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October 04, 2002

Bernie McCabe, State Attorney, Bruce Bartlett, Chief Assistant
and Steve Porter, Investigator
14250 49th Street, North
Room 1000
Clearwater, Florida 33762

Re: Shawn R. McMillan

Dear Gentleman:

Mr. Porter asked me to make your office aware of any concerns I had about the investigation conducted by your office and with all due respect to Mr. Bartlett and genuine gratitude, I do have some serious concerns as described below in an excerpt from my notes.

Sgt. MacKenzie noted in his 09/10/01 Police Report Supplement that he had gone to the state attorneys office and reviewed the case on an informal basis. He said it was "not a State attorney Investigation that formally requests a specific charge be filed against a specific person and attempted to ascertain if there was a specific criminal charge against the owner of the firearm". He went on to say he spent about an hour in this endeavor and the result was that no basis exists at this time for any criminal charges. I asked law enforcement and the State Attorney's investigator, who from their office, would be so careless to brush Shawn's death off with no credible and competent investigation. I was given various explanations ranging from they didn't know, to it was some administrative person who is no longer with the state attorney's office. However, during a recent court proceeding involving Dan Nordmark, it was mentioned that it had most likely been Mr. Bartlett who had met with Sgt. MacKenzie and who later was assigned to Shawn's death investigation.

On May 10, 2002, the St. Petersburg Times reported that this same Mr. Bruce Bartlett, chief assistant state attorney stated that prosecutors found no evidence to contradict the Tarpon Springs police conclusion that the fatal gunshot was self inflicted. He also stated that it wasn't clear how the gun got into Shawn's hands but some witnesses said he asked for the gun. Unfortunately, Mr. Bartlett, did not reveal that those witnesses were Dan and Rita Nordmark, Bernie Dillman and one of the men's girlfriends. Neither was it disclosed that at least four objective witnesses who watched the men that night in the parking lot of the British Pub and who have nothing to gain or lose by their testimony, have testified under oath that Shawn was only trying to get a ride home and never touched the gun. Nor was it revealed that approximately fifty friends, family members and ATO Fraternity Brothers who knew and genuinely loved and admired Shawn have

written strong letters containing their personal knowledge and opinions explaining that Shawn would not have shot himself.

More recently, Mr. Bartlett indicated to a St. Petersburg Times reporter, that it had been concluded that Shawn died of a self inflicted gunshot wound. His report stated it was either accidental or in his intoxicated condition the possibility exists that he "reverted to depression and decided to take his life". Surprisingly, Mr. Bartlett gathered this information from two siblings, who had been friendly with Shawn but who are very good friends of the Nordmarks. One of these individuals lost touch with Shawn after being rejected by ATO and the other is a long time employee and friend of the Nordmarks. The third man who spoke alleging that depression drove Shawn to suicide was an old high school acquaintance of Shawn's who had been barred from our home for sneaking inside one night when he thought the family was away. When discovered crouching in a bathtub and confronted with questions of why he was there, he jumped up and ran from the house slamming the door behind him. This man who has in the past been charged with passing a bad check, and with DUI and was allegedly fired from a locally owned Deli for stealing money seems to have been treated by the state attorney as if he were a renowned psychiatrist. In his first statement, he said Shawn was angry at his mother and it had gotten worse during the two weeks before his death and he probably committed suicide. In his next deposition a few months later, he told the state attorney things were wonderful between Shawn and his mother during the last two weeks because, as this armchair shrink stated, when people are going to commit suicide they reconcile with their loved ones. This same man went on to tell the state attorney how Shawn hugged him good bye that night as if this implied he would never see him again and planned on committing suicide. It is apparent by the deposition that he was never reminded that when he left the bar that night, no one even knew a gun would be bought into the environment and he obviously had no plans for suicide. Even Rita Nordmark testified under oath that Shawn was happy and having a great time and there had been no indication of depression or suicidal plans. I've got news for you which is widely known and confirmed by the fifty friends, relatives and fraternity brothers and many others; Shawn, his father, brother and I as well as the rest of his devoted family have always had a beautiful, loving, laughing and happy relationship. You would not be able to find one honest person who ever saw me angry at either of my sons. Their father and I did everything possible to teach them ethics and responsibility and always with a generous and loving attitude. Furthermore, I wasn't constantly on his back. I was always gentle and loving with him and with his brother, Daniel. Shawn had a wonderful, brilliant intellect and sparkling personality which as all our friends would agree would absolutely prevent him from taking his own life. Of course, when Shawn for the first time in his life got into trouble with the DUI 's, we became concerned and did everything we could to guide him back to the right path. I asked him to write down what he needed to do regarding paying fines, attending DUI school etc., and then instead of looking at the big picture, simply take one thing at a time until he had reached his goals and fulfilled his obligations. This does not make me a bad parent. As a high achiever, he did have a rough period, but was able to overcome it and was working his way back to success. He stayed close to his good friend Emily, the lovely young woman, whom the three above mentioned individuals tried to say drove him to suicide (along with his mother). You must have read her letter about how well she knew him, how happy he was before his death and that there was no way he would have committed suicide. And I will tell you, Shawn was very much like me - he

never would have given up and he never would have killed himself. And he would not pause while talking and giving directions home to a couple of people he hardly knew and shoot himself in their car. You know this is ridiculous. Didn't you read any of the letters referring to various discussions Shawn had with friends over the years when other people had committed suicide. He was always appalled by their actions. There were several guns and ammunition in his father's home even at the time of his death. He never was interested in handling any of them. Not one of the fifty people who wrote letters about Shawn were consulted or interviewed. None of the attorneys or staff whom Shawn was working with as a legal assistant were interviewed as to his mental state at the time of his death. If they had been questioned, as is revealed in their letters to the state attorney, they would have revealed Shawn's happy nature and the pride he displayed in his work. One of the attorneys and his wife had actually spent time earlier that Saturday listening to Shawn describe his excitement about his new job that was scheduled to begin on what turned out to be the day of his funeral. Unfortunately, the only comments that were considered regarding this fine young man were distorted and dishonest accounts by people who were not his friends. Incidentally, Jennifer Pysz did not know Shawn as well as she pretended. Her comments were obviously fabricated to assist her boyfriend in his attempt to cover his own involvement in the events that unfolded that night. Shawn did not commit suicide. Now one tiny hair has allegedly been determined to be Shawn's. This hair along with possible blood spots was found on the back passenger window one month after the car had been scrubbed clean with caustic agents including peroxide, Oxyclean and paint thinner. Law enforcement alleges DNA tests prove it was Shawn's hair and that he was sitting directly behind Dan Nordmark and close to the passenger side window, thus proving he shot himself there. However, the DNA report which should be able to isolate Shawn's DNA from millions of other individuals' DNA does not seem to indicate the probability that the hair belonged to Shawn. It does state there is a one in twenty-four chance that it came from a Hispanic male, one in fifteen that it belonged to a Caucasian male and a one in thirteen probability that it belonged to an African American male. Shawn was blonde and blue eyed with no Hispanic or African American DNA in his bloodline. Furthermore, your office and the FDLE agent's report indicates there was a follicle on the hair shaft which is necessary for the STR analysis. However, the FDLE analyst's handwritten notes clearly indicate there was no root on the hair. There is not one piece of credible evidence that Shawn ever asked for or held the gun. Officer Nordmark, on the other hand, has told two completely different and conflicting stories to place the gun in Shawn's hands.

Dan and Rita Nordmarks' and Sgt. MacKenzie's earlier version of Shawn's position in the car indicated he was sitting toward the middle of the back seat leaning left and center toward the opening between the front bucket seats with his head close to the driver's headrest while giving directions home when he was shot. Rita Nordmark has testified that the radio music was turned up very loud, thus he would have had to lean forward for her to hear his words. Her father in law told you that the gun was twelve inches from her head when it was fired and there was blood on the driver's head rest. The FDLE crime lab reports that the sun shade behind the driver's seat had high velocity blood spatter on it indicating Shawn was in close proximity to the shade when shot. Also the supplement to the police report indicates that Dan Nordmark was extremely intoxicated and unable to stand up that night. This evidence is more consistent with the possibility that Shawn may have been shot from the front passenger seat as such individual

was turned around, possibly talking to Shawn while still playing with the loaded gun and aiming the laser at Shawn's head; or in the alternative, someone could have simply reached through the open window and fired the gun. The testimony of the witnesses indicates that either of these scenarios could have occurred. Unfortunately these and many other questions pertaining to that night were never addressed by the Tarpon Springs police. This of course brings us back to Detective Mackenzie's chilling words reflected in his police report : **At 2:39 hours on September 2, 2001, I was called at my residence in reference to responding to a shooting at Helen Ellis ER with "Special Circumstances".** It is obvious that the Tarpon Springs police went out of their way to protect their fellow law enforcement officer and it distresses me that your office would allow this behavior to continue. Had it been one of your own precious children, my guess is that Dan Nordmark and the police officers who helped conceal the truth that night would be behind bars today and for a lot longer than twenty-one days.

Detective MacKenzie was honest about one thing when he E-mailed Officer Parsons instructing him to supplement the report and telling him the mother of the victim has gotten all of the reports and photographs and is not satisfied with the investigation. He then correctly told officer Parsons that the case was not going to go away and they would be in court over the case in the future.

Anyway, I do greatly appreciate the efforts you all made with the information that was available to your office and I am glad that Dan Nordmark no longer will be associated with law enforcement which allowed him to ignore the laws of this State. I am genuinely grateful for everything you have done, but I am sure you know that I will never give up until the truth is revealed. It may take years, but someday you will know that I am right, although I suspect you already are aware of this fact.

Please understand, I am only following through on my promise to make you aware of my concerns as requested by Mr. Porter and although I have never met Mr. Bartlett, I am thankful for his efforts and I have always had the greatest admiration and respect for Bernie McCabe. So, please understand that although I am forever grateful, I feel that I should be forthright and honest about my views on these issues. Thank you again. If you have any questions please do not hesitate to contact me.

Sincerely,



Michaela E. Mahoney

INVESTIGATIVE REPORT
STATE ATTORNEY OFFICE
SIXTH JUDICIAL CIRCUIT OF FLORIDA
SPECIAL INVESTIGATION UNIT

SUBJECT: SHAWN McMILLAN
DEATH INVESTIGATION

FILE: 07-2572

DATE: MARCH 19, 2002

On October 5, 2001 Investigator Steve Porter of this office met with Michaela Mahoney and her son Daniel McMillan regarding the death of Shawn McMillan. Michaela Mahoney presented copies of the Helen Ellis Hospital report, Tarpon Police Department offense report number 01-2513 and a fourteen page document authored by Michaela Mahoney which critiqued the Tarpon Springs Police Department and Florida Department of Law Enforcement (FDLE) investigations.

Pursuant to the above meeting this office conducted an independent investigation into the death of Shawn McMillan, whereupon a review of the Tarpon Springs Police Department offense report, FDLE reports, medical examiner report, expert witness reports and all photographs were made. In addition evidence maintained by both FDLE and Tarpon Springs Police Department was reviewed.

Further thirty-five witnesses with knowledge of this case were interviewed and sworn testimony was taken from twenty witnesses.

The facts derived from the witnesses interviewed indicate that no foul play was involved in the death of Shawn McMillan.

Dr. Siebert, Assistant Medical Examiner determined that Shawn McMillan's gunshot wound was self inflicted suicide. Dr. Siebert described the gunshot wound as a hard contact wound in which the barrel of the gun was in direct contact with the skin at the time of discharge. Dr. Siebert stated that gunpowder was embedded under the skin and into the skull. This could only occur when there is direct contact according to Dr. Siebert.

Other issues concerning the handling and discharging of the .25 caliber Sundance Semi-Automatic pistol outside the British Pub in Palm Harbor were also investigated with the following results. Bernie Dillman was observed by several witnesses (see witness attachment, addendum A) standing in the parking lot located in front of the business, handling and discharging the above stated firearm while intoxicated, contrary to FSS.790.15 (discharging firearm in public, 1° Misdemeanor).

Dan Nordmark was also seen in possession of the cited firearm and several witnesses observed Nordmark hand the firearm to Bernie Dillman. Nordmark helped Dillman aim the firearm prior to its discharge and was also intoxicated according to witnesses, (see witness attachment, addendum A) contrary to FSS 790.15 (using firearms while under the influence of alcoholic beverages, chemical substances, or controlled substances, 2° Misdemeanor). The

discharge of said firearm caused no injury to any of the bystanders including Shawn McMillan according to eyewitness testimony.

A synopsis of the events that took place beginning on September 1, 2001 is as follows; Shawn McMillan had spent the afternoon of September 1, 2001 with his mother Michaela Mahoney until approximately 4:30 or 5:00 p.m. at which time she dropped him off at the Ale House on U.S. 19 in Palm Harbor to meet his friends, Bill Varis and Andy Carney.

Sometime in the late afternoon hours Shawn McMillan and his friends left the Ale House and proceeded to Hooters on U.S. 19 in Palm Harbor. A friend Joey Craig later joined the group with his wife and son at Hooters at approximately 7:00 or 8:00 p.m. At the time they left, Craig states he and Shawn McMillan were intoxicated. Craig's wife and son went home and he proceeded to the British Pub with Andy Carney. Shawn McMillan and Bill Varis met him at the British Pub and he remained there until 12:00 p.m. at which time he left the British Pub. Andy Carney and Bill Varis also left the British Pub prior to midnight on September 1, 2001. Shawn McMillan told Craig that Bernie Dillman and Dan Nordmark would take him home. Craig states that he met Shawn McMillan outside the British Pub prior to leaving and talked for a few minutes and Shawn gave him a hug goodbye which he felt was unusual in retrospect.

At approximately 12:30 to 12:45 a.m. on September 2, 2001 Shawn McMillan left the British Pub with Dan Nordmark in Nordmark's

vehicle and proceeded to the Palms Bar & Grill in Palm Harbor. Rita Nordmark and Bernie Dillman proceeded to the Palms Bar & Grill in Dillman's vehicle. They all remained there until approximately 1:30 to 1:45 a.m. at which time an argument broke out between Kimberly Swailes (Karaoke D.J.) and Bernie Dillman. Said argument was over Dillman wanting Dan Nordmark to sing after last call had already been given. Swailes did not allow them to sing which caused a verbal argument. After the argument Rita Nordmark and Bernie Dillman left the Palms Bar & Grill and proceeded back to the British Pub. Dan Nordmark later called Rita Nordmark and told her that he had locked his keys in his car at which time Rita Nordmark returned to pick up Dan Nordmark and Shawn McMillan at Walmart located just north of the Palms Bar & Grill. They returned to the British Pub at about closing time. Rita Nordmark, who is an owner of the British Pub, proceeded inside the business to help Liz McCallum, a bartender, close the business.

Dan Nordmark, Bernie Dillman and Shawn McMillan remained outside with other patrons who had left the bar. Said patrons were interviewed and sworn testimony taken as follows: Steve Newman, Jennifer Pysz, Victoria Mulvey, Kara Gillen and David Adkins, Sr. A summary statement of each of the above stated witnesses is included in the file (see witness list, addendum A) as well as sworn statements.

In the parking lot outside the British Pub, Dan Nordmark was seen by Steve Newman removing a firearm from the rear interior of Rita Nordmark's vehicle and placed it on top of the car.

The firearm was being passed around between Dan Nordmark, Bernie Dillman and Shawn McMillan according to Jennifer Pysz. Dan Nordmark is also seen by Steve Newman putting the clip in the firearm and making several attempts to chamber a round. After having accomplished this he was seen handing the firearm to Bernie Dillman and showed him how to aim the firearm. Eventually the firearm was discharged by Dillman and witnessed by Steve Newman, Victoria Mulvey, Kara Gillen and David Adkins, Sr. The firearm was again passed around and ultimately Shawn McMillan was seen in possession of the firearm by Rita Nordmark and Jennifer Pysz. There are varying statements as to who had possession of the firearm at various times throughout the evening but ultimately Shawn McMillan was handed the gun by Dan Nordmark according to Jennifer Pysz. Patrons who were outside in the parking lot of the British Pub indicated that Dan Nordmark, Bernie Dillman and Shawn McMillan were all intoxicated at the time of the gun handling and discharge incident. Patrons interviewed stated Shawn McMillan was not injured during the above related incident. Further, none of the witnesses interviewed at the British Pub indicated there was any argument going on between Shawn McMillan, Dan Nordmark or Bernie Dillman.

After the discharge incident everyone entered their vehicles and began leaving the parking lot. Rita Nordmark, Dan Nordmark and Shawn McMillan left westbound on Klosterman Road in Rita Nordmark's 1996 Honda Civic. Rita Nordmark was driving, Dan Nordmark was seated in the right front passenger seat and Shawn McMillan was seated in the rear passenger seat. They proceeded westbound to Alt. 19 and then turned north proceeding to take Shawn McMillan home which is located in N.W. Tarpon Springs. Somewhere in the vicinity of the Helen Ellis Hospital, Dan Nordmark states he asked

and at that point had turned to his left and heard the gun discharge at which point Shawn McMillan slumped over to the driver's rear passenger side. Rita Nordmark states she immediately turned around and drove to the Helen Ellis Hospital Emergency Room entrance and summoned help.

Numerous issues were brought to our attention regarding the Tarpon Springs Police Department investigation by Michaela Mahoney as follows:

1. No Gunshot Residue Test (GSR) was performed by Tarpon Springs Police Department on Dan Nordmark, Bernie Dillman and Shawn McMillan; It has since been determined that if the testing had been done it would not have been conclusive evidence due to Dan Nordmark, Bernie Dillman and Shawn McMillan having handled the firearm after its discharge in the parking lot of the British Pub according to eyewitness testimony. GSR testing on Shawn McMillan's shirt was requested by Tarpon Springs Police Department however did not meet FDLE submission criteria, (see FDLE Gunshot residue analysis (GSR) Submission criteria, addendum B). Lead residue testing was requested on Shawn McMillan and Dan Nordmarks shirts which met with negative

results. This is not unusual according to F.D.L.E. firearms analyst John Romeo due to the close contact wound.

2. The firearm, 25 caliber Sundance Semi Automatic had been wiped clean of evidence; Said firearm had been fingerprinted by Sgt. MacKenzie of the Tarpon Springs Police Department. One latent lift showing a single ridge detail with only one point of comparison was lifted (see latent lift report, addendum C). This was not of comparable value. At the time the firearm was turned over to FDLE black fingerprint powder was found on the firearm with smudging according to Special Agent Supervisor Richard Pyles. However, no prints of value for comparison were noted or lifted, (see FDLE Latent Print Examiner's report by Steven Stark, dated 11/30/01).

3. A blood pull was not taken from Dan Nordmark by Tarpon Springs Police Department regarding F.S.S. 790.155, blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force. At the time Shawn McMillan arrived at the Helen Ellis Hospital, Tarpon Springs Police Department was not aware of the gun handling and discharge incident that occurred at the British Pub. They did not become aware of the incident until several weeks after the death of Shawn McMillan. By this time their case had been closed. **NOTE:** The British Pub and the Palms Bar & Grill are in the Sheriff's Department jurisdiction and not within the jurisdiction of Tarpon Springs Police Department. Had this information been available at the time Tarpon Springs Police Department made their initial inquiry there may have been a different outcome.

4. Detective MacKenzie failed to verify statements of witnesses regarding Dan Nordmark stating he had been at the Shades Bar; An attempt was made to verify said information by Tarpon Springs Police Department. They contacted the Pinellas County Sheriff's Office, (see dispatch log attached, addendum D), who dispatched a unit to the Helen Ellis Hospital. Deputy Thomas Goettel checked the Sheriff's Department call log which showed no calls to the Shades Bar. There was an unrelated incident that occurred on Crystal Beach Avenue, across from the Shades however, did not involve Shawn McMillan. **NOTE:** At the time Deputy Goettel received the call the Shades Bar

was closed. There was no further follow-up by either agency.

5. Detective MacKenzie and other Tarpon Springs Police Officers failed to gather any physical evidence of any kind that could be used against Dan Nordmark. Not only did they witness Nordmark's extreme intoxication and fail to adequately determine his condition in the police report; Officer Marc Parsons of Tarpon Springs Police Department documented Dan Nordmark's intoxicated state, (see Officer Marc Parsons supplement dated 9/12/01, addendum E). The supplement clearly describes Dan Nordmark's intoxicated condition when contact was made by Officer Parsons at the Helen Ellis Hospital.
6. Tarpon Springs Police Department did not impound Rita Nordmark's vehicle; This undoubtedly should have been done by Tarpon Springs Police Department to secure and maintain evidence located inside the vehicle. The vehicle was later processed by FDLE and high velocity blood splatter was found on the right rear passenger window next to where Shawn McMillan was seated. This evidence is indicative of the firearm being in close proximity to the victim's head and the right rear passenger window at the time of bloodshed.

Other issues that are worthy of discussion and cited by

Michaela Mahoney are as follows:

7. Michaela Mahoney indicated that an individual she met at Stokers Billiards located at 30901 U.S. Highway 19 North, Palmer Harbor, Florida provided her with the following information. The individual stated that the facts surrounding Shawn McMillan's death had been distorted and misrepresented and that Shawn had stepped between the men when the gun was fired a second time; The above individual was identified as Heather Miller and was interviewed at the State Attorney office on 2/6/02. Miller had no direct knowledge of the events that took place regarding this incident. The information provided by Miller came from individuals she heard talking at Stroker's several weeks after the death of Shawn McMillan. She admitted being intoxicated at the time and could not identify any of the individuals she heard talking. (See Heather Miller's interview dated 2/6/02).

8. Michaela Mahoney indicated that Dan Nordmark and Rita Nordmark lied to Tarpon Springs Police Officers about their whereabouts during the evening of 9/1/01; According to the Tarpon Springs Police report, Dan Nordmark stated he and Shawn McMillan had gone to the Shades Bar in Palm Harbor to sing Karaoke.

It cannot be determined if Dan Nordmark purposely lied or in his intoxicated state misidentified the Palms Bar & Grill as the Shades Bar.

Rita Nordmark never mentioned the Shades Bar in her interview with the Tarpon Springs Police Department. However she did indicate she was at home when contacted by Dan Nordmark to come and pick him and Shawn McMillan up at a bar, (not named) according to the report. Rita Nordmark appeared at the State Attorney office and provided sworn testimony. Rita Nordmark stated she was at the Pub when she received a call from Dan Nordmark. She indicated that the Police report was wrong. She also indicated that the Tarpon Springs Police report was incorrect in stating she had seen Shawn McMillan shining the laser light around in the parking lot at the Pub. She indicated she had seen Dan Nordmark shining the laser light.

When interviewed by FDLE both Dan and Rita Nordmark provided the Palms Bar & Grill as the location where they had been with Shawn McMillan during the late evening hours of 9/1/01 and early morning hours of 9/2/01. Rita Nordmark provided sworn testimony indicating she had been at the Palms Bar & Grill with Bernie Dillman, Dan Nordmark and Shawn McMillan on the night in question and not the Shades Bar.

9. Michaela Mahoney stated that Agent John Halliday told her he had a very short interview on the telephone with Kimberly Swailes, an important and crucial eyewitness. Halliday explained that Swailes had the flu so he didn't keep her on the telephone for long and did not call or visit her later to have her ID the men, who had accosted her and share her insight into the events of the evening.

Kimberly Swailes appeared at the State Attorney office and provided sworn testimony. Swailes indicated that she was working at the Palms Bar & Grill as a Karaoke D.J. during the late evening hours of 9/1/01 into the early morning

hours of 9/2/01. Swailes stated that Bernie Dillman and Dan Nordmark verbally accosted her because she would not let them sing explaining there was a rotation and she would try and accommodate them.

Swailes stated they quieted down after the bar waiter, Ed Werde talked to them however, at closing time they began to call her names and threatened to beat her friend Doug Baird's ass. Swailes states that she began to load her equipment into her car and Dillman and Nordmark surrounded her in the parking lot and began calling her names. Swailes stated Shawn McMillan intervened and said, "why are you yelling at her?" "she didn't do anything". "She was doing her job." "There is no reason to call her names like that". Swailes indicated both Dillman and Nordmark stared at McMillan and at this point she left.

Doug Baird appeared at the State Attorney office and provided sworn testimony however could not corroborate statements made by Kimberly Swailes. Baird denied being threatened by Dillman or Nordmark and did not see the incident Swailes stated took place in the parking lot. Further, Ed Werde, (bar waiter at the Palms) appeared at the State Attorney office and provided sworn testimony. Werde states he witnessed the verbal confrontation inside the Palms Bar & Grill, however states the confrontation as alleged by Swailes that supposedly took place outside, never happened. Werde states he would have observed such an occurrence if it had taken place.

10. Michaela Mahoney states that FDLE chose not to formally interview Steve Newman, an extremely important witness; Newman was interviewed by Channel 28 News reporter Mark Friedman, and related that he believed Bernie Dillman killed Shawn McMillan behind the British Pub. Steve Newman appeared at the State Attorney office and provided sworn testimony. Newman was questioned regarding his comment to Channel 28 News. Newman stated he based his opinion on information that they (Dan Nordmark, Bernie Dillman and Rita Nordmark) had lied to the Police about where they had been during the evening of 9/1/01. Further, Newman indicated there were leaves found in Shawn McMillan's hair at the hospital and indicated that there are trees located behind the British Pub. Newman was asked about how he knew the above stated information and responded that he had telephonically talked to and met in person with Michaela Mahoney. Mahoney had further showed

him police reports. Newman stated he had heard that Shawn McMillan was making a pass at Jennifer Pysz, (Bernie Dillman's girlfriend), and that Bernie got angry. Newman extrapolated his opinion based on the above information. There was no factual basis for Newman's conclusions and further witnesses interviewed had no knowledge of Shawn McMillan making a pass at Jennifer Pysz. Jennifer Pysz emphatically denies this ever occurred. Newman advised that he told the Channel 28 News reporter that was his opinion.

11. Michaela Mahoney states that she had received information from Victoria Mullins (Mulvey) that blood had leaked out of Rita Nordmark's vehicle onto their driveway. Mahoney questioned if Shawn McMillan could have possibly been shot at that location;

Rita Nordmark, William Nordmark and Pat Nordmark appeared at the State Attorney office and provided sworn testimony. Rita Nordmark states after the release of her vehicle by Tarpon Springs Police Department she attempted to clean the blood off the rear seat of her vehicle. Rita Nordmark states she was assisted by her mother-in-law Pat Nordmark and father-in-law William Nordmark. Rita Nordmark states she placed a water hose in the back seat and let it run to flush the blood out of the seat. They also used a cleaning product, Oxi-Clean. Rita Nordmark advised that water mixed with blood had leaked through the bottom of her vehicle onto her driveway. The vehicle began to smell after several days and was taken to a detail shop for further cleaning. Eventually Rita Nordmark had the rear seat replaced by her Insurance Company because she could not remove the odor from her vehicle.

12. Michaela Mahoney indicated that another issue that raised many red flags concerned statements made by Dan Nordmark to Victoria Mulvey. Mulvey advised her that Dan Nordmark told her that Tarpon Springs Police Department had seized his shirt because it was covered with Shawn's blood; Dan Nordmark's shirt was seized by Officer Marc Parsons of the Tarpon Springs Police Department on 9/2/01. Forensic Examiner Maximino Sanchez of the Tarpon Springs Police Department transported Dan Nordmark's shirt to the Pinellas County Sheriff's Department Forensic Unit where forensic tests were performed by Sandy Jacobs, (see addendum F). A visual examination, alternate light

source, phenolphthalien and luminol tests all were negative for blood.

13. Michaela Mahoney mentioned that she had combed leaves out of her son, Shawn McMillan's hair while at the hospital. She felt this was indicative of the crime scene possibly being somewhere other than the interior of Rita Nordmark's vehicle;

There are oak trees located in the parking lot of the British Pub, the parking lot of the Palms Bar & Grill and surrounding the parking lot of Walmart located across from the Palms. Shawn had been at all of the above stated locations during the early morning hours of September 2, 2001. The leaf debris could have fallen from any of the trees into Shawn McMillan's hair. Further the leaf debris could have been transferred from the interior of Rita Nordmark's vehicle. There was no evidence or corroborative testimony that would indicate that Shawn McMillan was shot anywhere other than inside Rita Nordmark's vehicle.

The leaf debris was examined at F.D.L.E. which consisted of a small leaf particle and what appeared to be a particle of bloom.

14. Michaela Mahoney felt that it was suspicious that one of Shawn McMillan's shoes (tie) was found inside Rita Nordmark's vehicle. Interviews were conducted and it was determined that it took three individuals to extricate Shawn McMillan from Rita Nordmark's vehicle, a 1996 Honda Civic, four door sedan, at the Helen Ellis Hospital due to his size and body weight. The possibility exists that the shoe came off during the process of removing him from the vehicle. Again there was no evidence or witness testimony that would indicate that this incident occurred somewhere other than in Rita Nordmark's vehicle.

FINAL NOTE: Due to the Medical Examiner having determined the cause of death to be a self inflicted gunshot wound/suicide, questions concerning alcohol and drug abuse as well as Shawn's

personal relationships were asked of witnesses, in an attempt to determine his state of mind. Witnesses indicated that Shawn McMillan had been extremely depressed, (see sworn statements provided by Andrew Carney, Liz Carney and Joey Craig), during the months prior to his death. He had experienced a failed relationship with a recent girlfriend, (see Stephanie Manticos sworn statement in file) and was abusing drugs and alcohol according to friends, (see Andrew Carney's and Liz Carney's sworn statement), who saw him frequently. He did not have a Florida Driver's License due to a suspension for D.U.I and was having to depend on his friends for transportation to and from work. Some of Shawn's friendships began to deteriorate because he would not heed to their advice concerning his alcohol and drug abuse, (see Liz Carney and Andrew Carney's sworn statements).

Two of the witnesses interviewed, Liz and Andrew Carney indicated that they had a conversation with Daniel McMillan, (Shawn's brother), at the hospital on the day of the shooting. Dan McMillan alluded to the fact that he felt his brother had shot himself due to some recent comments he had made. Daniel McMillan related how he would be driving in the car and would tell Shawn to put on his seat belt and he would say, "Why? It would be better if I didn't anyways". Dan McMillan later appeared at the State Attorney Office and provided sworn testimony and denied having made the above statements. I feel the above information is worthy of mentioning due

to there being no suicide note or statements made by Shawn McMillan in the hours prior to his death. To the contrary some of the witnesses interviewed as well as numerous friends who submitted letters to this office indicated he appeared happy and was anxious to begin a new job. Many felt he would not commit suicide.

Upon numerous interviews having been conducted, there is no evidence or eyewitness testimony that would indicate that anyone other than Shawn McMillan inflicted his fatal gunshot wound either accidental or suicide. High velocity blood spatter found on the interior right rear passenger window by FDLE clearly places the crime scene inside Rita Nordmark's vehicle. There was a hair follicle with blood found on the right rear passenger window that has been identified as Shawn McMillan's. There is no supportive information from any of the witnesses interviewed that would indicate Dan Nordmark or Bernie Dillman were directly involved in the shooting of Shawn McMillan.

Shawn McMillan's blood alcohol level was .221 when admitted to Helen Ellis Hospital, (no drugs were found in his system). The possibility exists that Shawn McMillan while in an intoxicated state was attempting to activate the internal laser light by squeezing the grip of the gun. In doing so an internal safety mechanism located on the rear of the grip was deactivated by squeezing the grip. Shawn McMillan could have shot himself accidentally, not realizing the gun was hot with a live round in the chamber. The gun was a

single action firearm which required the slide to be pulled back to chamber a round. This had already been accomplished by Dan Nordmark prior to Bernie Dillman having discharged the firearm while at the British Pub. After the first round is fired the slide is gas activated and a live round is chambered. There is a possibility that Shawn McMillan was not aware of this due to his unfamiliarity with semi-automatic handguns.

Dr. Siebert of the Medical Examiner's Office determined the death to be suicide due to the close contact wound to the right temple area of the head. There is no witness testimony supportive of Shawn McMillan having contemplated suicide, however in his intoxicated condition the possibility exists that he reverted to depression (as previously indicated in sworn statements provided by witnesses) and decided to take his life.