

# Mass Casualty Commission

PUBLIC PROCEEDING

||| MASS CASUALTY  
COMMISSION  
COMMISSION  
DES PERTES MASSIVES

MAY 3, 2022

---

NOW SPEAKING

**Amanda Byrd**

COMMISSION COUNSEL

# Exhibits

## LEGISLATIVE BRIEF

- **Firearms**

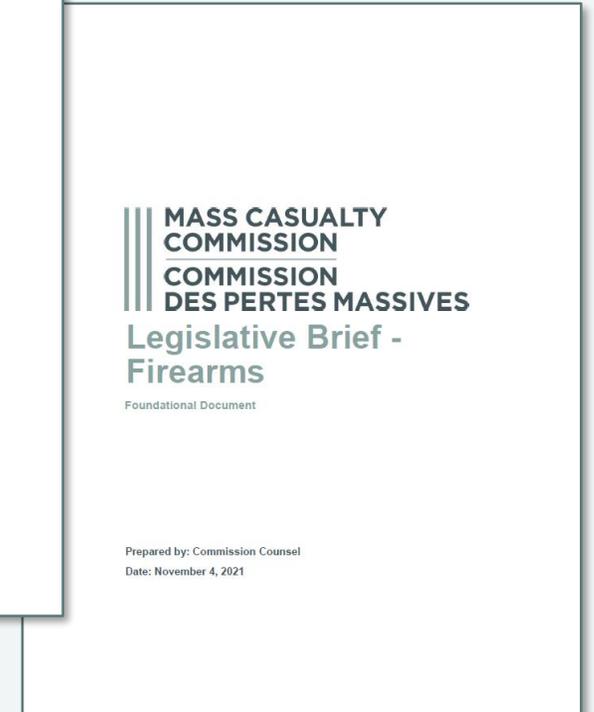
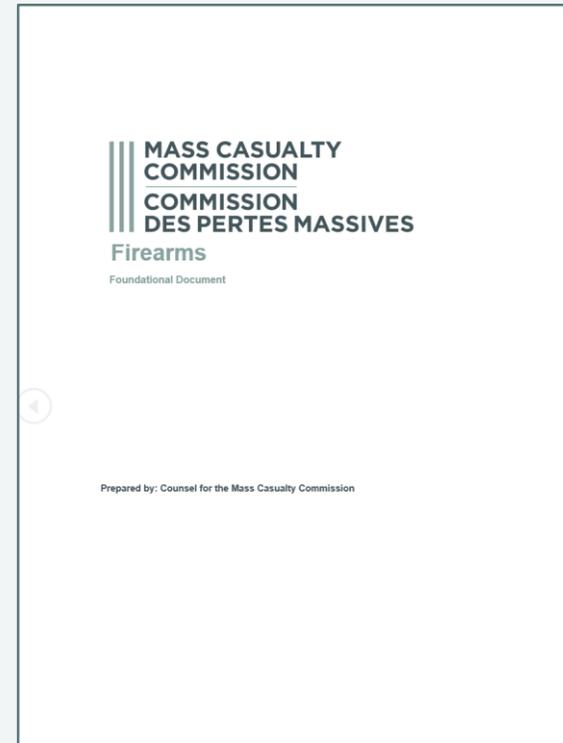
## FOUNDATIONAL DOCUMENT

- **Firearms**
- **All supporting documentation**

## CBSA FIREARMS POLICY

## TRANSCRIPT OF MASS CASUALTY COMMISSION INTERVIEW OF DAVID ANDOW

- **COMM0055689**



# Subject Matter

## AREAS OF FOCUS

- **A summary of the applicable law to the acquisition, possession, transfer, import, and use of firearms at the time of the mass casualty in April 2020.**
- **A summary of material reviewed to date by Mass Casualty Commission Counsel in relation to the perpetrator's access to firearms and associated equipment and ammunition.**
- **Focus is on firearms possessed by the perpetrator, as well as any ammunition or accessories owned by the perpetrator, and the use of firearms during the mass casualty.**

# Caution

**This presentation contains disturbing information involving bullets and bullet fragments recovered from the deceased, and makes reference to DNA of the deceased.**

# Definitions

## AUTOMATIC FIREARM

- **A firearm that is capable of, or assembled or designed and manufactured with the capability of, discharging projectiles in rapid succession during one pressure of the trigger.**

## SEMI-AUTOMATIC FIREARM

- **A firearm that is equipped with a mechanism that, following the discharge of a cartridge, automatically operates to complete any part of the reloading cycle necessary to prepare for the discharge of the next cartridge.**

## OVER-CAPACITY MAGAZINES

- **CBSA explains that handgun magazines with a capacity greater than 10 rounds are generally prohibited, and most centre-fire long guns with a capacity over 5 rounds are prohibited.**

# Definitions

## SEAR AND AUTO-SEAR

- **CBSA explains that the sear is the part of the trigger assembly that holds back the hammer, striker or bolt until the trigger is pulled. Select fire weapons have a second sear to take over in automatic mode. The auto-sear device is used to enhance a firearm's trigger mechanism and turn a semi-automatic weapon into a fully-automatic firearm.**

## CTC LASER POINT GRIP

- **Crimson Trace is an American manufacturer of accessories for firearms. The Operation Guide for laser sights on the Crimson Trace website explains that its laser sights with Instinctive Activation™ are activated by pressure pads, which are naturally depressed with a “normal shooting grip”.**

# Laws Surrounding Firearms in Canada

## OVERVIEW OF FEDERAL LAWS & REGULATIONS

- **Criminal Code, R.S.C., 1985, c. C-46**
- **Firearms Act, S.C. 1995, c. 39**

## PROVISIONS

- **Use and possession provisions**
- **Transferring provisions (trafficking, selling and gifting)**
- **Importing and exporting provisions**
- **Ineligibility provisions**
- **Search and seizure provisions**

# Canada Border Services Agency (CBSA)

- **With respect to international firearms smuggling, CBSA is the federal agency that regulates the border.**
- **In addition to legislative provisions in the Criminal Code, the Firearms Act, and the Customs Tariff, among others, the CBSA has its own policies that specifically address firearms.**
- **Border Services Officers know which firearms are prohibited or restricted and use the Criminal Code classification for this purpose; they also have internal resources to consult if they are uncertain.**
- **CBSA can flag people or vehicles for being high-risk.**



# Firearms

# Witness Information

## (Community Awareness of Firearms)

### Lisa Banfield

- “Military-style guns,” two handguns – one black and one silver

### Family

- Massive handgun, a shotgun, an assault rifle, 9mm handguns

### Friends and Acquaintances

- Shotgun, 9mm handguns, laser pointers, a .357 magnum, hunting rifles, a Barrett 50-calibre sniper rifle

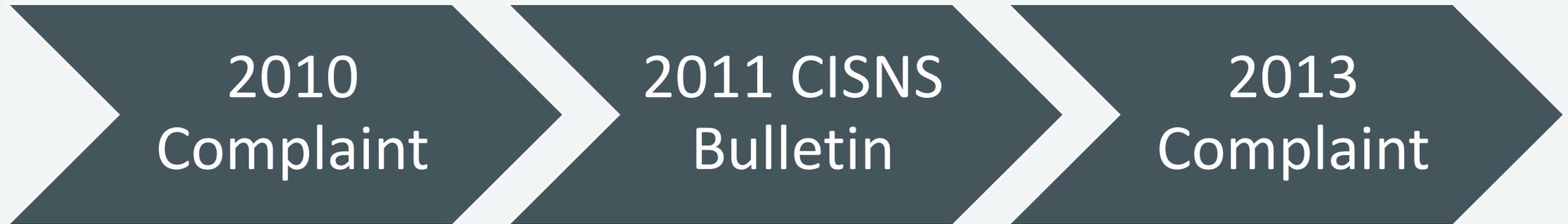
### Neighbours

- 9mm pistol, semi-automatic pistol, a 12-gauge shotgun, a long-barreled rifle, large-capacity magazines, Ruger Mini-14, stainless steel Smith & Wesson

### Denturists, Dental Professionals, and Clinic Patients

- “Big chrome handgun”, assault rifle, shotgun, “big military gun”

# Complaints to Police



# The Perpetrator's Firearms

## Used during mass casualty

- Glock 23
- Ruger P89
- Colt Law Enforcement Carbine
- Ruger Mini -14
- RCMP Issue Smith & Wesson Model 5946

## Other firearms

- .357 Magnum
- Remington Arms Model 870 Wingmaster
- Beretta
- Barrett Sniper Rifle
- Sean Conlogue's Missing Glock 36
- Black 40mm Aftermath Handgun
- Firearms at McLeod/Jenkins Residence

# Glock 23



# Glock 23

## CHARACTERISTICS

The RCMP recovered the Glock 23, serial number HZY270, from the stolen Mazda3 at the Big Stop in Enfield. It was a semi-automatic pistol that used .40-calibre ammunition. A magazine loaded with six (6) of twelve (12) possible rounds was seated in the firearm and there was one (1) round in the chamber. The Glock 23 had an after-market CTC grip affixed to it.

## ACCESS

The perpetrator obtained the Glock 23 from Sean Conlogue in the United States (Maine). In his statement to the RCMP on May 20, 2020, Conlogue said he was aware that the perpetrator took the Glock without his knowledge sometime in 2017 or 2018.

# Ruger P89



# Ruger P89

## CHARACTERISTICS

The RCMP recovered the Ruger P89, serial number 30437738, from the Mazda3. It was a 9mm-calibre semi-automatic pistol. When the firearm was recovered, an empty fifteen (15) capacity magazine was seated in it. The hammer was cocked. The trigger for this firearm required a light pull for firing. The safety was off and one (1) round was in the chamber, which ejected when the action was opened.

## ACCESS

The perpetrator obtained this firearm from Sean Conlogue in the United States (Maine). Conlogue said he gave the firearm to the perpetrator sometime between 2015 and 2018, as a sign of gratitude for the perpetrator's help with tree removals and other odd jobs at his residence.

# Colt Law Enforcement Carbine



# Colt Law Enforcement Carbine

## (commonly known as AR-15)

### CHARACTERISTICS

The Colt Law Enforcement Carbine (“Colt Carbine”), serial number LE048361, was a 5.56-calibre, semi-automatic rifle. This firearm is of the design commonly known as an AR-15. When recovered from the Mazda3, there was a loaded over-capacity magazine seated in the magazine wells containing twenty-five rounds. The selector switch was set to “fire”. The rear takedown pin was opened to examine the trigger assembly and determine whether there was an auto sear present, and there was not. The auto sear area was also not milled, and the selector switch could only move between “safe” and “fire”. No links or drop-in sear were observed that would have allowed the firearm to fire in full automatic mode.

### ACCESS

Neil Gallivan purchased the firearm at a gun show in the United States. In his statement to the RCMP on May 20, 2020, Gallivan said he thought he was purchasing the firearm for Sean Conlogue. However, Gallivan eventually recalled that the perpetrator saw the firearm at the gun show and said he liked it, and the money to purchase it came from the perpetrator.

# Ruger Mini-14



# Ruger Mini-14

## CHARACTERISTICS

The perpetrator's Ruger Mini-14 was a .223-calibre semi-automatic rifle. The seated, over-capacity magazine loaded in the firearm contained twenty-four (24) rounds. The safety for this firearm was off. One round ejected from the chamber when the action was opened.

## ACCESS

According to the statement provided by Stephen Parks to the RCMP on May 21, 2020, when the perpetrator called to tell him Mr. Evans had died, the perpetrator asked about the Mini-14. At the time, Mr. Parks had the Mini-14 locked in his gun cabinet. The perpetrator asked Mr. Parks to give him the firearm. Mr. Parks told the RCMP that since he had no ownership of the firearm, and was not sure whether Mr. Evans or the perpetrator owned it, he gave the firearm to the perpetrator.

# RCMP Issue Smith & Wesson Model 5946



# RCMP Issue Smith & Wesson Model 5946

## CHARACTERISTICS

The silver RCMP Issue Smith & Wesson Model 5946 9mm pistol recovered from the Mazda3 was assigned to Cst. Stevenson. It was loaded with a fifteen-capacity magazine containing thirteen (13) rounds, plus one (1) in the chamber.

## ACCESS

After the perpetrator shot Cst. Stevenson, he stole her pistol and two magazines.

# Other Firearms

## .357 MAGNUM

Don Johnson said that in around 2015 or 2016 he sold the perpetrator a .357 firearm. He said he gave the perpetrator two packages of ammunition he thought were .38 Special bullets, which could also be used in a .357. Johnson said the firearm was chrome or silver in colour and had a wooden handle. He did not recall whether the firearm had a serial number.

## REMINGTON ARMS MODEL 870 WINGMASTER

The RCMP recovered a Remington Arms Model 870 Wingmaster 12-gauge shotgun from the burned remains of the perpetrator's warehouse in Portapique after the mass casualty. The RCMP determined that the firearm was originally transferred or sold to Remington's subsidiary, Remington Arms GmbH, in West Germany on January 4, 1985. The Commission does not currently have evidence about where or how the perpetrator obtained this firearm.

# Other Firearms

## BERETTA

In his statement to the RCMP on May 8, 2020, Paul Wortman said he thought the perpetrator may have had a small Beretta handgun.

## BARRETT SNIPER RIFLE

In his 911 call on the morning of April 19, 2020, Robert Doucette said that perpetrator had a Barrett .50 calibre sniper rifle that was not legally obtained and was bought in the United States. Doucette explained that he thought the perpetrator had weapons in the residence and/ or in the garage.

# Other Firearms

## SEAN CONLOGUE'S MISSING GLOCK 36

An RCMP email dated April 21, 2020 states a Glock 36 Conlogue said the perpetrator took from him along with the Glock 23 had not yet been recovered by investigators.

## BLACK 40MM AFTERMATH HANDGUN

The RCMP seized a black 40mm handgun at the Blair residence after the events. This firearm was found on top of the wood pile on the front deck. The firearm had a warning stamp on it that also said it was "Made in Taiwan by Aftermath".

The Commission currently does not have evidence to indicate whether this firearm belonged to the perpetrator, whether he fired it during the mass casualty, or whether forensic firearms testing was performed.

# Other Firearms

## FIREARMS LOCATED AT MCLEOD/JENKINS RESIDENCE

The RCMP recovered several firearms from the residence of Sean McLeod and Alanna Jenkins after the mass casualty. The firearms were all damaged by fire. All were classified as non-restricted firearms. These included:

- A Winchester Model 840 20-gauge shotgun (unregistered);
- A Winchester .22-calibre Model 64B rifle (unregistered);
- A Remington .270-calibre Model 770 rifle (unregistered);
- A Cooley .22-calibre Ranger rifle (unregistered);
- A Lee-Enfield Sporter .303 British-calibre rifle (unregistered);
- A Weatherby Vanguard .270-calibre rifle (unregistered);
- A Winchester Model 2200 12-gauge x 2  $\frac{3}{4}$ " shotgun (unregistered);
- A Norinco Model JW-15A .22-calibre rifle (unregistered); and,
- A Traditions .50 percussion-calibre rifle (believed to be a Buckstalker model) (unregistered).

# Firearm Accessories

- CTC Grips – emitted a laser pointer when hand/finger pressure was applied
- Thirteen magazines of ammunition – five for the weapons recovered from the Mazda 3
- A flashlight attached to the Colt Carbine
- A shoulder carry strap for the Ruger Mini-14
- A carry strap for the Colt Carbine and;
- A beige ammunition pouch

# Caution

**This presentation contains disturbing information involving bullets and bullet fragments recovered from the deceased, and makes reference to DNA of the deceased.**

# “Neither identified nor eliminated”

- In forensic firearms analysis, a projectile, fragment, or casing may be referred to as “neither identified nor eliminated” as having been fired by a particular firearm depending on the investigation.
- In other cases, other firearms known to be at the scene are ruled out or positively identified as the firearm from which a projectile, fragment, or casing was fired. The analysis depends on the evidence and inconsistencies or consistencies in specific toolmark identification.
- **The Mass Casualty Commission has adopted the phrase “neither identified nor eliminated” from the forensic firearms analysis reports provided by the RCMP. Where projectiles or fragments were positively identified or ruled out as fired from a particular firearm, we have made that clear.**

# Perpetrator's Use of Firearms During the Mass Casualty (Sorted by Crime Scene)

## LISA BANFIELD

- Lisa Banfield told the RCMP that the perpetrator retrieved the Glock 23 from a spare room at the Portapique residence, which he then used to shoot into the ground on either side of her outside the warehouse on April 18, 2020.
- The Commission has not received forensic evidence to suggest that bullets, fragments, or casings were recovered from the ground at the warehouse that may have been fired from the Glock 23.

## LISA MCCULLY

- A bullet recovered from Lisa McCully's body was neither identified nor eliminated as fired from the Glock 23, and her DNA was found on this firearm.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### CORRIE ELLISON

- A bullet recovered from the ground at the scene of Corrie Ellison's death was neither identified nor eliminated as fired from the Glock 23. The bullet was not fired from the Ruger P89, the Colt Carbine, or the Ruger Mini-14.

### JAMIE BLAIR AND GREGORY BLAIR

- A fired bullet recovered from Gregory Blair's body was neither identified nor eliminated as fired from the Glock 23. The bullet was not fired from the Ruger P89, the Colt Carbine, or the Ruger Mini-14.
- Bullet fragments recovered from Jamie Blair's body were neither identified nor eliminated as fired from the Colt Carbine. These fragments were not fired from the Glock 23, the Ruger P89, or the Ruger Mini-14. Jamie Blair's DNA was found on the Colt Carbine.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### FRANK GULENCHYN AND DAWN GULENCHYN

- An expended cartridge case recovered from the residence of Frank and Dawn Gulenchyn was fired from the Glock 23.

### JOY BOND AND PETER BOND

- A bullet fragment recovered from Joy Bond's body was neither identified nor eliminated as fired from the Colt Carbine. The fragment was nor fired from the Ruger Mini-14. Joy Bond's DNA was found on the Colt Carbine.

### JOHN ZAHL AND ELIZABETH THOMAS

- Two expended cartridge cases recovered at the residence of John Zahl and Elizabeth Thomas were neither identified nor eliminated as fired from either the Colt Carbine or the Ruger Mini-14.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### EMILY TUCK, AARON TUCK, AND JOLENE OLIVER

- Bullet fragments recovered from Emily Tuck's body were neither identified nor eliminated as fired from the Colt Carbine.
- A bullet fragment recovered from Aaron Tuck's body was neither identified nor eliminated as fired from the Colt Carbine.
- A bullet fragment recovered from Jolene Oliver's body was neither identified nor eliminated as fired from the Colt Carbine.
- Eight expended cartridge cases and five fired bullet jacket fragments recovered at the residence were neither identified nor eliminated as fired from the Colt Carbine, but were loaded in it. These cartridge cases were not fired from the Ruger Mini-14.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### ANDREW MACDONALD

- A partial bullet recovered from Andrew MacDonald's vehicle was neither identified nor eliminated as fired from the Glock 23. The bullet was not fired from the Ruger P89, the Colt Carbine, or the Ruger Mini-14.

### SEAN MCLEOD, ALANNA JENKINS, AND THOMAS BAGLEY

- Two expended cartridge cases recovered from inside the burned residence of Sean McLeod and Alanna Jenkins were neither identified nor eliminated as fired from the Glock 23.
- One expended cartridge case recovered from the ground outside the residence of Sean McLeod and Alanna Jenkins was neither identified nor eliminated as fired from the Colt Carbine, but was loaded in it.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### KRISTEN BEATON

- A bullet recovered from Kristen Beaton's body was neither identified nor eliminated as fired from the Glock 23.
- Three expended cartridge cases and three fired bullets recovered from the scene were fired from the Glock 23.

### HEATHER O'BRIEN

- A bullet recovered from Heather O'Brien's body was neither identified nor eliminated as fired from the Glock 23.
- Three expended cartridge cases and one fired bullet recovered from the scene were fired from the Glock 23.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### CST. CHAD MORRISON

- An intact bullet found in Cst. Morrison's bulletproof vest was neither identified nor eliminated as fired from the Glock 23. Two intact bullets located in the front passenger door of Cst. Morrison's vehicle were also neither identified nor eliminated as fired from the Glock 23.
- An expended cartridge case recovered near the intersection of Highway 2 and Highway 224 was fired from the Glock 23.

### CST. HEIDI STEVENSON

- Four 9mm casings located at the Shubenacadie Cloverleaf traffic circle, where Cst. Stevenson was killed, were neither identified nor eliminated as fired by either the Ruger P89 or Cst. Stevenson's RCMP Issue Smith & Wesson Model 5946.
- Ten expended cartridge cases recovered from the Shubenacadie Cloverleaf traffic circle were neither identified nor eliminated as fired from the Colt Carbine, but were loaded in it.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### JOSEPH WEBBER

- Two fired bullet jacket fragments recovered from Joseph Webber's body were neither identified nor eliminated as fired from the Mini-14. These fragments were not fired from the Smith & Wesson Model 5946, the Glock 23, the Ruger P89, or the Colt Carbine. Joseph Webber's DNA was found on the Mini-14.
  - Four 9mm casings located at the Shubenacadie Cloverleaf traffic circle, where Joey Webber was killed, were neither identified nor eliminated as fired by either the Ruger P89 or Cst. Stevenson's RCMP Issue Smith & Wesson Model 5946.
  - Ten expended cartridge cases recovered from the Shubenacadie Cloverleaf traffic circle were neither identified nor eliminated as fired from the Colt Carbine, but were loaded in it.

# The Perpetrator's Use of Firearms During the Events

## (Sorted by Crime Scene)

### GINA GOULET

- Bullet jacket fragments recovered from Gina Goulet's body were neither identified nor eliminated as fired from the Ruger P89. The fragments were not fired from the Smith & Wesson Model 5946, the Glock 23, the Colt Carbine, or the Ruger Mini-14.
- Eight expended cartridge cases and two fired bullets recovered from Gina Goulet's residence were fired from the Ruger P89.



MASS CASUALTY  
COMMISSION  
COMMISSION  
DES PERTES MASSIVES