



# Banner Page

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Supplementary Report of Cpl. Steve BURKE

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BURKE, Steve	P	

**General Report**

RCMP-GRC , B Division

Printed: 2015/11/20 10:59 by 000101976

Occurrence: **2015376186 Pointing a firearm 87(2) CC (FIP) @2015/04/05 14:28**

Author: #000101976 BURKE, S.

Report time: 2015/04/06 20:40

Entered by: #000101976 BURKE, S.

Entered time: 2015/04/06 20:40

**Remarks:**

Folder 012 - General notes of Cpl. Steve BURKE

**Report:**

2015-04-05 15:00

Member was called by Cpl. HENSTRIDGE at home advising that there was a RNC member involved shooting in the community of Mount Carmel, NL. Member aware that Mount Carmel falls under RCMP Holyrood jurisdiction. Cpl. HENSTRIDGE had no other details to offer and was just determining my ability to attend.

15:45

Member attended "B" Division HQ to prepare to attend the area of Mount Carmel (Mitchell's Brook) to assist Holyrood RCMP. Sgt. OSMOND added that there was an RNC member in Mitchell's Brook to investigate an Uttering Threats complaint. A shooting occurred and one person was deceased.

17:00

Member attended Holyrood Detachment for briefing. Member learned that the RNC member involved was Cst. Joe SMYTH of the Premier's Protective Detail. He was currently at Holyrood Detachments as well meeting with other RNC members. Member assigned Primary Investigator duties by Sgt. OSMOND.

Sgt. OSMOND took notes of briefing.

Member and Cpl. HENSTRIDGE to obtain a statement from Cst. SMYTH.

17:45

Briefing completed. Cst. SMYTH advised that he was not prepared to provide a statement at this time but would in the next couple of days.

19:07

Member along with Cpl. HENSTRIDGE attended the scene of the shooting in Mitchell's Brook. Member identified self with Cst. COX who was maintaining a security log. Member as Primary Investigator entered the scene to get an initial visual of the scene and for interviewing purposes. Member stayed in porch area and did not disturb the scene in anyway. Due to the fact there were in excess of 40 cats known to be at the residence, Cpl. FOOTE was posted inside the residence to attempt keep the cats away from the scene and the deceased. Of note is that the residence was very dirty (garbage/state of disrepair) and cats were observed wondering at various locations of the residence. Members made every attempt to maintain the integrity of the scene. Members were aware of the existence of a marijuana grow operation in the residence and S/Sgt Steve CONOHAN was also present to ensure there was no safety concerns.

Member observed the deceased sitting in a chair in the living room with what appeared to be a bullet hole in the left hand side temple and another wound to his forehead. Member observed a long barrellled firearm on the floor to the left of the deceased, brown stock and black barrel. Member noted that the deceased's hands were positioned in such a fashion that it appeared he was hold a long gun (his right hand was facing the floor and his left hand was facing up). There were numerous cats present both in the house and outside. Member observed several propane cylinders scattered throughout the residence including on the coffee table directly in front of the deceased (btb used to burn marihuana for ingestion).

Member advised by S/Sgt. CONOHAN that there were a number of marihuana plants located throughout the residence but there were no safety concerns.

Member observed a space heater on the floor in the living room that was on. Member unsure if that heater was electric or propane.

Member noted the unmarked RNC vehicle in driveway GMC Yukon NL marker CVG 309 and a Jeep NL marker [REDACTED]

21:20

Member spoke with Cpl. FOOTE and requested that he contact an area funeral home for transportation of body to Health Sciences Centre Morgue on released by the OCME (Dr. DENIC).

23:00

Off duty

(S.D. BURKE) Cpl.

2015-04-06 08:00

On duty at B Division HQ. During the morning there was some variance in the time of the autopsy of Donald DUNPHY. At first it was scheduled for 11 am then it was postponed until Cst. SMYTH'S statement was obtained. Final time of autopsy was confirmed at 09:00 am on 2015-04-07.

13:33

Member attended briefing / tele-conference @ B Div 4th Floor Boardroom. The following were in attendance:

-C/Supt BOLAND

-Sgt. OSMOND

-S/Sgt. TILLER

-Insp. CAHILL

-Supt. ZETTLER

21:30

Off duty

(S.D. BURKE) Cpl.

2015-04-07 08:00

On duty at B Division HQ

12:00

Briefing / Media tele-conference B Div 4th Floor Boardroom In attendance were the following:

-C/Supt BOLAND

-S/Sgt. FITZGERALD

-Sgt. OSMOND

-Cpl. FOOTE

-Supt ZETTLER

-S/Sgt. TILLER

-Insp. CAHILL

16:53

Briefing Investigative Team. In attendance and information presented as follows:

-Cpl. FOOTE

- In the process of creating tasks and organizing hard copy file;
- Spoke with Dr. MCGARRY who advised that he will get back to Cpl. FOOTE tomorrow;
- In process of obtaining medical records of Donald DUNPHY

-Cst. NIPPARD

- In process of obtaining Telecoms recording from RNC, member advised that he may get same from RNC Supt. SHEPPARD;
- To interview paramedics on Thursday morning;
- Interviewed Warren SULLIVAN of RNC Association, he was with Cst. SMYTH after incident is a supportive role. He was briefed by Cst. SMYTH about what happened. SULLIVAN gave SMYTH a ride home after incident;
- Interview with HARRIS of RNCA tomorrow;
- Obtained RCMP OCC recordings of incident with SMYTH reporting that shots were fired and that he required members attendance and paramedics;
- Restricted PROS file

-Cpl. HENSTRIDGE

- Dropped package off to OCME prior to autopsy containing file synopsis
- Interviewed RNC A/Insp. Mike ADAMS who was with Cst. SMYTH in Holyrood after the incident. He was there in a supportive role, not investigative. Advised SMYTH to have Critical Incident Debriefing. Said that SMYTH was very interesting in providing his account of what happened, provided account to ADAMS. Notes that ADAMS took were handed over to Cpl. HENSTRIDGE;
- Interviewed Donna IVY of Premier's Office. She monitored various social media on behalf of Premier's Office. Saw tweet by Donald DUNPHY that required investigation, forwarded to Cst. SMYTH, Cpl. Doug NOEL (Premier's Detail). Added that this was not uncommon. She spoke with SMYTH on Saturday about the Donald DUNPHY Tweet;
- emails regarding her involvement handed over to Cpl. HENSTRIDGE.

Sgt. OSMOND

- Media Release
- C-237

17:25

Briefing completed.

19:00

Off Duty

(S.D. BURKE) Cpl.

20:00

Cpl. BURKE was contacted by Sgt. OSMOND and was advised that he saw a lady on the news form an injured workers groups discussing Donald DUNPHY. He name was Trish DODD. Please see specific task for further information into interactive with DODD

Cpl. BURKE also arranged with SMYTH and FIS to have an re-enactment completed. Please see specific task for re-enactment for further details.

2015-04-08 08:00

On duty at B Division HQ.

09:05

Member in conversation with Sgt. OSMOND was advised that the scene was released once the autopsy was completed. Mr. DUNPHY'S daughter had requested that the police tape remain a the residence and gave her consent for police to attend the residence if required. Member advised that Cst. GALWAY had the keys to the residence.

10:23

Member advised by Sgt. OSMOND that a retired judge, David RICHE will be an independent observer of the investigation.

11:20

Member was present when Cst. GALWAY called Meghan DUNPHY and informed her that an independent reviewer was assigned the the investigation and police would attend her father's residence at some point. Meghan did not have any issues.

13:22

Re-enactment started.

14:10

Re-enactment completed, see applicable task.

22:00

Off duty

(S.D. BURKE) CPL

2015-04-09 09:00

On duty at B Division HQ

11:00

Briefing Investigative Team. In attendance and information presented as follows:

Cpl. HENSTRIDGE

- Interview set up with Tom MAHONEY at Workers Compensation
- Advised that he spoke with S/Sgt. TOWNSEND (Senior Polygraph Analyst, Truth Verification Section) and that a polygraph examination would not be effective on A/Sgt. SMYTH as it was not a testable issue
- Advised that there was a checklist available for member involved shootings

Cst. NIPPARD

- Paramedics were interviewed and both noted obvious injury to forehead. They noted the position of the arms of the deceased and the fact that the firearm at the scene was a bolt action and that the gun was propped up on something. Paramedics also did a physical assessment of A/Sgt. SMYTH. The paramedics added that they knew the deceased daughter, Meghan as she used to work for the same ambulance service but was currently off on Worker's Compensation.
- Interviewed brother of deceased, Kevin DUNPHY. He said that Donald's house was fine before his wife died and while Meghan was living there, but since she left it went downhill. Kevin said that he thinks the gun that Donald had was his father's (deceased) old .22 caliber. Kevin thinks that the gun didn't work. Kevin said there was issue between him and Donald and other family members. Kevin said he didn't fault the officer one bit for shooting his brother

Cpl. FOOTE

- He attended the re-enactment on Wednesday and prepared his notes
- He was advised that Gerald DALTON attended Holyrood Detachment and said he had information about Donald DUNPHY
- He was currently working on obtaining transcripts of CBC interview with Trish DODD
- He received the Death Certificate from the OCME
- Discussion about ABBASS who was in the media commenting on the shooting in a threatening manner. He was picked up by the RNC, believed to be mental health issues.

Sgt. OSMOND

- Discussion about Justice RICHE and his role in the investigation. To forward FIS planned drawing and photo pack
- on-going media
- meeting with family
- re-enactment.

15:55

Cpl. Kelly LEE, FIS attended member's office and advised that the video/audio for the re-enactment have been deleted and is unrecoverable. Cpl. LEE explained that there are sometimes issues with the new software and camera she was using. Cpl. LEE expressed her apologies. Cpl. BURKE asked Cpl. LEE to document the occurrence in her report and also to provide in as much detail as possible what she witnessed during the re-enactment.

16:30

Sgt. OSMOND advised, further details in Folder 052.

17:00

Off duty

(S.D. BURKE) Cpl.

2015-04-10 08:00

On duty at HQ.

Discussion in completing a second re-enactment with A/Sgt. SMYTH as follows:

- the evidentiary value to have A/Sgt. SMYTH complete the second re-enactment when he already provided a statement and re-enactment (not on video)
- the effect that another re-enactment would have on SMYTH psychologically
- detailed notes of witnesses present at re-enactment
- "cover up" theory / transparency of investigation
- Independent Observer was present

Member was present at the first re-enactment and made detailed notes from memory. Member is satisfied with the information gleaned from the re-enactment. Member from an investigative stand point is comfortable if another re-enactment was not completed however having video would be a great benefit.

11:45

Member was advised by Sgt. OSMOND that we should make all efforts to complete a second re-enactment and to contact A/Sgt. SMYTH.

11:50

Member contact A/Sgt. SMYTH by phone and he began the conversation by advising he was dealing with another professional issue and he was upset over that. SMYTH added that he sent a letter to RNC employees (Member sent this letter as well) that was leaked to the media.

Member advised SMYTH that the video of the first re-enactment was not properly captured, SMYTH immediately offered to do the re-enactment again. SMYTH first advised that he was not available today and was going on vacation tomorrow. SMYTH was fully cooperative and wanted to do the re-enactment, member advised that it was his decision. At the end of the conversation SMYTH agreed to do the re-enactment and same was arranged for 3:00 pm.

12:43

Member met with RNC Supt. Jason SHEPPARD and he handed over RNC OCC recording that were requested.

15:03

Second re-enactment commenced in Mitchell's Brook.

15:51

Re-enactment completed.

18:00

Off duty

(S.D. BURKE) Cpl.

2015-04-13 08:00

On duty in B Division HQ

14:50

At the residence of retired Justice David RICHE and delivered file disclosure.

16:00

Off duty.

(S.D. BURKE) Cpl.

2014-04-14 08:00

On duty at B Division HQ

12:11

Member received the following email from Sgt. OSMOND:

**Thanks Erin,**

***I have forwarded this to Cpl BURKE, the lead investigator. He will get back to you right away on this issue.***

**Kent**

**>>> Erin Breen <ebreen[REDACTED]> 2015/04/14 12:11 PM >>>**

**Hi Kent:**

***I met with Meghan this morning at which time she made me aware that her father's glasses are on the coffee table next to his chair and are broken. She said that the right lens is out of the frame as well the right arm of the glasses is broken. She said that her father wore his glasses often as he required them to read and use his phone. She said that she saw her father wearing his glasses the day before (Sat morning) and they were not broken. Billy her spouse states that he is fairly certain that Mr. DUNPHY had the glasses on at the Woodstock on Easter Sunday as he recalls pointing out the signs on the food to him at the buffet line and that Mr. DUNPHY had the glasses on the top of his head at that time. Meghan is not certain on this but says that Mr. DUNPHY took his glasses everywhere with him and carried them in a case in his pocket. She said that he would always have the glasses with him. Meghan said that the glasses would not have been broken before he went home on Sunday as this is something he would have definitely told her as he used them so frequently.***

***I am somewhat confused as to why the glasses were not seized by the police as they appear to have evidentiary value. Meghan and Billy are willing to provide further statements on this as well as allow the police into the residence to seize the glasses.***

**Thanks.  
Erin**

Protected B



**Sent from my BlackBerry 10 smartphone on the Bell network.**

2015-04-14 14:23

Member reviewed all scene photographs as obtained by RCMP FIS. Member reviewed several shots that contained an image of what is believed to be Mr. DUNPHY'S glasses. Member noted that the glasses were on the end table directly in front of Mr. DUNPHY. In this member's opinion it appeared that the glasses were placed there by Mr. DUNPHY as he took them off his head. They were positioned ear pieces laid flat on table with the curved part of the ear piece facing up. The lens were perpendicular to the table. Both ear pieces were opened beyond the width of the frame. The member would consider the glasses as in poor condition, they were taped with surgical tape in several areas including the left arm, bridge and lens but wearable as they appeared in the scene photographs.

After reviewing the scene photos extensively member replied to Erin BREEN with the following message:

**Ms. BREEN**

***I again reviewed the scene photos and viewed a pair of glasses on the coffee table directly in front of Donald DUNPHY. I would describe the glasses as prescription eye glasses with a silver wire frame, the end of the ear pieces appear white in colour. I noted that the glasses were broken. The left arm was reattached with what appeared to be white surgical tape. Tape was also noted on the left lens near the bridge of the glasses, possibly to keep the lens in the frame. It appears to me that glasses were indeed broken and repaired at home.***

***Please advise Meghan and with her consent, police wish to seize the glasses.. Cst. GALWAY will be in touch with her.***

***Anything further, don't hesitate to contact me.***

**Steve**

2015-04-14 14:53

Member received the following message from Erin BREEN:

***Hello Steve:***

***I am going to be speaking with Meghan shortly. I ask that no officer contact her until you hear back from me.***

***Thank you.***

**Erin Breen**

I responded that I did not have any issue with that request.

2015-04-14 18:44

Member received the following message from Erin BREEN:

**Hello Steve:**

**I have spoken to Meghan. She is expecting a phone call so that the police can seize the glasses. She is having difficulty with her phone but she can be reached on Billy (her ex spouse's phone at [REDACTED]). I also note there are 2 pieces of the glasses that appear to be detached from the glasses themselves - the right lens, as well as a small oval piece which is supposed to sit on the bridge of the nose. That is also on the table but some distance away from the glasses.**

**Meghan and Billy have information about the glasses which has not previously been asked about. Both wish to provide statements.**

Further - according to Meghan other than the Woodstock, she is aware that her father possibly went to 3 other locations on Easter Sunday where I would assume video surveillance is currently available: Shoppers Drug Mart in Long Pond, Irving in Holyrood (he put air in his tire) and possibly RBC bank machine in Holyrood.

Finally, I request to meet with you and Sergeant Osmond in the next couple of days to discuss a concern that I have.

Thank you Steve.

Erin Breen

2015-04-14 20:25

Member sent the following email to BREEN in response:

Thanks Ms. Breen. Of course, we are interested in obtaining all relevant information. We will contact Meghan tomorrow.

Let me know when you are available to met. Tomorrow morning?

A meeting was arranged between Sgt. OSMOND, Erin BREEN and the member for 2015-04-15 @ 1:30 pm.

2015-04-15 13:30

Sgt. OSMOND and member attended Simmonds Law Office and met with Erin BREEN. BREEN was concerned about 2 issues as follows:

1. The interview of her client, Meghan DUNPHY on the night the shooting incident of her father. She said that members did not many questions and did not dig into the background of her father all police appeared to be concerned about was the mental health of her father. Member explained that this was an initial statement from DUNPHY and police were trying to establish facts, it was in no way meant to be an all encompassing statement about the background of Donald DUNPHY. BREEN said that her client didn't like how she was treated by Cpl. HENSTRIDGE. Member advised BREEN that he was also present for that statement and had no issue about the way it was handled by Cpl. HENSTRIDGE and that it was indeed an initial fact finding statement. Sgt. OSMOND, who reviewed the statement taken by Cpl. HENSTRIDGE in its entirety also was confused by where the issued surrounding this statement stemmed. Sgt. OSMOND raised the fact that
2. Donald DUNPHY'S eyeglasses. BREEN said Meghan found them in the house and the glasses appeared as if a book was dropped on them. BREEN was concerned that the police did not seize the glasses as they hold evidentiary value. Member agreed that anything in that room could have evidentiary value and the scene was processed for evidence by police and the glasses were not seized based on that logic. Member added there was nothing about the glasses that concerned police that processed the scene and member added that he viewed the scene photographs and without any other information was not concerned that the glasses were not seized. Member admitted that the glasses in the photo were in a state of disrepair but wearable and appeared as if they were placed there by DUNPHY. Member said investigatively speaking that he was comfortable that the glasses at this point still was of limited value but was interested in obtained same from Meghan in case something came up in the future. Member told BREEN that if she saw the photo of the glasses she may share the same view. Sgt. OSMOND and member told BREEN they would look into access to a photo that contained the glasses (zoomed in to maintain integrity of scene photos). BREEN advised that she wanted to see the photo if possible.

14:00

Interview with Erin BREEN completed.

16:00

Off duty

(S.D. BURKE) CPL.

2015-04-16 08:00

On duty at B Division HQ

09:30

Member called Meghan DUNPHY in order to set a time obtain an additional statement, she advised that that she was meeting with Erin BREEN at 2:30 pm did not want to speak with police until after that. member asked how she was doing with everything and she said it's been difficult with funeral arrangements and the other issues that go along with the sudden death of a family member. Member said that police are not losing site of what she is going through and are moving forward with the investigation to gather all applicable information. Meghan thanked member for the work on the file.

In conversation member advised that a member would make arrangements with her to seize her father's eye glasses at the residence. Member explained that he did view pictures of the eye glasses at the scene and they appeared in poor condition. Meghan agreed said that her father had tape on the glasses and something to the effect that she was aware that the glasses were not in good condition.

Member asked Meghan to contact him for a time for a statement, Meghan agreed.

16:00

Off duty

16:30

Member received a call from Sgt. OSMOND advising that he received a letter from Erin BREEN basically asking the RCMP to have an out-of-province police force to take over the investigation citing failure to seize an exhibit (eye glasses) and having tunnel vision

(S.D. BURKE) Cpl.

2015-04-17 08:00

On duty at B Division HQ

09:30

Member called Meghan and she said she was not prepared to talk with police until she received advise from her lawyer. Applicable task updated.

16:10

Investigational briefing. In attendance and information presented as follows:

-Cpl. HENSTRIDGE:

- 2nd statement with Colin DINN. This was in reference to Donald DUNPHY'S eye glasses. He say them the Monday of Tuesday before the shooting. Said they were in generally bad shape, ear piece broken. Always had tape on them. Said they were silver glasses and he could not afford new ones. Said he didn't recall the lens coming out.
- Statement to Thomas HEARN, re glasses SUI away working be back April 28th

-Cst. NIPPARD

- Looking for video at service stations that Donald DUNPHY may have attended on Sunday morning April

Protected B

5th. Presently reviewing video from Shoppers in Long Pond

- speaking with staff at Woodstock Restaurant. SUI statement from Amy [REDACTED] who served DUNPHY
- Waiting on video from Holyrood Irving

-Cpl. FOOTE

- File Coordinator duties
- Dropped off Donald DUNPHY cell phone with consent to Tech Crime for analysis

-Sgt. OSMOND

- Discussed letter from Erin BREEN

2015-04-18 10:00 Approx

Member received email message from Joe SMYTH asking for an update on the file.

Member called SMYTH advising that that the incident was being actively investigated with lab analysis in progress. SMYTH advised that he was currently in Florida and would be returning tomorrow.

SUI

(S.D. BURKE) CPL.

2015-04-27 17:15

Member contacted Meghan DUNPHY and advised her that she could have the cell phone that was seized from the house.

SUI

(S.D. BURKE) CPL

2015-04-28 09:40

Member received photos from Erin BREEN through B Division Stores. There were a total of 10 photos depicting a pair of eye glasses on a coffee table. The photos are not dated and are not signed. There is no reference of what the pictures are and where they were taken. From my file knowledge I can only assume the eye glasses belonged to Donald DUNPHY and were captured as they were found in his residence by his daughter, Meghan DUNPHY as discussed with both BREEN and DUNPHY.

Member review of the photos as compared with scene photos revealed the following:

- The glasses are in a different location on the coffee table (one arm now slightly off table)
- The skull head is now near the glasses, it was on the floor in scene photos
- There is a knife missing that was under the glasses (indicating the glasses were moved)
- The glasses appear to at a different angle
- The nose piece is not evident on the table in the scene photos

There does not appear to be a vast difference in the photos of the glasses in the scene as compared to the photos obtained by DUNPHY, both show a pair of glasses in poor condition. The scene photos and even the photos obtained by DUNPHY does not provide any evidence that the glasses were damaged in any type of altercation or struggle. There are also other items in the scene that should have been moved in a struggle / altercation (eg propane cylinder)

2015-04-30 12:46

Member called Dr. DENIC for question re scene photos and body position. Dr. DENIC not in office and message left for him to return my call.

SUI

(S.D. BURKE) Cpl.

2015-04-30 14:17

Member received a return call from Dr. AVIS, who is the Dr. in charge of the DUNPHY shooting. Member asked Dr. AVIS about the hand positron of the deceased as noted in the scene photos. Dr. AVIS said the hand position of the deceased does not mean that was his hand position before he was shot. Dr. AVIS added that it would be possible to move the body for a certain time post mortem. Member explained the reason for questions on this about whether the police officer involved moved the body in any way, also if there may have been any sort of a struggle or altercation. Dr. AVIS said that scene evidence indicated that DUNPHY was indeed in seated the the chair when he was shot due to trajectory and the fact there was brain matter on the back of the chair. He also advised that as part of his autopsy report he will speak to any other injuries besides the bullet wounds. Dr. AVIS mentioned the fact that the police officer entered the residence believing that there was no firearms present and then one was presented. (This was contradict any theory that the police officer would have placed any firearm at the scene, not knowing there was a firearm there and the last known location of one would have been behind the couch (Meghan DUNPHY statement).

2015-05-04 16:55

Member received a call from Veronica HAYDEN of Premier Paul DAVIS' Office. She advised that she received an ATIP request for an email sent to Joe SMYTH from Donna IVY regarding a Twitter message sent by Donald DUNPHY. HAYDEN further explained that the message was sent on April 3, 2015. Member said the email is included in our file but was not sent as a part of our investigation and the RCMP does not have the authority to holdback that email. Member advised that she should consult with the RNC is see if it would interfere with their investigation into the contents of that email.

SUI

(S.D. BURKE) CPL

2015-05-07 16:28

Member received an email from Erin BREEN. On behalf of Meghan DUNPHY she was looking for information on why an RNC vehicle was parked near Meghan's residence.

17:01

Member responded that it was not part of this investigation and for Meghan to contact the RNC.

SUI

(S.D. BURKE) CPL.

2015-05-13 13:45

Member called Meghan DUNPHY and updated her in the file. The conversation was cordial. Meghan advised she was currently studying for exams. She said that she just found out someone stole her identity and had cell phones and other services in her name and she was now getting billed for it. Meghan also advised that she was in the process of selling her house to move closer to St. John's. Meghan asked when the investigation would be concluded and member advised that there were some outstanding tasks including Lab analysis, SME, 3D imaging, etc. Meghan said she wanted to have a look at everything and see what she was going to do

Member reminded Meghan that his phone was always on and to contact him directly with any issues.

SUI

(S.D. BURKE) CPL.

2015-05-26 15:23

Member called Meghan DUNPHY to update her on the file. No answer, message left to return call.

15:30

Member received a return call from Meghan DUNPHY. Member updated her on the investigation and the fact that the forensic lab results are not expected to be obtain until August. Also in conjunction to this, the 3D imaging by Darryl BARR would not commence until he receives the lab results. Member added that police were debating releasing an updated media release with this information. Meghan advised that a media release would be a good idea because she is being asked by family and friends on a constant basis of what is going on with the investigation. Member said that she would be notified if a media release was expected. Meghan also said she wishes to consult her lawyer on the media issue.

SUI

(S.D. BURKE) CPL.

16:13

Member received another call from Meghan. She advised that she spoke with her lawyer and they did not have any concerns with having an update in the media. She referred to Joe SMYTH as GI Joe saying that he was the one who executed her father. She wanted to know if SMYTH knew about the possibility of having a 3D imaging completed at the scene, member advised he didn't thin so.

SUI

(S.D. BURKE) CPL.

2015-05-28

General Report printed off and disclosed.

(S.D. BURKE) CPL

2015-06-09 08:30

Member received a call from Justice RICHE, he asked the following questions:

-Was the bolt of the rifle in the open position when it was discovered by police?

Member reviewed the photos while talking to Justice RICHE, member noted that the action of the rifle was open when laying on the blue Tupperware container. Member advised Justice RICHE that the rifle was no moved by Joe SMYTH or responding members.

-Were there any fingerprints found on the rifle?

Member advised that the rifle was examined for fingerprints and there were not found.

-Requested a meeting with Dr. AVIS

-Requested to re-visit the DUNPHY residence

10:56

Member called and subsequently sent an email to Dr. AVIS requesting a meeting with Justice RICHE.

11:11

Member received an email from Joe SMYTH requesting a copy of his statement he provided to the RCMP.

11:23

Member called Meghan DUNPHY to update her on the file and to request access to her father's residence as requested by Justice RICHE. The phone number for DUNPHY (709) [REDACTED] 682 went straight to voice mail, message left for DUNPHY to return call.

11:45

Member contacted Justice RICHE to update him on the action taken with reference to his requests. He asked why there were no fingerprints found on the DUNPHY rifle. In members opinion it is often due to a poor surface that would not retain prints. Member then advised he would go back to Cpl. LEE for clarification on the fingerprint issue.

11:50

Member called Cpl. LEE to ascertain why no fingerprints were found on the DUNPHY rifle. Cpl LEE responded that there were issues with both the barrel and the stock of the gun including dirt, rust and the varnish was worn off. Cpl. LEE to create a report detailing her opinion on why there were no prints found.

14:14

Member was contacted by OCME and a meeting with Dr. AVIS was arranged for 2015-06-10 10:00 at Dr. AVIS' office. Justice RICHE was notified.

14:36

Member responded to SMYTH advising that the statement was part of an ongoing investigation and could not be released.

SUI

(S.D. BURKE) CPL.

2015-06-10 08:45

Member received a call from Meghan DUNPHY, who was returning my call from the previous day. Member advised that the Independent Observer wanted access to her father's residence, Meghan advised there was no issue with that. Member looking at possibly Thursday afternoon or Friday morning.

09:57

Member and Justice RICHE (At his request) met with Dr. AVIS at the OCME. In reference to the question of what shot was the fatal shot, Dr. AVIS said the following:



-There were a total of 4 shots, 3 that hit DUNPHY (1 in the torso and 2 to the head). Dr. AVIS advised that either one of these shots could have been the shot that caused the death of DUNPHY;

-Dr. AVIS said there was a substantial amount of blood in the chest cavity suggesting that DUNPHY'S heart was still beating before and immediately after this shot.

Member obtained photos that were obtained by Dr. AVIS during the autopsy.

13:11

Member spoke with Meghan DUNPHY by text and confirmed meeting at her father's residence at about 9 am on Friday morning on 2015-06-12.

SUI

(S.D. BURKE) CPL.

2015-06-11 14:30

Member returned photos to Dr. AVIS.

SUI

(S.D. BURKE) CPL

20:16

Member received an email message from Erin BREEN. She advised that her client, Meghan DUNPHY was at her father's residence and that she found a bullet on the floor in the living room. DUNPHY to write a statement regarding her finding.

BREEN also advised that DUNPHY wanted her present for the meeting with Justice RICHE but was unavailable for 09:00. Meeting rescheduled for 15:30.

20:39

Member received a written statement from Meghan DUNPHY Re: found bullet. The following is a cut and paste of that statement:

Today June 11, 2015 I went down to Dad's house to feed the cats, after I put some food out on the doorstep I went in the house to check on things. While inside I realized that the TV in the living room was still plugged in. I have nearly everything else in the house unplugged as there is nothing being used down there anymore. I had left the TV plugged in and turned on to the music station for the cats up until about a week ago when I got the last few cats outside.

The TV was plugged into a power bar in the corner of the living room between the mantle piece and the front window. There is a vacuum cleaner in the corner and a rocking chair partially pushed in the corner near a speaker. I crouched down and unplugged the TV from the power bar and turned to leave the living room and go to the kitchen. When I turned and stepped out of the corner I heard something roll across the floor as if I had kicked it. First thought I figured it was a screw, but when I looked down I saw something I didn't really recognize. Just some small metal thing with a black top which looked like rubber to me. I picked it up and looked at it closer and realized it was some sort of bullet. I then quickly laid it down on top of the Rubbermaid tub that is on the living room floor. I then googled bullets on my phone to make sure that it was in fact a bullet. I took some pictures of the bullet and called Erin.

22:00



Member left message for Justice RICHE advising of change of time for meeting.

Member advised BREEN that he would assess the finding of the bullet during the meeting.

SUI

(S.D. BURKE) CPL.

2015-06-12 08:00

Member called Justice RICHE and advised that the meeting had to be postponed until 15:30, Justice RICHE in agreement.

SUI

(S.D. BURKE) CPL.

2015-06-12 15:40

Member attended DUNPHY residence with Justice Riche at his request.

Justice RICHE asked DUNPHY when the last time she was in the residence before the shooting and the placement of the furniture. Justice RICHE also asked where she saw the gun in the residence and she explained that it was behind the couch. DUNPHY added the gun was lying flat on the floor at the time.

Justice RICHE asked where she found the bullet and she said that it was in the corner by the TV, she then moved it and placed in on top of the Tupperware container.

Member observed a bullet in the Tupperware box in the middle of the living room (known to be placed there by Meghan DUNPHY the previous day, DUNPHY found it in the corner of the room and moved it to that location).

The bullet was small, possibly a .22 calibre but there were no markings. It was a live round. Member examined the bullet and advised Meghan and her lawyer Erin Breen, who was also present, that the bullet was irrelevant to our investigation and would not be seized. Member did obtain 1 photo so there was no dispute of the bullet found.

Member asked DUNPHY what she would like done with the bullet and she advised that she just wanted it gone. Member agreed that he would dispose of the bullet safely at her request, this intention was noted in his notebook and member had Meghan sign the notebook entry.

SUI

(S.D. BURKE) CPL.

2015-06-17 13:40

Member called Joe SMYTH to update him on the investigation, no answer.

14:00

Member received a call back from SMYTH, an update on the investigation was provided given the recent media coverage. Member was brief and did not provide any specifics. SMYTH was thankful for the update and understood the lack of detail provided.

SUI

(S.D. BURKE) CPL.

2015-07-27 10:00

Member spoke with Justice RICHE who called earlier and left message. Justice RICHE had a couple some concerns of where the gun came from on the day DUNPHY was shot. He said that he looked back at Meghan DUNPHY'S statement and noted that she was at her father's house a couple of weeks prior and saw a gun behind the couch. Justice RICHE then adds that Meghan was a few hours before the incident and did not see the gun and feels that she may have or should have saw the gun if it was where SMYTH said it was (on side of the chair). Justice RICHE also said that in SMYTH'S statement he says the word couch when referring to the firearm's location.

Member was aware of the observations of Justice RICHE was referring and respected his views. Member did offer explanations still keeping in mind the concerns of Justice RICHE. Member was not saying that his version was 100% accurate but just at different way of providing answers to what Justice RICHE had highlighted and in line with the evidence presented to date.

In the statement of Joe SMYTH he said that he saw the gun come from the right side of the chair. There appears to be a void in the garbage on the floor to the right of the chair that is consistent with the side of the rifle found at the scene. This chair is where Donald DUNPHY was found deceased and the gun would have been accessible from where DUNPHY was seated. There was not other evidence to suggested that the rifle was in another location other than MEGHAN seeing it behind the couch at least two weeks before.

When SMYTH refers to the couch in his statement it appears to this member that he is talking about the chair because he is asking if the rifle came for the actual couch or was it on the floor. He says in his statement and re-enactment that he was unsure if the rifle was jammed in the cushions or in a holster on the side when DUNPHY was sitting or if the gun was actually on the floor, he does not question the location in the room only that the gun came from the right side where DUNPHY was sitting.

Both Justice RICHE and member agree that a firearm was presented by DUNPHY regardless of it's origin.

SUI

(S.D. BURKE) CPL.

2015-07-28

Member was contacted by Joe SMYTH for on update on the investigation. Member replied that the matter was still under investigation and we were waiting for lab result and other investigative steps.

2015-07-29 0330

Joe SMYTH sent an email to this member and appeared concerns over the investigation and what the other investigative steps were.

2015-07-29 10:00

Member decided to speak with Joe SMYTH by phone and provided him with an update of the investigation adding the investigative steps were 3D imaging and Subject Matter Expert (Use of Force) opinion. Member was concerned with SMYTH'S well-being and expressed those concerns to Insp CAHILL to reach out to RNC management.

SUI

(S.D. BURKE) CPL.

2015-08-06 08:20

Member received a phone call from Justice RICHE for an update on Lab results and he was notified that a date was identified as Sept 15, 2015.

Justice RICHE raised a couple of issues for clarification:

1. Did Meghan DUNPHY see a firearm in her father's residence the day before the incident? Was it by the chair? Could she have seen it by the chair?
2. Was Donald DUNPHY tipped off that police were looking to speak with him?

SUI

(S.D. BURKE) CPL.

10:20

Member reviewed the statement of Meghan DUNPHY provided to police on April 8, 2015. Member focused on portions of that statement that referred specifically to the gun. The reason for this statement was that DUNPHY contacted police and advised she had further information that she had not disclosed to police in her initial statement. The following are excerpts from that statement that speaks to the gun in Donald DUNPHY'S residence:

**DUNPHY:** ...and the guys were there to talk to me like a few hours after I had found out about dad and that so you know as time's going by I'm just I guess more stuff is coming to me and stuff. But when they asked me about if there was any weapons in the house and I said no...

**Dunphy:** ...well there was a gun in the house belong to my grandfather. When my grandfather died dad pretty much literally moved everything that was in his house, in my pop's house, over to our house cause everything is technically antique, or was antiques in my dad's eyes. So you know like one of the officers even mentioned they seen this big oar around and like there's lots of old junk around is what I call it like it's, it's ready for the dump.

**Dunphy:** But it's just really old and it was my pops and dad wanted to keep it. So there was a gun. I'm not familiar with guns. I can't tell you what it is. I can't tell you what it was. All I knows it was about this long and it was old and brown and rusty and junk like falling apart and I'm pretty sure there was a piece missing off of it.

**Dunphy:** So anyways and that was there in the house and when my dad got sick in January, I'm saying January my father was in the hospital sometime between January and say the first of February I'm not exactly sure of the dates..

**Dunphy:** And he was in there for a week. He went down by ambulance first time he got sent home and then when he went back they kept him in. And hmm, when he was in the hospital I would go down in the day time and feed the cats like I'm doing now same thing and I went down a few days and cleaned up the house like I took out all the garbage and cleaned the kitchen and stuff like that and the gun was behind the couch. When I moved the couch the gun was flat like say I didn't lift the couch there was no need to lift down the dads he wasn't particular about like you know what I mean.

**Dunphy:** Like I do home so I wouldn't scratch the floor so I just probably even kicked out the couch and it was kinda stuck under the couch. So you know I looked at it and it, it, it wasn't even a big thing to me because I knew it was there in the house before so I just figured you know whatever it was just

hugged behind the couch it wasn't taken out a long time there was dust and dirt and shit everywhere. So I just lifted it up and shoved it back down on the couch and just shoved the couch back in. And I did mention to dad about it but it was never it was just like yeah it was pops gun like the old thing that was there like if you, were you to the house?

**Dunphy:** Like there's stuff poked literally everywhere.

**Dunphy:** So this was probably you know he probably moved some stuff over the past years and that, he, that just got slung in there like chances are only for I mentioned it he probably would of had to turn the house upside down to look for that if he wanted it.

**Dunphy:** And two of my uncles, my dad's brothers, have, knew exactly what gun it was because apparently my other uncle Dick had, my pop had four guns. My uncle Dick has three.

**Dunphy:** And this is the one how they knew what it was because obviously dad had this one. They claimed that it was broken and all warped up and I think you might of even we told you this before I think it was all warped up and you can tie it up was it Kev said?

**Corcoran:** Yeah I think Kev said it was tied up yeah.

**Dunphy:** Yeah Kev said it was like tied up. He said it was in the stable for years like it hadn't been used and stuff like that.

**Dunphy:** So I did see that and it was behind the couch. And you know I've been down the dads many times since then at least once a week at the very least and you know he didn't clean up obviously after I cleaned up so everything was still there and the boxes were still shoved in the same way. So my issue thinking now is just you know the way I see it I know my dad I know where he sat I know if the officer went in where he sat so I'm just wondering how my father managed to go behind the couch and get the gun if per say that's how it went.

**Dunphy:** But like I said I have a lot of questions this is some of them. But I just find it a little hard to understand like the cop was invited in my father must have been home literally two minutes I'd say...

**Dunphy:** ...like he pulled up in the driveway and then the officer who was parked down the road just must of came right behind him. So he invited him in openly and then within 15 minutes like I can't understand how my dad managed to get up and go behind the officer where he was sitting and haul out this gun and then point at you. It doesn't make sense to me I'll be honest.

**Dunphy:** It's never been in another place (the stick) SDB/CPL. My dad didn't clean up before this you know he got up enough time to get in the shower brush his teeth and go not to mention he lived at our house for a week right before all this happened. So you know it's not like he planned everything out. So you know could it have been this stick that he was getting at, reaching for and then you know if this cop had seen that gun, and I'm not saying he's bad or anything like that...

**Dunphy:** ...but you know my dad could of pulled a stick on him and then if he sees the gun well how did you know he didn't put the gun there.

**Dunphy:** But there was a stick there that he used for self, say he would use for self defense if someone came.

**Dunphy:** So you know the gun was never there for self defense. It was there because it was my pop's

and dad was too, had too big of a heart to throw it away he didn't you know, every, he kept dressers and you now there's I bet you there's 12 dressers in our house. We had three bedrooms. He kept everything. Every bed, every everything you know what I'm saying so I just have a hard time believing this story about the gun I'll be honest.

**Dunphy:** ...as of right now that's what I remember about that gun.

**Osmond:** So the information that you wanted to pass on is that you did see the gun in house.

**Dunphy:** Yeah.

**Osmond:** But that it was sort of thrown in behind the couch.

**Dunphy:** Yeah.

**Osmond:** And to the best of your knowledge that's where it was last...

**Dunphy:** Yes.

**Osmond:** ...like situated...

**Dunphy:** Hmm, hmm.

**Osmond:** ...kind of thing right?

**Dunphy:** Yeah.

**Osmond:** And the other pieces that he had a stick with...

**Dunphy:** Yeah.

**Osmond:** ...duct tape on it and you feel that if he had picked that up the officer might of thought it was a gun.

**Dunphy:** Yes.

**Dunphy:** Which is where his chair was.

**Dunphy:** And the thing is if this officer went in there would of been nowhere around where my dad was sitting that he would of been able to hide anything because his chair was out about even probably like this from the wall there was nothing in this corner by him only like a stereo. So you know that was in the corner it couldn't be in there. Then there was the window and probably his little garbage bucket and his table with all his pills and shit on it. So you know the gun could not have been around him or it would have been in plain sight is what I'm trying to say.

**Dunphy:** Is what he would of said, and in my head that's the scenario that's happened there. He told him to get out and he probably didn't go immediately. I still, I don't think I'll ever believe no matter what comes out of this that my father hauled a gun on a cop because you know his life was getting better. He was looking forward to turning 60 so that he was gonna get like another 600 dollars a month and like things like that like things now are say if this had the be five years ago you know dad was a little bit more unhappy and stuff, but my father was not unhappy right now. He was

bitter towards certain things but like he did not want to die by no means.

Member believes that it is clear from the statement of Meghan DUNPHY that the last place she saw the gun was behind the couch, this member is satisfied with that. To go back and ask her where was the last place she saw the gun or it see could have seen it by the chair would be leading. DUNPHY also mentions that if the gun was by the chair she feels she would have seen it.

10:30 Member spoke with Justice RICHE and advised him of what DUNPHY said in her statement. Justice RICHE responded that this was nothing new to him and was aware of the contents of her statement. Justice RICHE then said that he has a theory of what happened in the residence when DUNPHY was shot. He feels there was a confrontation between Donald DUNPHY and Joe SMYTH (clarified as verbal) and DUNPHY proceeded to go behind the couch and retrieve his gun and tell SMYTH to get out of his house and that was when SMYTH shot him. Member does not feel this theory described by Justice RICHE is logical of in line with the known evidence of this case for the following:

1. DUNPHY was found seated in a chair across the room from the couch and the scene, while trajectory has not yet been established, suggested that DUNPHY was shot while seated in the chair. Justice RICHE'S theory appears to suggest that DUNPHY retrieved his gun from behind the couch and then sat down in the chair and was then shot;
2. Unless DUNPHY was aware that police were looking for him, he would not have had time to get the gun before SMYTH'S arrival. Member does not have any information to suggest that DUNPHY was tipped off that police were in Mitchell's Brook looking for him;
3. While this may be difficult to prove, there is a void in the garbage on the floor that appears proportionate with the rifle found at the scene and where SMYTH said the gun came from. The couch appears as if it was not moved. The gun if on the DUNPHY'S right side may or may have not been visible and if SMYTH was standing near the fireplace towards the couch it is unlikely he would have seen the gun. (Scene photos reviewed)
4. Joe SMYTH is the only witness and provided his version of when happened at the DUNPHY residence that appears accurate when compared against the available evidence.

Member suggested a meeting with Justice RICHE, in person, same set up for Friday August 7, 2015 @ 10.

SUI

(S.D. BURKE) CPL.

2015-08-07 10:15

Member along with Insp. CAHILL and Sgt. OSMOND met with Justice RICHE at RCMP HQ. Member noted the following from Justice RICHE:

- The only evidence / witness police have was provided by the person who done the shooting;
- Meghan DUNPHY saw the gun behind the couch less than 24 hours before he was killed;
- People did not consider DUNPHY as a risk, he was on an up-swing. DUNPHY had lunch with his family no problems;
- SMYTH attended the DUNPHY residence on Easter Sunday like was looking for a fugitive;

- DUNPHY must have moved the gun. How did DUNPHY get gun from behind the couch. Was he tipped off?
- Problem. SMYTH had to put his story to correspond with the evidence;
- During the meeting with Dr. AVIS regarding shots fired and the direction the shots entered DUNPHY'S body. Said that the first shot killed DUNPHY and that SMYTH put two more in him for good measure. Justice RICHE is concerned with the way the gun landed;
- Wants to ask Erin BREEN to ask Meghan DUNPHY why she didn't see the gun by the chair;
- In his statement SMYTH says couch when he is referring to the chair;
- Thinks there was a confrontation between SMYTH and DUNPHY when DUNPHY when over to the couch and hauled the gun out from behind the couch;
- Justice RICHE mentions the incident where SMYTH was convicted of Mischief in the Virgin Islands and how he can be violent and loose his cool;

Task created for a second statement from SMYTH to ask why he said the work couch when he was referring to the location on the gun.

SUI

(S.D. BURKE) CPL.

2015-08-26 12:00

Member updated Joe SMYTH on the file when he attended to provide a statement to clarify an issue for SME (Use of Force).

SUI

(S.D. BURKE) CPL.

2015-09-03 0840

Member spoke with Justice RICHE to advise him that a statement was completed with Joe SMYTH with regards to him using the word couch when referring to the location of the gun. Member told RICHE that SMYTH used the word couch in error and that he meant to say chair. Member said that this statement was being transcribed and would be forwarded to him once completed. Justice RICHE said he knew SMYTH would say that. Member also offered Justice RICHE a meeting with FIS member Sgt. SAUNDERS to go over the scene diagram adding that Sgt. SAUNDERS now had a larger version and could answer any questions about the scene that Justice RICHE may have. Meeting tentatively set for Wednesday Sept. 9th, 2015. Justice RICHE did note the following as he was reviewing the file and starting his concluding report:

- He referred to the last shot that SMYTH took (one to the temple) as the finishing off shot;
- He said that SMYTH said that DUNPHY was following him but said that DUNPHY was seated in the chair;
- Questioned how and when the gun that DUNPHY was holding fell to the floor, it should have been as soon as



DUNPHY was shot the first time;

-Mentioned DUNPHY'S broken glasses

-Said that what happened at the DUNPHY residence should not happen again.

-Referred to DUNPHY and SMYTH as two angry nen;

-The fact that SMYTH went there alone

SUI

(S.D. BURKE) CPL

2015-09-08

Member met with Justice RICHE with Sgt. OSMOND, Sgt. EFFORD and Sgt. SAUNDERS. Sgt. SAUNDERS explained the analysis of the scene and presented Justice RICHE with a poster sized scene diagram. Member provided RICHE with an updated disclosure package.

SUI

(S.D. BURKE) CPL.

2015-09-23

Member called SMYTH and updated him on the file and the fact that the lab report has been received. Member told SMYTH that the lab report was required to complete other outstanding reports (SME Use of Force and 3D Imaging).

SUI

(S.D. BURKE) CPL.

2015-09-25

Member met with Justice RICHE and provided him with updated disclosure, in particular the lab results. Disclosure was explained and discussed.

SUI

(S.D. BURKE) CPL.

2015-10-26 09:39

Member called Meghan DUNPHY for update. No answer, message left.

SUI

(S.D. BURKE) CPL.



10:10

Member received a call back from Meghan DUNPHY. Member updated her that the lab report was back and we were waiting on the Use of Force Opinion Report and 3D Imaging of the scene. DUNPHY appreciated the call and the update.

SUI

(S.D. BURKE) CPL.

2015-10-28 13:40

Member spoke with Justice RICHE and an update was provided. Outstanding reports are SME Use of Force Opinion and 3D Imaging of scene.

SUI

(S.D. BURKE) CPL

2015-11-02 0900

Member received a call from Justice RICHE advising of the recent media surrounding the DUNPHY. Member advised he was aware of media.

11:30

Member received a call from Joe SMYTH. He was wondering about an update. Member spoke with SMYTH recently and the fact police were waiting on SME Use of Force and 3D Imaging. SMYTH commented on the recent social media posts and said that he and he have were concerned for their safety. He said that he stayed with relatives last week while security equipment was being installed at his residence. He added his wife and son are currently "down south" to avoid the public attention.

Member updated Sgt. EFFORD and Insp. CAHILL of recent events. Member to complete advance message and Sgt EFFORD to update SMYTH'S supervisor, A/Insp. Joe GULLAGE.

13:00

Member completed Advance Message and forwarded same to Sgt. EFFORD.

SUI

(S.D. BURKE) CPL.

**Protected B**