

New trial resurrects family's heartaches Deadly park shooting is heading back to court - Deadly park shooting is heading back to court

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Kanina James and her daughter, Danielle, have been to hell and back, and they're about to return.

More than five years after Danielle's father was shot to death in front of her in a Valrico park, the man responsible has been granted a new trial.

Danielle was 8 when David James was killed during a confrontation over a skateboarder. She was 10 when she was called in the first trial as a defense witness for Trevor Dooley, who claimed he was acting in self-defense under the state's "stand your ground" law.

With the second trial looming in the distance, mother and daughter talked to The Tampa Tribune at a youth ballpark in Brandon, sitting at a picnic table near a closed refreshment stand.

Danielle, at 5-foot-10, has grown nearly a foot since Dooley's 2012 trial. Her mother has remarried, and she says her new husband rescued their family, crowding out the despair in their lives with joy.

Danielle's hair still has some of the pink and blue she dyed it — at her mother's suggestion.

"You're only a kid once," Kanina explains. "When she's an adult, she won't get to do things like that because it's generally not accepted."

They're getting ready to move to Tennessee, the state where Kanina and her new husband wed before a honeymoon cruise in the Mediterranean.

Danielle says she still remembers a lot about the shooting, but all she recalls about her trial testimony was that she wore a pink dress.

The stand-your-ground issues were litigated over years, and Dooley, 75, didn't begin serving his eight-year sentence until November 2014 after the 2nd District Court of Appeal denied his first appeal. When that happened, Danielle and her mother said they finally felt some relief, something to celebrate.

But the appellate court revisited the case earlier this month and granted Dooley a new trial, saying his first appellate lawyer failed to raise a specific issue about legal instructions given to the jury.

"I couldn't believe it," Kanina says. She learned about the ruling from her former mother-in-law, who heard about it from The Tampa Tribune. "I was really shocked ... especially after I read the paperwork and really thought it really is bogus. ... This is a waste of the taxpayers' money."

Now Dooley's lawyer is preparing to ask for his release again, pending the new trial.

"No!" Kanina says of that possibility. "I don't know what I will do! Do we know what judge?"

It's not clear. But Kanina hopes it won't be Judge Ashley Moody, who presided over the last trial and sentenced Dooley to eight years in prison, far less than the maximum of 30 years.

Moody had previous experience with their family, Kanina James said, as her son was before her when he got into some trouble as a juvenile. Kanina James thinks it was a conflict of interest for her to sit in the Dooley case.

Danielle is facing the prospect of being called to the witness stand again and facing questions about seeing her father killed.

"The thing about going through a trial and living through a tragedy like this, while it's extremely painful, it still somewhat desensitizes us to what happened," Kanina James said. "I think now it would probably be not as hard on her to testify."

"But it's still not something we want to go through again. It still is painful. It still brings all those painful memories back to the surface. And we've tried since he was put in prison to not think about those things. We try to think about the good memories of her dad, not the way he died."

"I wouldn't mind testifying again," Danielle says, "as long as it gets him put in jail for good."

That Danielle was called by Dooley's defense in the last trial still grates on her mother.

"We were extremely angry that he would use her to try and get out of what he did," Kanina James said. "That was low. She was young. She didn't have a full grasp of what exactly happened."

But, she added, "I believe her testimony did him no good, so it is what it is."

During the 2012 trial, Danielle testified via video hookup while clutching her stuffed bunny, Monica, and talked about playing basketball with her 41-year-old father at their neighborhood park in the Twin Lakes subdivision in Valrico.

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Witnesses, including Danielle, testified that a boy, Spencer Arthur, asked David James if he could skateboard, and James told the him it would be fine.

Then, Dooley, who lived across the street, started yelling at Spencer not to skateboard.

David James, an Air Force veteran, demanded to know where the anti-skateboarding signs were. Dooley and James got into a confrontation on the grass near the basketball court that ended when Dooley shot James in the heart.

Prosecution witnesses said Dooley flashed the gun and cursed at James, who tried to disarm Dooley when Dooley shot him.

The defense said Dooley took out the gun because he was afraid of the bigger, younger James, and that James tackled Dooley and tried to choke him.

Danielle testified that Dooley tried to walk away from the confrontation.

Asked during the trial what Dooley said when her father asked where the signs were, the child said, "Nothing."

She said Dooley never yelled at her father. Asked how many times her father said, "Show me the signs," she said, "A lot." Her father, she said, "was kind of being louder. ... He was walking up to him." Dooley, she said, "was just standing there. He was acting like he was going to walk home." Her father, she said, "tried to get the man to come back." Kanina says Dooley wasn't actually trying to walk away from the fight. "He had slightly pivoted his feet," she said. "He hadn't taken steps or anything else. So that's a big difference in my mind. He did not try to flee. I mean there's people who will slightly pivot to pull back and punch somebody. So I find fault in that."

And she noted that her husband had a basketball in his hand when he approached Dooley; it was found next to him on the grass where he died.

"How many aggressors walk up to a confrontation holding a basketball?" she said. "They don't do that. That's not the mindset that he was into until Dooley flashed the gun, and obviously, he was trying to protect the kids."

Kanina James says she was frustrated during the trial that the prosecution didn't bring out Dooley's reputation in the neighborhood as a bully who took it upon himself to police the park and harass the children who tried to play there.

She said there were also allegations that Dooley, a school bus driver, acted inappropriately toward the students on his bus.

After her husband was killed, Kanina James fell apart, and Danielle's world was turned upside down.

"It kind of in the beginning almost like ruined my life for awhile because I had no dad," Danielle said. "Mom was really depressed."

Kanina James was so devastated, she couldn't care for Danielle for more than a year.

"I was in foster care," Danielle remembered, "and then had to go live with my aunt who was feeding me apparent lies and didn't want me to go back with my mom. And then I got back with her."

"This affected us more than just losing David," Kanina said. "I mean, granted, any family who loses somebody, it's a traumatic experience, but I almost died. I couldn't handle it. And yeah, I literally almost died. The doctors had me pumped full of so many drugs."

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"I never really knew you were in the hospital," Danielle said to her mother. "Yeah," Kanina James replied. "The doctors had me on so many drugs ... I almost died. They could not revive me. I did not do it on purpose. It was an accident."

"I literally had — I went in for one medication because I thought I had depression. And then it led to another and another and another. I had an entire gallon-sized bag that was filled with prescriptions they had me on. And when they have you on that many medications, you cannot even think straight. I didn't know if I had taken — I took too much."

It was an overdose, she said. "I couldn't even think straight. Our lives were turned so upside down. But you know, I got off all of those drugs. It was not easy. It was really, really hard."

And she got Danielle back. That, she says, was "a horrible, horrible fight. They did not want to give her back to me even though I had proven I was perfectly capable."

"Only one person by your side the entire time," Danielle says.

"Yes," Kanina responds. "Everyone had deserted me. Everyone."

She says her new husband, Paul Eurez, "was the only one by my side. And we fought our guts off and got her back, and it was really great because our lives are very happy. We're healthy, we're lucky now. We're lucky with Paul."

"He saved the family," Danielle says.

Her mother agrees.

"He's always laughing," Kanina says. "When you're around someone who is always laughing and smiling, you don't fight. We're a very happy family."

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