



T.A. LAVOY & ASSOCIATES
Forensic Consultants/Investigators

October 7, 2004

Ms. Michaela E. Mahoney
600 Victory Garden Drive, C26
Tallahassee, FL 32301

Dear Ms. Mahoney:

In answer to the questions posed in your letter of August 29, 2004, I offer my opinions in response below.

First of all, regarding the distance at which Shawn sustained the fatal wound and based on the autopsy photos, autopsy report, the "burn" across the right eye, and the "burn" on his shirt.

The autopsy information/data in Dr. Siebert's report indicates observations of "focal blackening of the edges" at that wound and a second area of abrasion located 0.8cm below the entrance in the 6 o'clock position. He also notes "focal soot deposition on the external table of the bone" at the entrance defect.

The sooting which he describes along with the blackening (burning) of the edges of the entrance hole and my examination of the photographs provided, are both consistent with the muzzle of the firearm having been in contact with the skin covering the skull at the point of entry, meaning that it was a contact shot to the right side of the head.

Entrance was 2 ½ inches above and 2" anterior to the right external auditory meatus and exited the skull 3" above and ¾" posterior to the internal auditory meatus. Basically, the direction was from right to left and slightly front to back. There was no autopsy diagram available in the information provided to more graphically show the direction of the wound track.

In regards to the "burns" above the right eye, in my opinion, they are not burns but likely trauma associated with the reddening and blackening that both of the eyelids sustained and is observable in the photographs supplied to me that were taken by the ME's office.

This discoloration almost always occurs with a contact gunshot wound to the head and are a result of the very high pressure created by the muzzle blast which enters the skull and destroys the very sensitive veins in the eye socket area. This phenomenon is another physical characteristic of a contact gunshot wound to the head.

Examination of the photos submitted of the area adjacent to the entrance wound do not display any characteristics, which would lead me to believe that the gun was fired from a distance greater than contact. There does not appear to be any soot deposition or powder tattooing adjacent to, surrounding, or in conjunction with the hole created by the gunshot itself.

This conclusion is based on all of the materials and information submitted to me in conjunction with 30+ years of working with victim's of shootings from various distances, attendance of over 150 autopsy's, and training provided by the Michigan State Police, the FBI, and other agencies.

This conclusion however, should not be construed as to mean the contact shot was self-inflicted or as a result of Shawn's committing suicide as Dr. Siebert has determined. Contact does not automatically mean suicide, especially in a case such as this where investigative procedures were not followed, as is recommended by many authors of death investigation literature.

To conclude that the contact shot means suicide as Dr. Siebert has determined, in my opinion, is also not a valid conclusion. Suicide implies intent, and given the circumstances surrounding this death, in my opinion, neither Dr. Siebert nor anyone else for that matter can determine intent, after the fact.. Accidental and/or self-inflicted, perhaps, due to the alcohol consumption of at least two of the three individuals in the car.

Death at the hands of another person? Certainly a possibility with others present at the time, and in hindsight, given some of the sworn statements provided by various witnesses to the activities of that morning and the previous evening, that conflict with regards to Shawn's handling of the gun.

The real method may never be known. Shawn was young and intelligent, had everything going for his future including a new job he was looking forward to. He was on his way home, giving directions to the driver to get him there. There is absolutely no reason, in my opinion and based on the information and materials I had to work with, to draw the conclusion of suicide in this case.

There were three people in the car. One person was shot in the head, which has been determined to be a contact shot. The remaining two people provide a scenario as to what allegedly happened. Some time later, based on statements by witnesses, there are questions as to whether Shawn ever handled the gun, which creates questions and possible doubt as to the veracity of the statements taken from the car's other two occupants.

Had GSR tests swabs been taken from all three individuals at the time of the initial investigation, regardless of whether or not the tests were expected to be useful, those tests could have been processed for GSR if and when necessary. The results could then have either substantiated or refuted the statements provided by the two remaining witness to

the shooting. The FDLE would likely have made an exception to their submission criteria for GSR testing in light of the new additional information, as they apparently did when they had Daniel Nordmark's shirt examined for lead residue.

The burns in the rear seat of the car appear to be cigarette type burns that are visible in the TSPD photos taken at the hospital as well as the FDLE photos taken some time later during their examination of the car. They may or may not be connected to the shooting incident however, due to the lack of investigative work conducted by the TSPD, there does not appear to be any documentation of that burn mark, nor can there be any meaningful association with the events of that early morning incident substantiated.

Damage to the seat belt is not verifiable as being due to any particular source, which can be identified at this point in time. It appears as if some object came through the rear seat back, forcing the seat material outward and then passing through the seat belt, damaging that item as shown in the photos. No investigation of the origin or source of that damage was apparently conducted. This damage may or may not have been associated with the incident in question.

Microscopic examination of the shirt worn by Shawn the morning of the shooting revealed that the two small dark spots on the left upper shoulder area suspected of being burn marks, were in fact two droplets of blood. One of these droplets was dissected, removed from the shirt, and retained.

Sincerely,

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