

## INTERVIEW OF KEVIN BISHOP

November 10, 2016

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<p>1 MS. O'BRIEN:</p> <p>2 Q. Thank you. All right, this is an interview</p> <p>3 in the course of the inquiry respecting the</p> <p>4 death of Donald Dunphy. It is November 10th,</p> <p>5 2016 and it is now 11:37 a.m. The witness</p> <p>6 to be deposed today is Kevin Bishop. We are</p> <p>7 conducting the interview from the</p> <p>8 Commission's offices in St. John's. Present</p> <p>9 is Mr. Bishop; co-counsel to the inquiry,</p> <p>10 Sandy Chaytor; and me, Kate O'Brien. Mr.</p> <p>11 Bishop, I'm going to ask you to affirm that</p> <p>12 you're going to be telling the truth here</p> <p>13 today.</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p>
<p>14 MR. BISHOP:</p> <p>15 A. Oh yes.</p>	<p>14 [REDACTED]</p> <p>15 [REDACTED]</p>
<p>16 MS. O'BRIEN:</p> <p>17 Q. So do you affirm that the information that</p> <p>18 you will give in this interview is the</p> <p>19 truth, the whole truth and nothing but the</p> <p>20 truth?</p>	<p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p>
<p>21 MR. BISHOP:</p> <p>22 A. Yes.</p>	<p>21 [REDACTED]</p> <p>22 [REDACTED]</p>
<p>23 MS. O'BRIEN:</p> <p>24 Q. Thank you. Can you give us your full name</p> <p>25 and address?</p>	<p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
Page 2	Page 4
<p>1 MR. BISHOP:</p> <p>2 A. Kevin Gerard Bishop, [REDACTED]</p> <p>3 [REDACTED] St. Mary's.</p> <p>4 MS. O'BRIEN:</p> <p>5 [REDACTED]</p> <p>6 MR. [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

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1 and I mean, like I told the officer, I don't  
 2 know anything about guns, I never ever had  
 3 no dealings with them. I knows a hand gun  
 4 from a long point, but like what kind of gun  
 5 it was, I wouldn't be able to say, but it  
 6 was a long gun.  
 7 MS. O'BRIEN:  
 8 Q. Okay, all right. Do you recall whether it  
 9 was flat on the floor or was it leaning  
 10 against anything?  
 11 MR. BISHOP:  
 12 A. No, it wasn't flat on the floor, it was  
 13 about maybe four to six inches off the  
 14 floor. It was either leaning on Mr.  
 15 Dunphy's foot or it was against the arm of  
 16 the chair, I'm not sure right. I'm not sure  
 17 on that because Nancy went in, Nancy kind of  
 18 stood over the gun and like, to check. But  
 19 I know the gun wasn't laid flat on the  
 20 floor, no.  
 21 MS. O'BRIEN:  
 22 Q. Okay, did you see any other weapons in the  
 23 room?  
 24 MR. BISHOP:  
 25 A. No, no.

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1 MS. O'BRIEN:  
 2 Q. Did you see any weapons in the room?  
 3 MR. BISHOP:  
 4 A. Yes.  
 5 MS. O'BRIEN:  
 6 Q. Okay, what did you see?  
 7 MR. BISHOP:  
 8 A. There was a long gun on the floor pointing,  
 9 say towards Mr. Dunphy, to his left, like  
 10 the chair was here, the gun was more or less  
 11 pointing to his left, right here on the  
 12 (unintelligible).  
 13 MS. O'BRIEN:  
 14 Q. So while he was sitting in the chair, it was  
 15 kind of to his left?  
 16 MR. BISHOP:  
 17 A. Yes.  
 18 MS. O'BRIEN:  
 19 Q. And when you say it was pointing to his  
 20 left, what do you mean by pointing –  
 21 MR. BISHOP:  
 22 A. Like it was pointing towards me, in the  
 23 archway, like it was pointing, like the  
 24 barrel was towards Mr. Dunphy and the handle  
 25 was back towards, like I said, towards you

Page 20

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<div style="background-color: black; width: 100%; height: 100%;"></div>	<div style="text-align: right;">Page 51</div> <p>1 Q. I'll show you another photograph. Let me</p> <p>2 show you another photograph and then you can</p> <p>3 get maybe a better assessment of the scene.</p> <p>4 I'm going to show you KB No. 2, so that is a</p> <p>5 photograph of a gun and I'm going to show</p> <p>6 you KB No. 3 which is sort of a wider shot</p> <p>7 of the room. You're seeing the door into</p> <p>8 the room and you're seeing Mr. Dunphy on the</p> <p>9 right-hand side of the door, and I'm going</p> <p>10 to show you KB No. 4 which is another shot</p> <p>11 of Mr. Dunphy in the chair from another</p> <p>12 angle and in this photograph here, KB No. 4,</p> <p>13 I don't know if you can see it there, but on</p> <p>14 a green tub there is the handle of a rifle.</p> <p>15 CHAYTOR, Q.C.:</p> <p>16 Q. Or a blue tub.</p> <p>17 MS. O'BRIEN:</p> <p>18 Q. Blue tub.</p> <p>19 CHAYTOR, Q.C.:</p> <p>20 Q. We'll go with bluish green, I don't know.</p> <p>21 MS. O'BRIEN:</p> <p>22 Q. It's somewhere in between those.</p> <p>23 MR. BISHOP:</p> <p>24 A. My dear, if I had to say it, no.</p> <p>25 MS. O'BRIEN:</p>
<div style="text-align: right;">Page 50</div> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<div style="text-align: right;">Page 52</div> <p>1 Q. Okay, so be specific now. What is it that's</p> <p>2 inconsistent?</p> <p>3 MR. BISHOP:</p> <p>4 A. Well I can remember, like I don't remember</p> <p>5 seeing this tub at all.</p> <p>6 MS. O'BRIEN:</p> <p>7 Q. You don't remember seeing the bluey green</p> <p>8 tub?</p> <p>9 MR. BISHOP:</p> <p>10 A. No.</p> <p>11 MS. O'BRIEN:</p> <p>12 Q. Okay.</p> <p>13 MR. BISHOP:</p> <p>14 A. And like, where Mr. Dunphy was say sitting</p> <p>15 here, say on this chair here right, so more</p> <p>16 or less the gun was here.</p> <p>17 CHAYTOR, Q.C.:</p> <p>18 Q. Okay, so you're looking at which –</p> <p>19 MR. BISHOP:</p> <p>20 A. Like the arm of the chair, like the gun was</p> <p>21 right here.</p> <p>22 CHAYTOR, Q.C.:</p> <p>23 Q. KB No. 1.</p> <p>24 MS. O'BRIEN:</p> <p>25 A. KB No. 1. Can you put a line where you</p>

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<p>1 recall seeing the gun?</p> <p>2 MR. BISHOP:</p> <p>3 A. Like it seemed like, like I said before,</p> <p>4 it's like the barrel of the gun was either</p> <p>5 laying on Mr. Dunphy's foot or it was</p> <p>6 against the arm of the chair here, like it</p> <p>7 was up off the floor. But it definitely</p> <p>8 wasn't like that.</p> <p>9 MS. O'BRIEN:</p> <p>10 Q. So you're saying it definitely wasn't lying</p> <p>11 on –</p> <p>12 MR. BISHOP:</p> <p>13 A. It was not lying on that. The gun was lying</p> <p>14 like kind of flat like this and pointing</p> <p>15 towards the chair, like this. Mr. Dunphy</p> <p>16 was sitting –</p> <p>17 MS. O'BRIEN:</p> <p>18 Q. Can you draw a line on KB No. 1 to show us</p> <p>19 where the gun was?</p> <p>20 MR. BISHOP:</p> <p>21 A. Like here, the gun was kind of here, right</p> <p>22 here, right.</p> <p>23 MS. O'BRIEN:</p> <p>24 Q. Okay, well mark it in really nice and strong</p> <p>25 there so we can see it. And which was the</p>	<p>1 A. No, the gun—because the gun, I'm a hundred</p> <p>2 percent sure the gun was pointing towards</p> <p>3 the arm of the chair, because like I told</p> <p>4 the other officer, either it was laying on</p> <p>5 Mr. Dunphy's foot on his left foot or it was</p> <p>6 up against the arm of a chair.</p> <p>7 MS. O'BRIEN:</p> <p>8 Q. I'm just going to bring, these photographs</p> <p>9 and there are other ones, I'm looking at KB</p> <p>10 No. 3 and you can see the barrel of the gun</p> <p>11 in this scene depicted in this photograph</p> <p>12 does touch or just about touch Mr. Dunphy's</p> <p>13 foot, so you can see in this picture here,</p> <p>14 KB No. 3, there is the barrel, the tip of</p> <p>15 the gun right at the bottom of the</p> <p>16 photograph here and it's coming in on an</p> <p>17 angle and I can tell you from other</p> <p>18 photographs that where the gun, you know,</p> <p>19 ends, the shooting part of the gun is right</p> <p>20 about at Mr. Dunphy's foot.</p> <p>21 MR. BISHOP:</p> <p>22 A. Yeah, but this part of the gun, the –</p> <p>23 MS. O'BRIEN:</p> <p>24 Q. Stock?</p> <p>25 MR. BISHOP:</p>
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<p>1 shooting end? Which was the barrel of the</p> <p>2 gun?</p> <p>3 MR. BISHOP:</p> <p>4 A. The barrel was pointing towards the chair,</p> <p>5 up here.</p> <p>6 CHAYTOR, Q.C.:</p> <p>7 Q. I just want to be clear for the record, when</p> <p>8 you say it definitely wasn't on that, you're</p> <p>9 pointing to KB No. 2 and the blue bucket?</p> <p>10 MR. BISHOP:</p> <p>11 A. This one, like I don't even remember seeing</p> <p>12 this tub.</p> <p>13 MS. O'BRIEN:</p> <p>14 Q. You don't remember seeing the bluey-green</p> <p>15 tub.</p> <p>16 MR. BISHOP:</p> <p>17 A. No. But the gun was definitely not on that.</p> <p>18 CHAYTOR, Q.C.:</p> <p>19 Q. And when you say that again, you're pointing</p> <p>20 at the blue tub?</p> <p>21 MR. BISHOP:</p> <p>22 A. Yeah, the tub, yeah.</p> <p>23 CHAYTOR, Q.C.:</p> <p>24 Q. And you're confident that –</p> <p>25 MR. BISHOP:</p>	<p>1 A. Stock, well the handle I calls it, that was</p> <p>2 definitely on the floor, that was on the</p> <p>3 floor and like the barrel was pointing, like</p> <p>4 almost directly at the arm of the chair,</p> <p>5 like this here, right.</p> <p>6 MS. O'BRIEN:</p> <p>7 Q. So you think, so in your memory, the</p> <p>8 shooting end of the rifle was higher than</p> <p>9 the handle end of the rifle?</p> <p>10 MR. BISHOP:</p> <p>11 A. Yes, like the barrel was like, pointing like</p> <p>12 this, it was up like this. Like, there's</p> <p>13 the barrel up here, right, and it was up</p> <p>14 probably four to five inches off the floor.</p> <p>15 And that's what it seemed, like it was</p> <p>16 either on Mr. Dunphy's foot or it was</p> <p>17 against the arm of the chair, like it was</p> <p>18 tipped like that, right.</p> <p>19 MS. O'BRIEN:</p> <p>20 Q. Okay.</p> <p>21 MR. BISHOP:</p> <p>22 A. If I had to say, I'm almost sure it wasn't</p> <p>23 like that, I'm almost sure it wasn't.</p> <p>24 MS. O'BRIEN:</p> <p>25 Q. Are you almost sure or sure?</p>

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<p>1 MR. BISHOP:</p> <p>2 A. I can't be a hundred percent but if I had to</p> <p>3 say, I'd say no, it definitely wasn't like</p> <p>4 that, no. Because where I was standing,</p> <p>5 see, I was standing here, right.</p> <p>6 MS. O'BRIEN:</p> <p>7 Q. By that blue, the light blue curtain with</p> <p>8 the flowers on it, okay.</p> <p>9 MR. BISHOP:</p> <p>10 A. Yeah, I was standing up here, see when Nancy</p> <p>11 was in here, so Nancy was –</p> <p>12 MS. O'BRIEN:</p> <p>13 Q. Put an "X", you're pointing at KB No. 3, so</p> <p>14 put an "X" there where Nancy was on KB No.</p> <p>15 3.</p> <p>16 MR. BISHOP:</p> <p>17 A. So Nancy was kind of here by the side of the</p> <p>18 chair, here.</p> <p>19 MS. O'BRIEN:</p> <p>20 Q. Okay, and you were stood by the light blue –</p> <p>21 MR. BISHOP:</p> <p>22 A. And I was stood here, like I stayed here by</p> <p>23 the archway, right, that's where I stayed</p> <p>24 there, right.</p> <p>25 MS. O'BRIEN:</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
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<p>1 Q. Okay, by the light blue curtain with the</p> <p>2 flowers?</p> <p>3 MR. BISHOP:</p> <p>4 A. Yeah.</p> <p>5 MS. O'BRIEN:</p> <p>6 Q. Any other differences other than the</p> <p>7 placement of the gun?</p> <p>8 MR. BISHOP:</p> <p>9 A. Well like I told, well now I wasn't like</p> <p>10 probably in far enough to see all this mess</p> <p>11 here, but –</p> <p>12 MS. O'BRIEN:</p> <p>13 Q. You're pointing to the pile of garbage in KB</p> <p>14 No. 1?</p> <p>15 MR. BISHOP:</p> <p>16 A. I don't think – no.</p> <p>17 MS. O'BRIEN:</p> <p>18 Q. You don't recall seeing that garbage?</p> <p>19 MR. BISHOP:</p> <p>20 A. No.</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>