

General Report

RCMP-GRC , B Division

Printed: 2017/01/20 17:17 by 000038601

Occurrence:

2012352151 Production - Schedule II: Cannabis Marihuana 7(1) CDSA (FIP) @2012/03/29 14:25

Author: #000105573 LUSH, M.

Report time: 2012/03/29 14:25

Entered by: #000105573 LUSH, M.

Entered time: 2012/03/30 09:09

Report:

2012-03-29

At approx. 14:25 hrs. I was advised by DA Mercer that unit had received a [REDACTED] stating the following:

- Caller is aware of crime because people are talking about it.
- Donald DUNPHY, Mitchell's Brook, NL, has a grow-operation.
- That high school kids are talking about how the suspect will be ready to sell this upcoming weekend(Mar 30, 2012) that the plants have been harvested/cut and drying.
- Been ongoing for years
- DUNPHY described as white male, 5'10", medium build, grey hair, clean shaven
- DUNPHY lives in a house with a pond in front of the house. There are lots of trees and shrubs in front of his house
- DUNPHY was busted before for grow operation a few years ago

As per normal procedure, information documented to file, [REDACTED] shredded.

As a result of receiving this information I conducted a CPIC query of Donald DUNPHY which confirmed the following:

FPS: 437394E FPC:U06,T,X,W04,W01,U07,U04,U06,W05,U06

*** CAUTION *** V

<<<<'CR' QUERY RECOMMENDED>>>>

FILE OPEN

MALE, WHITE, BORN 1956-08-23, NFLD, AGE-NOW 55
EYES BLUE, WAS 177 CM (5FT 10IN) 079 KG (174LBS) IN 2004-07
MARKS 243-TIP MISSING

** CAUTION: THIS IS NOT A CRIMINAL RECORD **

FILE OPENED 2001-05-23 LAST ENTRY 2005-01 OF:-
VIOLENCE, DRUGS,

KNOWN-AS:..... 01.....DUNPHY;DONALD JAMES

Upon querying the FPS# associated to DUNPHY, the following was confirmed:

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FPS: 437394E

DUNPHY, DONALD JAMES

*CRIMINAL CONVICTIONS CONDITIONAL AND ABSOLUTE DISCHARGES
*AND RELATED INFORMATION

2001-03-28 (1) POSS OF A SCHEDULE II (1-2) 7 MOS CONDITIONAL
ST JOHN'S NFLD SUBSTANCE SENTENCE ORDER ON EACH CHG
SEC 4(1) CDS ACT CONC
(2) PRODUCE A SCHEDULE II
SUBSTANCE
SEC 7(1) CDS ACT
(RCMP AVALON EAST DISTRICT
2000-2776)

*END OF CONVICTIONS AND DISCHARGES

*SUMMARY OF POLICE INFORMATION - NOT INTENDED FOR SENTENCING PURPOSES

2005-01-31
UTTERING THREATS
SEC 264.1(1)(A) CC
-WITHDRAWN
& SEC 810 CC PEACE BOND
(RCMP AVALON EAST DIST
2004-2282)

*END OF POLICE INFORMATION
2012032913010220120329130102

In addition CPIC confirmed that Donald James DUNPHY (DOB: 1956-08-23), P.O.Box 270, Mount Carmel, NL, A0B 2M0, is the registered owner of a blue-coloured, 2002 4-door Saturn automobile, NL plate# HFR 103. NCDB queries contained very dated information regarding DUNPHY with the most recent being 2004 on that repository.

At 14:56 hrs. Cpl. FOLEY and I conducted a patrol to the Mount Carmel/Mitchell's Brook area, where through my previous experience with these communities, often time residents actually have their mailbox numbers posted on respective boxes hat are roadside at edge of driveways and properties. These two communities actually are adjacent with no separation with the exception for a posted road sign. Following Route 93 and nearing the address believed to be #270, I recognized the property from a previous matter, during which I was advised through neighbourhood inquiries that Donald DUNPHY was owner of same. However at that time nobody answered the door nor was there a vehicle present at same.

Property photographed and it was noted that a blue-coloured 4 door Saturn car was parked in the driveway, however the plate was bent upwards and number couldn't be seen.

At 15:49 hrs. Cpl. FOLEY and I departed Mount Carmel/Mitchells Brook en route to Holyrood and upon arrival discussed information with other unit members, learning that there are no known CHS in that area. Speaking with Cst. BRIFFETT he advised that he had spoken recently with an individual who had mentioned that DUNPHY was rumoured to have a grow-up.

Cst. BRIFFETT was asked to make contact with this person to obtain for information.

At approx. 16:45 hrs., having decided that up to this point we did not have enough grounds to seek a

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warrant, Cpl. FOLEY and I went 10-35.

Cst. Lee Lush

General Report

RCMP-GRC , H Division

Printed: 2017/01/23 15:16 by 000105573

Occurrence:

2012352151 Production - Schedule II: Cannabis Marihuana 7(1) CDSA (FIP) @2012/03/29 14:25 NDT

Author: #000105573 LUSH, M.

Report time: 2012/03/30 08:00 NDT

Entered by: #000105573 LUSH, M.

Entered time: 2012/03/30 12:59 NDT

Report:

2012-03-30

At 08:05 hrs. on this date I spoke with Cpl. PILGRIM, RCMP St. John's Drug Section and discussed matter with them as they too had been provided copy of the [REDACTED]. Cpl. PILGRIM advised that we would try to follow up on same and corroborate information. Cpl. PILGRIM made offer of assistance should same be required.

At 08:13 hrs. I contacted NL Hydro/Nalcor, from who was advised that thay the St. Catherines, Mount Carmel/Mitchells Brook area is provided utility service by NL POWER.

Following same I spoke with Cst. BRIFFETT who advised that he had spoken with the person wishing to remain anonymous, from whom he learned the following:

- Donald DUNPHY is rumoured to have a grow-up
- In the past, maybe 2-3 years ago, DUNPHY had a significant amount of marihuana at his residence (no amount specified)
- DUNPHY drives a grey Saturn Car
- When DUNPHY drives by, often times you can smell burnt marihuana coming from his vehicle

At 08:26 hrs. I called for and spoke with Casandra, receptionist at NL Power. Casandra confirmed that Mitchell's Brook falls under their service system.

At 09:30 hrs., in order to attempt to verify information and further investigation, Cpl. FOLEY and I, in separate unmarked PCS, patrolled to St. Catherine's/Mount Carmel/Mitchells Brook area to attempt to conduct surveillance.

At approx. 10:00 hrs. while traveling on Route 93 heading towards DUNPHY'S residence, same was operating his blue-coloured Saturn car, heading North. Cpl. FOLEY was advised, following which we too proceeded in that direction conducting surveillance.

Upon approaching TCH, I observed DUNPHY'S vehicle signal right and turn on ramp, heading east towards St. John's. Cpl. FOLEY was advised and I continued in position, following, and surveillance was maintained. While en route, contact was made with RTU and Traffic Service members to advise of same.

At no time up to this point did I observe DUNPHY'S vehicle exceed the posted limit(as posted through several zone) or waiver in lane, etc.

Once approaching the first access near the city which takes one to Mount Pearl/Pitts Memorial, DUNPHY'S car was observed taking ramp to same. Other members advised.

Shortly there after, at 10:50 hrs., based on conversation between Cpl. FOLEY and I and our consensus that we had justification to detain DUNPHY, I activated lights of unmarked vehicle and initiated stop of DUNPHY'S vehicle, with Cpl. FOLEY in second unmarked, and Cst. HANN in unmarked Traffic Services vehicle taking up

rear. Almost immediately DUNPHY pulled over and upon approaching driver-side of vehicle I noted that DUNPHY was lowering window. Upon arrival at same, I was struck with the odour of marihuana, a mix of green and burnt.

Advising DUNPHY of the odour of marihuana, I placed him under arrest for same and requested that he exit vehicle. DUNPHY complied, stating that he had a permit for medicinal marihuana. I advised same that I would like to read him his Rights to Counsel and Caution prior to discussing matter. DUNPHY stated that he understood, that he has been through this before.

Search incidental to arrest conducted of DUNPHY prior to seating same in rear of PC. DUNPHY stated that he had a little bit of weed on him and proceeded in taking same out of front, right-side jacket pocket. In addition marihuana permit handed over. Other items removed from DUNPHY were wallet and car keys, in addition to several folded papers/docs.

Items turned over to Cpl. FOLEY.

Once seated in rear of PC I advised DUNPHY that I would still like to read same his RTC and Caution at this point in the investigation, prior to discussing anything with him.

At 10:58 hrs. RTC read verbatim from yellow cards to DUNPHY. When asked, " Do you want to contact counsel now ?", DUNPHY replied, " no bye, there's no need."

At 10:59 hrs. CAUTION read verbatim from yellow cards to DUNPHY. When asked, "Do you understand this caution?", DUNPHY replied, "yes I understand."

Speaking with DUNPHY while Cpl. FOLEY and Cst. HANN continued with search of vehicle incidental to arrest, DUNPHY was adamant that he does not sell marihuana, that he only grows, possesses and uses in compliance with his permit.

I noted that the permit referred to contains the following:

- Permit# APPL-DJD-08-D03550742-56-11-A
- It was issued on 2011-08-03, expires 2012-08-03
- Permits cultivation of 20 indoor plants, 0 outdoor plants
- Quantity of storage listed as 900 grams
- Quantity of possession listed as 120 grams

At 11:05 hrs. I contacted Health Canada regarding DUNPHY'S "Authorization to Possess Dried Marihuana" licence and left message with designated official to return my call.

During interim I was advised by Cpl. FOLEY and Cst. HANN that the search yielded no further marihuana and/or other drugs.

At 11:22 hrs. I received call from Health Canada official, who based on information provided, advised that DUNPHY'S "Authorization to Possess Dried Marihuana" licence is still in effect.

As a result, in addition to the small amount of marihuana found on person falling inside range of allowable, DUNPHY was released without charge as grounds to hold same did not exist further.

■ Disposition Sheet completed and returned.

Matter submitted for conclusion.

Cst. Lee Lush

