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Inquiry: Deadly gunshot self-inflicted

The State Attorney's Office and FDLE find nothing to refute the report that Shawn McMillan died by his own hand.

By KATHERINE GAZELLA, Times Staff Writer

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TARPON SPRINGS -- Tarpon Springs police could have done some things differently in investigating a fatal shooting last September, but doing more tests or interviews would not have changed the finding that Shawn McMillan died of a self-inflicted gunshot.

That's the conclusion of an extensive review of the case by the Pinellas-Pasco State Attorney's Office.

The investigation into McMillan's death began at Helen Ellis Memorial Hospital several hours before dawn on Sept. 2, when the 26-year-old was treated for a gunshot to his right temple after a night of drinking.

After McMillan's mother raised questions about the police investigation and whether her son was killed by an acquaintance, the Florida Department of Law Enforcement and the State Attorney's Office looked into the case.

Evidence and interviews compiled by those two agencies support the earlier finding that the gunshot was self-inflicted and that it happened in the back seat of an acquaintance's Honda Civic, according to more than 1,000 pages of investigative documents released this week.

The strongest criticism that prosecutors made about the police investigation concerned the handling of the car in which the shooting took place.

The Tarpon Springs Police Department "undoubtedly" should have impounded the car on the night of the shooting instead of releasing it after examining blood in the car, the State Attorney's Office said.

Even though it was released and cleaned, a later FDLE investigation of the car found enough evidence of the blood splatter on the right rear passenger window to indicate the gun was close to McMillan's head and the window at the time of the shooting.

"From the evidence that we thoroughly examined and the witnesses that we talked to, we were unable to come to any other conclusion than the discharge of the firearm happened in the back seat of the car and

it happened as a result of Shawn McMillan handling that weapon," Chief Assistant State Attorney Bruce Bartlett said Thursday.

Bartlett said he did not want to "Monday-morning quarterback" the Police Department's investigation. An FDLE investigation also found no evidence to support anything other than an accidental shooting, said Rick Morera, spokesman for the Tampa-area FDLE office.

In response, police Chief Mark LeCouris agreed that Sgt. Allen MacKenzie and others working on the case should have impounded the car. They also should have asked for a second opinion about the blood splatter in the car that night, either from FDLE or the Sheriff's Office, he said.

"You're always learning things," said LeCouris, who said those steps would be taken in future cases. "In the end, (MacKenzie) was absolutely correct about what happened in that vehicle."

Investigators from the State Attorney's Office took sworn testimony from 20 witnesses and interviewed others. They determined that "no foul play was involved in the death of Shawn McMillan," the report said.

The findings do not satisfy Michaela Mahoney, McMillan's mother. She maintains that her son died "because of the actions" of acquaintances Dan Nordmark, 26, of Tarpon Springs, whose gun was used in the shooting, and Bernie Dillman, 24, of Holiday.

Mahoney said prosecutors couldn't support a manslaughter charge because Tarpon Springs police did not provide adequate information. She has claimed that the department covered up for Nordmark because he works as a corrections officer at the Zephyrhills Correctional Institution, a charge LeCouris said is baseless.

"The Tarpon Springs Police Department provided the State Attorney's Office with absolutely no evidence against Dan Nordmark," Mahoney said Thursday after a pretrial hearing for misdemeanor charges that Nordmark and Dillman face.

But the evidence and witness testimony simply did not support Mahoney's theory that her son was shot by someone else, Bartlett said.

"My heart goes out to the mother," he said. "I know she is grieving."

The State Attorney's Office report presents two theories about McMillan's death. He may have shot himself accidentally, "not realizing the gun was hot with a live round in the chamber."

Or, the report said, "in his intoxicated condition the possibility exists that he reverted to depression ... and decided to take his life."

McMillan's blood alcohol level was 0.221 percent when he was admitted to Helen Ellis Memorial Hospital. Florida law presumes a person to be impaired when their blood alcohol level is 0.08 percent. Also, some of McMillan's friends said he previously had seemed depressed but had not talked about suicide, the report said.

A man who was at the British Pub told investigators he thinks Dillman shot McMillan there. When pressed by investigators, he said it was just a theory and much of it was based on hearsay.

The only charges resulting from the investigation were a first-degree misdemeanor charge against Dillman for firing the gun in public, and a second-degree misdemeanor charge against Nordmark for using a firearm while intoxicated.

On Thursday, a judge who previously suggested jail time for Dillman postponed his pretrial hearing until Aug. 12 to give his attorney time to review evidence. Nordmark turned down the offer of a 30-day jail sentence and has a jury trial scheduled for Aug. 12.

The State Attorney's Office investigation found that McMillan spent the afternoon of Sept. 1 with his mother, who gave him a ride to the Palm Harbor Ale House. He met some friends there, and they went to Hooter's in Palm Harbor, where they were joined by McMillan's friend, Joey Craig.

Later, at the British Pub on Klosterman Road, Craig left and McMillan gave him a brief hug, something Craig said was unusual. McMillan later went to the Palms in Palm Harbor, where he, Nordmark and Dillman drank and sang karaoke, witnesses said. The night of the shooting, however, Nordmark told police they were at the Shades bar in Palm Harbor, not the Palms.

The karaoke DJ argued with Dillman, and she said there was a confrontation in the parking lot involving her, Dillman and Nordmark. Other witnesses said there wasn't a confrontation.

Back at the British pub parking lot, Nordmark showed Dillman his Sundance .25-caliber semiautomatic gun with a laser sight, the report said. Witnesses offered conflicting accounts about some details, but all agreed that Dillman shot a round into the air, the report said.

At some point, McMillan took the gun from Nordmark, the report said. Nordmark was getting a ride home from his sister-in-law Rita Nordmark, who agreed to take McMillan home. She drove, Nordmark was in the front passenger seat and McMillan sat in the back, behind Nordmark.

The Nordmarks heard the gun fire and saw McMillan slumped over in the back seat, the report said. They drove to Helen Ellis Memorial Hospital, and he was flown to Bayfront Medical Center, where he died later that day.

Tarpon Springs police ruled that the gunshot was accidental and self-inflicted. The Medical Examiner's office called it a suicide, prompting many letters to the State Attorney's Office from McMillan's friends and relatives that said he would not have killed himself.

Throughout the investigation, Mahoney raised many questions about the Police Department's handling of the case. She said gunshot residue tests should have been performed, but prosecutors concluded such testing would not have been conclusive since all three men had handled the gun after its discharge and would have had residue on them because of that.

Mahoney also has alleged that the police allowed the gun to be wiped clean before anyone checked it for fingerprints, but the report noted that MacKenzie and the FDLE fingerprinted it. No prints of value were found.

She said the Police Department should have looked into Dillman's firing of the gun at the British Pub parking lot. But police didn't know about the incident until after their case was closed, and the incident happened outside the Police Department's jurisdiction, the State Attorney's Office report said.

Mahoney referred to the statement of one witness, who said Nordmark told her the police took his T-

shirt that night because it was covered in blood. Police and the State Attorney's Office said tests did not find blood on the shirt.

Mahoney also has filed a wrongful death lawsuit against Nordmark. The suit is pending.

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