

RELEASE DATE: January 8, 2026



Manitoba

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: *The Fatality Inquiries Act*, C.C.S.M. c. F52

AND IN THE MATTER OF: Marlon Elijah Whincup, Deceased

(DATE OF DEATH: December 15, 2021)

Report on the Inquest
Associate Chief Judge G. Bayly
Issued January 5th, 2026

APPEARANCES:

Katherine Bueti, Inquest Counsel

Brenna Dixon, Counsel for the RCMP/Department of Justice Canada



Manitoba

THE FATALITY INQUIRIES ACT

REPORTED BY PROVINCIAL JUDGE ON INQUEST
RESPECTING THE DEATH OF: MARLON ELIJAH WHINCUP

Having held an Inquest respecting the said death on December 15 and 16, 2025, at the City of Portage la Prairie, Manitoba, I report as follows:

The name of the deceased is Marlon Elijah Whincup.

The deceased died on the 15th day of December 2021, in the Municipality of Westlake-Gladstone, in the Province of Manitoba.

The deceased came to his death by the following means: A gunshot wound to the neck.

Attached hereto and forming part of my report is a list of exhibits that I am required to file.

Dated at the City of Dauphin, in Manitoba, this 5th day of January 2026.

Associate Chief Judge G. Bayly
Provincial Court of Manitoba

Copies to:

1. Dr. John Younes, Chief Medical Examiner (2 copies)
2. Chief Judge Ryan Rolston, Provincial Court of Manitoba
3. Honourable Matt Wiebe, Minister Responsible for *The Fatality Inquiries Act*.
4. Jeremy Akerstream, Deputy Minister of Justice and Deputy Attorney General
5. Michael Conner, Assistant Deputy Attorney General
6. Jennifer Mann, Executive Director of the Manitoba Prosecution Service
7. Katherine Bueti, Counsel to the Inquest
8. Brenna Dixon, Counsel for the RCMP/Department of Justice Canada
9. Exhibit Coordinator, Provincial Court
10. Aimee Fortier, Executive Assistant and Media Relations, Provincial Court of Manitoba



Manitoba

THE FATALITY INQUIRIES ACT
REPORTED BY ASSOCIATE CHIEF JUDGE G. BAYLY

RESPECTING THE DEATH OF: MARLON ELIJAH WHINCUP

TABLE OF CONTENTS

I.	MANDATE OF THIS INQUEST	4
II.	INTRODUCTION AND AUTHORITY	5
III.	FINDINGS OF FACT	5
IV.	CIRCUMSTANCES OF DEATH.....	5
V.	FORENSIC AND INVESTIGATIVE EVIDENCE.....	7
	A. AUTOPSY AND TOXICOLOGY	7
	B. FIREARMS AND DNA.....	8
	C. SCENE EXAMINATION.....	9
VI.	USE OF FORCE ANALYSIS.....	10
VII.	CONCLUSIONS UNDER THE <i>ACT</i>	11
VIII.	RECOMMENDATIONS.....	12
IX.	ACKNOWLEDGMENTS.....	12

EXHIBIT LIST

I. MANDATE OF THIS INQUEST

[1] By letter dated July 31, 2023, the Chief Medical Examiner for the Province of Manitoba, Dr. John K. Younes, directed that a Provincial Court judge conduct an inquest into the death of Marlon Elijah Whincup for the following reasons:

1. To fulfill the requirement for an inquest as defined in Section 19(3)(b) of *The Fatality Inquiries Act*;
2. To determine the circumstances relating to Marlon Elijah Whincup's death; and
3. To determine what, if anything, can be done to prevent similar deaths from occurring in the future.

[2] By virtue of section 33(1), *The Fatality Inquiries Act* requires that the presiding provincial judge:

- (a) make and send a written report of the inquest to the minister setting forth when, where and by what means the deceased person died, the cause of the death, the name of the deceased person, if known, and the material circumstances of the death;
- (b) upon the request of the minister, send to the minister the notes or transcript of the evidence taken at the inquest; and
- (c) send a copy of the report to the medical examiner who examined the body of the deceased person;

and may recommend changes in the programs, policies or practices of the government and the relevant public agencies or institutions or in the laws of the province, where the presiding provincial judge is of the opinion that such changes would serve to reduce the likelihood of deaths in circumstances similar to those that resulted in the death that is the subject of the inquest.

[3] Section 33(2) of *The Fatality Inquiries Act* directs that I do not express an opinion that any person is culpable in relation to the death under consideration. While the *Act* contains no prohibition in relation to opinion absolving any person of culpability in relation to the death under consideration, it is important to note that is not the mandate of any inquest.

II. INTRODUCTION AND AUTHORITY

[4] Under section 19(5)(b) of *The Fatality Inquiries Act*, an inquest was mandatory as the deceased was involved in an interaction with peace officers at the time of his death. The *Act* requires the inquest to determine:

- The identity of the deceased.
- The date, time, and place of death.
- The cause and manner of death.
- The circumstances surrounding the death.

[5] It also allows the Inquest Judge to make recommendations to prevent future deaths in similar circumstances (s. 33(1.1) of the *Act*).

III. FINDINGS OF FACT

1. The deceased is Marlon Elijah Whincup, male, 31 years old.
2. Mr. Whincup died on the morning of December 15, 2021, approximately 9:44 AM, alongside Provincial Trunk Highway 16 near Westbourne, Manitoba.
3. The cause of his death was a gunshot wound to the neck.
4. The manner of death was non-culpable homicide; the shooting was determined by investigative review to have been reasonable, necessary, and proportionate in the circumstances.

IV. CIRCUMSTANCES OF DEATH

[6] On December 15, 2021, Miranda Rowan was driving her father's white SUV from Sandy Bay First Nation to Portage la Prairie, with her boyfriend, Preston Whitford, in the back seat. Along the way, they picked up a hitchhiker named Marlon Whincup. Whitford was familiar with Whincup, but the two men were not close. Whincup was dressed in black, wearing a black mask, and carrying two bags. Approximately 20 minutes after picking him up, as they travelled near the junction of Highways 16 and 50, Whincup suddenly pulled out a large machete and, without provocation, began stabbing Whitford in the face, chest, and arm.

[7] Rowan stopped the vehicle, and she and Whitford exited, followed by Whincup. His attack on Whitford continued outside as Whincup chased him around the car. After a time, Rowan and Whitford managed to get back inside the vehicle and flee, leaving Whincup on the highway, still armed with the machete. Rowan called 911 and stopped at a gas station in Westbourne to await police and EMS. The

initial information Rowan provided to dispatch described the assailant as an unidentified hitchhiker in black clothing, leading the RCMP to believe the attack was random.

[8] Meanwhile, RCMP members, including Cpl. Michael Zinn and Constable Stephen Podworny, responded to the Westbourne location. Upon arrival, they observed paramedics and another RCMP officer, Constable Marc-Olivier David, assisting Whitford, whose injuries appeared life-threatening. While there, they received radio reports of a suspicious male in black clothing at the nearby Westroc Grain Elevator, about 4–5 km north. The reports indicated that this male had tried to enter a vehicle and was behaving erratically, possibly hiding something near a hydro pole. Believing this to be the stabbing suspect, Zinn and Podworny left to intercept him.

[9] Upon arriving at the scene, Podworny was the first to see the suspect, later confirmed to be Whincup, and radioed his location to Zinn. As Zinn approached the suspect, who was walking on Highway 16, he used the loudhailer on his police vehicle to announce, “Stop, police, you are under arrest.” Whincup opened his coat, drew the machete, and ran toward Zinn’s unmarked police vehicle. Whincup jumped onto the vehicle’s hood, raised the machete above his head, and began striking the windshield, cracking it. Zinn, fearing that Whincup would smash through the windshield and fatally wound him, drew his service pistol and pointed it at Whincup, hoping to deter the attack.

[10] The firearm's presence did not deter Whincup; he continued striking the windshield. Zinn testified that he did not want to shoot or kill his attacker, so he tried something different. He made an unorthodox decision to accelerate his vehicle and then abruptly brake, which ejected Whincup from the vehicle’s hood. Zinn testified that he hoped being knocked to the ground would take the fight out of his attacker. It did not. After being knocked to the ground, Whincup immediately regained his footing and ran towards Corporal Zinn’s vehicle, which was reversing. Whincup was still brandishing the machete. Zinn proceeded forward and struck Whincup, hoping to knock him to the ground or knock the machete from his hand. Neither occurred. Instead, Whincup grabbed onto the vehicle’s push bumper and climbed back onto the hood.

[11] At this point, Whincup screamed at Zinn through the windshield, “I’m going to kill you,” and prepared to continue striking the windshield with the machete. Once again, Zinn accelerated and braked. Rather than knocking Whincup off the hood as before, he slid along it, braced himself against the push bumper, and was briefly

dragged by the police vehicle. Zinn, fearing he might run his attacker over, stopped the vehicle, giving Whincup the chance to regain his footing and climb back onto the hood. Whincup was still wielding the machete. This time, Zinn accelerated faster than before and braked more abruptly, knocking Whincup off the hood and throwing him into a ditch just off the roadway. Finally, Whincup appeared to have dropped the machete.

[12] At that moment, Zinn exited his vehicle, using the front bumper as cover, and, from approximately 15 feet away, again told his assailant he was under arrest, to get on the ground, and not to touch the weapon. Unfortunately, Whincup ignored the command, began crawling forward, grabbed the machete, stood up, and advanced toward Zinn, who then discharged his firearm three times. Following the shooting, Whincup remained near the machete and initially refused to comply with instructions. Corporal Ian Henry arrived, and together the three officers secured the weapon and handcuffed Whincup. Henry checked Whincup's pulse and found it rapid, then slow, and it stopped minutes later. Upon EMS arrival, Whincup was pronounced dead at 9:44 AM.

[13] The scene was secured with traffic control and taped off. Forensic Identification Services processed the area, photographing and collecting three cartridge casings near the front driver's side of Zinn's vehicle and the machete from the ground in front. Zinn's duty belt and firearm were seized, and his vehicle was later examined, revealing a cracked windshield and dents on the hood consistent with someone climbing onto it. Zinn and Podworny were transported separately from the scene, instructed not to discuss the incident, and Zinn's clothing was later collected from the detachment.

V. FORENSIC AND INVESTIGATIVE EVIDENCE

A. Autopsy & Toxicology

[14] Dr. Morin performed an autopsy on Whincup on December 16, 2023, and concluded that he died of a gunshot wound to the neck. The fatal bullet entered the left side of the neck and travelled downward into the chest cavity, moving front to back and side to side, causing extensive damage.

[15] The autopsy report showed internal injuries to the thyroid cartilage, thyroid gland, trachea, right clavicle, right lung, and right seventh rib. A grazing gunshot wound was observed on the right lateral chest, producing a superficial laceration of the skin and soft tissues. In addition to these ballistic injuries, Whincup had

numerous abrasions and lacerations across his face, torso, and extremities, as well as superficial incised wounds on both palms. A spent round was recovered from his body during the autopsy and later matched to RCMP-issued ammunition fired from Zinn's service pistol.

[16] Toxicology results revealed multiple controlled substances in Whincup's system. Blood analysis showed notably high levels of methamphetamine (729 ng/ml) and amphetamine (31 ng/ml). Urine analysis confirmed the presence of methamphetamine, amphetamine, cocaine and related compounds, pseudoephedrine/ephedrine, oxycodone and a related substance, as well as acetone. These findings indicated acute polysubstance use, which investigators noted could have influenced Whincup's behaviour during the incident.

[17] Forensic evidence collected during the autopsy was linked to the scene investigation. DNA analysis matched Whincup's profile to blood swabbed from the hood of Zinn's police vehicle and to the machete recovered at the scene. Examination of Whincup's black winter jacket revealed a large gap in the lining capable of concealing the 28-inch machete blade, and damage to the jacket's nylon exterior aligned with contact from that blade. Scene documentation showed hand and finger impressions on the hood and windshield of the police vehicle, blood on the front passenger-side bumper, and spent shell casings near the vehicle, all consistent with witness accounts that Whincup had attacked the vehicle with the machete before being shot.

[18] Autopsy and toxicology evidence, supported by DNA and firearms analysis, confirmed that Whincup sustained fatal injuries from police gunfire after engaging the officer's vehicle while armed. Toxicology results explained his erratic and violent behaviour, while forensic pathology established the trajectory and lethality of the gunshot wound, providing a comprehensive evidentiary account of the incident.

B. Firearms & DNA

[19] The firearms analysis conducted by the RCMP Firearms Laboratory confirmed that the firearm seized from Zinn was in good mechanical condition and was the weapon that fired all three expended cartridge cases recovered at the scene, as well as the projectile recovered from Whincup's body. All fired components, including the casings and the projectile, were consistent with RCMP-issued ammunition. Scene examination documented the locations of the three shell casings,

two near the front driver's-side tire of Zinn's police vehicle and one under the front bumper, corroborating Zinn's account of firing three shots during the incident.

[20] DNA analysis was conducted by the RCMP Biology Lab in Ottawa on key exhibits, including the machete recovered at the scene, a blood swab taken from the hood or front bumper area of Zinn's police vehicle, and a DNA reference card obtained from Whincup at autopsy. The analysis revealed that DNA profiles from both the handle and blade of the machete matched Whincup's DNA, with a statistical probability of one in 400 quintillion for the match. A mixed DNA profile was also detected from the blade, but it was unsuitable for comparison. The blood swab from the vehicle's front bumper produced a DNA profile that also matched Whincup. Investigators examined Whincup's black winter jacket and found a concealed gap between the nylon exterior and inner lining large enough to hold a 28-inch machete, with slices in the nylon consistent with blade contact.

[21] The firearms and DNA evidence strongly corroborated witness statements and scene observations. Firearms analysis definitively linked Zinn's service weapon to the fired rounds, while DNA results connected Whincup to the machete and to contact with Zinn's vehicle. These findings support the conclusion that Whincup attacked Zinn's vehicle with the machete before being shot, and that Zinn's use of lethal force was proportionate to the threat.

C. Scene Examination

[22] The scene examination provided a clear account of events before and after the shooting. The incident occurred on a busy stretch of PTH 16, with the east lane closed and two police vehicles within the taped area: a black, unmarked Police Service Dog Suburban operated by Zinn and a marked Ford Explorer operated by Podworny. Both vehicles had emergency lights activated. Physical evidence included disturbances and voids in the dirt on the Suburban's front, windshield damage near the rear-view mirror, and hand impressions consistent with someone on the hood. Partial footwear impressions, finger streaks in the dust, and blood on the passenger-side front bumper, later confirmed by DNA to be Whincup's, were also documented.

[23] Three spent cartridge casings were found near the Suburban, two by the front driver's side tire and one underneath the front bumper, consistent with the three shots fired by Zinn, as confirmed by RCMP Firearms Laboratory testing. The projectile recovered from Whincup's body matched the casings and was in line with RCMP-issued ammunition. A machete was recovered from the roadway in front of Zinn's

police vehicle; several witnesses described it as resembling a samurai sword, with a handle wrapped in red tape. DNA analysis connected both the handle and the blade of the machete to Whincup, with a statistical certainty of 1 in 400 quintillion. Investigators later found that Whincup's black winter jacket had a hidden gap between the nylon exterior and lining, large enough to conceal the 28-inch machete, with linear cuts consistent with blade contact.

[24] The deceased was found in the ditch on his left side, cuffed behind his back, with abrasions on his knees and blood around his mouth. Blood was also seen on the snow and nearby grass. Scene markers were placed for key exhibits, including the machete, the spent casings, and two blood swabs collected from the ditch. Toxicology testing later showed high levels of methamphetamine and amphetamine in Whincup's blood, along with cocaine, oxycodone, and other substances in his urine.

[25] Forensic scene evidence, including damage to Zinn's police vehicle, shell casing locations, DNA and blood matches to Whincup, and the concealed machete, corroborated witness accounts that Whincup attacked Zinn's vehicle before being shot. The findings supported that Zinn's use of lethal force was consistent with the threat at the scene.

VI. USE OF FORCE ANALYSIS

[26] Independent expert Mike Massine evaluated Zinn's conduct using the Incident Management Intervention Model (IMIM): The use-of-force analysis in this case focuses on Zinn's response to Whincup's violent actions on December 15, 2021. The incident began with Whincup's unprovoked stabbing of a civilian, causing potentially lethal injuries, and escalated when he confronted responding officers armed with a machete. Zinn, aware of the suspect's prior attack and the ongoing threat, conducted a continuous risk assessment in accordance with the RCMP's Incident Management Intervention Model (IMIM). He initially employed lower-level interventions, including officer presence, verbal commands via a loudhailer, and maintaining a reactionary gap to create distance and enable de-escalation. Despite these efforts, Whincup ran toward Zinn's vehicle, mounted the hood, struck the windshield while threatening to kill him, and attempted to breach the vehicle's limited protective barrier.

[27] In response, Zinn escalated his interventions but initially held back from discharging his firearm, instead attempting to eject Whincup from the vehicle by accelerating and braking. He also used his police vehicle as an impact weapon to try

to disarm and control the suspect. These actions did not stop Whincup's behaviour, and he continued his assault, repeatedly regaining his position and weapon. Zinn considered deploying his Police Service Dog, but decided it was inappropriate against an armed suspect, given the high risk of serious injury to the dog and the potential for the situation to escalate.

[28] The critical moment came when Whincup, after being ejected from the hood and briefly separated from his machete, ignored orders to stay away from the weapon, deliberately retrieved it, and advanced on Zinn. At that point, Zinn determined that all other intervention options had been exhausted or were inappropriate: physical control techniques were unsuitable against an edged weapon; OC spray and batons had limited effectiveness and required proximity; a conducted energy weapon was unavailable; and disengagement was not possible given the immediate threat to nearby civilians and officers. Believing his life and the lives of others were in imminent danger, Zinn discharged his service pistol three times, striking Whincup and halting his advance.

[29] After the shooting, Zinn maintained a reactive distance until additional officers arrived, then secured the machete and assisted in handcuffing Whincup. He and other officers provided first aid until paramedics arrived, though Whincup ultimately died from his injuries. An expert review concluded that Zinn's actions were sound, well-founded, reasonable, necessary, and consistent with training and the IMIM, given Whincup's continuous display of violent behaviour posing a risk of grievous bodily harm or death, his possession of a deadly weapon, and the ineffectiveness of lesser interventions. The Independent Investigation Unit determined that the use of lethal force was authorized and justified by law, with no reasonable grounds for criminal charges.

VII. CONCLUSIONS UNDER THE *ACT*

[30] Per s. 33(1) of *The Fatality Inquiries Act*:

- The Identity of the deceased is Marlon Elijah Whincup.
- Mr. Whincup died on the morning of December 15, 2021, at approximately 9:44 AM, alongside Provincial Trunk Highway 16 near Westbourne, Manitoba.
- The cause of his death was a gunshot wound to the neck.
- The manner of death was non-culpable homicide; the shooting was determined by investigative review to have been reasonable, necessary, and proportionate in the circumstances.

- Circumstances: The death occurred in the context of Mr. Whincup's violent armed confrontation with police, which followed a violent stabbing of a civilian; the deceased advanced on the officer with a drawn machete multiple times, uttering threats to kill, and the fatal wound was inflicted after numerous failed attempts by the officer to use non-lethal interventions.

VIII. RECOMMENDATIONS (s. 33(1.1) *Fatality Inquiries Act*)

[31] Corporal Zinn faced a highly dangerous and unpredictable situation and demonstrated exceptional restraint throughout. Given the immediacy and severity of the threat posed by Mr. Whincup, no policy or procedural changes could reasonably have prevented this outcome. The evidence establishes that Corporal Zinn's actions were reasonable, justified, and consistent with his training and experience. His professionalism and selfless commitment to public safety merit commendation. After a thorough review, I make no recommendations.

IX. ACKNOWLEDGMENTS

[32] I thank counsel for their diligence and assistance during this Inquest, as well as the IIU investigators, RCMP members, forensic specialists, civilian witnesses, and expert reviewers whose contributions enabled a thorough and impartial examination.

[33] I conclude and submit this report on the 5th day of January 2026, at the City of Dauphin, in the Province of Manitoba.

Associate Chief Judge G. Bayly
Provincial Court of Manitoba



Manitoba

THE FATALITY INQUIRIES ACT, C.C.S.M. c. F52
REPORT BY PROVINCIAL JUDGE ON INQUEST

RESPECTING THE DEATH OF: MARLON ELIJAH WHINCUP

EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>
1	Binder of Inquest Materials
	1. Corporal Zinn
	a. Notes
	b. Statement
	c. Employee Training Profile.
	2. Constable Podworny
	a. Supplementary Occurrence Report
	b. Notes
	c. Interview Annotation
	3. a. Subject Behaviour Response Corporal Zinn
	b. Subject Behaviour Response Constable Podworny
	4. Use of Force Review and Opinion
	5. IIU Final Report
	6. Forensic Identification Occurrence Report
	7. Photos
	8. Training Document Excerpts
	a. Edged and Impact Weapon Defences Sessions 46 & 47
	b. Edged and Impact Weapon Defences Sessions 50 & 51
	c. Single Officer High Risk Arrest with and without Separation from a Weapon Session 64
	d. Single Officer High Risk Arrest with and without Separation from a Weapon Session 68
	9. Operational Manual excerpts
	a. Incident Management/Intervention Model

- b. Operational Manual - Chapter 17.1 Incident Management Intervention Model
 - c. Operational Manual - Chapter 4.7 Discharge of Firearms
 - d. D Division - Operational Manual - Part 41, chapter 3 Human Deaths
 - e. Operational Manual - Chapter 4 .3 Human Deaths
 - f. Operational Manual - Chapter 33.1. Police Service Dogs
 - g. D Division - Operational Manual - Part 33, chapter 1 Police Service Dogs and Specialty Dogs
 - h. Operational Manual - Appendix 17-8-1 - Subject Behaviour/Officer Response Scenarios Related to Police Dog Services
 - i. D. Division - Operational Manual - Appendix 33-1-2 General Guidelines for the Use of Police Service Dogs
10. Chief Medical Examiner Material
 11. USB - 911 audio
 12. Constable Podworny Interview