

1 IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA

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3
4 STATE ATTORNEY INVEST

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8 RE.

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11 STATEMENT OF VICTORIA MULVEY

12 _____ /
13
14 DATE/TIME: February 19, 2002; 9:30 a.m.

15 PLACE: Pinellas County Justice Center
16 14250 49th Street North
Clearwater, Florida 33762

17 REPORTED BY: Robert William Wagner
18 Notary Public,
19 State of Florida at large.
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23

24 KANABAY COURT REPORTERS
25 TAMPA AIRPORT MARRIOTT HOTEL (813) 224-9500
ST. PETERSBURG - CLEARWATER (727) 821-3320

ORIGINAL

1 Q. Go ahead. Tell me what happens in the parking
2 lot?

3 A. We were sitting in Steven Newman's car. We were
4 all sitting talking. You know, it was just about 2:00. We
5 were deciding if we were going to go somewhere like over to
6 someone's house or -- you know, we were just sitting in the
7 car talking, you know, just talking to Dave's son and
8 daughter was there because they were visiting from out of
9 town so we don't see them that often, so we were just all
10 hanging out. And then Rita came back with Dan and Shawn.

11 Q. Okay.

12 A. And she went back into the pub, but Dan stayed
13 outside with Bernie and Jennifer.

14 Q. Okay.

15 A. Shawn was still in the car. He hadn't come out of
16 the car, and we were all just sitting talking and somebody
17 said, "Oh, they have a gun." I didn't really believe them.
18 I didn't think you know -- and then I saw Dan showing Bernie
19 how to hold the gun. And they standing in the middle of the
20 parking lot and then the gun went off.

21 Q. Okay. Did Shawn ever get out of the car?

22 A. He did at one point.

23 Q. Before or after the gun was fired?

24 A. I'm not sure. I just remember Jennifer saying,
25 "Shawn McMillan, what the hell are you doing?" She didn't

1 know he was there because he was still in the car when
2 got -- she was there but Shawn had never got out of the car.

3 Q. Why would she say, "Shawn McMillan, what the hell
4 are you doing"?

5 A. Probably because she was surprised to see him with
6 them because he never spent any time with them.

7 Q. Okay.

8 A. She had been at work. She hadn't seen them all
9 night. So she just got there, and she was surprised to see
10 him, you know.

11 Q. And you don't know if he was in the car or out of
12 the car when the --

13 A. I can't remember if it was before or after.

14 Q. Did you ever see Shawn with the gun at all?

15 A. No.

16 Q. Did you ever see anybody shining the laser sight
17 around?

18 A. No.

19 Q. Did you actually see Bernie fire the gun?

20 A. Yes.

21 Q. Did Dan point the gun at anybody or anything like
22 that?

23 A. No.

24 Q. Okay. When the gun was fired what direction was
25 the gun fired?

1 A. I was sitting here. And Dan and Bernie were right
2 there.

3 Q. And they shoot in this direction?

4 A. Yes. And I was sitting in the front seat of
5 Steve's car.

6 Q. Okay.

7 A. We decided we better get out of there. We were
8 like somebody was going to get killed. These guys are
9 idiots. And they were laughing and joking and stuff. So I
10 walked -- my car was parked right like there with the first
11 handicapped thing, and Dan -- Rita came out and said to Dan,
12 "What the hell are you doing? I told you to keep the gun in
13 the car." And Dan was like Rita go in and get us some more
14 beers. And she said, "No, you don't need anything else to
15 drink." And I got in my car and left.

16 Q. Where was Shawn when this was going on?

17 A. He was kind of leaning against the car.

18 Q. Out back here with Dan and?

19 A. Well, he was kind of leaning against the car and
20 Dan and Bernie and Jen we talking. He wasn't really
21 participating.

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

23 A. No.

24 Q. At any time was there any problem between Shawn
25 and Dan or Shawn and Bernie at all? When I say any problem,

1 possession of the gun, Dan?

2 A. Whether Dan had possession of the gun? No.

3 Q. Did he ever tell you why Shawn had the gun?

4 A. No. I asked him. And he explain that. You know,
5 I said to him, "Why would Shawn have the gun? Him and
6 Bernie had it. How did Shawn get the gun back?" He never
7 gave me a conclusive answer why.

8 Q. After the gun was fired did you see where the gun
9 went to that night?

10 A. No.

11 Q. You don't know if Dan took or Bernie or Shawn?

12 A. No.

13 Q. And you never saw Shawn with the gun?

14 A. No.

15 Q. Did you see what was presented on the news the
16 other night?

17 A. Yes.

18 Q. You saw both segments?

19 A. Uh-huh.

20 Q. Is there anything that based on your observing
21 that presentation by the Channel 28 news people in which
22 several people were interviewed was there anything about
23 that that you would like to comment on as far as from a
24 factual standpoint that you agree or disagree with something
25 somebody said?

1 A. As far as the investigation, I have no idea. I
2 had heard about what happened in the Palms from people who
3 work there.

4 Q. Who did you talk to?

5 A. Eddie.

6 Q. Werda?

7 A. Yes. We went in there two nights later and we
8 heard about it. And the only other thing is Dan told me
9 that the police took his t-shirt off him that night because
10 it was covered in blood which on the news or in the
11 newspaper I think it was they said there was no blood on the
12 t-shirt. He told us that the next night.

13 Q. At the bar?

14 A. No. He came over to my house the next night and
15 that's how we found out about it on the Sunday night.

16 Q. So you're obviously pretty good friends with Dan?

17 A. I was, yes. We had gone there to reprimand -- not
18 reprimand -- to say something about to his brother about him
19 firing the gun because we thought it was completely out of
20 order that he would be doing that, and that's how we found
21 out that night what happened.

22 Q. Say that again now?

23 A. We were there on the Saturday night. You know we
24 left right after they fired the gun. On the Sunday I know
25 that Steve Newman went during the day to speak to Chris,

1 influence or intoxicated or anything?

2 A. No.

3 MR. BARTLETT: Steve, have you got anything
4 else?

5 EXAMINATION

6 BY MR. PORTER:

7 Q. Yes. I'm looking at a report that was done by the
8 Florida Department Of Law Enforcement by Agent Halliday who
9 you had a conversation with about this. I just want to
10 clarify this for the record. It says in here: "Victoria
11 was seated in the front seat of Steve Newman's car with Kara
12 in the back seat. They were talking when she noticed Dan
13 Nordmark showing Bernie Dillman a gun. She noticed him
14 pointing it up in the air in the general direction of to the
15 west, the Farm Store area. The next thing she heard was a
16 loud blast apparently with the gun being fired. She did not
17 see the gun being fired by any one person and can only say
18 that Bernie was the last person she saw in possession of the
19 gun." Is that accurate or is what you said today that you
20 actually saw Bernie with the gun firing the gun?

21 A. They were both holding it. Well, I mean they were
22 like both holding it together and then Dan had his hand up
23 in the air showing him like how to -- I guess he was showing
24 him how to direct the gun or whatever. And then Bernie,
25 Bernie was the person I saw with the gun.

1 Q. Okay. But when the gun went off --

2 A. They both standing together.

3 Q. They were standing together, but the gun was in
4 Bernie's hand?

5 A. Yes.

6 Q. And you saw the gun discharge?

7 A. I heard it. I wasn't like -- I just, you know.

8 FURTHER EXAMINATION

9 BY MR. BARTLETT:

10 Q. Did you see a flash or anything?

11 A. No. I saw just they were just standing together
12 holding the gun and then it went off.

13 Q. But what Steve's saying is Bernie had the gun?

14 A. Yes.

15 Q. When it went off?

16 A. Uh-huh.

17 Q. Not Shawn, not both of them, just Bernie?

18 A. No, not Shawn wasn't there.

19 Q. I mean not Dan?

20 A. Dan, no.

21 FURTHER EXAMINATION

22 BY MR. PORTER:

23 Q. Also at any point in time did you see anybody come
24 out of the bar after the gun was fired and come out to the
25 parking lot and say anything?