



QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS



Statement No.:		Date:	22/10/2003
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Statement of:

Name of witness:	Virginia Ann MILSAP	Date of birth:	07/08/1951	Age:	52
Occupation:	Dental Office Manager				

Police officer taking statement:

Name of police officer:	M L TRAPNELL	Rank:	DSC	Reg. No.:	9646
Region/ Command/ Division:	Northern	Station:	Townsville CIB		

Virginia Ann MILSAP states:

I am 52 years old, married with 2 children I am employed as a Dental Office Manager with Douglas E MILSAP D D S, P A.

I reside at 7260 Briarcliff Road, Fort Myers, Florida 33912.

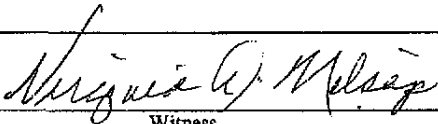
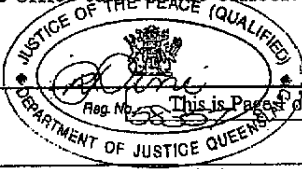
My contact details are (H) 2394825773 or (W) 239-936-3030 within America. Email at [ANNA937@AOL.COM](mailto:ANNA937@AOL.COM) and [GAM807@COMCAST.ORG](mailto:GAM807@COMCAST.ORG)

I am currently on holidays in Australia with my husband Douglas and I arrived I think on the 19<sup>th</sup> October 2003 in Sydney and spent the night in Sydney and the next morning we left Sydney flew with QANTAS to Townsville.

On arriving in Townsville we spent several hours downtown and went straight to the boat called the Spoilsport owned by Mike BALL.

We arrived at the Quarterdeck yesterday afternoon about 6pm and I think it was about 8pm when we went on board the boat.

When we arrived at the quarterdeck we were briefed by one of the crew members. I can not recall the crew members name but while I was giving this statement I saw the crew member was also giving a statement in the same office to a female officer.

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		Police Officer

**CONTINUED STATEMENT OF: Virginia Ann MILSAP**

With the briefing everyone was sitting in a position so that you were able to see and hear what the crew member was doing and saying. The deceased and Gabe arrived after this briefing however.

During the briefing the crew member was telling us where things were on the boat, and the dinghy's and what they would be used for and how and when meals would be served.

The trip was to be for a week and he was familiarising everyone with the workings of the boat. I have done a lot of diving myself, and each time I have sat on briefings and I feel this briefing was quite adequate for covered and the safety issues such as life jackets.

I am not sure of the exact conversations during the briefing as I had been awake for 48 hours and was very tired and I had only 6 and a half hours sleep during the 48 hour period prior to our arriving.

The briefing was very thorough as far as the workings of the boat was concerned.

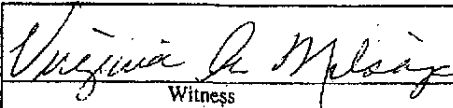
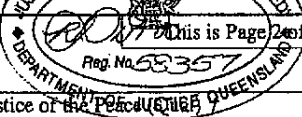
After the briefing we all got onto the boat and we all went into the common lounge dining area and had several of the crew members speak to us about different subjects on safety and the introduction of all crew members and their duties and also questions and answers.

The safety issue's were not about diving but about the life vests and things like that, but I can not think of anything else. It was about if someone fell overboard and the procedures to take and that and other issue.

Everything was professional and well organised and in comparison to other boats and briefings I have been on this was very well conducted.

**STATEMENT CONTINUED BY DET. SGT CAMPBELL**

Approximately an hour after we boarded the boat, it left the dock. After the crew introductions and a general safety briefings my husband and I went to our cabin. We went to sleep a short time later. At about 5.30am I woke up. I got up onto the deck about 6.30am and had coffee with our friends.

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Around 8 or 8.30am the preparation started for the day's diving. Everyone had their own gear. Personally I had everything including wet suits, B.C. vests, regulator, dive computers, weight belts (without weights) and dive computers.

The company provided the weights, air tanks etc.

I saw that the deceased and her husband had their own dive bags. I saw that their gear was all new however I was not aware of the specifics of their gear.

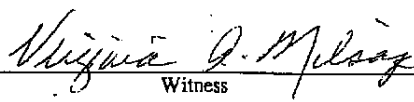

I did not speak with the deceased or her husband prior to the dive.

The man who conducted the actual dive briefing is a short older man. I pointed him out to Detective CAMPBELL when I was giving my statement at the station. The dive briefing was held at the dive stations at the back of the boat.

The briefing was adequate for that dive site and appropriate for the circumstances. The briefing did not see to treat the currents as a big concern. He said at the time of the briefing that the information he was giving us was correct for the moment however it could change within minutes. He was telling us basically that the current were unpredictable. He said their were safety ropes to guide us down to each end of the wreck. He outlined that their was buoy at the top of each rope. Also outlined that on the down current rope of the wreck was an attached that would bring you back to the boat.

He told us that the temperature of the water was 76 or 77 farenheight. He told us that the depth of the wreck was about 100 feet and that it was at our own discretion as to how deep we went. I do not recall if he made mention of dive guides or if any one was to be accompanied or not.

I have been scuba diving for 25 years and have made well over 300 dives. I am an advanced PADI certified diver. My group consisted of my husband and I, and Ken and Paula SYNDER. We were probably the first group in the water. We went down to about 77 feet, we have been deeper before, however as we were using NITROX and being our first dive we dove more conservatively. I do not know when the deceased and her husband got in the water.

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**CONTINUED STATEMENT OF: Virginia Ann MILSAP**

We as a group were under water for about 40 or 45 minutes. We had returned to the boat then and were on the deck. I saw the dinghy returning about 5 to 10 minutes after we were back on the boat. The dinghy was being operated by a crew member but I do not recall which one. I saw that Gabe (the deceased's husband) was in the dinghy aswell. Gabe looked very distraught, I do not recall if he was bleeding from the nose or not, I do not recall if anyone else was in the dinghy.

His whole posture and demeanor was one of panic. I don't mean he was jumping up or down or anything, he was just looking for help, looking worried. It struck me that he was a very innocent and inexperienced diver. When I saw him in the dinghy, he did not have his vest on, and his wet suit was pulled down to his waist.

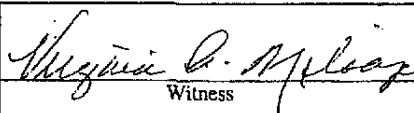

The return of this dinghy prompted activity from several crew members from our boat and from a nearby vessel. ~~I was going upstairs when I passed the doctor who was coming downstairs.~~ When I got upstairs, Ken SYNDER told me that he had told the doctor that he should be on the other boat helping the deceased. When I looked across to the other boat I could see the deceased lying on the back deck and that someone was doing CPR on her. The other boat was about 300 feet away. I am aware that the doctor then went across in the dinghy to the other vessel.

I am aware that Paula SYNDER was downstairs in the state room area accompanying Gabe.

About ten minutes after being on the upper deck I went down to where Paula and Gabe were. There was very little conversation about the deceased or anything. The doctor returned a short time later and told Gabe that his wife was deceased and he collapsed on the floor.

Some time later the vessel has headed back towards Townsville.

I personally found water was quite a bit colder than what we were used to. I found the current difficult to deal with. I found that I had to hold onto the rope and also my husband aswell. My husband did not have the same difficulty. I recall some conversation about the deceased being an inexperienced diver. I can't remember if Gabe said it or Paula told me or someone else mentioned it.

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The deceased had only been certified this past spring and had done about ten or twelve dives. This is my opinion only that she was inexperienced and should have had a guided dive. Gabe said that he had been diving longer and that it had been in the gulf of Mexico, Florida.

In my opinion the deceased should have had someone with more experience than Gabe accompanying her considering the current primarily and the temperature to some degree.

I did not see the fellow who gave the briefing being in the water prior to the emergency however I did hear him talking about taking divers into the water.

Later in Townsville I gave a statement to Detective CAMPBELL about this matter.

*Virginia Ann Milsap*  
Virginia Ann MILSAP

**Oaths Act Declaration**

**OATHS ACT 1867 (DECLARATION)**

I, Virginia Ann MILSAP, do solemnly and sincerely declare that:

- (1) This written statement by me dated 22/10/2003 and contained in pages numbered 1 to 5 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.


and I make this solemn declaration conscientiously believing the same to be true and virtue of the provisions of the Oaths Act 1867

*Virginia Ann Milsap* .....Signature

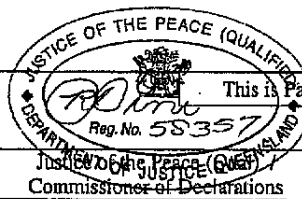
Taken and declared before me at ..Townsville.....

this.....22nd..... 2003.....

Witness .....



Justice of the Peace (Qualified)  
Department of Justice  
Commissioner of Declarations  
Other (Please State) .....

<i>Virginia Ann Milsap</i> Witness	 <p>Justice of the Peace (Qualified) Department of Justice Commissioner of Declarations</p>	This is Page 5 of a Statement comprising 5 Page(s). Police Officer
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Statement of:

Name of witness:	Virginia Ann MILSAP	Date of birth:	07/08/1951	Age:	52
Occupation:	Dental Office Manager				

Police officer taking statement:

Name of police officer:	S W Knowles	Rank:	Det Sen Sgt	Reg. No.:	6932
Region/ Command/ Division:	State Crime Operations Command	Station:	Homicide Investigation Unit		

ADDENDUM

Virginia Ann MILSAP states:

I have previously provided a statement to police and I am able to provide further information as follows:

From the limited contact with Gabe and Tina they seemed to be a happy couple. I didn't hear or know of any arguments that they had on the voyage to the dive site. Tina appeared to be happy and bright.

The current on the site at the time of our dive I would describe as being swift. It was not unreasonable for experienced divers. It was at least a knot in speed. The direction of the current was directly along the wreck. I didn't have any concerns about being swept off the side of the wreck at all.

I have been scuba diving for 29 years and have made well over 600 dives. I am an advanced PADI certified diver also hold a few other specialties. My group consisted of my husband and I, and Ken and Paula SYNDER. We were probably the first group in the water. We travelled to the entrance by rubber duck, descended along the access point and then drifted along the wreck with the current from the bow to the stern. At the stern we ascended and then followed a line back to the Spoilport.

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<i>Virginia A. Milsap</i> Witness	<i>[Signature]</i> Justice of the Peace (Qual) / Commissioner of Declarations	Police Officer

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**CONTINUED STATEMENT OF: Virginia Ann MILSAP**

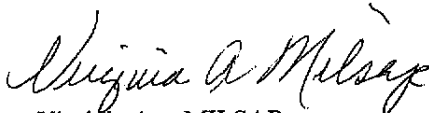
Everything that happened after we returned was outlined in my first statement. The only thing I can offer further is that I also recall that I was on the top deck of the Spoilspout at some point and I remember seeing someone performing CPR on upon Tina. I couldn't understand why Gabe wasn't over there with her. I would have swum over there if they would not have taken me there.

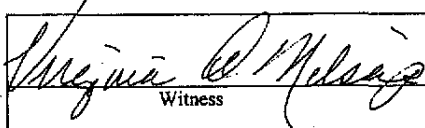
I did not over hear any conversation with Gabe. If he was saying anything then he was mumbling it and I didn't hear anything. After we returned to Townsville and finished with the police we continued on the cruise. At the end of the cruise and we returned to the docks Gabe and his mother were there to greet the boat. This struck me as a little unusual. I wouldn't have been near the boat again and didn't know how to receive this.

I didn't know at the time what Tina's experience was nor what Gabe's level of evidence was. I have heard since that Tina's level of experience was limited and I believe that the dive boat staff should have ensured the safety of Tina by at least providing a guide.

The only version that I have heard about what happened underwater was the version that Paula was told by Gabe. I never heard anything directly from Gabe.

I also recall that during Christmas of 2003 we received a Christmas card from Gabe that had a photograph of him and Tina on their wedding day. Again I thought that this was unusual only because I think that it was a little off to be sending a photograph of his deceased bride on their wedding day as a Christmas card.

  
Virginia Ann MILSAP

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