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## What is going on with Justice David Riche?



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**As the Dunphy Inquiry proceeds, retired Justice David Riche's role is becoming one of the most**

**confusing and controversial aspects of the unfolding saga.**

And that was even before this week, when Riche gave an interview to the CBC and said something demonstrably untrue.

Either Riche doesn't remember what he said and what he was told back in September, or he's being misleading.

Riche was hired by the RCMP in the days after Donald Dunphy was shot and killed by RNC Const. Joe Smyth.

At the time, there were serious questions swirling about whether the RCMP could conduct a fair, rigorous, independent homicide investigation. Riche was designated as an “independent observer” who would have access to all aspects of the investigation, and would ultimately write a report on whether the investigation was thorough, unbiased and free of tunnel vision.

By all accounts, hiring an independent observer is an unusual measure, and it’s not clear how the RCMP came up with the idea.

When the RCMP concluded their investigation and announced that no charges would be laid against Smyth, they refused to release Riche’s report.

With the benefit of hindsight, it’s easy to see why.

Riche’s report is 23 pages of disjointed commentary, with quite a few typos and grammatical errors.

But even more inflammatory than the report itself were the comments made by Riche in the days after the RCMP announced that no charges would be laid against Smyth.

At the time, the RCMP was refusing to answer questions, and there was little information to go on. So this Telegram reporter contacted Riche, who did an interview that lasted nearly 40 minutes.

In the following days, all of the other major media outlets in the province did interviews with Riche as well, and in each interview he seemed to say something new and potentially explosive.

Riche told The Telegram that Smyth waited outside Dunphy’s house for him to come home. We now know that wasn’t true.

Riche revealed to NTV that Smyth fired four shots — previously unknown information — and called the incident “a case of two angry people.”

Speaking to the CBC at the time, Riche said, “They basically accepted (Smyth’s) statement, and that was basically the end of the matter. ... Well, dead men tell no tales and ... police didn’t want me to do any investigation.”

This week, Riche told the CBC that he apologizes for doing all those interviews.

“My understanding was, at that time, that their report had been released and presumably my report had been released as well and so I felt free to talk with (the media),” he told the CBC in an interview Tuesday.

This is extremely strange, because at the start of The Telegram’s interview back in September, Riche was told his report hadn’t yet been released. The audio recording confirms this.

He said I should really read his report, and I responded, “The police aren’t releasing it.”

Riche replied, "There must be a way, under the access to information, that you can get that."

In fact, the first five minutes of our conversation circled around what was in his report, and what he couldn't tell me, since it hadn't been released.

I tried to contact Riche for this piece, to ask about the discrepancy, but could not reach him Wednesday.

In the early days of the inquiry, Riche was a regular fixture in the room, listening to testimony and wandering back and forth in front of one of the big TVs used to display evidence. He would frequently chat with reporters in the room, occasionally disjointedly, and he sometimes spoke loudly to other observers during proceedings.

Questions about Riche's public statements, his report and his conduct will likely be addressed next month. Riche is scheduled to testify for a full day at the inquiry on March 1.



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