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**RE: DEATH INVESTIGATION OF SHAWN R. McMILLAN**

**02-055-FL**

**Materials Examined**

Received 10/19/02

1. X-rays
2. Cat Scan
3. Autopsy report
4. Police reports
5. Digital photographs
6. Special circumstances article

Received 10/21/02

1. FDLE investigative reports and photographs

Received 10/24/02

1. Xerox black and white photographs of vehicle

Received 11/26/02

1. Report of Dr. Litman

**Summary of the Case**

In the early morning hours of 9/2/01, the victim in this case sustained a fatal gunshot wound of the head in Tarpon Springs, Florida. It was reported that he was in a vehicle at the time of the shooting. He was airlifted to Bayfront Medical Center in St. Petersburg, Florida where he was pronounced dead later that Sunday afternoon of 9/2/01. The case was ruled a suicide by the medical examiner. Police reports indicate an accidental death.

## **Description of the Injuries Sustained by the Victim**

According to the autopsy report of Dr. Charles F. Seibert, Deputy Chief Medical Examiner the victim, Shawn R. McMillan was a 26 year old white male who measured 5'8 inches in height and weighed 175 pounds.

A penetrating contact gunshot wound was described with an entrance located 2.5 inches above and 2.0 inches anterior to the right external auditory meatus. Focal blackening of the edges was noted. A circumferential abrasion was present around the entrance wound with a second area of abrasion located 0.8 cm from the defect at the 6:00 o'clock position. Focal soot deposition is present on the external skull. The projectile exited the skull on the left side 3.0 inches above and 0.75 inches posterior to the internal auditory meatus. A small caliber, copper jacketed projectile was recovered from under the scalp adjacent to the exit defect. The pathway of the projectile was determined to be right to left and front to back. The gunshot injury is well documented in the autopsy photographs.

## **Toxicology Results**

1. Serum alcohol taken at 5:20 AM on 9/2/01 – 0.15 gm/dl ( 0.135 blood alcohol)
2. Vitreous alcohol taken at autopsy on 9/3/01 – less than 0.01 gm/dl
3. Serum drug screen taken at 11:00 AM on 9/2/01 – negative
4. Gastric drug screen taken at autopsy on 9/3/01 – Caffeine detected

## **Description of the Weapon and Fingerprint Examination**

The weapon was described in an FDLE report to be a Sundance Industries .25 caliber pistol bearing serial number #088909 with a magazine. There was one spent .25 caliber cartridge and four live .25 caliber cartridges. No latent prints of value for comparison were noted or developed.

## **Gunshot Residue (GSR) Tests**

Gunshot residue(GSR) tests were not conducted on the hands of the victim or the occupants of the vehicle due to the fact that they concluded that the shot was fired within the vehicle.

## **Examination Digital Photographs of the Vehicle**

The vehicle in which the victim and other occupants were occupying was a 1996 black, four door Honda bearing Florida license plate WJE16U that was first observed in front of the Helen Ellis Hospital in Tarpon Springs, Florida. The pavement close to the left side of the vehicle show passive, circular dripped bloodstains. The front seats, doors, floor, steering wheel, center console and dashboard do not appear to contain bloodstains.

It was reported that bloodstains and a hair were present on the right rear passenger window. However these are not adequately resolved in the available photographs. An acutely angular apparent bloodstain exhibiting a downward directionality is observed on the interior of the right rear passenger door. The right rear seat does not appear to contain bloodstains but a spent casing is located on this seat between the retracted seatbelt. The Sundance Industries .25 caliber pistol is located partially beneath the rear passenger's seat.

The rear of the headrest of the driver's seat appears to contain a light blood transfer stain. The left top of the left rear passenger seat contains a large saturated bloodstain on the left side with a cluster of circular passive dripped stains around the periphery and extend toward the center of the rear seat. Blood has also been dripped or projected downward onto the exposed surface of a gray windshield cover that is located on the floor below. Some of these stains appear to have been altered while wet. A brown right shoe in this area does not appear to contain blood. Small circular bloodstains are also present just to the left of this seat on the gray carpet and adjacent area. Some of these stains appear to have been altered while wet. The interior surface of the left rear passenger door shows an accumulation of blood on the lower edge in the form of small pools with some satellite spatter around the periphery. Above this area is seen a small downward flow pattern, passive drips and transfer of blood.

### **Examination Digital Photographs of the Victim's Clothing**

These photographs are not very detailed though some bloodstains can be described. The blue jeans show some blood transfer on the left rear and some passive drips near the crotch area. The plaid shirt appears saturated with blood. The socks, shoes and shorts were not remarkable.

### **Conclusions and Comment**

The most conclusive evidence in this case based upon materials that I have examined is the fact that Shawn R. McMillan sustained a penetrating contact gunshot wound of the right side of his head that resulted in his death. This fact alone does not adequately establish the manner of death as being homicide, suicide or accident. The bloodstain evidence in the vehicle supports the conclusion that he bled onto the rear seat with his head close to and in contact with the left rear seat area and was removed from the vehicle from the left rear passenger door. The bloodstains on the windshield cover located on the floor below this area can be explained by the manipulation of the victim as he was being removed from the vehicle. The significance of the bloodstains on the right rear window is very questionable as they are not resolved well in the available photographs. The hair recovered from this window after the vehicle was cleaned is also questionable as to its significance.

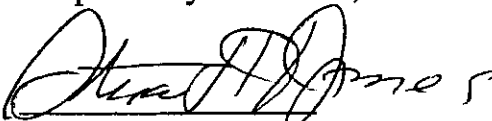
There is no bloodstain evidence indicating that the victim received injury and then during bloodshed was placed into the rear seat of the vehicle. The best evidence to indicate that the shooting occurred within the vehicle is the presence of the spent casing on the rear seat assuming that it was not placed there afterwards.

The bloodstain evidence does not permit a conclusion as to the position of the victim at the time the shot was fired. I observed no evidence of impact spatter associated with gunshot in the photographs examined. The presence of this type of impact spatter would assist with establishing his position at the time the shot was fired. Furthermore, the hands of the victim were not examined or documented for the presence of impact spatter if any were even present at all. Therefore, it is not possible to determine from the bloodstain evidence or lack of it whether the gunshot wound was self-inflicted or the result of another.

The fact that gunshot residue tests were not performed on the victim or other occupants of the vehicle is explained by the fact that all were within range of receiving gunshot residue within an enclosed area. The current standard scientifically acceptable conclusions that can be drawn from such testing is that positive gunshot residue tests could result from the discharge of a firearm, being in close proximity to the discharge of a firearm or from handling a firearm or ammunition containing gunshot residue.

Finally, I do not see in the materials examined, the basis of the Medical Examiner's conclusion that this shooting death was a suicide other than the fact that the fatal injury was a contact gunshot wound and why it could not be a homicide or accident or undetermined. I also do not see in the materials examined the scientific basis for the police to determine that this shooting was accidental.

Respectfully submitted,



Stuart H. James