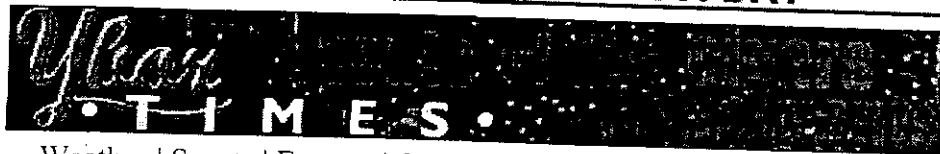


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## Mother files wrongful death lawsuit

**She claims the owner of the gun with which her son accidentally killed himself was negligent.**

By KATHERINE GAZELLA

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TARPON SPRINGS -- The mother of 26-year-old Shawn McMillan, who died in September in what police concluded was a self-inflicted accidental shooting, has filed a wrongful death lawsuit against the man whose gun fired the fatal shot.

TARPON SPRINGS -- The mother of 26-year-old Shawn McMillan, who died in September in what police concluded was a self-inflicted accidental shooting, has filed a wrongful death lawsuit against the man whose gun fired the fatal shot.

Michaela Mahoney said in the lawsuit that Daniel Nordmark, an acquaintance of her son who works as a state corrections officer, was negligent in allowing her son to handle the loaded semiautomatic handgun after McMillan had been drinking.

The lawsuit also contends Nordmark was negligent because he handled the gun and let McMillan hold it while Nordmark himself was intoxicated. The suit was filed last month in Pinellas-Pasco circuit court and seeks more than \$15,000 in damages.

"If this man hadn't been drunk and passing a loaded gun around, my son would still be alive," said Mahoney, a Dunedin attorney.

In a related development, the Florida Department of Law Enforcement began an investigation of the incident after Mahoney raised questions about the Tarpon Springs police investigation, according to Richard Pyles, a special agent and supervisor at FDLE. He would not discuss the FDLE investigation Monday.

Although Nordmark is the only defendant named in the lawsuit, Mahoney criticized Tarpon Springs police during an interview Monday for not conducting gunshot residue tests on Nordmark and for not charging him with a crime.

In response, police Sgt. Allen MacKenzie said residue tests would not have indicated whether Nordmark fired a shot or just held the gun. He also said other physical evidence indicated that Nordmark had not fired a shot. He said Nordmark wasn't a suspect because no crime was suspected.

Nordmark, 25, is a corrections officer at Zephyrhills Correctional Institution. He could not be reached

for comment Monday, and his attorney, Mark Gruwell, did not return a call Monday.

The corrections department has not disciplined Nordmark as a result of the incident, said Jo Ellyn Rackleff, a spokeswoman for the Department of Corrections.

McMillan was a 1999 graduate of FSU and attended Nova Southeastern University School of Law for a year. He was active in state politics and served as a student intern, messenger and Senate page to high-profile politicians, including former Senate President Toni Jennings and former lawmaker Curt Kiser.

He was named the director of student lobbying and the liaison between the FSU student government and the Florida Legislature. The day of his funeral was supposed to be his first day at a new job with American Express, Mahoney said.

Tarpon Springs police responded to the shooting Sept. 2. According to the police report, Nordmark told police he and McMillan were at the Shades bar in Palm Harbor and argued with other patrons. Nordmark said he went to his car and, for protection, got his .25-caliber handgun. He said McMillan noticed that Nordmark was intoxicated and asked him for the gun, and Nordmark gave it to him, according to a police report.

Nordmark realized *he had* locked the keys in his car and called his sister-in-law for a ride. As the three drove to McMillan's house, Nordmark realized McMillan still had the gun and asked for it. When McMillan, who was sitting in the back seat, handed it forward, the gun went off and shot him, the police report said.

In response to Mahoney's criticism about police not doing a gunshot residue test, MacKenzie cited a letter from FDLE in another case, in which FDLE would not test a residue sample sent in by Tarpon Springs police because it would not have produced "information of value." MacKenzie said the same would have been true in this case.

He said evidence from the car and Nordmark's shirt indicated that the shot was fired while McMillan held the gun. Nordmark did not have any blowback -- the unburned gunpowder expelled backward after a shot is fired -- on his shirt, which he would have if he had fired the gun, MacKenzie said.

Mahoney also raised the question of whether Nordmark received special treatment because police knew him to be a fellow law enforcement officer.

MacKenzie said that wasn't the case.

"Nobody knows this guy," he said.

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