gunshot wound; failed to administer mandatory alcohol or drug tests after observing Officer Nordmark's extreme intoxication and they failed to impound the car and properly process it for evidence. They failed to pursue even one lead or one credible witness at any time.

They failed to note in their report that there was a second bullet missing from the six round clip; failed to photograph the inside of the car's trunk; failed to interview any of the witnesses who saw the horrifying events unfold that night; failed to make any arrests and they did not request assistance by the Sheriff's office in their investigation, although they are obviously not equipped or qualified to conduct this type of investigation.

They failed to photograph or list Officer Nordmark's shirt in evidence which Sgt. MacKenzie misrepresented had been tested for blood. This shirt which was alleged to have been taken from Officer Nordmark on the night of the shooting was not sent to the Sheriff for testing for another two and a half days. We now know these forensics tests were never performed and the police report is falsified. They failed to note in their report that there was a second bullet missing from the six round clip (fired by Bernie Dillman in the parking lot of the British Pub minutes before the second bullet tore through Shawn's brain). They made no arrests yet Sgt. MacKenzie threatened the mother of the victim with criminal liability and criminal sanctions. Was he going to arrest me? Incredibly, the Tarpon Springs police closed the case one and one half days after Shawn's death (Monday was a holiday).