

SIMMONDS+PARTNERSDEFENCE

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

June 19, 2015

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Mr. Felix Collins
MHA, Placentia- St. Mary's
Attorney General
Province of NL
Via e-mail: felixcollins [REDACTED]

Dear Mr. Collins:

RE: Police shooting death of Mr. Donald Dunphy, Mitchell's Brook, NL

I write to you on behalf of my client Ms. Meghan Dunphy. As you are likely aware, Ms. Dunphy is the daughter of Mr. Donald Dunphy who was shot and killed in his home in Mitchell's Brook, NL on April 5, 2015 by a member of the Royal Newfoundland Constabulary.

On April 5, 2015 the Major Crimes Unit of the Royal Canadian Mounted Police 'B' Division commenced both a *Fatalities Investigation Act* and *Criminal Code* investigation into this matter. The RCMP 'B Division' and the Royal Newfoundland Constabulary work very closely together in our Province. There exist several joint forces units immediately raising a real concern with the appearance of a conflict of interest in the RCMP conducting this investigation.

Ms. Dunphy has repeatedly requested that an outside force be brought in to investigate her father's sudden death as well as to take over the criminal investigation. Her requests have been made to provincial Justice Minister King as well as Assistant Commissioner Tracy Hardy of the Royal Canadian Mounted Police. Her requests have been denied. Ms. Dunphy made these requests after discovering serious problems with the investigation. Ms. Dunphy has also alerted Premier Paul Davis and Commissioner Bob Paulson of the RCMP of her concerns via written correspondence. I have reviewed her concerns thoroughly and in my opinion they are completely valid. I am well familiar with the evidence and findings of the Lamer Inquiry and I do not make this statement lightly.

Most recently, on June 11, 2015, Ms. Dunphy located a single bullet on the floor of her father's living room (the shooting scene) – 2 months after the RCMP released custody of the residence. I think you will agree Mr. Collins that the failure of the police to collect a bullet on the floor from the scene of a police shooting smacks of negligence. There is simply no explanation for this kind of error. The presence of an independent observer does nothing to quell this kind of fundamental problem with the investigation.

Ms. Dunphy has no faith in the ongoing investigation. When her full story is made known as to what has occurred to date during the course of this investigation I believe that the public of Newfoundland and Labrador will share her concerns.

Mr. Collins, I don't know if there is any assistance that you can offer to Ms. Dunphy in her quest for an independent investigation of her father's death. However, I am requesting an opportunity to discuss this matter further with you as I believe it is an issue of fundamental importance that all parties involved desire and deserve a thorough and objective investigation so that the results will be trustworthy. I feel that the only way that may occur is for the RCMP to step away from the investigation and for an out of province force to take over. The presence of an independent observer is insufficient and cannot remedy basic investigative problems.

I thank you for your time and attention in reviewing this correspondence. I hope to hear from you.

Yours truly,


ERIN BREEN
PARTNER