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1 MS. O'BRIEN:

2 Q. All right, this is an interview in the  
3 course of the Inquiry respecting the death  
4 of Donald Dunphy. It is November 30th, 2016,  
5 at 2:32 p.m., and the witness to be deposed  
6 today is – it's Corporal, is it?

7 SGT. FOOTE:

8 A. I'm a Sergeant now. I was Corporal at the  
9 time.

10 MS. O'BRIEN:

11 Q. Okay, Sgt. Dion Foote. This interview is  
12 taking place at the Commission's Offices in  
13 St. John's. Present today is Sgt. Foote;  
14 counsel for the RCMP, Lori Rasmussen. Also  
15 present is co-counsel to the Inquiry, Sandy  
16 Chaytor, and me, Kate O'Brien. This  
17 interview is being recorded.

18 SGT. FOOTE:

19 A. Sure.

20 MS. O'BRIEN:

21 Q. Sgt. Foote, I'm going to ask that you affirm  
22 your testimony.

23 SGT. FOOTE:

24 A. Absolutely.

25 MS. O'BRIEN:

Page 2

1 Q. Do you affirm that the information that  
2 provide in this interview is the truth, the  
3 whole truth, and nothing but the truth?

4 SGT. FOOTE:

5 A. I do.

6 SGT. DION FOOTE (AFFIRMED)

7 MS. O'BRIEN:

8 Q. Thank you. Can you state your full name,  
9 address, and date of birth for the record,  
10 please?

11 SGT. FOOTE:

12 A. Yeah, my name is Dion, D-I-O-N, last name,  
13 Foote, F-O-O-T-E. I currently live at [REDACTED]  
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MS. O'BRIEN:

Q. So what did you do when you arrived?

SGT. FOOTE:

A. I spoke briefly to Cpl. O'Keefe. I can't remember now if he was in the driveway – because I also saw Cst. Cox, he was there as well. Anyway, I spoke briefly to Cpl. O'Keefe. He took me up to the house and said Mr. Dunphy is in the room, and I wrote in my report, and it bothers me to this day, first door on the left, but it was the first door on the right. He said Mr. Dunphy is in there around the corner, so I stepped inside the door. There were cats everywhere, and I

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1 SGT. FOOTE:  
 2 A. Yeah, they were coming and going through  
 3 there. They were in the cupboards, they  
 4 were everywhere, cats were everywhere. I  
 5 love cats, so – cats were everywhere. I've  
 6 never seen anything like it.  
 7 MS. O'BRIEN:  
 8 Q. Okay, so you're saying that you've never  
 9 seen anything like it. Like, compare this  
 10 to other – I would assume as a police  
 11 officer, you've been in a lot of different  
 12 homes?  
 13 SGT. FOOTE:  
 14 A. Oh, for sure.  
 15 MS. O'BRIEN:  
 16 Q. In the course of your career, and I'm sure  
 17 you've probably seen different states of  
 18 homes. You know, how does that compare on  
 19 the range of your experience with homes?  
 20 SGT. FOOTE:  
 21 A. I can only think of one that was worse where  
 22 someone actually lived in it, and that was a  
 23 home I went into in Brampton. It was a  
 24 domestic dispute situation and I went in to  
 25 check on the mom with my partner and the

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1 child, and you couldn't walk in the  
 2 apartment, it was human feces and there was  
 3 garbage everywhere, and it was just so  
 4 disturbing because there was a little child  
 5 living there. Child Youth and Family  
 6 Services became involved in all that. That  
 7 was absolutely deplorable. Then in my mind,  
 8 I've been at this for 16/17 years, Mr.  
 9 Dunphy's might be second.  
 10 MS. O'BRIEN:  
 11 Q. Okay. When you got into the house, you've  
 12 described where the livingroom is. Did you  
 13 – when you got there, were there cats in the  
 14 livingroom?  
 15 SGT. FOOTE:  
 16 A. When I got in there, and I got in the  
 17 doorway, I remember seeing a couple of cats.  
 18 MS. O'BRIEN:  
 19 Q. So now you're looking into the livingroom?  
 20 SGT. FOOTE:  
 21 A. Yeah, like, this is the archway, so I'm  
 22 turned now and looking in the livingroom,  
 23 and I see a fireplace, Mr. Dunphy's right  
 24 here.  
 25 MS. O'BRIEN:

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1 Q. To your right?  
 2 SGT. FOOTE:  
 3 A. Yeah.  
 4 MS. O'BRIEN:  
 5 Q. And the fireplace is ahead of you?  
 6 SGT. FOOTE:  
 7 A. Yeah. There's a TV monitor thing up over  
 8 there. There's a coffee table or something  
 9 there. There's a couch just right here, I  
 10 believe.  
 11 MS. O'BRIEN:  
 12 Q. To the left of the room?  
 13 SGT. FOOTE:  
 14 A. Yeah, and there was a tub on the floor right  
 15 in front of Mr. Dunphy.  
 16 MS. O'BRIEN:  
 17 Q. What kind of tub?  
 18 SGT. FOOTE:  
 19 A. It looked like a Tupperware kind of  
 20 blue/green thing.  
 21 MS. O'BRIEN:  
 22 Q. Okay.  
 23 SGT. FOOTE:  
 24 A. There was garbage and litter and stuff lying  
 25 around. There were a couple of cats when I

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1 first looked in the room on the left, and  
 2 when I looked at them and kind of stepped  
 3 towards them, they scurried out of the room,  
 4 and probably a minute or two after that –  
 5 and I recall this, and I'm almost 100  
 6 percent confident I didn't write it down in  
 7 my notebook or in any report, I saw a cat  
 8 tail sticking out under the chair that Mr.  
 9 Dunphy was sitting in, so I stamped my foot  
 10 and the cat took off out from under the  
 11 chair. Those three cats were relentless for  
 12 the rest of my time in that house trying to  
 13 get back in that room with Mr. Dunphy. Out  
 14 of all the 40, 50, 60 cats, I've never seen  
 15 anything like it, and I described it to my  
 16 co-workers afterwards, it's like they had  
 17 turns challenging me trying to get back in  
 18 that room, and unfortunately, at one point –  
 19 and I love cats, I'll say it over and over  
 20 again, I kicked one of those cats to keep it  
 21 from – it was, like, it was stood there and  
 22 there was three of them in a line up against  
 23 the wall by the bathroom.  
 24 MS. O'BRIEN:  
 25 Q. Do you recall what colour these three cats

Page 45

1                    were?

2    SGT. FOOTE:

3            A.    One cat looked like he was in rough shape.

4                    He was brown with patches and there was fur

5                    missing off him, but these three cats were

6                    devoted, that's the best way I can put it,

7                    compared to the other 30, 40, 50 cats,

8                    whatever there were. There was a white cat

9                    and there was a brown – it almost looked

10                   like a – there was a calico, there was a cat

11                   – I don't even know what kind of cat that

12                   cat was that was missing the hair and looked

13                   sick. Then there was a white like a Persian

14                   kind of cat. Those cats kept coming. I'm

15                   serious, and I use the word "relentless",

16                   I'm not trying to be dramatic, those cats

17                   had a plan, they were relentless. They kept

18                   coming and coming and coming, and finally

19                   one almost got by me and I kicked my foot to

20                   block it and I hooked under his front paws

21                   and it let the screech out, and it got

22                   thumped over by the wall, and that cat said,

23                   okay, I had enough of this and that cat gave

24                   up, and that was the white cat. I'm pretty

25                   sure it was the white cat, and they jus:

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1                   stayed there and they watched me and

2                   stared, and they watched me until – I'm

3                   serious, those cats were committed for the

4                   full four hours. I've never seen anything

5                   like hit. It was kind of creepy because I

6                   was the only one in that house and it was

7                   getting dark. It was kind of weird.

8    MS. O'BRIEN:

9            Q.    Okay, you didn't see any – you at no time

10                   saw the cats on the body, up near the body,

11                   anything like that?

12    SGT. FOOTE:

13            A.    No, ma'am. The one cat that was sticking

14                   out from under the chair that took off when

15                   I stomped my foot, I think I made a hissing

16                   sound or something as well, it scurried out

17                   of the room and I never saw any more cats in

18                   that room from the time I got there until

19                   the time I left.

20    MS. O'BRIEN:

21            Q.    Okay. Did you explore any of the other

22                   areas of the house or did you really just

23                   stay by that alcove?

24    SGT. FOOTE:

25            A.    I stayed at that entrance to that

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1 his legs on that Tupperware container, again  
 2 if it was green or blue, I can't say, there  
 3 was, like, a rifle or a shotgun sitting on  
 4 there kind of down partly on the container,  
 5 partly lodged against the floor.  
 6 MS. O'BRIEN:  
 7 Q. Do you know what orientation it was and  
 8 which was barrel end, which was –  
 9 SGT. FOOTE:  
 10 A. Do you mind if I refer to my notes? I'm not  
 11 sure what I have –  
 12 MS. O'BRIEN:  
 13 Q. You can refer to your notes.  
 14 SGT. FOOTE:  
 15 A. I'm not sure exactly what I wrote here, but  
 16 I do remember, I think it was ended  
 17 (phonetic) towards the floor pointing away  
 18 from his body. "Shotgun on the floor in  
 19 front of", I'm readying my notes documented  
 20 at 1722, "Shotgun on the floor in front of  
 21 deceased left foot. Barrel touching the  
 22 floor with handle resting on a green plastic  
 23 container. There's a brown handle with  
 24 black barrel on the gun". So that's what I  
 25 saw.

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1 MS. O'BRIEN:  
 2 Q. Okay, and you just said rifle/shotgun, and  
 3 here you've written shotgun. Do these  
 4 words, you know, mean –  
 5 SGT. FOOTE:  
 6 A. Sometimes they mean the same, sometimes they  
 7 mean different. I'll tell you straight up  
 8 right now, I am not a gun expert, I don't  
 9 hunt. I know my pistol that I use for work,  
 10 but other than that, I'm not a gun expert.  
 11 MS. O'BRIEN:  
 12 Q. Okay, that's fine. Did you take any  
 13 photographs while you were there?  
 14 SGT. FOOTE:  
 15 A. Yes, I did. I took five or six. I gave  
 16 them to Cst. Burke. Yeah, I took five, just  
 17 because I was concerned, like, what if a cat  
 18 does get in there. My concern was if the  
 19 cat gets in there and knocks the gun off the  
 20 tub, does something to Mr. Dunphy to change  
 21 how the room was when I got there, at least  
 22 if I took a couple of quick snaps, I'd have  
 23 that, and I had a camera from work in my bag  
 24 with me, and I took five pictures.  
 25 MS. O'BRIEN:

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1 Q. Okay.  
 2 SGT. FOOTE:  
 3 A. And I gave them to Cpl. Burke.  
 4 MS. O'BRIEN:  
 5 Q. You gave them to whom?  
 6 SGT. FOOTE:  
 7 A. To Cpl. Steven Burke. We discussed the next  
 8 day.  
 9 MS. O'BRIEN:  
 10 Q. Okay. All right, now I'm looking here at  
 11 your notes at 1739, "All cats secured at  
 12 this point". So besides three that  
 13 continually tried to get in the livingroom,  
 14 so what did you mean by securing the cats?  
 15 SGT. FOOTE:  
 16 A. I just meant they were away from Mr. Dunphy.  
 17 MS. O'BRIEN:  
 18 Q. Okay, so you hadn't pinned them up and  
 19 blocked them anywhere?  
 20 SGT. FOOTE:  
 21 A. I wish, but, no.  
 22 MS. O'BRIEN:  
 23 Q. All right.  
 24 SGT. FOOTE:  
 25 A. And I'm going to tell you right now, some of

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1 those cats were beautiful and in ama  
2 condition. There was – as big as the  
3 extreme could be, I saw cats there that  
4 looked like they should be dead, and I saw  
5 cats there that you'd put in a cat show.  
6 Like, the man loved those animals, I don't  
7 care what anyone says, and I know I'm  
8 speculating, but from what I saw, he tried.  
9 I think, obviously, he got 40, 50, or 50  
10 cats, he got 40, 50, 60 cats too many, but  
11 some of those cats were beautiful.

12 MS. O'BRIEN:

13 Q. Okay.

14 SGT. FOOTE:

15 A. Absolutely beautiful.

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25 SGT. FOOTE:

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1 what is the next thing –

2 SGT. FOOTE:

3 A. And I was there until Sgt. Chris Saunders

4 and Cpl. Lee did show up.

5 MS. O'BRIEN:

6 Q. So all that time, the cats didn't get back

7 in the room?

8 SGT. FOOTE:

9 A. No, ma'am, no.

10 MS. O'BRIEN:

11 Q. And so Saunders and Lee show up, and then

12 what happens next?

13 SGT. FOOTE:

14 A. I say I got released when they show up, but,

15 like, they were there for a few minutes and

16 I was still kind of explaining, like, the

17 cats are everywhere, and there's a hallway

18 down there, I don't know what's in that

19 room, that's the bathroom, this is the

20 kitchen, I've been here – I haven't gone

21 anywhere else, I didn't touch a thing, I

22 didn't lay any of my belongings down

23 anywhere, the bag was on my arm the whole

24 time, and I told them that those three guys

25 were in and where they were, and probably

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 14 [REDACTED]  
 15 CHAYTOR, Q.C.:  
 16 Q. You mentioned that the cats were not – you  
 17 didn't observe the cats while you were there  
 18 near Mr. Dunphy's body, other than one cat  
 19 was under the cat?  
 20 SGT. FOOTE:  
 21 A. One cat was sat under the chair initially.  
 22 CHAYTOR, Q.C.:  
 23 Q. Under the chair?  
 24 SGT. FOOTE:  
 25 A. Yeah.



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1 CHAYTOR, Q.C.:  
2 Q. Okay. Nothing up around the back of the  
3 chair?  
4 SGT. FOOTE:  
5 A. There was nothing on him, nothing on - no.  
6 CHAYTOR, Q.C.:  
7 Q. And what about near the gun? Did you see  
8 the cats -  
9 SGT. FOOTE:  
10 A. No, the cat was kind of sticking out of the  
11 back of the chair and it shoot out from  
12 under the chair when I startled it.  
13 CHAYTOR, Q.C.:  
14 Q. Okay. And it didn't touch the gun as it  
15 came out -  
16 SGT. FOOTE:  
17 A. No, it didn't touch him or the gun, no.  
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