

SIMMONDS+PARTNERSDEFENCE

Robert E. Simmonds, QC (Ret.) + Rosellen Sullivan + Erin K. Breen + Michael N.R. King + Jeremy D. de Jong

June 15, 2015

Commanding Officer Tracy Hardy
Assistant Commissioner
RCMP Newfoundland and Labrador
"B" Division
P.O. Box 9700
East White Hills Road
St. John's, NL A1A 3T5

Dear Commanding Officer Hardy:

RE: RCMP investigation into the death of Donald Dunphy

I write to you on behalf of my client, Ms. Meghan Dunphy. Meghan Dunphy is the sole daughter of Mr. Donald Dunphy who was shot and killed in his home in Mount Carmel by a member of the Royal Newfoundland Constabulary on Sunday, April 5, 2015.

Ms. Dunphy continues in her request to bring in an outside force for the criminal investigation although I will not be writing to you again on her behalf after this day.

I am writing today regarding a new issue that arose on Thursday, June 11, 2015. That afternoon, Ms. Dunphy called me and was extremely upset. She explained to me that while she was at her father's home that day unplugging a television set in the living room, she found a bullet on the living room floor – the room where the shooting took place.

Commanding Officer Hardy, I do not believe there is any need to explain to you why this discovery upset Ms. Dunphy. This is the second time in the approximately 2 month period since her father's tragic death that Ms. Dunphy has discovered evidence in her father's living room and had to contact the police to come and collect it.

Upon hearing this news I attempted twice to contact you by telephone. It is unfortunate that you chose not to return my phone call. Instead, I contacted the investigator by e-mail correspondence to arrange for the police to collect the evidence. The following day, Ms. Dunphy and I met with both the independent observer and Corporal Burke. Corporal Burke looked at the bullet in the window light and quickly stated that it had nothing to do with their investigation. He then stated that he would not collect the bullet.

The independent observer then told Corporal Burke to take a picture of the bullet, which he did on his cell phone. I then stated that I had clients who have been charged criminally for leaving a bullet around like that. Corporal Burke then agreed to collect the bullet, but only for disposal purposes. He asked Ms. Dunphy to sign his notebook which she did.

Ms. Dunphy does not want to have the bullet disposed of. Her request was for the police to collect the bullet. She asks that the bullet be maintained and preserved.

While Corporal Burke may of course be perfectly correct in stating that this bullet may ultimately have no relevance to the investigation, the fact remains that a single bullet was left on the floor of a shooting scene for over 2 months and was not collected by the police in their initial processing of the scene. Commanding Officer Hardy, Mr. Dunphy's living room is not a large room. It is a small living room. Ms. Dunphy found the bullet close to the area where we understand the RNC officer would have been standing immediately prior to when the shooting occurred. Again – the fact that the police did not locate and collect this bullet while they had custody of the scene is mind blowing to me. And yet, I am sure you will continue to maintain that this is a thorough and professional investigation.

The discovery of the bullet is yet one more example of why Ms. Dunphy has zero faith in the RCMP's conduct of this investigation. I am certain that any reasonable person will agree with her wholeheartedly.

It appears however that we are wasting our time in continually attempting to communicate with you to address our concerns. From this point forward, Ms. Dunphy shall pursue other options in an attempt to ensure justice for her father.

Yours truly,


ERIN BREEN
PARTNER