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IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA

STATE ATTORNEY INVEST

RE.

STATEMENT OF KARA GILLEN

DATE/TIME: February 19, 2002; 10:00 a.m.

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

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

APPEARANCES:

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ORIGINAL

1 the bar and he got a phone call from Dan saying that he
2 locked his keys in his car. So Rita left to go pick him up,
3 and they all came back maybe around closing time. And I was
4 outside towards the end of the parking lot, towards
5 Klosterman Road with Victoria, and Steve Newman, Dave.

6 (Looking At A Diagram.)

7 Q. Pub, Rita's car, Steve's car. Does that look
8 about right?

9 A. Yes. And my car was right here. We were standing
10 by Steve's car.

11 Q. Your car is?

12 A. Towards the end here, towards Klosterman, not
13 close them; but there was big gap between -- because I
14 remember walking to my car when they left.

15 Q. Put an "X" where it would be roughly.

16 A. And I was nervous because there was a big space
17 that I had to walk through to my car.

18 Q. Initial it for me. Okay.

19 A. We were all standing around. And they were being
20 loud and obnoxious. Jennifer showed up. And I didn't see
21 them pull the gun out. I just remember looking up after
22 that and seeing Dan Nordmark and Bernie Dillman's both arms
23 in the air like this, and that's when I got really scared,
24 and I jumped in the back of Newman's car. So I was sitting
25 in the back of Steve Newman's car with the door open.

1 Victoria was in the front seat with the door open, and we
2 were just conversing as to what we were going to do. If we
3 were going to go home, if we were going to hang out with
4 everybody or what. And the gun went off. I didn't see who
5 shot it off. Everybody was saying it was Bernie, but I
6 didn't see that. I just remember hearing it.

7 Q. How did you know they had a gun?

8 A. Because I saw it when they were holding it up.

9 Q. Okay. When you saw it when they were holding it
10 up, which one of they had it?

11 A. Bernie had it. And I remember Rita coming out of
12 the pub. I'm not sure if she had a glass of beer or not. I
13 think she was carrying something. And I remember her
14 saying, "Hey, hey, hey." And she said stuff after that, but
15 I don't remember what she said. I couldn't hear it.

16 Q. Was Shawn standing around that you remember?

17 A. I think Shawn was leaning on the car.

18 Q. When the gun went off?

19 A. Leaning against the car with his back towards them
20 they were behind -- they were behind him.

21 Q. Okay.

22 A. He was talking to Jennifer.

23 Q. Did you ever see Shawn with the gun?

24 A. No.

25 Q. Did you ever see them, I say them meaning Dan or

1 Bernie shining the gun around the parking lot with a laser
2 sight?

3 A. I didn't see that.

4 Q. Did you ever see the laser sight activated?

5 A. No.

6 Q. Do you know what a laser sight is? Like a little
7 red dot?

8 A. I've seen it like on TV.

9 Q. Yes. Just like that. You never saw that?

10 A. I didn't see that, no.

11 Q. And you said you got in your car and left?

12 A. After it went off, we were just standing around
13 and we were like we couldn't believe what happened; and
14 finally we all left. I went to Victoria's house, and
15 everybody else went home.

16 Q. Were they still there when you left?

17 A. Yes. I just remember being really nervous because
18 there was a big space between where we were and my car. We
19 all kind of scattered really quickly after it went off and I
20 just remember running to my car real quick.

21 Q. And when you left where Bernie and Shawn and Dan
22 there?

23 A. Yes. Rita and Jennifer.

24 Q. Jennifer, okay. Any problems between those folks
25 at all that night you saw?

1 A. I didn't see. All of them were very intoxicated.
2 Well, I don't know about Jennifer because I think she was
3 working; but they were all just sloppy, you know, just
4 staggering around. Bernie, Dan, Shawn.

5 Q. And you've seen these folks sober and you've seen
6 them in the condition they were that night and there's no
7 question they were?

8 A. No question.

9 Q. But in any event when you leave Dan, Bernie, and
10 Shawn are still there out in the parking lot doing whatever?

11 A. Uh-huh.

12 Q. Do you know where the gun came from?

13 A. No. Well, I heard it was Dan's. I knew that Dan
14 had a gun. I'd never seen it.

15 Q. That night did you see, do you know who had the
16 gun or anything like that?

17 A. No.

18 Q. You never saw Shawn with the gun?

19 A. No. I was pretty surprised to see Shawn there
20 because I didn't think that Shawn hung out with them. And
21 when he was sitting at the game machine when I showed up at
22 the pub, he was sitting by himself at the game machine, and
23 he was kind of like slouched back in the chair, just staring
24 at the game. And I was like what's he doing here, and he
25 was by himself, and he looked kind of drunk himself. I get

1 A. I saw him maybe five times, four or five times
2 after and that was at the pub.

3 Q. Did he tell you his version of what happened?

4 A. The next night he came over to Victoria's house
5 late, maybe about 2:00, 2:30 in the morning. And that's
6 when we had just heard about it. Right before or actually
7 right when we got to Victoria's house, Dave Adkins showed up
8 and said -- we were all -- we were still talking about how
9 they couldn't believe they had a gun and how it went off
10 and.

11 Q. This is 24 hours later; right?

12 A. Right.

13 Q. Okay.

14 A. Because I guess Steve Newman went to the pub the
15 next day right after it happened and talked to the owner
16 Chris Nordmark. And Steve Newman was like, you know, "I
17 can't believe they would do that when we're all hanging out
18 there."

19 And somebody said, "Well, Dan got his." And
20 that's when we found out that the gun had went off and that
21 Shawn was dead. And we're still so in shock. So Dan came
22 over at about 2:30 to Victoria's house. And he was just,
23 you know, he was real run down and he was drinking. And
24 just remember him saying. He kept saying over and over
25 again, "The safety was on. The safety was on. The safety

1 was on."

2 Q. Did he give you any other?

3 A. He told us that I think he said the gun went off
4 in the car and he jumped -- I think they pulled over, and he
5 jumped in the back seat. And then they rushed up to Helen
6 Ellis because they weren't far from Helen Ellis. And they
7 brought him to Helen Ellis, and he said that they took his
8 shirt because there was blood all over it.

9 Q. Did he give you any explanation as to how the gun
10 discharged in the car?

11 A. He said that Shawn had it and then he asked for it
12 back. I guess he put his arm back to reach for it and
13 that's when he said it went off.

14 Q. Did he indicate he ever got the gun into his hand
15 or anything like that?

16 A. No. I don't think he said he did.

17 Q. Did he say he ever bumped the gun or hit him or
18 anything at all that would suggest he had any involvement in
19 the actual discharge of the firearm?

20 A. No. He just said that he asked for it back; and
21 when Shawn was passing it back to him, it went off.

22 Q. Have you talked with anybody else who is purported
23 to have direct knowledge of what actually happened?

24 A. No. Bernie and I were really good friends. We
25 hung out a lot all throughout high school and after high