

McMillan and Nordmark, who works at the Zephyrhills Correctional Institution, were out drinking the night of the shooting.

McMillan, 26, was a 1999 graduate of FSU, a student lobbyist and a student at Nova Southeastern University School of Law for a year. He 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 back in the area and planned to start a new job at American Express a few days later.

Which bars they went to that night is a matter of some dispute.

Nordmark, 25, told police he and McMillan had been at the Shades bar in Palm Harbor. But Shades owner Carol Farella said they were never at her bar that night.

Customer Steven Newman, 32, of Tarpon Springs, said he was at the Palms bar in Palm Harbor and the British Pub on Klosterman Road that night.

Newman said he saw McMillan and Nordmark, whom he recognized, at both places. He doesn't recall seeing much happen between McMillan and Nordmark, but he said he does remember seeing Nordmark give a gun to another friend outside the British Pub. That man fired a shot but did not aim at anyone, Newman said.

In his statement to police, Nordmark didn't say anything about shots being fired outside of any bar. He did say, however, that he and McMillan got into a verbal argument with other patrons at the Shades bar.

After the bar closed at 2 a.m., a group of men started "messaging" with them, Nordmark told police. He retrieved his gun from his car and waited with McMillan, he told police.

McMillan saw that Nordmark was intoxicated, and asked for the gun, Nordmark told police. He gave it to McMillan, and they saw what looked like a police car drive through the parking lot. That caused the other group of men to leave.

Then Nordmark realized he had locked his keys in the car and called his sister-in-law, Rita Nordmark, to pick them up, he said. Both Nordmarks declined to comment for this story. The three got into Rita Nordmark's Honda. She drove, Daniel Nordmark sat in the front passenger seat, and McMillan sat directly behind him.

As the three headed north on Alt. U.S. 19, McMillan was giving directions to his house when Nordmark realized McMillan still had his gun, according to his statement to police. He asked McMillan to pass the gun, a Sundance Laser 25 with a built-in laser sight.

As handguns go, the Laser 25 is small and less safe than most other semiautomatic pistols, according to the Firearm Injury Center at the Medical College of Wisconsin. The injury center has done safety tests on dozens of guns, and the Laser 25 scored lower than all but one of the semiautomatic pistols. It earned 19 points in the center's safety tests. The passing grade is 75.

As McMillan handed the .25-caliber gun from the back seat forward to Nordmark, it went off, Nordmark and his sister-in-law told police. The bullet hit McMillan in the right temple. They rushed to nearby Helen Ellis Memorial Hospital. Since the hospital had no neurosurgeon on duty, McMillan was flown to Bayfront Medical Center. He was pronounced dead at 3:03 a.m.

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Tarpon Springs police patrol officers responded to Helen Ellis about 2:30 a.m. They called in Sgt. Allen MacKenzie, the head of the detective division, a veteran officer who has been with the Tarpon Springs Police Department since 1995.

At the hospital, MacKenzie focused on physical evidence. The first set of evidence photographs shot of the car turned out poorly. That's because one of the first officers at the scene didn't know how to use a digital camera, so MacKenzie took fresh pictures.

In particular, MacKenzie focused on the blood splatter in the car and whether there was blood on Nordmark's shirt. If Nordmark had fired the gun at such close range, there would be blood on the shirt, he said.

In a written report, MacKenzie said the shirt was the "most conclusive piece of evidence in the investigation should there be some sort of material misrepresentation by Daniel Nordmark." Four different forensic tests of Nordmark's shirt -- performed two days after the shooting -- found no blood, MacKenzie said.

Moreover, the blood splatter on the back seat of the car indicated the gunshot was self-inflicted, MacKenzie said. The spatter also was fresh enough to corroborate Daniel and Rita Nordmark's statements that they rushed McMillan to the hospital immediately after the shooting.

A police report said McMillan had a blood alcohol level of 0.221 percent -- more than twice the level at which Florida law presumes a person to be impaired. Nordmark told police he was drunk and was not tested.

As part of his investigation, MacKenzie checked out the gun's safety rating.

Even if McMillan had some experience with other guns, MacKenzie said, this gun probably would have been unfamiliar to him.

"The weapon itself is highly unusual," he said.

MacKenzie closed his investigation within two days of the shooting. He said that is a normal amount of time for an investigation into a death where murder is not suspected. He ruled it accidental and self-inflicted.

The Pinellas-Pasco Medical Examiner's Office also said the fatal wound was self-inflicted and considered McMillan's death to be a suicide, said Bill Pellam, the director of forensic investigations.

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Mahoney, McMillan's mother, was not satisfied.

"The mother was not happy with the outcome of the investigation, and began making numerous allegations of the Tarpon Springs Police Department conspiring with the Department of Corrections," MacKenzie said. "She stood in the front lobby of the Police Department and demanded that Nordmark be arrested for manslaughter."

In addition, about two months after the shooting, Mahoney filed a wrongful death lawsuit against Nordmark. In it, she contended he was negligent in allowing her son to handle the loaded 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. Nordmark's attorney has filed a motion to dismiss the case.

Last week, Mahoney declined to discuss the case, but she has commented in the past.

In addition to saying the Police Department covered for a fellow law enforcement officer, she had numerous other complaints about the way the case was handled.

For one thing, Mahoney has said the case was closed too quickly. She has criticized police for not conducting gunshot residue tests on Nordmark and for not charging him with a crime. She questioned why the car was released to the Nordmarks within a few hours of the shooting.

Mahoney also questioned why police didn't charge Nordmark for handling a loaded weapon while he was intoxicated and allowing her son, who was also intoxicated, to hold the gun.

She further criticized police for not checking out where Nordmark and her son were that night, and she said several witnesses said they were not at the Shades but at the Palms and the British Pub.

In response, MacKenzie said gunshot residue tests would not have indicated whether Nordmark fired a shot or was just near the gun when it went off. He cited a letter from the FDLE in another case, in which the FDLE would not test a residue sample sent in by Tarpon Springs police because it would not have produced "information of value." The tests are most effective in showing that someone did handle a gun when they claimed not to, MacKenzie said. It's not useful for determining whether someone fired a gun or merely handled it.

As for the car, MacKenzie said it was released after a couple of hours when he no longer needed it as evidence.

No investigation was needed into which bars Nordmark and McMillan visited, MacKenzie said. They were both drunk, he said.

"Where they got drunk is not really relevant to what happened in the car," he said.

MacKenzie said the parts of Nordmark's story that mattered to the shooting investigation -- particularly who fired the shot that killed McMillan -- were all substantiated by the physical evidence.

In a police report, MacKenzie said he went to the State Attorney's Office after he met with Mahoney in September. He wrote that he "attempted to ascertain if there was a specific criminal charge against the owner of the firearm." There was "no basis" at that time for any criminal charges, he said.

The Police Department has not been the only target of Mahoney's criticism. She also has criticized the state Department of Corrections for not disciplining Nordmark as a result of the shooting.

Debbie Buchanan, a spokeswoman for the department, said there was no reason to reprimand Nordmark because he was off-duty and was not charged in the case. If he were charged with something in the future, she said, the department would look at the case again.

Nordmark has a letter in his file from March 2001 noting his excessive absenteeism and a written reprimand for playing basketball with inmates in October 2000, Buchanan said. He has another reprimand dated March 1999 for being in a vehicle in which the Tarpon Springs Police Department found marijuana that belonged to another passenger in the van. He was not arrested, but state corrections officials reprimanded him for being present where illegal activities were taking place.

A police report shows that there was a smell of marijuana in the car and everyone in the van had been drinking alcohol, so the officers had people called to pick up Nordmark and the other passenger who wasn't arrested. Nordmark did not get any breaks from Tarpon Springs police, Capt. Holt said.

On the shooting, officers probably could have interviewed more people and held the car longer, Holt said. But he doesn't think any of that would have changed the outcome of the case. He said he trusts MacKenzie, who has been in law enforcement 25 years. Despite Mahoney's complaints, the department found no reason to investigate MacKenzie's handling of the case, he said.

The Tarpon Springs Police Department would have no reason for or interest in covering for a corrections officer, Holt said. He pointed out that the department has investigated two of its own officers in the past, resulting in drug charges against both of them.

"If we would arrest some of our own officers," he said, "we would certainly arrest someone outside the department."

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