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A mother's plea alters options for defendant

A man charged with mishandling a gun that later killed another man, whose mother spoke to the judge, will go to trial rather than accept a deal that includes 60 days in jail.

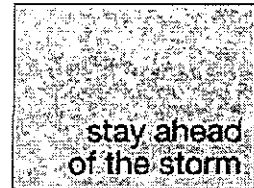
By KATHERINE GAZELLA, Times Staff Writer
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Bernie Dillman was prepared to accept prosecutors' offer of one year of probation, a gun safety course and random alcohol testing for discharging a gun in public last Labor Day weekend.

But a judge Thursday didn't think the proposed punishment went far enough. He proposed 60 days in jail after hearing the mother of Dillman's acquaintance say that Dillman should go to jail for mishandling a gun that later went off and killed her son. Authorities concluded that the fatal gunshot was self-inflicted.

"I would be inclined to impose jail," Pinellas County Judge Michael Andrews said.

Andrews' statement came after the mother of Shawn McMillan, an acquaintance of Dillman who died Sept. 2 at age 26, said at Dillman's arraignment that he should receive the maximum sentence of one year in jail. Michaela Mahoney said she thinks Dillman's unsafe handling of the gun may have led to her son having the gun in his possession and dying later that day.



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If Dillman and another friend hadn't handled the gun recklessly that night, her son -- a Florida State University graduate who planned to start a new job a few days later -- might have lived, she said.

The 60 days in jail that Andrews proposed would have been in addition to the state's recommendations, which included a \$250 fine, court costs and a promise not to handle a gun during the probationary period. The charge is a first-degree misdemeanor.

Dillman, a Holiday resident who was not represented by a lawyer at his arraignment, rejected the judge's offer and decided to go to trial.

"It's sad that she can get up there and influence the judge," Dillman later said of Mahoney's comments. "I just wanted to get it over with in there, but then he tells me 60 days in jail."

Dillman, 24, had not spoken publicly about the incident in the past. On Thursday, he said he fired his friend Dan Nordmark's gun about 1:55 a.m. Sept. 2 in the parking lot of the British Pub on Klosterman Road. He had been trying to use the laser sight on the .25-caliber handgun when it discharged.

"I thought I shot myself," said Dillman, who works as a cook and bartender, and wants to open a sandwich shop with help from his father. "That gun was out of my hand in two seconds."

He gave it back to Nordmark, then McMillan took the gun from him, according to Dillman and his girlfriend, Jennifer Pysz. All three men had been drinking, Dillman said. Pysz, a bartender at the British Pub, said she drove Dillman home, Pysz said. Nordmark's sister-in-law, Rita Nordmark, drove Nordmark and McMillan home in a different car.

While she was still on Klosterman Road, Pysz said, she got a frantic cell phone call from Rita Nordmark about McMillan's shooting, which occurred between 2 and 2:30 a.m. She drove to Helen Ellis Memorial Hospital, where McMillan was being treated for a gunshot wound to his right temple. He died later that day.

Tarpon Springs police ruled the gunshot was accidental and self-inflicted. The medical examiner's

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office later ruled it a suicide.

Since then, Mahoney, a Dunedin attorney, has criticized the police investigation and said Nordmark and Dillman should be charged with crimes. She also has filed a wrongful death lawsuit against Nordmark.

After a lengthy investigation by the Pinellas-Pasco State Attorney's Office, Dillman was charged this month with firing the gun in the British Pub parking lot. Nordmark, a state corrections officer who works at the Zephyrhills Correctional Institution, was charged with handling the gun while intoxicated.

Nordmark's charge is a second-degree misdemeanor punishable by up to 60 days in jail. He has pleaded not guilty.

Throughout the months of interviews by the Florida Department of Law Enforcement and the State Attorney's Office, Dillman and Pysz have not been able to escape the events of Sept. 2. The continuing stress has been a hardship on their relationships with friends and family, they said. Although they understand Mahoney's grief over the loss of her son, they also said it isn't fair for her to blame Dillman. He pointed out that he was nowhere near the Nordmarks' car when McMillan was shot.

"I wasn't even there," he said. "I was in her car," he said as he nodded toward his girlfriend.

Dillman's firing of the gun in the parking lot "is a completely separate event from what happened in the car," said Pysz, who had been friends with McMillan for two years.

Dillman also didn't want to be portrayed as gun-crazed. After having a gun accidentally discharge, he said, he doesn't want to see another firearm.

"That's the first time I touched a gun," he said, "and I swear it'll be the last time."

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