

1 IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA

2
3 STATE ATTORNEY INVEST

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5 RE.

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8 STATEMENT OF DAVID ATKINS
9 _____ /

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11 DATE/TIME: February 28, 2002; 11:30 a.m.

12 PLACE: Pinellas County Justice Center
13 14250 49th Street North
Clearwater, Florida 33762

14 REPORTED BY: Robert William Wagner
15 Notary Public,
State of Florida at large.

16 APPEARANCES:

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ORIGINAL

1 had too much to drink and somebody was going to help him
2 out.

3 Q. Were you aware there was gun discharged outside?

4 A. Yes. That's why we left and went home is I became
5 aware that Danny and Bernie were standing out at the back of
6 the car after -- this was a few minutes after they had
7 helped Shawn into the car -- they were standing out at the
8 back of the car and the next thing you know is bang and
9 whiz. I even heard the bullet go over the parking -- you
10 know, what's going on here? And the moment we saw that we
11 were worried that if they're playing around with a gun it's
12 going to be at us next. So we got in the cars and left at
13 that point.

14 Q. Were you with Steve Newman then?

15 A. Steve Newman, Victoria Mulvey, I think Kara was
16 there, my son was there, and I think my daughter was there.
17 We were sitting like in two cars sort of really like maybe
18 sitting in and out, standing up outside the car just
19 chatting.

20 Q. So your car was near Steve Newman's car?

21 A. I believe my car was near Victoria's car.

22 Q. Okay.

23 A. I think -- when I think back on it now, I think
24 our two cars were there. There was I think there were
25 three or four cars there, but we were standing between two

1 cars. And I think Victoria was sitting in one of the cars
2 or like sitting with her legs out or Kara was, one of the
3 two. So we -- some of us were standing and sort of talking
4 into the cars with the car doors open, just sitting around
5 chatting more or less.

6 Q. All right. Did you see the gun when it came out?
7 When did you first become aware somebody had a gun?

8 A. I may have become aware of it with them looking at
9 it a minute or so earlier which, number one would have
10 concerned me; but the main thing at the time I really got
11 concerned with when the gun was fired.

12 Q. Who had the gun when it was fired?

13 A. Bernie.

14 Q. Well, tell me as best you can recall when you
15 remember somebody -- you know, being cognizant that there
16 was a gun being handled?

17 A. Bernie and Dan were standing out back of the car,
18 and it could have only been the most a minute or two before
19 the gun went off; and I'm those silly idiots. Dan is a
20 corrections officer so I know he has guns and things like
21 that. But silly idiots is what I thought at that point, and
22 then the next thing you know the gun -- so it could have
23 only been a minute or two. And the gun went off, and I said
24 I know I heard the bullet go whiz across the parking lot.

25 Q. Did you ever see him with a laser sight, you know,

1 shining it around? Do you know what a laser sight is?

2 A. Yes, I know. No, I didn't see that.

3 Q. And your recollection is that during the entire
4 time this gun is being handled Shawn is in the back of the
5 car?

6 A. I believe that was -- I believe that was after
7 they helped him into the back of the car, yes.

8 Q. Could it have been later that they helped him into
9 the back of the car?

10 A. No. Because after the gunshot we left. We left.
11 We talked like we're not hanging out here. You know we
12 don't know what's going on. Get out of here. That's when
13 we -- we were probably there maybe another minute, two
14 minutes max or so after the gunshot. Because we just said
15 we don't want to -- that sort of thing does not happen at
16 that pub.

17 That's one of the reasons I drive eight miles each
18 way to that pub because you don't get in fights. You don't
19 have that sort of crap going on at that pub, and that night
20 was the first time in ten years anything had happened like
21 that at that place. And that's not the point in fact. I
22 made up my mind and I went in to chew the owner, Chris,
23 Danny's brother, out about it the next day; and then that's
24 when I was informed what had happened. And Chris said,
25 "Well, you know, Danny learned a lesson. Shawn was