

**IDENT Continuation REPORT**  
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TO A	Det./Unit - Dét./Serv. Major Crime Unit – East	Investigator - Enquêteur Cpl. Steve Burke	Occurrence No. - N° d'incident 2015-376186
FROM DE	Ident. Sect. - Sect. de l'Id. Clareville FIS	Ident. Specialist - Spécialiste en identification Cpl. Kelly Lee	Reg. No. 46394

## Nature of Event - Genre d'incident

 DUNPHY – Sudden Death  
 Mitchell's Brook, NL

SPECIFICS OF SCENE, ADDRESS, POE, ETC. - DÉTAILS RELATIFS AUX LIEUX, ADRESSE, LIEU D'ENTRÉE, ETC.

## Y-A M D-J Time - Heure ACTION TAKEN - MESURES PRISES

2015-04-05 15:00 Initial call-out

On the afternoon of 2015-04-05, shortly before 15:00 hrs, Sgt. Saunders contacted me and requested I assist him with a scene in the Holyrood Detachment area. He had few details at the time, but was aware that a member of the Royal Newfoundland Constabulary had been involved in a shooting with another person. I advised that I was available and would get ready to attend. A short time later, Sgt. Saunders contacted me with further details; he had been advised that a male was deceased, and that the scene was in a residence in Mitchell's Brook (Mount Carmel area).

I went into the office at 16:00 to gather and prepare equipment. Sgt. Saunders arrived at the Clareville FIS office at approximately 18:30 and we departed together in separate vehicles for Mitchell's Brook.

We arrived in Mitchell's Brook at approximately 20:45 and identified the scene, the residence of the deceased (Donald DUNPHY), by the presence of police vehicles and police caution tape. I immediately saw Cpl. Trevor O'Keefe and Sgt. Steve Conohan. Major Crime Unit members Cpl. Steve Burke and Cpl. Monty Henstridge were also present.

The members present gave us a brief overview of what actions had been taken to this point. They advised that the deceased was inside the residence, and that members had cleared the residence of other persons. They noted the presence of a large number of cats, and closed doors to some rooms to try to control the movement of the cats. Cpl. Dion Foote was currently inside the residence to prevent the cats from interfering with the remains. Sgt. Conohan advised that DUNPHY had a medical license to grow marijuana, and that there appeared to be no hazards associated to the small operation set up in the house.

Location and description of scene:

The scene is a single detached residence located on the north side of the main road in Mitchell's Brook, facing the bay. The neighbouring residences are separated from the scene by some distance. In the dark, it was difficult to determine if there was any visibility to the neighbouring residences. The driveway slopes up from the main road to the corner of the residence. Two

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<i>Cpl. M. Kelly</i>	15-05-01	<i>Kelly Lee</i>	15-05-01	

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vehicles were parked in the driveway; a black GMC Yukon (head in), and a black Jeep Cherokee beyond the Yukon (also headed in).

Approaching the residence via the driveway, the poor condition of the house and surrounding property was evident. There was junk and debris scattered about, and the house was in severe disrepair. There was a strong odour of cat waste in the area.

A large window on the front of the house, on the side nearest the driveway, provided a view into the living room (the lights were on). The body of a gray-haired male could be seen through the window, seated in an armchair in what appeared to be the living room of the house.

Sgt. Saunders and I entered the house through the front door. The front deck was in severe disrepair and there were no proper stair treads (boards had been placed across the framing, and an old tire on a rim was at the bottom). The screen door to the house did not latch correctly, and was held closed with a scrap of wire. Inside, the smell from the cats was much stronger. Cpl. Foote was inside preventing the large number of cats from interfering with Dunphy's remains.

The front door of the residence opened into a small entry area; the living room was through an opening to the right, the kitchen straight ahead and a hallway off to the left. There were two doors off the hallway on the front side of the house, and two off the hallway to the rear side of the house. A back porch area was off the kitchen at the rear of the house, and a laundry room was accessed through this back porch. The back porch had a number of marijuana plants in pots, and it did not appear that the back door was used. The house was cluttered and dirty.

**Scene Examination:**

Sgt. Saunders and I agreed to leave the doors off the hallway closed to try to control the movement of the dozens of cats, as they could possibly interfere in our scene examination. It was decided to begin the scene examination with the living room in order for the remains of DUNPHY to be removed and transported to the Office of the Chief Medical Examiner.

Sgt. Saunders and I had been informed that the shooting had occurred in the living room, and that responding members and other personnel had not moved anything. We visually examined the living room. The body of DUNPHY was in a seated position in a recliner; the recliner was positioned to the right of the living room entry, facing the opposite wall (where the fireplace and TV were located). A rifle was near DUNPHY's position, with the barrel resting on the floor near his left foot, and the stock resting against a blue Rubbermaid tote. The action of the bolt-action rifle was open, and a

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round was visible in the chamber. No firing pin mark was visible on the round. Wounds were visible to DUNPHY's person; there appeared to be a wound to his left armpit area, left temple and to the front of his forehead (the nature of the wounds to be determined by the forensic pathologist). Four shell casings were observed on the floor near and under an armchair that was positioned on the opposite side of the living room entrance from the recliner. A black iPhone cellular phone and a yellow file folder were noted on the coffee table. A stick with one end wrapped in duct tape was on the floor to the right of the recliner (if facing the recliner), and the floor to the left side of the recliner (if facing the recliner) was scattered with garbage and debris, except for an elongated space parallel to that side of the recliner. A small hole was present in the wall just behind and to the left of the top of the recliner, and a small tear was present in the upholstery fabric of the recliner in the top left corner of the seat back.

Sgt. Saunders photographed the scene as is, and then placed numbered evidence cones at items and areas of interest as follows:

- 1 – rifle
- 2 – a .22 round on the coffee table
- 3 – elongated void in the debris next to recliner
- 4 – iPhone on coffee table
- 5 – shell casing on floor
- 6 – shell casing on floor
- 7 – shell casing on floor
- 8 – shell casing on floor
- 9 – stick with duct-tape wrapping
- 10 – file folder on coffee table

Sgt. Saunders re-photographed the living room with the evidence markers in place. Labels were placed on the tear in the upholstery in the recliner (label "A") and on the hole in the wall behind the recliner (label "B"). On the opposite side of this wall (entry area near the front door), two more holes were noted. One was opposite the hole marked "B" in the living room, and was subsequently labelled "C"; this appeared to be an exit hole associated with "B". The other was diagonally across the corner from "C" and was labelled "D". This appeared to be where the projectile from holes B/C entered the wall. Sgt. Saunders photographed this area before and after affixing the labels. The holes B, C and D were consistent with projectile/bullet damage.

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When Sgt. Saunders had completed detailed photographs, I commenced video recording of the scene. Exterior video-recording was limited due to darkness, and interior video-recording was focused on the living room at this time.

I assisted Sgt. Saunders in taking measurements of the living room, including the furniture and the marked items and areas, as well as the position of DUNPHY's body.

Sgt. Saunders, as per policy, made attempts to consult National Forensic Identification Support Services (NFISS). He was able to make contact with Sgt. Adrian Butler (NFISS, Halifax) to discuss this scene. Sgt. Butler advised that NFISS attendance would not be required.

Personnel from the local funeral home, as well as Cst. Galway and Cpl. Seaward, attended and removed DUNPHY's body. Cst. Galway collected items of evidence that had been collected by Sgt. Saunders. Cst. Galway and Cpl. Seaward departed to escort the funeral home personnel to the Health Sciences Centre morgue to maintain continuity. We had been told that the autopsy would proceed at the Office of the Chief Medical Examiner at 09:00 hrs. Sgt. Saunders would attend the autopsy, and I would return to the scene to continue with outstanding tasks.

Sgt. Saunders and I finished up for the night (approximately 01:55) and departed the scene for Headquarters in St. John's. Security of the scene was being maintained by members in a marked patrol car.

2015-04-06

Sgt. Saunders and I met briefly with Major Crime Unit investigators at their office (approximately 09:30 hrs). As there was no new information to share, I departed Headquarters to return to the scene in Mitchell's Brook, and Sgt. Saunders remained behind to attend the autopsy, now re-scheduled for 11:00 hrs.

I arrived back on scene in Mitchell's Brook at 11:45. There were two marked RCMP vehicles present upon my arrival. At this time, in daylight, I had a better view of the property and surroundings. The residence was separated from the neighbouring residences by some distance, and the view was obscured by trees. There did not appear to be any residential property behind the residences on this side of the road. There were no residential properties on the other side of the road as the road ran along the edge of the beach. The view from the street to the front of the Dunphy residence was fairly obscured with trees. In daylight, the severe disrepair of the house was

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more obvious. The roof was in very poor condition and was covered in tarpaulins, visible from the sloped bank at the rear of the house.

I completed video-recording the scene that I had begun the previous evening. During the video-recording, I opened the doors to the rooms off the hallway in the house that we had not entered the previous evening. A bathroom and a room with a large marijuana plant were off the left side of the hall. A bedroom (with furniture and stored items) was off the right side of the hall, as was a small room which I referred to as the "cat room". The room had some furniture in it, including a couch and small tables, but appeared to have been given over to the population of cats. There was a small attachment / work room accessed through this room. This attachment had a door to the outside, but did not appear to be used. Inside, the observed roof damage was visible throughout, as mold and mildew was present on numerous areas of the ceilings, and the ceilings were collapsed or damaged in several areas. The cats had free access to the attic space through these damaged areas.

I next took measurements of the interior dimensions of the house. As previously noted, detailed measurements were taken of the living room (where the shooting incident occurred) had been taken the previous evening.

Sgt. Saunders arrived back on scene and completed photography of the exterior and interior of the house. We then assessed the bullet damage to the walls. The rod from a trajectory kit was inserted through the holes previously referred to as "B", "C" and "D". The laser pointer from the trajectory kit was then attached to the end of the rod protruding into the living room and was switched on. The laser indicated a point on the wall above the couch. The point was marked, and string was attached between the point and the trajectory rod. Sgt. Saunders took additional photos with the string in place, and additional measurements were taken.

We then began searching the area around the recliner for an expended bullet; from the appearance of the wound to DUNPHY's forehead, we surmised that the round that had made this damage may be present. We moved the recliner away from the wall and searched the floor and objects in this area. A fragment of what appeared to be bone was found on the floor, and this was photographed and collected to bring to the autopsy.

We assessed the damage to the walls in the hallway (holes marked "C" and "D"). Sgt. Saunders had said that he had heard something fall inside the drywall when hole "D" was initially probed; he began to cut away the drywall surrounding hole "D". An expended bullet was found inside the drywall, at floor level. This was photographed and collected.

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In the living room, the upholstery fabric on the upper corner of the recliner (in the area near the tear marked "A") was slit and pulled back. An expended bullet was found in the stuffing, just beneath the surface. This was photographed and collected.

Sgt. Saunders and I moved other furniture in the living room, as well as various objects that had been on the floor, and found nothing else that appeared to be of significance.

Sgt. Saunders and I completed measurements of the outside dimensions of the house, as well as of the front deck.

Prior to departing Mitchell's Brook, Sgt. Saunders handed over to me the two containers with the expended bullets retrieved from the wall and the recliner.

We departed Mitchell's Brook and returned to Clarendville. Sgt. Saunders downloaded his scene photos from his camera to my computer, and a disc of the photos was created to bring to the autopsy, which I would be attending, in the morning in St. John's.

2015-04-07

At approximately 08:45, I attended the Office of the Chief Medical Examiner and met with Dr. Avis. I provided him with the disc of scene photos to view.

Dr. Avis performed the autopsy, assisted by Daniel Reid. Dr. Denic and Dr. Karavelic were also present. Cst. Galway and Cpl. Seaward were in attendance to collect any exhibits. I took photographs throughout.

I collected a Gunshot Residue (GSR) kit from DUNPHY's remains. During the course of the autopsy, Dr. Avis retrieved two spent bullets from DUNPHY's remains. The exhibits collected at autopsy (clothing, spent bullets) were signed over to Cst. Galway by Dr. Avis.

Following the autopsy, a discussion was held between myself, Cst. Galway, Cpl. Seaward and Dr. Avis. I also spoke with Sgt. Saunders by phone. No issues were identified from Dr. Avis' perspective or that of FIS that would necessitate maintaining DUNPHY's residence as a scene any longer.

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After departing St. John's for Clareville, I stopped briefly at Holyrood Detachment. Cpl. Seaward turned over the rifle seized from Dunphy's residence (it had been secured at Holyrood Detachment since its removal from the house). I transported this to Clareville and secured it in the FIS main locker for later fingerprint examination.

After arriving home, Sgt. Saunders contacted me and advised that Major Crime Unit investigators were in the process of arranging to do a re-enactment with the Royal Newfoundland Constabulary member who had been involved in the shooting, and were hoping to conduct this the following day (2015-04-08). Sgt. Saunders was inquiring as to whether I would be available to attend the scene again in Mitchell's Brook to video-record the re-enactment. It was decided that I would attend the scene to meet with MCU members and the RNC member at 11:00 to conduct the re-enactment.

2015-04-08

I arrived on scene at Mitchell's Brook at approximately 12:45 (re-enactment had been delayed). Cst. Mike Nippard, Cst. John Galway, Cpl. Steve Burke and Cpl. Dion Foote were already on site. Sgt. Kent Osmond arrived a short time later with Justice David Riche (retired) who would be taking on the role of independent observer for this investigation. Within a few moments, Joe Smyth and Bill James of the Royal Newfoundland Constabulary arrived. Sgt. Smyth was the RNC officer involved in this matter. The re-enactment began in the driveway, and Sgt. Smyth walked through the events of the day, both inside and outside the home. The re-enactment took approximately 40 minutes. The house was re-locked, and all persons departed the scene.

2015-04-09

I began downloading footage from the two video cameras I had used on this file (Sony camera for the scene footage, and Canon camera for the re-enactment footage). The Sony footage was successfully transferred to my computer, but the Canon transfer failed and the footage was lost. I transported the camera and my computer's CPU to Headquarters in St. John's for assistance from our Tech Crimes members in attempting a recovery of the lost files. Cst. Hugh Fidler assisted, and consulted other members of the unit. By the end of the day, attempts had been unsuccessful. Cst. Fidler kept my CPU to image it. He would then continue searching the image. I notified Sgt. Saunders and Cpl. Burke of MCU that the re-enactment footage was lost.

I attempted to contact our National Forensic Imaging section in Ottawa, but they had closed for the day. During the evening, I researched the manufacturers of the software (Pinnacle) and the camera

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and learned that this issue was not unknown, and the video-editing software sometimes has conflicts with the format of the video files used by the Canon camera.

2015-04-10 08:15

I retrieved the rifle seized from Dunphy's residence and examined it under the forensic light source. Nothing of significance was noted. I then fumed the rifle with cyanoacrylate (CA) and examined it under bright light. There was no visible development of any friction ridges. I then dye-stained the rifle with Ardrex dye and examined it under the forensic light source again. No friction ridge (fingerprint or palm print) evidence was developed. I then placed the rifle in an evidence box and secured it in the FIS locker for return to Holyrood.

Shortly after noon, I was contacted by Sgt. Saunders who advised that MCU was arranging to re-do the re-enactment with Sgt. Smyth, and hoped to begin as soon as possible. I gathered equipment and left immediately for Mitchell's Brook.

I arrived at Mitchell's Brook at approximately 14:30; retired Justice Riche was already present, and S/Sgt. Tiller (Holyrood Detachment) was present with keys to the Dunphy residence. Sgt. Osmond, Cpl. Henstridge and Cpl. Burke of MCU arrived, as did Insp. Cahill (Support Services). Royal Newfoundland Constabulary Insp. Jason Sheppard arrived shortly after, followed by Sgt. Smyth, who was accompanied by fellow RNC officer Tim Buckle.

We began the re-enactment with Sgt. Smyth, with Cpl. Burke taking the lead. Retired Justice Riche observed, while Cpl. Henstridge recorded the re-enactment with my second video camera. The other parties who had travelled to Mitchell's Brook did not participate in the re-enactment, and stayed out of the scene. The re-enactment was concluded shortly before 16:00 hrs and the scene was vacated.

I attended Holyrood Detachment and returned the seized rifle. S/Sgt. Tiller gave me access to the temporary exhibit room, where I secured the rifle in a locker.

2015-04-13

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I downloaded the video footage from both cameras used at the re-enactment, and began working on video production from all footage from this file.

All attempts by the Tech Crime unit to recover the original re-enactment footage were unsuccessful.

2015-04-21

I completed video production for the re-enactment video and for the scene video. These were recorded in DVD format for ease of viewing. Four copies of each video were made and packaged for MCU.

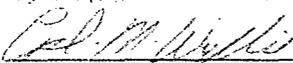
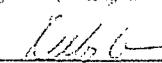
I copied the raw video footage from my hard drive to a memory card and a memory stick and forwarded these to Sgt. Saunders to be maintained in the Key Material Envelope on file.

2015-04-22

The packages were forwarded to Sgt. Saunders and to MCU.

Video production is complete, as is the fingerprint examination of the rifle seized from Dunphy's house (no fingerprint evidence recovered).

Nothing further is required at this time.

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Dunphy - Sudden Death

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Y-A M D-J Time - Heure ACTION TAKEN - MESURES PRISES

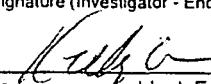
2015-06-09 11:45

I received a call from Cpl. Burke regarding my fingerprint examination of the rifle seized from the Dunphy residence. I had noted in my report that no friction ridge impressions were developed on the surfaces of the rifle. Cpl. Burke wished to clarify possible reasons why no fingerprints were developed.

The rifle, as it was recovered at the scene, was old and worn. There was no glossy finish on the wooden stock and grip of the rifle, and the metal parts had corroded so that they were rusted and pitted. None of the surfaces of the rifle were receptive to the deposition of fingerprints; unless a finger was contaminated with some substance (such as paint), it would be very unlikely for a fingerprint to be deposited on the surfaces.

In addition to the physical condition, the rifle was coated with dust and other grime. The presence of dirt such as this interferes with the ability of a digit to deposit an impression on such a surface.

No further FIS action is required re: examination of the rifle.

Signature (Unit Commander - Chef de service)	Date	Signature (Investigator - Enquêteur)	Date	Copies to - Copies à
			15 06 09	
Copies to: Master File	Investigator	Ident. File	Ident. Exhibits Ledger	
Copies à: Dossier principal	Enquêteur	Dossier de l'Ident.	Registre des p. à c. de l'Ident.	

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