



Royal Canadian Gendarmerie royale  
Mounted Police du Canada

Security designation  
Protected B

## Assistance Request – Technological Crime

Requesting Unit Holyrood RCMP		Cost Center (A9999) B1142	File Number 2015-376186
Street Address 38-40 Salmonier Line		City Holyrood	Province or Country NL
File Caption or Project Name Dunphy - Point Firearm			Additional Information

### Investigation Details

☐ Check if attaching documents related to brief investigation overview

#### Brief Investigation Overview

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 becoming increasingly agitated, and was up and down in his displayed emotion. Sgt. Smyth was 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, no!" while moving towards Dunphy in an angled motion in an effort to get out of the room. Sgt. Smyth recalled 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.

☐ Check if attaching documents related to rationale for seizure

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## Rationale for Seizure (include services being requested for each exhibit and their importance / value to the case)

The cell phone, which Mr. DUNPHY used, was seized at the scene. His daughter, Meghan DUNPHY, has told police that she owns the phone, and it is on her account, which she pays for. Ms. DUNPHY has signed a Consent form for the phone to be searched. The phone needs to be searched, in hopes of finding any evidence that would shed some light on any communication that Mr. DUNPHY had with the RNC, prior to this incident.

## Primary Offences

First Primary Offence

Point Firearm

Second Primary Offence

Unsafe storage of firearm

Charges laid?

☐ Yes ☒ No

First Appearance Date (yyyy-mm-dd)

Trial Date (yyyy-mm-dd)

## Exhibits Submitted for Examination

Exhibit reports including details such as device type, brand name, model number and serial number must be submitted along with the Assistance Request form for the ITCU to accept exhibits.

## Search / Seizure Authority

Legal Authorization

☐ Warrant ☒ Voluntary Consent ☐ Other specify: \_\_\_\_\_☒ Check if attaching documents related to legal authorization

Warrant Execution / Seizure Date (yyyy-mm-dd)

Warrant for Data Extraction Date (if applicable) (yyyy-mm-dd)

Report to Justice Date (yyyy-mm-dd)

Retention Order Expiry Date (yyyy-mm-dd)

Comments (search restrictions, keywords for searching)

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## Requesting Unit Contact Information

## Investigator

Investigator's Name John GALWAY	Rank Cst.	HRMIS or Badge No. 49700
Telephone No. 709-██████892	Cell Phone No. 709-██████119	Email Address John.Galway@██████████

John Galway, Cst.      2015-04-17  
Investigator's Signature      Date (yyyy-mm-dd)

## Unit Commander

Unit Commander's Name Rod TILLER	Rank S/Sgt.	HRMIS or Badge No. 42906
Telephone No. 709-██████892	Cell Phone No. 709-██████956	Email Address Rod.Tiller@██████████

[Signature]      15-04-17  
Unit Commander's Signature      Date (yyyy-mm-dd)

## ITCU Use Only

ITCU File No.	Exhibit Report No.	Date Received (yyyy-mm-dd)
Report of any previous forensic examination conducted? <input type="radio"/> Yes <input type="radio"/> No		<input type="checkbox"/> Check if attaching documents related to previous forensic examination conducted

Details of Examination Conducted and Assistance Requested by ITCU

Forensic Examiner	Forensic Examiner's Signature	Date (yyyy-mm-dd)
Authorized by (ITCU OPS NCO or NCO i/c)	ITCU OPS NCO or NCO i/c's Signature	Date (yyyy-mm-dd)

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TAT Use Only		
TAT Report No.		
Received by	Receiver's Signature	Date (yyyy-mm-dd)
Authorized by (TAT OPS NCO)	TAT OPS NCO's Signature	Date (yyyy-mm-dd)
Comments		