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Digital Recording
File:

STATEMENT OF: Bill James

INTERVIEWED BY: Cst. Mike Nippard
April 28, 2015 commencing at 13:57 hrs

1

2 **Nippard:** All right. It's, ah, Tuesday, April 28th, 1:57. My name is Constable
3 NIPPARD, and I'm here with Bill JAMES. Is it J-A-M-E-S?

4 **James:** J-A-M-E-S.

5 **Nippard:** All right, and Bill, we're just going to talk about, ah, the first reenactment
6 that was done here with regards to, ah, the shooting incident that took
7 place in Mitchell's Brook. The first reenactment, just to jog your memory,
8 was, ah, took place, um, around one o'clock on April the 8th, 2015. That
9 was on a Wednesday. So just tell me everything you can remember about
10 being there and what you seen and...

11 **James:** Ah, essentially, ah, Constable SMYTH contacted me and told me he was
12 going to Mitchell's Brook to, ah, conduct the...the reenactment for the
13 investigation and, ah, I was requested to go along just to, I guess, be a set
14 of eyes and see if there was any issues in relation to training or anything
15 that, you know, was, I guess we could look at for, you know, do we need
16 to change anything, do we need to...was there something done wrong
17 kind of thing, and so, ah, Joe picked me up at Headquarters and we drove
18 out, and we got to Mitchell's Brook and your guys were there. Ah, I got
19 introduced to, I guess, the investigators and, ah, your Ident officer was
20 there and Chief Justice RICH was there as well. I don't remember the
21 names of the officers that were there but, ah, I think there was a guy there
22 from Holyrood GIU. I think he was...

23 **Nippard:** GIS.

24 **James:** GIS?

1 **Nippard:** Yeah.

2 **James:** And, you know, ah, we were, you know, I was basically directed to, like,
3 and I had no intentions of, you know, getting involved in anything. I was
4 just there to observe, and that's what my role was and I'm...I'm sure that
5 that's...that's all I did. I didn't...I didn't speak. I didn't interfere, you know,
6 question or anything like that. I was just there, again, to...to observe, ah,
7 so I'm sure that I was out of camera view and all that and, ah, let your
8 guys do...do what they had to do, ah, so I was in the...in the driveway.
9 Ah, Constable SMYTH was hooked up with his microphone, and he went
10 into his, ah, I guess, dealings or actions of the day in question, Easter
11 Sunday. Ah, I remember him saying that he stood outside the...the
12 residence and looked in through the, I guess, the living room window, the
13 bay window there and, ah, approached, ah, the front step there. I know
14 that the steps were...I think the first step was a tire, flipped over with the
15 tire rim, and the next step was two cinder blocks with two pieces of plank
16 on it and then you were up on the patio itself. Ah, the patio, ah, led to the
17 front door, and off to the left on the patio there was a great big hold in the
18 patio. I know that because the...the cats were all over the place. They
19 were coming up out of the patio and, ah, so I stood back, and Joe said
20 that, ah, that Mr. DUNPHY had come to the door, ah, asked who he was.
21 Joe identified himself with his...said he had his badge on and his...his ID,
22 and he presented it and showed it to Mr. DUNPHY. Ah. Mr. DUNPHY
23 invited him into the residence. Ah, according to Joe, he went into the
24 residence and they were...conversation back and forth, and my
25 understanding is they went to the...the living room which is, as you go in
26 through the door, it's directly on the right hand side, and if you look down
27 the hall I think it went into the kitchen, and directly on the left hand side
28 when you go in through the door I think there was like a closet or
29 something, and at the end of the hall before you went into the kitchen the
30 hall turned left, and directly off that hall on the left hand side was the
31 washroom, and then there was...there was one or two rooms off the...the
32 back of the residence. Ah, Joe said he went in and spoke to Mr.

1 DUNPHY. I'm just trying to remember the layout of the place now. I think
2 as you went in through the...the living room, ah, on the right hand side as
3 you went in through the door there was a chair. I think that's where Mr.
4 DUNPHY was sat, and to the left of the door in the same room there
5 another chair and maybe a couch along that same wall, a small coffee
6 table, and on the far wall if you were looking into the living room...living
7 room from the hallway, that was the fireplace, and I was out in the hall,
8 and I couldn't see what Joe was saying or doing or whatever but, ah,
9 'cause again, ah, Constable LEE I think it was, the Ident officer, she was
10 in the room. She was doing all...doing all the filming so I ensured that I
11 didn't get in the picture, in the frame or in view kind of thing. I believe
12 Judge RICH was in the hallway as well. He was making notes, and Joe
13 was going through what transpired and, ah, he, ah, Joe said he...he
14 noticed that there was a bat or a stick or something alongside
15 the...between the chair and the door, had some kind of tape on it. I think
16 he said it might have been like duct tape or something or other on it. He
17 questioned Mr. DUNPHY what the stick was for and his answer was
18 that...Mr. DUNPHY's answer was that, ah, he used it for protection, and
19 that was...that was it and, ah, he, ah, was saying how he, ah, was looking
20 around and Mr. DUNPHY...they had some interaction there and Mr.
21 DUNPHY got upset and then he kind of calmed down and, you know, they
22 spoke for several minutes or whatever and, you know, I don't know if
23 you've been to the residence. I guess you probably have, like, it's...it's
24 not the most ideal living conditions and, ah, Joe was over in...in the back
25 of the room by the fireplace, and he...he said he moved some stuff that
26 was on the floor because there was trash or garbage or junk or whatever
27 in...in the residence and, ah, when he moved it bugs started to move,
28 right? So Joe said to Mr. DUNPHY, I can't remember what his exact
29 words were, but it was something along the lines of, ah, he was concerned
30 for Mr. DUNPHY's wellbeing. I...I'm guessing he's meaning his living
31 conditions. And, ah, because, like, I was looking around, like, when I went
32 into the house, like, the smell of the cats was really overpowering and
33 then, like, the wall, there was great big, you know, scabs of paint hanging

1 off the wall, and all the mouldings from about two, two and a half feet
2 down were up from the floor were all clawed off by the cats and, ah, the
3 floor was just pressboard and was...it was kind of spongy. I know in the
4 bathroom, like, all the ceiling was let go and the insulation was hanging
5 down through and that looked like it was soaking wet, and the roof was...a
6 tarpaulin was keeping the rain out, and the window...the front window
7 there was, like, a big gap between the windows itself and the house, like, it
8 was, you know, pretty...pretty poor living conditions. But, ah, anyway, Joe
9 was saying how, you know, he had concerns for Mr. DUNPHY's, ah,
10 wellbeing, I guess, and ah, Mr. DUNPHY got upset over that and, you
11 know, then calmed down or what have you, and Joe said that he had, ah,
12 had a file folder with him and he looked at his...he was looking at his
13 notes and, ah, prior to this he...he had said that, ah, you know, Mr.
14 DUNPHY was...wasn't a big man. He was small in stature or whatever
15 and, ah, Joe said, like, even though the stick was there, you know, he
16 didn't feel threatened by Mr. DUNPHY at that point and, you know, even if
17 Mr. DUNPHY had have, you know, used the stick against Joe, ah, he felt
18 that, like, he could have overpowered him with, you know, just using
19 hands on kind of thing or the most he would have probably had to use was
20 probably pepper spray, and so he...he felt, you know, comfortable in the
21 residence with him and, ah, because as Joe said, he was looking at his file
22 folder and, ah, he could see Mr. DUNPHY because Joe was over by the
23 fireplace and, you know, I guess in his peripheral vision he could see Mr.
24 DUNPHY sat in the chair and, ah, he looked up and he saw...he said he
25 thought he saw Mr. DUNPHY kind of go from here to rise up out of the
26 chair, and then he saw the rifle or the firearm, ah, pointed in his direction
27 and, ah, Joe was saying how he, ah, he saw the firearm and, ah, for
28 whatever reason he was kind of swinging his left hand like he was going to
29 try and, I guess, try and block the bullet or whatever, and he was saying
30 how, you know, he's going to strike me with...with a bullet here now and
31 it's going to either strike me here in the, like, the rib cage or in the side or
32 whatever, and he said that...that's going to hurt, right? And, ah, he said,
33 like, for whatever reason he was, you know, he swept his left hand this

1 way, and he said he doesn't recall, like, drawing his firearm. He said he
2 doesn't, like, his coat was undone he said and, ah, he can't remember if
3 he swept his coat back or if he brought his hand down and, like, drew his
4 firearm up out of his holster. He said he didn't re...recall, like, unsnapping
5 or anything. It was just so instantaneous he said. I guess his firearm was
6 there and then his...his training kicked in. His firearm was pointed at him.
7 He fired two shots centre mass and that's how we're tr...we're trained and,
8 ah, there was no...no response I...I guess. I don't know what...I guess he
9 was anticipating, you know, Mr. DUNPHY would go flying back across the
10 floor or something, I don't know. But anyway there was...there was
11 no...no response from Mr. DUNPHY then. Again, training, if you fire two
12 rounds, those two rounds are ineffective, you fire the third shot to...to the
13 head. He said he fired the third shot towards, ah, Mr. DUNPHY's head
14 and he said he didn't think that round struck him either, and as he was
15 firing he's, you know, trying to exit the room so he has to I guess close
16 that gap or distance between Mr. DUNPHY and him in order to exit the
17 room because that was his only exit out was through the...that doorway or
18 the archway or go through the plate glass window.

19 **Nippard:** Yeah.

20 **James:** So he dove for the exit and, ah, as he was going by he fired the fourth
21 shot and struck him and he said he recalls, I think he said he struck him,
22 like, somewhere in the side of the head in the temple area, and then he
23 exited the room, but he didn't exit the residence. He was out in the hall
24 and he was, you know, calling out to Mr. DUNPHY, I guess, to put down
25 the weapon, put down the weapon, put down the weapon, and he was I
26 guess in a panic at that point because like he said...he said, you know, he
27 hadn't cleared the house. There was no reason for him to, you know,
28 clear the house kind of thing, so he just then he was thinking, like, is there
29 anybody else in the house. You know, thinking (unintel) one plus one rule
30 so, you know, didn't know if there was somebody else in the house, and
31 then he was thinking, like, you know, the brother was next door who he
32 had visited prior to coming over and...and said now, you know, I'm sure

1 that the brother must have heard the...the gun shots or whatever so now
2 is he, you know, coming over to investigate, and is he coming armed and,
3 you know, am I going to be dealing with the brother as well so I guess
4 there's a whole host of things going on in his head and, ah, so as he said
5 he was calling out to Mr. DUNPHY and then he, you know, he started
6 piecing slicing the pie, trying to see what was unfolding in...in the room
7 that he just came out of. Mr. DUNPHY as he went up the hallway towards
8 the room again, because he'd (unintel) him on the floor, and he came
9 around the corner, saw Mr. DUNPHY there, you know, he was kind of sat
10 back in the chair with his head leaned back, and he said that it was quite
11 evident that, you know, he was deceased, but now I think he even said
12 that he checked him for a pulse or, you know, checked on him or
13 whatever, then he was thinking, like, you know, is he going to get up
14 again. Just, I guess there was so many things going through his head
15 and, ah, then he, you know, realized that he was...he was deceased and
16 then he started thinking, okay, well, I got to call, so he called the...called
17 the RCMP Telecoms here and told him that he needed...there had been a
18 shooting, ah, he needed response, and he was saying that, ah, I think it
19 was the dispatcher was asking, like, was...was he in need of, you know,
20 medical attention or whatever and if he needed a helicopter or medivac or
21 whatever and, ah, he...he said no and he, like, stayed on line for (unintel)
22 and then, ah, I guess, I think he was told that the RCMP from Holyrood
23 were (unintel) kind of thing. So he was there and he was looking around
24 and, you know, looking at DUNPHY and then he went outside...went
25 outside to, I guess to his vehicle, and I think he called...I don't know if he
26 said he called the RCMP or if he...the detachment. I don't think he called
27 the detachment. He called our Comcentre and advised them and, ah, he
28 said there was no one responded, like the brother didn't come from next
29 door or anything like that and, ah, he said the only person he saw was
30 a...a black car went in the road. He said there was a man and a woman
31 in it. They slowed down, kind of looked up the driveway and continued on
32 and, ah, so then he said he...he got in his vehicle and turned on the
33 emergency lights so the responding officers would know or the ambulance

1 or whatever would know where to...where to stop to, and he said while he
2 was in the driveway the vehicle that had gone in the road turned around,
3 came out, again slowed down, looked up the driveway, never spoke to him
4 or anything like that and then kind of continued on out towards Salmonier
5 Line I guess and, ah, your officers, RCMP officers arrived from Holyrood
6 and that was essentially it.

7 **Nippard:** Ah, so you...how long have you known Joe?

8 **James:** I've known Joe since he came into the -

9 **Nippard:** Oh since then.

10 **James:** - Constabulary.

11 **Nippard:** Okay.

12 **James:** Yeah.

13 **Nippard:** Ah, do you trea...or do you, sorry, teach use of force or...?

14 **James:** Yes.

15 **Nippard:** That's...is that, like, what you do every day or...?

16 **James:** That's what I do right now...now for the last, you know, several years,
17 yeah.

18 **Nippard:** Oh, okay. Ah, so you, like you said, your role was just that, to get an idea
19 for yourself what happened.

20 **James:** Yeah.

21 **Nippard:** To see if there was something you could adapt to training.

22 **James:** Yeah, if there was an issue, like, you know, are we, you know doing
23 something wrong or, you know, is there something that we can improve on
24 kind of thing.

1 **Nippard:** I got you. Ah, how did Joe do overall with the, ah, reenactment, like, how
2 was his emotions when it was happening?

3 **James:** Ah, Joe picked me up at the station and, now I'm called in, you know, I
4 think he had given his statement to your investigators, and I called him I
5 think it was the night after he gave his...his statement just to, you know,
6 how are you doing, how's...how's things kind of thing just, you know, see
7 how he was, see how his family was, and he, you know, he spoke to me,
8 he was best kind and, ah, like I said, he picked me up and he drove out to
9 Mitchell's Brook, and all the way out from town to Mitchell's Brook we're,
10 like, we're talking, like, talking shop and, like, family and vacations and
11 just...just chit-chat and, ah, all along way, like, you know, there was
12 no...nothing, and then as soon as we hit the sign where it says Mitchell's
13 Brook I was talking away to him and, like, I was posing a question to him,
14 like, there was no response when we got in to Mitchell's Brook so I...I kind
15 of felt then that, okay, I left him alone for a little bit and that's, you know, I
16 posed another question to him, and I said to him, I said you okay? And he
17 said, yeah, he said, I'm okay. He said, it's just a...a little...getting a little
18 surreal here now, right? And, ah, I said 'cause, you know, nothing says
19 that you have to do this today. I said, like, you know, you do it when
20 you're...you're ready and you're comfortable or...he said, no, no, I'm
21 good, and he said I'll...I'll be fine and, ah, so we continued on and, ah,
22 again we got...we stopped in front of the residence and got out and did
23 the introductions and what have you, and then, ah, he was hooked up to
24 his mike and he started to do his reenactment, and as soon as he got in
25 through the door into the threshold of the residence it was like there was a
26 pause again, and I think one of your investigators said, like, are you okay,
27 like, good...okay to do this kind of thing. He said, yeah, he said, it's just
28 that, ah, the...the odor is really, like, I guess, drawing him back to that
29 day. Well, you know, scents is one of the, ah, the...really heightened in a,
30 you know, stressful situation reenactment kind of thing and, ah, so he
31 said, no, he said, I'm good. Just give me a second and, ah, you know, he
32 took a breath and took, you know, a few seconds and then continued on

1 with his...what transpired on Easter Sunday, and then coming back, you
2 know, I asked him, I said, how do you feel about it? He said I...I...I'm
3 good now. I'm glad it's done. He said, like, just getting into the residence
4 there, he said, like, the smell of the...the odor of cats was pretty
5 over...overpowering, and it was, like, there was...I think there was like
6 forty cats there and they were all over the place and some of them
7 were...some had mange and some were...I think there was an eye
8 hanging out on one, like, it was just a mess. There was a great big pile of
9 cat food in the hall, right? It wasn't in a bowl or anything, just piled in the
10 hall. There was another big pile of it in the back porch, the kitchen, it was
11 like...it was unfortunate to, you know, the circumstances this gentleman
12 was living in.

13 **Nippard:** Yeah.

14 **James:** It was. Other than that, like, he...he seemed best kind.

15 **Nippard:** So you do recall, like, you said you do recall a member of the RCMP being
16 there and videotaping it –

17 **James:** Yes.

18 **Nippard:** - and whatnot.

19 **James:** I think it was, ah, I think her name was Krista...Krista LEE I think?

20 **Nippard:** Kelly LEE.

21 **James:** Kelly LEE, yeah. Yes.

22 **Nippard:** Ah, did any...who...who spoke in the house during it all happening? Was
23 it only Joe and Steve or was it only Joe or...? I wasn't there.

24 **James:** It was Joe and Steve.

25 **Nippard:** Joe and Steve.

1 **James:** Yeah.

2 **Nippard:** Did anybody else chime in with anything or...?

3 **James:** I don't think so, like...like I said, I...I certainly wasn't going to say, like, why
4 don't you ask him this question or why don't you ask him that question or,
5 like, that's...that wasn't my role and it was –

6 **Nippard:** Yeah.

7 **James:** - I'm not...I'm not there to do that, and, like, the only one that may have
8 spoken was, ah, ah, Krista maybe, like giving him some direction, I guess,
9 with the...with the camera.

10 **Nippard:** No, Kelly (unintel).

11 **James:** Kelly, yes.

12 **Nippard:** (Unintel).

13 **James:** But other than that, ah, I don't...I don't even think, ah, Judge RICH spoke.

14 **Nippard:** Okay.

15 **James:** Right? He might have...I know he was writing a few notes and stuff like
16 that 'cause it was...it was Judge RICH, then there was, like, he was in...in
17 the doorway kind of thing and I was behind him, you know, back towards
18 the...the front entranceway and, ah, the GIS guy from Holyrood was...was
19 there as well. I can't remember what his name is now.

20 **Nippard:** Deon.

21 **James:** Dion.

22 **Nippard:** I would say Dion FOOTE.

23 **James:** FOOTE.

1 **Nippard:** Yeah.

2 **James:** Yeah. And me and him were there, like, you know we went out on the
3 porch and...and, ah, we were just basically commenting on the, you know,
4 I guess, the living conditions of Mr. DUNPHY. But, ah, other than that
5 there was...there was no...no interaction, like, Joe didn't speak to me
6 while he was doing his reenactment. I don't think he spoke to Judge RICH
7 or...it was just, ah, the investigator and Joe primarily.

8 **Nippard:** Was there anything that stood out during the whole reenactment that was
9 alarming to you, anything that made you think twice concerning what was
10 said?

11 **James:** That was said?

12 **Nippard:** Ah, that Joe described or said, yeah.

13 **James:** No. Ah, you know, I just thought it was, you know, funny, or not funny I
14 guess but, ah, you know, the fact that he thought he was going to be shot
15 and, like, he swept his hand to the left kind of thing thinking that he was
16 going to be able to stop the bullet or deflect the bullet or matrix the bullet
17 or whatever.

18 **Nippard:** Yeah.

19 **James:** Other than that, no, there was...there was nothing that was out of...out of
20 the ordinary.

21 **Nippard:** Okay. Ah, do you remember... 'cause I know there was...well there was
22 you, Steve and Joe there, and Kelly and Dion and Judge RICH, ah, do you
23 remember anybody, you know, even accidentally hitting anything or
24 moving anything, you know, I'm just...

25 **James:** No.

26 **Nippard:** A lot of people in a small space.

1 **James:** Yeah, I know.

2 **Nippard:** You know what I mean?

3 **James:** Yeah. No, I, like, personally I know, like, I wasn't touching anything, right?
4 I wasn't kicking anything out of the way or hauling open a drawer to poke
5 around. There was...there was nothing. I think...like I said, Judge RICH
6 was just there. He was in the...in the hallway and, you know, I think he
7 may have gone into the living room after and had a little look around or
8 what have you but, ah, there was no one that, you know, moved or
9 shuffled or adjusted anything that...in the...in the residence.

10 **Nippard:** That's all about, ah, about all I can think to ask you now buddy. Was
11 there, ah, anybody else there that you didn't...'cause I know you said
12 Judge RICH, the, ah, the other GIS officer, Dion FOOTE.

13 **James:** Yeah.

14 **Nippard:** Ah, then Steve BURKE was there.

15 **James:** Steve BURKE the investigator.

16 **Nippard:** And Joe, Kelly LEE.

17 **James:** Kelly LEE.

18 **Nippard:** Who else was there?

19 **James:** There was another officer there but he didn't go up to the residence. He
20 was –

21 **Nippard:** Okay.

22 **James:** He was on scene and, like, we shook hands or whatever and then, you
23 know, we were waiting for, ah, the Ident officer to get the microphone and
24 that and the camera all that set up.

25 **Nippard:** Okay.

1 **James:** And, ah, I just sat in his car for...for a second and, ah, and he asked how
2 Joe was doing and that and I was basically reiterating that when we got to
3 Mitchell's Brook he was a little...little quiet there but, like, he seemed to be
4 best kind and, you know, they were ready to go.

5 **Nippard:** Okay.

6 **James:** I stepped out of the car and walked up the driveway behind –

7 **Nippard:** Okay.

8 **James:** I kept my distance but, ah, the officer I was talking to in the car stayed in
9 the car. He didn't –

10 **Nippard:** Okay.

11 **James:** - come up to the scene.

12 **Nippard:** Was he a younger fellow or...?

13 **James:** He was an older fellow.

14 **Nippard:** Older fellow?

15 **James:** Yeah, like me.

16 **Nippard:** Okay. Probably Kent OSMOND downstairs I would think.

17 **James:** Probably, I don't know.

18 **Nippard:** Gray hair?

19 **James:** Yeah.

20 **Nippard:** Yeah, okay.

21 **James:** Yeah.

22 **Nippard:** Very good, sir. Well, that's all I can think to ask you. It's 2:19.

Statement of: Bill James

Date: 2015-04-28

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M.I.G. NIPPARD, CST. #55787 RCMP

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Cst. Mike Nippard

2015/05/21

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8 *Transcribed by: Donna Evans*

9 *2015-05-21 (Transcribed statement provided to investigator)*

10 *Proofread by:*