



# Banner Page

Document ID:

Investigation: DUNPHY – 2015-376186

Document Title

Doc Description

How Received

When Received

Date

Document Type:

Document Summary:

Request for Forensic Laboratory Analysis.

☐

This is a copy of a document already in the system

POC Content

☐☐

Secured for Hold Back or Disclosure Issues

Vetting

☐

Submitted/Recommended/Approved By

Date 2015-11-30

Number ID	Category	Reason
39	T	
BURKE, Steve	P	

Case: 2015N-002804 User: 000044271 2015-04-09



Royal Canadian Gendarmerie royale  
Mounted Police du Canada

# REQUEST FOR FORENSIC LABORATORY ANALYSIS

# NOTICE

Date Sent	2015-04-09
Lab. File Number (Lab use)	2015N-002804
Your File No. (Client Use)	2015-376186
Mandatory Field	
Security Classification	Protected A

<b>Requestor</b>			
Name of Agency <b>TRINITY CONCEPTION RCMP</b>		Jurisdiction <b>Municipal</b>	
Mailing Address (Street, City, Province, Postal Code) <b>TRINITY CONCEPTION RCMP</b> <b>Harbour Grace, NL</b> <b>A0A 2M0 BOX 550</b>			
<input checked="" type="checkbox"/> Same as Mailing Address			
Exhibit Return Shipping Address <b>TRINITY CONCEPTION RCMP</b> <b>Harbour Grace, NL</b> <b>A0A-2M0 BOX 550</b>			
<b>Offence</b>			
UCR Code or Section/Criminal Code or Act Must be Entered - Mandatory Field			
UCR Code <b>1457</b>	Section/Criminal Code or Act <b>Pointing a Firearm/87(2) C.C</b>	Date of Occurrence (yyyy-mm-dd) <b>2015-04-05</b>	Time of Occurrence (hh:mm) <b>14:30</b>
Location of Occurrence - If available enter address information			
<b>Subject Information</b>			
Surname	Given 1	Given 2	DOB (yyyy-mm-dd)
<b>Dunphy</b>	<b>Donald</b>		<b>1956-08-23</b>
<b>Smyth</b>	<b>Joseph</b>		<b>Male</b>
			<b>Male</b>
			<b>Deceased</b>
			<b>Complainant</b>
Court Type <b>Other</b>			Date
Brief Summary of Occurrence - Field will expand automatically On April 5th, 2015, Sgt. Joseph Smyth with the Royal Newfoundland Constabulary attended Mitchell's Brook, NL, to investigate a perceived threat that had been made using social media and was directed towards the Premier of NL. Sgt. Smyth attended the residence of Donald Dunphy who had posted the threat in question via his "Twitter" page. Sgt. Smyth was in plain clothes and identified himself as a police officer before being invited inside the residence by Donald Dunphy.  The two had a conversation for a period of time during which Donald Dunphy was becomingly increasingly agitated but would be observably up and down in his displayed emotion. Sgt. Smyth was taking notes while standing in the living room near a mantle. Donald Dunphy was also in the living room seated in a chair on the opposite side of the room, next to the entrance way. This room was very small approximately 12' x 16'.  Sgt. Smyth advised that he seen the barrel of a gun being lifted by Dunphy from his right side, to which he reacted by putting up his left hand in a stop motion while drawing his service pistol with his right hand. Sgt. Smyth recalled saying "no, no, no!" while moving towards Dunphy in an angled motion in an effort to get out of the room. Sgt. Smyth recalled			

Case: 2015N-002804 User: 000044271 2015-04-09

Date Sent	2015-04-09
Lab. File Number (Lab use)	
Your File No. (Client Use)	2015-376186
Security Classification	Protected A

firing his service pistol 4 times as Dunphy continued to bring the gun towards him as he went towards the exit. When the final shot was fired Sgt. Smyth was adjacent to Dunphy and then out of the room into the hall way. He tactically re-entered the room and confirmed Donald Dunphy had been hit and was deceased.

RCMP FIS completed a crime scene investigation and all four bullet casings were retrieved. The 4 bullets themselves were also retrieved, 1 from the wall in the residence, 1 from the chair cushion and 2 from Donald Dunphy's body. (1 from his head and 1 from his chest)

Forensic analyst of the service pistol along with the bullets and casings seized will confirm whether or not the bullets fired did in fact come from the pistol seized from Sgt. Smyth.

Interviews conducted with family members have suggested that the rifle held by Donald Dunphy is not operable and very old. The rifle was loaded but not fired during this incident. Testing will need to be conducted to determine its functionality as a firearm.

The clothing of both Donald Dunphy and Sgt. Joseph Smyth were seized as evidence. It is thought that forensic analyst of these items can speak to any blood transfer as well as the presence and/or location of any gun shot residue.

A gun shot residue kit was completed on Donald Dunphy's hands and face at autopsy. This was done in the interest of any recent gun use by Dunphy as well to determine if there was any transfer to him from Sgt. Smyth's weapon.

It is suspected that this will be the only forensic analysis request required to be made in this investigation.

#### Submitted by Investigator

Name Cst. Michael Nippard	HRMIS / E Number 000165725	Signature X _____	Date 2015-04-09
Email mike.nippard@_____			
Telephone No. _____	Ext. _____	Fax No. _____	

#### Contributor (if different than Investigator)

Name	HRMIS / E Number	Signature X _____	Date
Email			
Telephone No.	Ext.	Fax No.	
Send Report to: <input checked="" type="checkbox"/> Investigator <input type="checkbox"/> Contributor <input type="checkbox"/> Other, specify:			

Case: 2015N-002804 User: 000044271 2015-04-09

Date Sent	2015-04-09
Lab. File Number (Lab use)	
Your File No. (Client Use)	2015-376186
Security Classification	Protected A

**For Laboratory Use Only**

Initial Recipient		Signature X _____		Date	
Delivery Mode <input type="checkbox"/> Carrier / Courier <input type="checkbox"/> By Hand		Name of Carrier / Courier		Carrier / Courier Waybill Number	
Condition of package: <input type="checkbox"/> Sealed <input type="checkbox"/> Unsealed <input type="checkbox"/> Damaged <input type="checkbox"/> Not applicable					
Discipline	Biology	NFIS	Firearms	Toxicology	NACB
Diary Date					

**List Of Exhibits And Services Requested**

Agency Exhibit Number	Description One exhibit per section	Services Requested Please identify TYPE of service being requested More than one service allowed per exhibit	DNA Warrant Indicate if obtained via warrant (applies to known samples only).
2015-37 6186PE1	4 bullet casings. (40 caliber)	FAI: Cartridge component comparison FAI: IBIS MM 2015-04-10  Exhibit Origin - Select from the drop down options or key in information below Scene - Residence	<input type="checkbox"/>
2015-37 6186PE4	.22 Caliber rifle. Ranger Model	FAI: Functional examination (firearm and/or ammunition) FAI: Legal classification (firearm and ammo) FAI: IBIS (unsolved cases check) FAI: Serial Number Restoration MM 2015-04-16  Exhibit Origin - Select from the drop down options or key in information below Scene - Residence	<input type="checkbox"/>
2015-37 6186PE4-PE8 (per INV)  MM2015-04-16	.40 caliber hand gun. Sig Sauer P226 Serial number UU604553	<del>FAI: Cartridge component comparison</del> MM 2015-04-10 FAI: Functional examination (firearm and/or ammunition) FAI: IBIS (unsolved cases check) FAI: Legal classification (firearm and ammo)  Exhibit Origin - Select from the drop down options or key in information below Complainant	<input type="checkbox"/>
2015-37 6186PE9	Leather jacket, brown pants, one black long sleeve polo shirt, one brown leather belt	Trace: GSR (Gunshot Residue) Bio: DNA Analysis  Exhibit Origin - Select from the drop down options or key in information below Complainant	<input type="checkbox"/>

Case: 2015N-002804 User: 000044271 2015-04-09

		Date Sent	2015-04-09
		Lab. File Number (Lab use)	
		Your File No. (Client Use)	2015-376186
		Security Classification	Protected A

  

Agency Exhibit Number	Description One exhibit per section	Services Requested Please identify TYPE of service being requested More than one service allowed per exhibit	DNA Warrant Indicate if obtained via warrant (applies to known samples only).
2015-37 6186 PE10	One pair of pajama bottoms, one polo shirt, one long sleeve shirt.	Trace: GSR (Gunshot Residue)	<input type="checkbox"/>
Exhibit Origin - Select from the drop down options or key in information below Deceased			
2015-37 6186 PE11	Shrapnel from wound	FAI: Cartridge component comparison	<input type="checkbox"/>
Exhibit Origin - Select from the drop down options or key in information below Deceased			
2015-37 6186 PE12	Bullet removed from deceased body	FAI: Cartridge component comparison	<input type="checkbox"/>
		FAI: Probable Make and Type	
Exhibit Origin - Select from the drop down options or key in information below Deceased			
2015-37 6186 PE13	Bullet removed from deceased body	FAI: Cartridge component comparison	<input type="checkbox"/>
		FAI: Probable Make and Type	
Exhibit Origin - Select from the drop down options or key in information below Deceased			
2015-37 6186 PE14	Bullet removed from wall in living room	FAI: Cartridge component comparison	<input type="checkbox"/>
		FAI: Probable Make and Type	
Exhibit Origin - Select from the drop down options or key in information below Scene - Residence			

MM 2015-04-10 (all annotations this page)

Case: 2015N-002804 User: 000044271 2015-04-09

Date Sent	2015-04-09
Lab. File Number (Lab use)	
Your File No. (Client Use)	2015-376186
Security Classification	Protected A

2015-37 6186 PE15	Bullet removed from chair cushioning.	FAI: Cartridge component comparison	<input type="checkbox"/>	
		FAI: Probable Make and Type		MM 2015-04-10
Exhibit Origin - Select from the drop down options or key in information below Scene - Residence				
2015-37 6186 PE17	Gun shot residue kit completed on the deceased.  Hands and face.	Trace: GSR (Gunshot Residue)	<input type="checkbox"/>	
Exhibit Origin - Select from the drop down options or key in information below Deceased				

PE21	blue and white short sleeved golf shirt	Firearms: Ballistics Testing	MM 2015-04-16
	Deceased		

PE22 <del>PE23</del>	blue and black long sleeved shirt worn over PE21	Firearms: Ballistics Testing	MM 2015-04-16
	Deceased		

PE37	ammunition complainant's pistol	Firearms: Functional / Legal	MM 2015-04-16
------	------------------------------------	------------------------------	---------------