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Email from John GALWAY to Steve BURKE dated 2015-04-13 @ 1514 Hrs.

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Number ID	Category	Reason
39	T	
GALWAY, John	P	
BURKE, Steve	P	

**Steve Burke - Fwd: Re: Your file: 2015-376186**

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**From:** John Galway  
**To:** Burke, Steve; Nippard, Mike  
**Date:** 2015/04/13 3:14 PM  
**Subject:** Fwd: Re: Your file: 2015-376186

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Thanks Mike,

I'll take care of it.

John

>>> Mike Nippard 2015/04/10 6:34 PM >>>  
Hey John,

As you will read below sounds like the GSR testing won't be very helpful to us. All exhibits will need to be separated and given individual exhibit numbers before they will authorize same for sending. (Ran into that issue with [REDACTED] I am away most of next week on trial so I leave it to you bud. Once the exhibits are separated you can just add them to the C-414 I sent you and send it off to Sgt.Merritt for authorization.

Steve - FYI

Thanks,

Nippard

>>> FAC-CEJ 2015/04/10 4:10 PM >>>  
Hi Mike,

GSR is one of those exhibits that's really not easy for us to wrap our heads around - we're always having to consult with Trace Evidence scientists. I've attached an info sheet they wrote up to assist us in answering investigators' questions.

PE9: Think of GSR as the fine mist you get when squeezing a bottle of baby powder. Unfortunately, its spread isn't specific enough to be able to pin point certain areas on an individual's body. Trace wouldn't comment on this in court.

P10: I can tell you with certainty that Trace Evidence won't test for GSR to provide a quantitative opinion related to shooter / victim distance. The closest available examination for this purpose would be a Firearms Section examination for impact damage / range determination / trajectory. For this examination, I'd need exhibit numbers for each shirt you mentioned.

PE17: The fact that the deceased didn't fire a gun is made moot by the fact that he was in possession of a gun (GSR can be transferred that way), and that he was shot (GSR can also be transferred that way). There is no way to time-stamp GSR to determine when it was deposited, and there's no way to determine if the presence of GSR is as a result of shooting a gun, touching a gun, or being shot by a gun.

Thank you,

Mike

>>> Mike Nippard 2015-04-10 11:24 AM >>>

Hey Mike,

My thoughts with regards to testing these exhibits are as follows:

PE9: My thoughts on this item are to confirm the location of any GSR. This would hopefully then lend to where the gun was in correlation with his body when the shots were fired. For instance if GSR is more abundant on the left or right side of the coat or on the chest area, etc. This is just my uneducated forensic thoughts with relation to this testing. If this can be done it would help show how things played out. No visible blood staining on the coat. Blood loss was very little from the deceased. We can dis-regard that specific testing.

PE10: The finding of GSR is not considered inevitable with regards to this exhibit. This is because we believe there was approximately 7-10 feet between the officer and the deceased. I can only assume that if this distance was in fact very close or further away then this would affect the amount of GSR located. Essentially my thought is if the shots were fired from a very close proximity then there would be an abundance of GSR on his clothes as opposed to the distance stated.

Each article of clothing will be separated and assigned a unique exhibit number before they are sent.

The deceased 2 shirts were the only clothing items hit by a bullet.

PE17: The GSR kit was completed on the deceased as a standard course of action. The deceased did not fire a weapon. My thought on this item is to determine if the deceased had recently fired a gun. (ex.earlier that day). This would also be significant.

My knowledge of GSR evidence is limited and I may be going off course for what is standard testing in this area. Proximity between the officer and the deceased is of significant importance in this case and if this can be accredited with forensic testing then it needs to be acted on.

Let me know your thoughts. I have cc'd the investigator who has been handling the exhibits as well. He is currently on time off but will be back next week to assume this role.

Thanks,

Mike

**RCMP GRC**

(M. Nippard) Cst.

Investigator

Major Crimes Unit (East)

"B" Division, St. John's, NL.

[REDACTED]

>>> FAC-CEJ 2015/04/10 11:48 AM >>>

Hi Mike,

I'm ready to approve your request, but I have a few questions, and comments about GSR.

- PE9: I'm afraid the lab can't approve this exhibit for GSR because its wearer is known to have fired a gun, and finding GSR on the jacket is a foregone conclusion, and therefore not probative.

- PE9: You also have a request for Bio for this exhibit. If you want to locate the deceased's DNA on the complainant's jacket, and if there's visible blood-like staining on the jacket, we could approve the jacket, but we'd also require a known DNA sample from the deceased.

- PE10: Unfortunately, the lab can't approve the deceased's clothing for GSR, because he was shot, and finding GSR on his clothing is inevitable, and therefore not probative.

- PE10: Firearms can however conduct ballistics testing (impact damage / range determination / trajectory) on the article(s) of clothing that were struck with bullets. If you tell me which article(s) of clothing were hit, I can amend your C-414 to include this request. \*\*\* Each article of clothing would have to be separated, and assigned a unique exhibit number before being shipped (I could also add the individual exhibit numbers to your C-414).

- PE17: Unfortunately, GSR samples from a shooting victim aren't examined. The reason being that someone who is shot will undoubtedly be contaminated with GSR, and Trace Evidence can't differentiate between the GSR from one firearm to another.

All this being said, I'm ready to approve all your other exhibits, but first need to know:

- PE9: Is there visible blood-like staining on the complainant's jacket?

- PE9: If yes to above, do you have a known sample of the deceased's DNA / can you confirm only one bleeder in this incident?

- PE10: If you indicate which article(s) of the deceased's clothing were hit by gun fire, I can approve it / them for ballistics testing.

Thank you for your help,

Mike

**Sgt. Mike Merritt**

Forensic Strategist

Forensic Assessment Center (FAC)

National Forensic Laboratory Services

[REDACTED]