

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 102

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, March 29, 2007

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 29 mars 2007

Appearances/Comparutions

Mr. Pierre R. Dumais Ms. Maya Hamou	Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. Mark Crane Ms. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Suzanne Costom	Ontario Provincial Police
Mr. David Rose Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
M ^e André Ducasse	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate
Mr. Mark Wallace	Ontario Provincial Police Association

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1 --- Upon commencing at 9:37 a.m./

2 L'audience débute à 9h37

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Good morning all.

9 Before we begin the testimony this morning,
10 I would like to say a few words about Phase 2 research, and
11 today I would like update you on the continuing process we
12 are making on Phase 2 of our mandate.

13 The challenge of creating an environment of
14 hope for the future, striving for reconciliation, and
15 rebuilding trust continues to be a priority with me.

16 Phase 2 activities are occurring at the same
17 time as Phase 1 hearings. You will recall that of late I
18 have made various progress announcements about our Phase 2
19 work, almost monthly, covering proposed research
20 activities, endorsing party research and providing for
21 extension of counselling support.

22 Aujourd'hui, j'annonce de nouvelles
23 activités pour la Phase 2. Ces activités découlent d'une
24 invitation affichée en ligne en janvier, appelant des
25 propositions d'effectuer certains travaux dans le cadre du

1 mandat approuvé de recherche active de l'enquête.

2 Pour vous donner un aperçu du contexte de la
3 Phase 2 je vais vous présenter brièvement quelques éléments
4 de la Phase 2 et de son mandat.

5 Sur le plan du counselling et du soutien au
6 témoin, je vous précise que ces deux programmes visent à
7 répondre aux besoins de ceux et celles qui sont touchés par
8 l'enquête.

9 En février, j'ai annoncé les résultats de
10 l'évaluation du programme de counselling et sa
11 prolongation.

12 Quant au Comité consultatif, ses membres
13 travaillent activement à une réunion du printemps qui
14 permettra de déterminer ce dont les habitants de Cornwall
15 ont besoin, ce qu'ils veulent et aussi ce qu'ils ne veulent
16 pas, et ce qu'ils sont prêts à faire pour et avec d'autres
17 personnes de Cornwall.

18 Nous nous préparons aussi à une consultation
19 sur les possibilités de témoignages à caractère non-
20 probant, pour permettre à des personnes touchées par des
21 mauvais traitements ou des allégations de mauvais
22 traitements de faire part des événements qu'elles ont vécus
23 ainsi que de l'impact que ceux-ci ont eu sur leur vie.

24 J'ai demandé à notre avocat principal et à
25 notre Directrice des politiques d'écrire aux avocats des

1 parties au sujet de la date de la consultation.

2 We have activities focussing on practical
3 research and educational opportunities. On February 28th,
4 2007, I announced the endorsed research activities put
5 forward by certain parties. These activities included
6 research, educational activities, and the provision of the
7 infrastructure for future service and information resources
8 for those affected by childhood sexual abuse.

9 Returning to the specifics of today's
10 announcement, in January, I approved a research agenda
11 recommended by the Advisory Panel. This action-oriented
12 agenda is posted on our website and proposals to do certain
13 parts of the work were also posted.

14 We did receive proposals in response to our
15 posting and I asked my Advisory Panel to review these
16 research proposals and make recommendations to me.

17 I want to note that in this assessment work,
18 Ms. Jan Handy, one of our Advisory Panel members, did not
19 participate in any way as a non-profit organization with
20 which she is associated, the Gatehouse, intended to respond
21 to the Inquiry's request for proposals.

22 In looking at Phase 2, we listened to what
23 we were told in community meetings. People want activities
24 they see as practical and likely to make a difference in
25 the future. This is why you will see a focus on education

1 and pragmatic activities and less on traditional academic
2 research.

3 I want to outline the Phase 2 research
4 proposals approved by me.

5 Our first approved project deals with
6 apologies. We believe it important to have a thorough
7 legal research of the legal and ethical implications of an
8 apology, and we know it is a positive human impulse to want
9 to both give and receive a sincere and heartfelt apology
10 for a deep wrong done, but sometimes we are told that there
11 are legal or other impediments. We want to understand what
12 is a real barrier and what is not a real barrier.

13 To do this work, Ms. Leslie MacLeod has been
14 chosen. Ms. MacLeod is a lawyer, mediator, teacher at
15 Osgoode Hall Law School, and a former Assistant Deputy
16 Attorney General, Civil Law in Ontario.

17 Our second approved project addresses a
18 tough issue. It will look at those who have been abused as
19 children and who unfortunately go on to abuse others. We
20 know that most victims of abuse do not abuse others.
21 Indeed, it is a myth that this is prevalent and this is
22 often hurtful to survivors, but it does happen, and we may
23 need better knowledge to deal with people who do abuse to
24 prevent children from being victimized.

25 One (1) of our expert witnesses, Detective

1 Leaver, in talking of her work with the Circle of Support
2 program of the Mennonite Central Committee, commented
3 wisely about those who have abused. They are coming out
4 into our community. They are our fathers, brothers,
5 uncles, whatever, and unless we do something to reintegrate
6 them safely, there will be more victims.

7 That is why we are supporting a proposal
8 from the Circle of Support and Accountability sponsored by
9 the Anglican Church of St. John the Evangelist, Associate
10 Professor, Michael Petrunick of the University of Ottawa,
11 and the Men's Project.

12 The proposal is to develop a possible model
13 for victim/perpetrator services programming in Eastern
14 Ontario. We are interested in the possibility of creating
15 capacity in Cornwall for people who want to act as mentor
16 to an adult who has a history of childhood sexual abuse.

17 With the right training, we believe mentors
18 can provide a unique support and augment the care of
19 counselling, family and service networks. It can also be a
20 positive experience to be a mentor; to give back; to reach
21 out; to turn one's own life experience to the advantage of
22 another. The Gatehouse has run a highly-regarded
23 mentorship program for many years in Toronto with real
24 success.

25 I am pleased to say that mentorship training

1 and support will be provided here in Cornwall. I say to
2 the people ready to be mentors, think about this concrete
3 way to help people in your community who have a history of
4 childhood sexual abuse; to give the benefit of your
5 experience and the Gatehouse training. To those who may
6 want to be a mentor, think of the possibility of this added
7 support for you.

8 Another area of interest for us is education
9 for health professionals, counsellors, and for members of
10 the public. We have a broad curriculum ready to go
11 provided by experienced external trainers. Priority for
12 these training sessions will be given to those in the
13 Cornwall area, although we may open the doors to those
14 interested in travelling from other communities for this
15 training.

16 Geared for parents and members of the
17 community generally, we will have a public education
18 opportunity which we call at this point, "What you need to
19 know about investigation of child sexual abuse". This will
20 allow members of the public to understand what happens in
21 investigations today, what you might expect if someone you
22 know is affected. Knowing what to expect is a source of
23 strength in a difficult situation, both for children and
24 their family members.

25 Les gens qui pourraient apprendre pour la

1 première fois la perpétration de mauvais traitements
2 sexuels passés auront besoin d'être préparés à ces
3 divulgations et d'être soutenus moralement.

4 À moins d'avoir un emploi particulier dans
5 un milieu de travail qui prépare ce genre d'aveu, la
6 divulgation peut-être bouleversante. Elle peut laisser les
7 gens décontenancés et ne sachant pas quelle attitude
8 adopter parce qu'ils ne disposent pas des outils et des
9 renseignements nécessaires pour faire face à la situation
10 d'une façon constructive.

11 Notre intention est de préparer les gens à
12 gérer une situation pénible avec compassion et de la
13 meilleure façon possible.

14 Nous voulons aussi que les gens qui
15 assistent à ce genre de divulgation pensent à prendre soin
16 d'eux-mêmes parce que la divulgation peut avoir un impact
17 émotionnel sur leur vie.

18 Dans le cadre de l'enquête on nous a
19 mentionné quelques difficultés particulières: les besoins
20 particuliers des hommes qui avaient été victime de mauvais
21 traitements pendant leur enfance; la difficulté de fournir
22 divers types de counselling et de services de santé en
23 réponse à un traumatisme subit à l'enfance; la gestion de
24 la colère chez les hommes qui ont subit des mauvais
25 traitements ou un traumatisme; et enfin, et ce n'est pas le

1 moindre, le besoin pour ceux et celles qui travaillent dans
2 ce domaine difficile de prendre soin d'eux-mêmes pour
3 éviter un traumatisme vicariant.

4 Un traumatisme vicariant peut se produire
5 lorsque les personnes qui travaillent avec des victimes de
6 mauvais traitements passés commencent à prendre sur elles
7 le fardeau des victimes. Cet état peut répercuter sur leur
8 propre vie et affaiblir leur capacité d'effectuer leur
9 travail si important.

10 Our Cornwall Public Inquiry training
11 curriculum covers all this ground and is provided by
12 qualified and experienced external providers.

13 As the sessions are ready to go they will be
14 posted online on our website and those with the relevant
15 professional background can apply, with priority to
16 Cornwall area residents. Events for the public will be
17 first come-first served.

18 The education provided on Phase 2 will be
19 made available free-of-charge in Cornwall over the next
20 year, enhancing existing skills and experience to the
21 benefit of those needing help today and in the years to
22 come.

23 We are still working on many other areas of
24 forward-looking initiatives in the Cornwall community as
25 part of a broad effort to create an environment of healing.

1 We continue to be open to Phase 2 ideas and
2 in particular to talking about building a future of hope,
3 trust and pride in Cornwall.

4 The activities announced today are part of a
5 larger effort. We will keep everyone up-to-date through
6 period announcements and postings on the Inquiry website,
7 and you only need to ask and speak to our Policy Director,
8 Colleen Parrish, our Lead Counsel, Peter Engelmann, to get
9 additional updates.

10 Thank you.

11 **MR. DUMAIS:** Good morning, Commissioner.

12 **THE COMMISSIONER:** Good morning, sir.

13 We can call our next witness who is known by
14 the moniker, C-10.

15 Thank you.

16 Good morning, sir.

17 How are you doing today?

18 **C-10:** A little nervous.

19 **THE COMMISSIONER:** A little nervous.

20 All right.

21 Would you swear the witness in or affirm or
22 -- do you wish to be sworn or affirmed.

23 **C-10:** I'll swear.

24 **THE COMMISSIONER:** All right.

25 **C-10, Sworn/Assermenté:**

1 **THE COMMISSIONER:** Thank you, sir.

2 You are known as C-10 because of a ruling I
3 have made which also includes, pursuant to your request and
4 to my decision that it was warranted, that you not appear
5 on camera and that you be called C-10; so that is your name
6 for the day.

7 You have indicated that you are a little
8 nervous, and I can tell you that all of us are nervous when
9 we come in here because we know that there will be
10 questions asked and answers given.

11 What I want you to do is to know that I will
12 be listening and I will be attentive to your needs. So,
13 first of all, when you are asked a question, listen to it
14 completely, think about your answer, and give the best
15 answer you can. A lot of times, some of the things you
16 might not know, you might have forgotten, or you might not
17 understand the question.

18 So, if you don't understand, just let
19 whoever is asking you the questions know that you don't
20 understand because sometimes these lawyers put in fancy
21 words or long sentences, and we will try to break them down
22 for you.

23 If at any time you feel uncomfortable and
24 you need a rest or a break, you just let me know, all
25 right?

1 And if there is anything else that you need,
2 you just ask me to take a break and we can talk about it.

3 Do you have any questions about what I have
4 just said?

5 **C-10:** No.

6 **THE COMMISSIONER:** All right.

7 Ready to go?

8 **C-10:** As ready as I'll ever be.

9 **THE COMMISSIONER:** All right.

10 Maître Dumais?

11 **MR. DUMAIS:** Good morning, sir.

12 **C-10:** Good morning.

13 **THE COMMISSIONER:** I'm sorry, did I mention
14 the camera will not be on you pursuant to your request.

15 Thank you.

16 **MR. DUMAIS:** And just on that note,
17 Commissioner, just one additional comment.

18 There is also just a general publication
19 order on his name and any identifiers as well.

20 **THE COMMISSIONER:** Terrific.

21 Thank you.

22 --- **EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
23 **DUMAIS:**

24 **MR. DUMAIS:** Now, I understand, sir, that
25 you are a member of the Victims' Group.

1 Is that correct?

2 C-10: That's correct.

3 MR. DUMAIS: And you are represented by the
4 firm of Ledroit Becket?

5 C-10: That's right.

6 MR. DUMAIS: More specifically, in preparing
7 your evidence here today, you've received counselling, and
8 met on a number of occasions, and spoken to Mr. Dallas Lee.
9 Is that correct?

10 C-10: That's correct.

11 MR. DUMAIS: All right. There's an issue
12 that came up, sir, over the last seven or ten days with
13 respect you an affidavit, which you would have sworn back
14 in October of 2005. I'd like to take you to that affidavit
15 before we start dealing with your evidence here today. So
16 we'll be discussing just the circumstances of the signing
17 of that affidavit and the contents. And hopefully we'll
18 take ten or fifteen minutes just to go through it, and then
19 we can get on with your actual evidence. Is that Okay?

20 C-10: Sure.

21 MR. DUMAIS: All right.

22 Perhaps, Commissioner, if we -- if the
23 witness can be presented with the exhibit P-7. I'm only
24 going to be dealing with a portion of that bigger exhibit,
25 which is the actual application for standing and funding,

1 filed by the victim's group. I'm only going to be
2 referring to the affidavit that was sworn and signed by the
3 witness.

4 **THE COMMISSIONER:** So it's already part of
5 the record?

6 **MR. DUMAIS:** Correct. It's -- all documents
7 filed for application and standing applications were filed
8 as exhibits. It's known as P-7.

9 **THE COMMISSIONER:** Okay. So --

10 **MR. DUMAIS:** I guess more specifically, it's
11 doc. number 200136.

12 Sir, you recognize this document? It's been
13 shown to you over the last couple of days?

14 **C-10:** Yes, I do.

15 **THE COMMISSIONER:** Are we going to put it up
16 on the screen for the lawyers and for the public as well?

17 **MR. DUMAIS:** It certainly can Commissioner.

18 **THE COMMISSIONER:** Okay. All right. His
19 name is on it.

20 **MR. DUMAIS:** His name is on it.

21 **THE COMMISSIONER:** That's fine,
22 Commissioner. The witness was comfortable with the fact
23 that anyone coming to the Hearings room, and taking the
24 time to attend, could view the documents.

25 **THE COMMISSIONER:** All right. Thank you.

1 **MR. DUMAIS:** Thank you.

2 So, sir, this is a document which we've
3 looked at in a little more detail this morning. You
4 recognize that?

5 **C-10:** Yes, I do.

6 **MR. DUMAIS:** All right. I'm just going to
7 ask you to look at the last page, which would be page six
8 of that affidavit. If you can just identify for me whether
9 or not that is your signature, that would be fine --

10 **C-10:** Yes, it is.

11 **MR. DUMAIS:** Thank you.

12 The affidavit discloses that it was sworn on
13 the 18th day of October, 2005.

14 **C-10:** Yes, it does.

15 **MR. DUMAIS:** Do you remember that day?

16 **C-10:** Yes.

17 **MR. DUMAIS:** All right.

18 Now, before we get into the contents of the
19 affidavit, perhaps you can just indicate how it came about
20 that you became a member of the victim's group.

21 **C-10:** I still can't remember that.

22 **MR. DUMAIS:** You remember attending a
23 meeting on that day, on October 18th?

24 **C-10:** Yes, I do.

25 **MR. DUMAIS:** All right. How did you find

1 out about the meeting? How did you attend?

2 C-10: I think it was in the paper.

3 MR. DUMAIS: You remember seeing some --

4 C-10: Something, yes. Somewhere about it.
5 And I went and showed up.

6 MR. DUMAIS: Do you recall where that
7 meeting was?

8 C-10: The Ramada Inn.

9 MR. DUMAIS: And would you have had any
10 discussions with any other victims talking about this
11 meeting?

12 C-10: Yes, I could have.

13 MR. DUMAIS: Some of the information could
14 have come from other victims as well?

15 C-10: Yes.

16 MR. DUMAIS: All right.

17 Because at that time, and when I mention
18 time I mean October 18th 2005, you were not represented by
19 the firm of Ledroit Beckett for any other matters.

20 C-10: No, I wasn't.

21 MR. DUMAIS: All right. And before
22 attending that meeting, do you recall having any
23 discussions on your allegations, or what they were
24 proposing as an application for standing of the public
25 inquiry. Did you have any discussions at all?

1 C-10: Not that I can remember.

2 MR. DUMAIS: All right. Because this
3 affidavit contains some of the details of what your
4 allegations were. And there are a number of them. Do you
5 know how they got knowledge of some of these details?

6 C-10: From me.

7 MR. DUMAIS: I guess that's my question. Do
8 you remember giving them the details of some of your
9 allegations?

10 C-10: I can't remember. There's so many
11 lawyers.

12 MR. DUMAIS: Okay. Do you recall, at about
13 that time, giving copies of your documents or statements or
14 -- to anyone?

15 C-10: I can't recall.

16 MR. DUMAIS: It doesn't ring a bell?

17 C-10: No.

18 MR. DUMAIS: All right. You do remember,
19 however, attending at this meeting in October 18th, 2005.

20 C-10: Yes, I do.

21 MR. DUMAIS: And perhaps you can just
22 describe for us what happened at the meeting. What were
23 the circumstances, who was there. What do you remember?

24 C-10: Dallas Lee was present, and I can't -
25 - John Swales. It was sort of an update on how the

1 Cornwall inquiry was going.

2 MR. DUMAIS: Okay. And were there a number
3 of victims that were present?

4 C-10: Yes, about 30; 25 to 30.

5 MR. DUMAIS: Okay. How was the meeting set
6 up? Was a presentation being given, or a --

7 C-10: Yes. It was seating like that and
8 Dallas Lee was at the front and John Swales. That's all I
9 remember

10 MR. DUMAIS: And I understand -- well what
11 about Mr. Swales. Had you met with him prior to this
12 meeting?

13 C-10: Yes.

14 MR. DUMAIS: Okay. And you had had
15 discussions with him as well.

16 C-10: Yes, I believe I did, in the lobby.

17 MR. DUMAIS: Okay. Just shortly before the
18 meeting --

19 C-10: Before and having a cigarette
20 outside.

21 MR. DUMAIS: What about before October 18th?
22 Would you have met with him and discussed what your
23 allegations were?

24 C-10: I believe so.

25 MR. DUMAIS: Okay. So you show up at this

1 meeting on October 18th. Do you recall if it was during the
2 day or at night or --

3 C-10: It was during the day.

4 MR. DUMAIS: Okay. I understand that at one
5 point in time, some documents are presented to you.

6 C-10: That's right.

7 MR. DUMAIS: Okay. Perhaps you can just
8 explain how --

9 C-10: They were handed out. A pile of
10 these were handed out and we just passed them on to each
11 other.

12 MR. DUMAIS: So everyone had their own
13 document?

14 C-10: That's right.

15 MR. DUMAIS: So, and you were provided with
16 a copy of this document?

17 C-10: Yes, I was.

18 MR. DUMAIS: Were any explanations given as
19 to what you were to do, or --

20 C-10: I can't remember.

21 MR. DUMAIS: Okay.

22 Now, at one point in time, you did sign this
23 document.

24 C-10: That's right.

25 MR. DUMAIS: And it says at the front:

1 "Affidavit of your name"

2 Did you at that time what an affidavit was?

3 C-10: Yes, I have a good idea.

4 MR. DUMAIS: Do you remember swearing to
5 this affidavit? Did you understand that by signing your
6 name on this document, you were essentially saying that
7 this was the truth of what it said.

8 C-10: Yes. But I didn't really read it.

9 MR. DUMAIS: Okay. Because we went through
10 some of the paragraphs that are contained in your
11 affidavit, and we'll go through that in just a second.
12 Some of the allegations in there are untrue. Is that
13 correct?

14 C-10: That's correct.

15 MR. DUMAIS: All right. The first time that
16 you would have been made aware of these, we'll call them
17 inconsistencies, was about seven or ten days ago. Is
18 that..

19 C-10: That's right.

20 MR. DUMAIS: All right. And on that day
21 when you signed your name on this affidavit, your evidence
22 is that you had not read it through completely.

23 C-10: That's true.

24 MR. DUMAIS: Did you glance at it at all?
25 Did you look at some of the paragraphs? Did you --

1 C-10: Yes. I just glanced at the front
2 page and flipped it over and didn't read the rest. I was
3 busy listening to what was going on.

4 MR. DUMAIS: Now, if we can then just take
5 the affidavit, sir, and I'm looking here at paragraph 1.
6 It indicates in there that you're a member of the victim's
7 group. I take it by that time that you were?

8 C-10: Yes. Yes, I was.

9 MR. DUMAIS: Now, paragraph number two deals
10 with allegations, names, some of your perpetrators that
11 would have abused you between the years 1962 and 72. It
12 makes reference to firstly Mr. Ken Seguin. And he's one of
13 the alleged perpetrators?

14 C-10: That's correct.

15 MR. DUMAIS: And then there's a Mr., Father
16 Scott, and he is so as well?

17 C-10: Yes, he is.

18 MR. DUMAIS: And then the third name we see
19 there is Father Charlie MacDonald. Is he one of your
20 perpetrators?

21 C-10: No.

22 MR. DUMAIS: He is not?

23 C-10: No.

24 MR. DUMAIS: And you never told anyone or
25 said to anyone that he was?

1 C-10: No, I didn't.

2 MR. DUMAIS: So you never made that
3 allegation to any member of any public institutional --

4 C-10: Never.

5 MR. DUMAIS: All right. Now the fourth name
6 that we see there is the name of Malcolm MacDonald. Is
7 that --

8 C-10: Yes, I was abused by him.

9 MR. DUMAIS: Same with Carl Allen?

10 C-10: Yes.

11 MR. DUMAIS: All right.

12 Now, paragraph -- I'm just going to go
13 through some of the other paragraphs, if I can.

14 Number three, simply a general paragraph
15 indicating that the victim's group is seeking standing at
16 the inquiry. So you understood, on that day, that the
17 intent was that the victim's group would participate in
18 this process?

19 C-10: Yes.

20 MR. DUMAIS: Now, if we can look a little
21 more closely at paragraph four. It says:

22 "As a victim of sexual abuse, my
23 perspective includes the following:"

24 And there is two sub-paragraphs. The first
25 sub-paragraph is sub-paragraph A. I'll just read that to

1 you:

2 "I feel that the O.P.P. investigation
3 did not go into enough depth. They did not
4 effectively seek out information from the victims
5 of sexual abuse. I have come forward. In fact,
6 in my dealings with the O.P.P. I have felt
7 persecuted and re-victimized."

8 So what about the conclusion, or assertion,
9 that you felt persecuted by the O.P.P.?

10 C-10: I didn't feel persecuted.

11 MR. DUMAIS: What about the next assertion
12 that you --

13 C-10: Re-victimized? I feel that right
14 now, and every time it comes up.

15 MR. DUMAIS: Okay.

16 C-10: When I have to speak about it or deal
17 with it. I -- this process is a re-victimization in a way.

18 MR. DUMAIS: All right.

19 THE COMMISSIONER: I'm sorry. I don't mean
20 to --"I felt persecuted", did he say no or yes?

21 C-10: No.

22 THE COMMISSIONER: No. Okay, the question
23 really is in the statements is:

24 "In my dealings with the O.P.P."
25 Did you feel re-victimized?

1 C-10: Yes, I did.

2 THE COMMISSIONER: Okay.

3 MR. DUMAIS: So then any time, sir, that you
4 are asked to recount some of these experiences, to a
5 certain extent, you feel re-victimized?

6 C-10: Yes, I do.

7 MR. DUMAIS: All right.

8 Sub-paragraph B, and I'll just read it out
9 to you:

10 "A civil action resulted from the
11 sexual abuse I suffered. I felt
12 betrayed by the outcome in that,
13 although a monetary sum was settled
14 upon, no humanitarian efforts were made
15 on the part of the Diocese of
16 Alexandria-Cornwall in terms of
17 offering counselling or support, for
18 what would have been an ongoing
19 struggle with the effects of the
20 abuse."

21 Now my understanding, sir, is that there was
22 never a civil action against the Diocese. Is that correct?

23 C-10: That's correct.

24 MR. DUMAIS: All right.

25 And although there is an allegation that you

1 made, and we'll go through that shortly, against a priest,
2 you're not aware of -- that the Diocese would have been
3 told about this allegation, or this alleged allegation?

4 C-10: No, I'm not.

5 MR. DUMAIS: No.

6 Now, with respect to the impact of the
7 abuse, and if I can, the -- I'll just paraphrase a bit
8 here, sir. Paragraph five deals with the fact that,
9 because of your experiences you would have turned to drugs
10 and alcohol to help you cope.

11 C-10: That's correct.

12 MR. DUMAIS: That's correct. And that as a
13 result, as well, you had had poor performance at school?

14 C-10: Yes, I was expelled.

15 MR. DUMAIS: And over the years you would
16 have had feelings of depression and suicidal thoughts and
17 feelings, is that correct as well?

18 C-10: Yes, that's correct.

19 MR. DUMAIS: Paragraph 8 deals with the fact
20 that, as a result thereof, you would have a difficult time
21 with intimate relationships; is that true as well?

22 C-10: Still, yes.

23 MR. DUMAIS: Okay.

24 And difficulties with trust in authority
25 figures and institutions; is that true as well?

1 C-10: Yes, this is correct.

2 MR. DUMAIS: And then, because of the poor
3 coping mechanisms, as well, that you had had difficulty
4 over the years maintaining employment.

5 C-10: That's right.

6 MR. DUMAIS: Now, paragraph 11 is a
7 subsection that deals with failings of the institutional
8 response. I'll just read you that paragraph 11:

9 "At no time have I ever been offered
10 any psychological counselling or
11 support by the Diocese to help me
12 deal with the consequences of the
13 abuse that I have suffered at the
14 hands of Father Gilles Deslauriers."

15 C-10: I've never even heard of his name.

16 MR. DUMAIS: So you -- you never heard of
17 his name.

18 C-10: No.

19 MR. DUMAIS: Never had any dealings with him

20 ---

21 C-10: No.

22 MR. DUMAIS: --- directly?

23 C-10: No.

24 MR. DUMAIS: All right.

25 And, certainly, when you went through the

1 affidavit on that day, you did not see that his name
2 appeared there.

3 C-10: I didn't read that far; I didn't even
4 -- I just looked at it and signed it, and I shouldn't have,
5 I guess.

6 MR. DUMAIS: M'hm.

7 Well, paragraph 12 deals with -- I'll just
8 read it out, perhaps it would be easier:

9 "Despite discovering numerous
10 potential victims, OPP failed in
11 its investigation into the problem of
12 sexual abuse in the Cornwall area. I
13 believe that their failure was
14 in part due to their failure to lend
15 credibility to these potential
16 victims and our complaints."

17 C-10: I could agree with that.

18 MR. DUMAIS: All right.

19 What do you think that paragraph means, sir,
20 in your own mind?

21 C-10: Oh, I think because of past record
22 and -- I didn't exactly, I wasn't an outstanding citizen or
23 anything. So I guess I'm not that believable.

24 THE COMMISSIONER: Well, let's -- you may
25 appear to other people not to be that believable.

1 C-10: That's correct.

2 MR. DUMAIS: Now, paragraph 13 deals with
3 Cornwall Police and the justice system and perhaps I'll
4 just read the last sentence:

5 "I believe that my experience and
6 those of other victims must be
7 canvassed by the Inquiry in order to
8 fulfill its mandate."

9 Do you believe that that is true?

10 C-10: Yeah, I do.

11 MR. DUMAIS: And paragraph 14 deals with
12 your detailed experiences, dealing with the police and
13 justice institutions and you're saying:

14 "It could be obtained by my testimony
15 or the provision of a summary of my
16 experience, the provision of either
17 would be most effective if counsel
18 would provide to me, as it would be
19 to other victims."

20 So, you are asking essentially ---

21 C-10: Yeah.

22 MR. DUMAIS: -- for -- to have the
23 permission to have a lawyer here to represent you. Is that
24 right?

25 C-10: That's right.

1 **MR. DUMAIS:** All right.

2 Clinical support: you were not receiving
3 psychological help at that time, sir?

4 **C-10:** No, I wasn't.

5 **MR. DUMAIS:** And you in the next paragraph,
6 16, you do indicate that you believe you still require
7 counselling?

8 **C-10:** Yes, I do.

9 **MR. DUMAIS:** And then, paragraph 17 ---

10 **THE COMMISSIONER:** Have you -- are you
11 taking counselling now, sir?

12 **C-10:** No, I'm not.

13 **THE COMMISSIONER:** You understand that there
14 is counselling available through the Inquiry.

15 **C-10:** Yeah, I do. I was going for a while
16 and stopped.

17 **THE COMMISSIONER:** Okay.

18 **MR. DUMAIS:** Now, paragraph 17 simply
19 indicates that it is crucial that your perspective be
20 brought to the Inquiry and that you have an interest in
21 ensuring that the objectives of the Inquiry are met.

22 **C-10:** That's correct.

23 **MR. DUMAIS:** All right.

24 Now, paragraph 18 deals with civil actions
25 and criminal injuries compensation.

1 I'll just read you the first Section of that
2 paragraph:

3 "I further understand that I have the
4 potential for a civil action or
5 application for criminal injuries
6 compensation."

7 At the time of the signing of the affidavit,
8 sir, you had settled your civil actions -- is that -- the
9 ones that were ongoing?

10 C-10: That's correct.

11 MR. DUMAIS: And, as well, you had settled I
12 believe, one or two of your criminal injuries compensation
13 claim.

14 C-10: That's correct.

15 MR. DUMAIS: All right.

16 THE COMMISSIONER: Were there anything --was
17 there anything outstanding at this point?

18 MR. DUMAIS: There were no outstanding
19 proceeding as of that date. Is that ---

20 C-10: No, there wasn't.

21 THE COMMISSIONER: So has everything been
22 finished or is there still a potential for civil actions?

23 C-10: No. I never dealt with the Catholic
24 Church.

25 THE COMMISSIONER: Pardon me.

1 C-10: There was never any civil action
2 against the church.

3 **THE COMMISSIONER:** Okay.

4 **MR. DUMAIS:** Now, paragraph -- the next
5 paragraph deals with your motivation that the system is
6 corrected and improved. You still -- you believe that?

7 C-10: That's correct.

8 **MR. DUMAIS:** All right.

9 C-10: I do.

10 **MR. DUMAIS:** And, paragraph 20 if I can
11 paraphrase again, "The victim's evidence could assist the
12 Inquiry." So by testifying you're able to assist the
13 Inquiry in ---

14 C-10: I agree, yes. Totally.

15 **MR. DUMAIS:** --- getting ---
16 Pardon me?

17 C-10: I agree with that totally.

18 **MR. DUMAIS:** And then the last paragraph
19 deals with funding. So you were at one point sir diagnosed
20 with post-traumatic stress disorder, and you were being
21 supported ODSP ---

22 C-10: That's right.

23 **MR. DUMAIS:** --- for the amount that's
24 indicated there.

25 C-10: That's correct.

1 **MR. DUMAIS:** All right.

2 Anything else, sir, that you want to tell us
3 about the circumstances of the signing of this affidavit?

4 **C-10:** I just know I signed it and I didn't
5 really read through it.

6 **MR. DUMAIS:** And when we did go into --
7 through the details of some of the paragraphs, or all the
8 paragraphs, this morning, and we did that just between you
9 and me, sir and, actually, your counsel excused himself.
10 Is that ---

11 **C-10:** that's correct.

12 **MR. DUMAIS:** All right.

13 Sorry.

14 If I can then just -- if we can deal with
15 the -- with your evidence, then and the reason why you're
16 here. I understand sir, that you're born and raised in the
17 Cornwall area.

18 Is that right?

19 **C-10:** Yes.

20 **MR. DUMAIS:** You were born in 1954?

21 **C-10:** That's right.

22 **MR. DUMAIS:** Correct.

23 And since I'm bad in math, I'm going to ask
24 you how old would that make you today sir?

25 **C-10:** Fifty-two (52).

1 **MR. DUMAIS:** All right.

2 And you -- you're born here, you're raised,
3 spent a number of your childhood years until such time as
4 you had left.

5 Is that correct?

6 **C-10:** Yes.

7 **MR. DUMAIS:** We'll deal with that shortly.
8 And you do have some relatives living here in Cornwall,
9 presently?

10 **C-10:** Yeah.

11 **MR. DUMAIS:** I understand your mother's
12 still alive and she is still a resident of Cornwall?

13 **C-10:** Mother and two sisters.

14 **MR. DUMAIS:** All right.

15 And I understand that at one point in time,
16 you did leave for the west.

17 You would have been anywhere between 17 or
18 18 years old?

19 **C-10:** That's right.

20 **MR. DUMAIS:** And you did leave for a number
21 of years, so around a period ---

22 **C-10:** Nineteen (19).

23 **MR. DUMAIS:** You left for 19 years?

24 All right.

25 And your best -- what's your best

1 recollection as to the date where -- when you came back
2 here?

3 C-10: The first time I came back?

4 It was '83 ---

5 MR. DUMAIS: All right.

6 C-10: --- for my father's funeral.

7 MR. DUMAIS: Okay.

8 And after the -- your father's funeral, did
9 you stay in the area, or did you go back?

10 C-10: I went back.

11 MR. DUMAIS: Okay.

12 So you did go back afterwards.

13 All right.

14 So, I make sure I understand what you just
15 told us, was, essentially, you left at one point in time
16 when you were 17 or 18 years old, and the first time you
17 came back, would have been for the funeral.

18 Did I get that right?

19 C-10: That's right.

20 MR. DUMAIS: All right.

21 Now, when you moved back into this area,
22 Eastern Ontario, you would have relocated to where?

23 C-10: Ottawa.

24 MR. DUMAIS: Okay.

25 So you never came back?

1 C-10: No, not really. I was here a few
2 months, and I didn't like it.

3 MR. DUMAIS: Okay.

4 So then you moved to ---

5 C-10: To Ottawa.

6 MR. DUMAIS: All right.

7 And, I understand that at one point in time,
8 you were seeing a physician or your family doctor ---

9 C-10: M'hm.

10 MR. DUMAIS: --- which I believe is Doctor
11 Sweet.

12 Is that right?

13 C-10: Yeah.

14 MR. DUMAIS: And he's just your general
15 physician or ---

16 C-10: Yes, and also for drug addiction.

17 MR. DUMAIS: Okay.

18 So you, at that time, had decided that you
19 wanted to quit drugs is that ---

20 C-10: That's correct.

21 MR. DUMAIS: And you -- during one of those
22 visits, you had the occasion to speak to him about
23 allegations of historical sexual abuse that you would have
24 suffered.

25 C-10: M'hm.

1 **MR. DUMAIS:** And did you go into any details
2 of what the abuse had been, that you had suffered?

3 **C-10:** I believe I did, yes.

4 **MR. DUMAIS:** All right.

5 And what would he have done; what was his
6 course of action?

7 **C-10:** To get me into therapy.

8 **MR. DUMAIS:** Okay.

9 So he did refer you to a ---

10 **C-10:** Yes.

11 **MR. DUMAIS:** --- is he a psychologist?

12 **C-10:** Psychologist or psychiatrist, I can't
13 remember which.

14 **MR. DUMAIS:** Do you recall ---

15 **C-10:** I think he was a psychologist.

16 **MR. DUMAIS:** Do you recall what the doctor's
17 name was?

18 **C-10:** Ranjith Chandreasena.

19 **MR. DUMAIS:** And he was ---

20 **THE COMMISSIONER:** Sorry, did you get --
21 when you talked to your family doctor and you told him
22 about this, did you tell him like who the names of the
23 people were, or what their status in life was?

24 **C-10:** I believe I didn't tell him the
25 names; I told him about the probation officer ---

1 **THE COMMISSIONER:** Right

2 **C-10:** And a priest.

3 **THE COMMISSIONER:** Right.

4 **C-10:** And the neighbour.

5 **THE COMMISSIONER:** So you told him of their
6 professions and so on.

7 **C-10:** Yeah, basically, yeah. But not their
8 names, I didn't get into it.

9 **THE COMMISSIONER:** No, no. Okay.

10 Thank you.

11 Sorry, go ahead Mr. Dumais.

12 **MR. DUMAIS:** Thank you.

13 And again, along the same line, when you met
14 with your psychologist, did you get into any of the details
15 of the ---

16 **C-10:** I don't think so. I don't know. I
17 can't remember.

18 **MR. DUMAIS:** Okay.

19 **C-10:** I didn't see him very often and
20 didn't feel comfortable.

21 **MR. DUMAIS:** So you would have gone to about
22 10 sessions with them?

23 **C-10:** Perhaps yeah, about that.

24 **MR. DUMAIS:** Okay.

25 And this doctor was at the Royal Ottawa

1 Hospital.

2 Is that correct?

3 C-10: No, he had an office near -- off on
4 Carling Avenue.

5 MR. DUMAIS: Okay.

6 And that's ---

7 C-10: But he was -- he worked with the
8 Royal Ottawa, I believe.

9 MR. DUMAIS: Okay.

10 But you would have attended at his office.

11 C-10: Office.

12 MR. DUMAIS: Okay.

13 Now, I understand later on that going
14 through the criminal process with one of these charges that
15 Doctor Sweet and Doctor Chandreasena did provide statements
16 to the police. Were you aware of that?

17 C-10: No.

18 THE COMMISSIONER: Are you aware of that
19 now? Is that ---

20 C-10: Yes, I am now.

21 MR. DUMAIS: Yes. But you didn't know at
22 that time ---

23 C-10: No.

24 MR. DUMAIS: --- that they had been
25 interviewed and ---

1 C-10: No.

2 MR. DUMAIS: All right.

3 Now, then -- and that was in 1993 that you
4 would have disclosed this to Doctor Sweet and then went
5 through counselling sessions.

6 C-10: Around that, yeah, '92, '93,
7 somewhere around there.

8 MR. DUMAIS: Okay.

9 And the -- I understand as well, sir, that
10 you did speak in 1998 to Constable Perry Dunlop.

11 Is that correct?

12 C-10: That's correct.

13 MR. DUMAIS: All right.

14 Now, between 1993, so the time that you
15 disclosed this to your doctors, and 1998, were you aware at
16 all of what was going on here in Cornwall?

17 C-10: I had an idea, you know, but I wasn't
18 fully aware of the impact and how many people and ---

19 THE COMMISSIONER: What do you mean by 'what
20 was going on'?

21 MR. DUMAIS: I'm going to ask a couple of
22 follow up questions, sir, and as an example, in 1993, as
23 you were going through your counselling sessions, were you
24 aware that Ken Seguin had committed suicide around that
25 time?

1 C-10: No.

2 MR. DUMAIS: And were you aware that there
3 was this investigation in Cornwall, about allegations of
4 historical sexual abuse?

5 C-10: Yes.

6 MR. DUMAIS: You were aware of that?

7 C-10: At the time, yes, I was.

8 MR. DUMAIS: And, fair to say that would
9 have been in contact with some of your family members that
10 were still residing here?

11 C-10: Yes, just my mom. We talked about
12 it.

13 MR. DUMAIS: Just your mother. What about
14 friends or did you have any friends living here?

15 C-10: No, I really got away from this area.

16 MR. DUMAIS: And would you -- in between
17 that period of time, would you travel back to Cornwall?

18 C-10: Very rarely; like once in a while.

19 MR. DUMAIS: And fair to say that when you
20 traveled back to Cornwall, it was essentially to visit with
21 your mother?

22 C-10: Yes.

23 MR. DUMAIS: Now, I understand that in 1998
24 and I think the specific date was January 19th, 1998, you
25 would have met with Perry Dunlop in Ottawa.

1 C-10: That's right.

2 MR. DUMAIS: Now, how did you get the
3 information or the contact information for Mr. Dunlop or
4 perhaps ---

5 C-10: From a friend.

6 MR. DUMAIS: How did the discussion come
7 about? Why would you contact Mr. Dunlop?

8 C-10: I think we were talking about the
9 Cornwall Inquiry and he gave me Perry Dunlop's number and
10 said "You should talk to this cop."

11 MR. DUMAIS: Okay. And is this something
12 that he would have -- you would have asked for?

13 C-10: No, not really.

14 MR. DUMAIS: I guess what I'm trying to
15 understand is what was your motivation in 1998 to contact
16 Perry Dunlop.

17 C-10: I heard he was taking information
18 about victims from victims, and I said I could give him
19 some information, basically.

20 MR. DUMAIS: Is it fair to say that you had
21 decided at that time or that -- well, perhaps you can tell
22 us, that you were prepared to deal with these allegations?

23 C-10: Yes.

24 MR. DUMAIS: All right.

25 Now, I understand that at one point in time

1 you did contact Perry Dunlop? You gave him a call?

2 **C-10:** Yes, I did.

3 **MR. DUMAIS:** And what was the discussion or
4 what were the arrangements that were made to meet with him?

5 **C-10:** We met in a restaurant in Ottawa.

6 **MR. DUMAIS:** And he had volunteered to come
7 down to Ottawa?

8 **C-10:** Yes.

9 **MR. DUMAIS:** And over that first telephone
10 conversation did you have any discussions as to what ---

11 **C-10:** On the phone?

12 **MR. DUMAIS:** Yes.

13 **C-10:** No, I just told him that I'd been
14 abused by Ken Seguin and Malcolm MacDonald.

15 **MR. DUMAIS:** And then he -- had he indicated
16 that he was -- that he'd like to meet with you or did you
17 suggest that?

18 **C-10:** No, he asked me if I'd like to speak
19 with him, and I said, "Sure" so we arranged a meeting.

20 **MR. DUMAIS:** Okay. So you met in Ottawa on
21 -- and I believe the date is January 19th, 1998. Who was
22 part of that meeting?

23 **C-10:** Nobody but me and him.

24 **MR. DUMAIS:** And do you know if the meeting
25 was recorded?

1 C-10: No, I don't.

2 MR. DUMAIS: And was Perry Dunlop taking
3 notes at the meeting?

4 C-10: I don't remember. I can't -- the
5 meeting in the restaurant, no, I don't think.

6 MR. DUMAIS: Okay. Do you remember how long
7 the meeting lasted?

8 C-10: And hour and a half, an hour.

9 MR. DUMAIS: And you would have disclosed at
10 that time that you would have been abused by these four
11 perpetrators. Is that correct?

12 C-10: No, just the two at first.

13 MR. DUMAIS: Okay. So you only -- at that
14 first date you only had discussions or you only spoke about
15 allegations against Ken Seguin and allegations against
16 Malcolm MacDonald?

17 C-10: M'hm.

18 MR. DUMAIS: And ---

19 C-10: And Father Scott, but not Carl Allen
20 I don't think.

21 THE COMMISSIONER: But not the? I'm sorry,
22 what did you say?

23 C-10: The allegations against the three but
24 not Carl Allen I didn't mention I don't think. Not at that
25 time.

1 **MR. DUMAIS:** Is there any reason for that
2 discussing ---

3 **C-10:** I don't really know. No, because the
4 name was -- because it was about members of Cornwall, you
5 know, probation officers and that. Carl Allen doesn't fall
6 into that.

7 **MR. DUMAIS:** Okay. So in your mind ---

8 **C-10:** He was a neighbour and I was five,
9 six years old.

10 **MR. DUMAIS:** So is it fair to say that you
11 didn't think he fit into what they were looking into in
12 Cornwall?

13 **C-10:** Yes.

14 **MR. DUMAIS:** When you met with Perry Dunlop
15 did you think you were meeting with him as a police officer
16 from the Cornwall Police?

17 **C-10:** No.

18 **MR. DUMAIS:** So you think he was just -- you
19 knew he was employed there?

20 **C-10:** Actually, yes, I knew he was a police
21 officer for the Cornwall Police Department and I didn't
22 have a problem with that.

23 **MR. DUMAIS:** But when you met with him you
24 thought he was meeting with you on a personal level rather
25 than an official level?

1 C-10: I don't know. I don't really know
2 how to answer that. I thought he was a police officer but
3 he was easy to talk to.

4 MR. DUMAIS: Let me ask you this. He did
5 not show up dressed as a ---

6 C-10: No.

7 MR. DUMAIS: --- uniform officer or he
8 didn't show you a badge or anything like that?

9 C-10: No.

10 MR. DUMAIS: All right.

11 Now, how did you end that meeting? Did you
12 guys agree to anything?

13 C-10: I can't remember.

14 MR. DUMAIS: At one point in time you would
15 have had a second meeting with Perry Dunlop?

16 C-10: That's right.

17 MR. DUMAIS: So shortly after this first
18 meeting ---

19 C-10: I phoned him and said I was in
20 Cornwall. I was visiting my mom.

21 MR. DUMAIS: And did you ask him for
22 anything?

23 C-10: No, I just dropped over to tell him
24 stuff that I remembered.

25 MR. DUMAIS: Okay. So following your first

1 meeting you remembered other stuff and you wanted to
2 provide him with additional details?

3 C-10: That's right.

4 MR. DUMAIS: Sir, you don't recall signing
5 anything with him, any statement or anything of that kind?

6 C-10: No, I don't remember that.

7 MR. DUMAIS: And when you were meeting with
8 him did you have some notes with you? Did you jot down
9 dates or names ---

10 C-10: No.

11 MR. DUMAIS: --- or stuff you remembered?

12 C-10: No.

13 MR. DUMAIS: So you were just answering the
14 questions and telling him information from memory?

15 C-10: Yes.

16 MR. DUMAIS: All right.

17 And you spoke to him but you actually met
18 physically with him as well?

19 C-10: Yes.

20 MR. DUMAIS: And where did that meeting ---

21 C-10: At his house.

22 MR. DUMAIS: And who was present during that
23 ---

24 C-10: His wife and him and his two
25 daughters. I used to go to school with his wife.

1 **MR. DUMAIS:** Okay. So you knew her ---

2 **C-10:** I didn't know that was his wife until
3 that day.

4 **MR. DUMAIS:** And when you were discussing
5 some of the -- well, perhaps I can ask you this first. Did
6 you discuss any of the details of the allegations during
7 that meeting?

8 **C-10:** I believe I did, yes.

9 **MR. DUMAIS:** And who would have been present
10 for that? Was it just you?

11 **C-10:** Perry and Helen.

12 **MR. DUMAIS:** Okay. So Helen was there as
13 well. All right.

14 And do you recall if, during that meeting
15 there's an audiotape or a videotape if notes were being
16 taken or anything of that sort?

17 **C-10:** I think he might have been taking
18 notes but I don't remember a tape recorder or anything.

19 **MR. DUMAIS:** Okay. And do you recall during
20 that meeting disclosing that you would have been abused by
21 Carl Allen as well?

22 **C-10:** Yes, I do. Yes.

23 **MR. DUMAIS:** And you did provide some of the
24 details of that allegation?

25 **C-10:** Yes.

1 **MR. DUMAIS:** All right.

2 Now, at one point in time there would have
3 been a discussion about Project Truth.

4 **C-10:** Yes.

5 **MR. DUMAIS:** Do you recall that?

6 **C-10:** Yes.

7 **MR. DUMAIS:** And do you recall Perry Dunlop
8 giving you any advice with respect to Project Truth?

9 **C-10:** No.

10 **MR. DUMAIS:** Do you recall whether or not he
11 had given you any contact information for contacting
12 someone from their office?

13 **C-10:** I don't know. I can't remember.

14 **MR. DUMAIS:** You don't recall whether or not
15 he had given you a phone number? You did meet with ---

16 **C-10:** He might have.

17 **MR. DUMAIS:** Because you did meet with some
18 of the -- two members of ---

19 **C-10:** OPP.

20 **MR. DUMAIS:** Of the OPP shortly after.

21 **C-10:** I think that might have been Perry
22 that gave me the number to call.

23 **MR. DUMAIS:** So you don't recall any
24 specific discussions on Project Truth?

25 **C-10:** I can't really remember now.

1 **MR. DUMAIS:** Now, do you think that at that
2 time Perry Dunlop was still employed with the Cornwall
3 Police Services? Do you think he was still working there?

4 **C-10:** What's that?

5 **MR. DUMAIS:** Do you think he was still
6 working there?

7 **C-10:** Did I think it? Yes.

8 **MR. DUMAIS:** Did you have any discussions
9 with him with respect to a suspension or whether or not he
10 was suspended or whether or not he had this ---

11 **C-10:** No.

12 **MR. DUMAIS:** What about whether or not he
13 had any outstanding civil litigation against some
14 institutions in Cornwall?

15 **C-10:** I didn't have any knowledge of that.

16 **MR. DUMAIS:** So you didn't discuss at all
17 the fact that there was a lawsuit that he was involved in?

18 **C-10:** Not at that meeting, I don't think
19 so.

20 **MR. DUMAIS:** You would have discussed that
21 later on?

22 **C-10:** Possibly, but I ---

23 **MR. DUMAIS:** All right.

24 We'll get to that soon enough. If we can
25 just deal firstly then with your meeting with some of the

1 Project Truth officers. Would you have been the one that
2 made the contact with them, with the police officers?

3 C-10: I can't remember. I don't know. I
4 don't know if they got a hold of me or I got a hold of
5 them. I can't remember.

6 MR. DUMAIS: But at one point in time there
7 was a contact that was made?

8 C-10: Yes.

9 MR. DUMAIS: And I understand that as a
10 result thereof a meeting was set up.

11 C-10: Yes, there was.

12 MR. DUMAIS: And where did that meeting
13 occur?

14 C-10: There was two meetings that I went
15 to.

16 MR. DUMAIS: Okay.

17 C-10: One was in a restaurant in Ottawa,
18 Perkin's Restaurant, St. Laurent.

19 MR. DUMAIS: Yes.

20 C-10: And then the second one was in
21 Richmond. I was living in Richmond at the time and I went
22 to the Kanata OPP station. I was interviewed there and
23 filmed.

24 MR. DUMAIS: So maybe we can look at that,
25 the meeting in Kanata.

1 So that would be, Madame Clerk, document
2 number 707489.

3 Now, sir, this document, a paper copy of
4 this document will be put to you, and there should as well,
5 be a copy that will be on the screen for you.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit 377 is a videotaped interview report
8 of C-10 taken on February 3rd, 1998.

9 **---EXHIBIT NO./PIÈCE NO P-377:**

10 Video taped interview - C-10 w/Cornwall
11 Police Service S.T. Seguin and D.C. Genier
12 dated Feb 03, 1998

13 **MR. DUMAIS:** So that appears to be a
14 transcript of the interview. And I'm looking at the first
15 page and unfortunately I can't identify the Bates page
16 number, 703750, I believe.

17 **THE COMMISSIONER:** What are you talking now?

18 **MR. DUMAIS:** I'm making reference to the
19 Bates page number

20 **THE COMMISSIONER:** It's 7027502.

21 **MR. DUMAIS:** Yes. Thank you, Commissioner.
22 My number is not clear on my copy.

23 So this is the first page of the transcript
24 and you'll see that your name appears at the top and your
25 address and phone number. As well, there is a date of the

1 interview which is February 3rd, 1998. So shortly after
2 your first contact with Perry Dunlop, which occurred in
3 January of 1998, and present at that interview is Detective
4 Constable Seguin and Detective Constable Genier. Do you
5 recall that?

6 **C-10:** Yes.

7 **MR. DUMAIS:** And you recall that meeting as
8 well?

9 **C-10:** Yes.

10 **MR. DUMAIS:** And the place of the interview
11 is not indicated on that form. I assume that's the
12 interview that was conducted at the OPP station where you
13 were video and audio taped.

14 **C-10:** That's right, Kanata, Eagleson Road.

15 **MR. DUMAIS:** Now, you also made a reference
16 to a second statement you would have given and I'll take
17 you to that as well just to make sure that we have the
18 chronology right. So the second statement is Doc. Number
19 708876.

20 **THE COMMISSIONER:** Thank you. Exhibit 378
21 is an interview report with C-10 dated the 26th day of June
22 1998.

23 **--- EXHIBIT NO./PIÈCE No. P-378:**

24 Interview Report of D.C. Genier dated
25 June 26, 1998.

1 **MR. DUMAIS:** And that is also a -- I
2 believe, a typed copy of the statement that you gave. And
3 if we look at the details of that interview, sir, it does
4 again identify your name, your address and does indicate
5 that the date of this interview would have been June 26,
6 1998. And the place of the interview would have been at
7 Perkins Restaurant ---

8 **C-10:** That's right.

9 **MR. DUMAIS:** --- and present there at that
10 meeting was Detective Constable Genier.

11 **C-10:** Yes.

12 **MR. DUMAIS:** So is that how you remember
13 things, that the first meeting would have been on February
14 3rd, '98 and there would have been two police officers
15 there, so both Seguin and Genier, and at the Perkins
16 Restaurant on June 26, '98 only Detective Constable Genier
17 would have been there. Does that make sense to you?

18 **C-10:** Yes, I think it was only one officer.

19 **MR. DUMAIS:** And that the meeting at the, or
20 the statement that you gave on February 3rd, '98 was a more
21 detailed statement and certainly took where you would have
22 gone into many of the details of the allegations, and
23 whereas the second meeting, so on June 26, 1998, they would
24 have asked for some specific details on stuff they had
25 missed. Is that how you remember that?

1 C-10: To be truthful ---

2 MR. DUMAIS: You're not exactly sure?

3 C-10: No.

4 MR. DUMAIS: All right. So then perhaps
5 what we can do is we can go through the -- let's take them
6 chronologically, the one that's dated February 3rd, 1998, so
7 Doc. Number 707489 and if we can look -- we'll go through
8 the transcript and we'll just deal with some of the
9 statements or allegations that you have made.

10 Now, I am looking firstly sir at Bates page
11 7027505 of that document. And just at the bottom of that
12 page -- sir, are you okay to read from the copy that's on
13 the screen or ---

14 C-10: Yes.

15 MR. DUMAIS: --- easier for you to read from
16 the hard copy?

17 C-10: No, I like the screen.

18 MR. DUMAIS: This is good? Okay.

19 Because if I am referring to a Bates page
20 number and that's on your hard copy, that's on the number
21 you find on the top left corner.

22

23 THE COMMISSIONER: Yes, but-- That's okay.

24 MR. DUMAIS: So, you're going to follow on
25 the screen. So I am looking at the bottom four entries on

1 that page, and this is Detective Constable Seguin speaking
2 with you and I'll just read you what he tells you, okay,

3 "I spoke to you last week, you called
4 our office. And before we go any
5 further, just to let you know, we are
6 conducting an investigation through
7 historic sexual abuse in the Cornwall
8 area."

9 Then you would answer:

10 "Yes."

11 And he goes on and says:

12 "And this involves the clergy and other
13 public officials and your phone call
14 came to us last week and you disclosed
15 some information about some incidences
16 that occurred. Can you tell us maybe
17 if, as best you can -- from
18 chronologically speaking what happened
19 in your life concerning this
20 investigation?"

21 So do you recall Detective Constable Dupuis

22 ---

23 **C-10:** It wasn't Dupuis.

24 **MR. DUMAIS:** --- Seguin, sorry, explaining
25 to you the details of what their investigation was or what

1 their mandate was?

2 C-10: No, not really.

3 MR. DUMAIS: Okay. Now, he does indicate in
4 this -- in the transcript of your statement that you would
5 have called the week before; does that help jog your memory
6 as to whether or not you would have called or they would
7 have called?

8 C-10: No. No.

9 MR. DUMAIS: All right. Now, you go through
10 some of the allegations and you're going chronologically so
11 the first allegation that you disclose in this statement is
12 the abuse you would have suffered at the hands of Carl
13 Allen; is that correct?

14 C-10: That's correct.

15 MR. DUMAIS: All right. And I'm not going
16 to ask you to go into any of the specifics of the
17 allegations, but perhaps I could just ask you this. Carl
18 Allen was not, as far as you know, employed with any public
19 institutions ---

20 C-10: No.

21 MR. DUMAIS: --- or did not have any
22 official functions here in Cornwall at that time?

23 C-10: No.

24 MR. DUMAIS: He just happened to be your
25 neighbour?

1 C-10: Yes.

2 **MR. DUMAIS:** All right. Now, you do
3 describe one specific incident involving Mr. Allen.
4 However, you do indicate that the abuse would have occurred
5 on more than one occasion, is that fair?

6 C-10: Yes, I did.

7 **MR. DUMAIS:** All right. As they were
8 conducting the interview, sir, they were asking you for
9 names of friends that you would have hung around in your
10 neighbourhood ---

11 C-10: Yes.

12 **MR. DUMAIS:** --- and you were disclosing
13 whoever you remembered you hung around with or you had
14 around you; is that correct?

15 C-10: That's right.

16 **MR. DUMAIS:** All right. But at that time
17 that you were disclosing any of these names, you did not
18 have any personal specific knowledge that they had been a
19 victim of Mr. Allen as well?

20 C-10: No.

21 **MR. DUMAIS:** Now you do indicate as well --
22 on Bates page number 7027519, I'm looking at the bottom of
23 the page sir. You do indicate ---

24 **THE COMMISSIONER:** Hold on, hold on. I
25 don't know if we -- Madame Clerk, do you prefer being

1 referred to the Bates pages or to the numbers in the
2 document, which one is easier for you?

3 **THE REGISTRAR:** I prefer the number.

4 **MR. DUMAIS:** Fair enough; page 214.

5 Now, at the bottom of that page, you
6 disclose an allegation about Father Scott and there is only
7 one incident of abuse about Father Scott; is that correct?

8 **C-10:** Yes.

9 **MR. DUMAIS:** And you do disclose that that
10 would have been at St John Bosco Church.

11 **C-10:** That's right.

12 **MR. DUMAIS:** Now, there is some discussion
13 that, at one point in time, about what his first name was.
14 You didn't recall what ---

15 **C-10:** I didn't, I just knew it was Father
16 Scott.

17 **MR. DUMAIS:** All right. And the fact that -
18 - the conclusion or -- that he was a priest in your mind
19 was that you remembered people referring to him as Father
20 Scott; is that correct?

21 **C-10:** That's correct.

22 **MR. DUMAIS:** And at that point in time sir,
23 when you made this statement in February of '98, did you
24 have any knowledge of whether or not this Father Scott was
25 still in Cornwall?

1 C-10: No.

2 MR. DUMAIS: And did you have any knowledge
3 of whether or not Father Scott was still alive?

4 C-10: No.

5 MR. DUMAIS: All right. Now if I can take
6 you to page 225 of that document.

7 THE COMMISSIONER: Two two five (225)?

8 MR. DUMAIS: Now sir that's towards the
9 bottom part of that page, the discussion that you would
10 have had with him, so you're indicating "I remember Father
11 something Scott" but then a name pops up in your mind, keep
12 thinking Calvin but he was a detective that had arrested
13 you.

14 C-10: Yes.

15 MR. DUMAIS: Certainly there is not
16 indication here that Calvin Scott was ---

17 C-10: No. No, he was just a detective that
18 arrested me.

19 MR. DUMAIS: And as well, you do indicate in
20 the bottom that you believe that Calvin Scott was partnered
21 up with an officer by the name of Ron Wilson ---

22 C-10: I think so.

23 MR. DUMAIS: --- and again, you're not
24 saying that anyone of these two officers had been involved
25 in any of the abuse.

1 C-10: No, never.

2 MR. DUMAIS: All right. Now, you do
3 disclose as well allegations against Kenny Seguin; is that
4 correct?

5 C-10: That's right.

6 MR. DUMAIS: Is it fair to say that all of
7 the allegations that you would have made against Ken Seguin
8 would have been as a probationer, so someone on probation?

9 C-10: Yes, I was on probation.

10 MR. DUMAIS: Okay. And the first time you
11 would have met with Ken Seguin would have been when you had
12 been placed on probation and you had your initial meeting
13 with him; is that correct?

14 C-10: That's right.

15 MR. DUMAIS: All right. So you did not know
16 him prior to being placed on probation?

17 C-10: No.

18 MR. DUMAIS: All right. And did some of the
19 allegations of abuse at the hands of Ken Seguin have
20 occurred at his office at work?

21 C-10: Yes, they did.

22 MR. DUMAIS: All right. And at that time,
23 as far as you know, no one was aware of that, from the
24 probation's office?

25 C-10: No, I don't think that anyone was

1 aware.

2 **MR. DUMAIS:** And you had not, at that time,
3 disclosed this to anyone; is that correct?

4 **C-10:** No, that's right.

5 **MR. DUMAIS:** All right. Now the fourth
6 allegation that you made was against Malcolm MacDonald and
7 as well, sir, you do disclose that you had been -- you had
8 suffered some of this abuse at his place of business, if I
9 can put it that way.

10 **C-10:** That's correct.

11 **MR. DUMAIS:** So there was some office where
12 you were meeting with him and that office would have been
13 located right at the entrance of the courtroom; is that
14 right?

15 **C-10:** That's right.

16 **MR. DUMAIS:** And do you recall sir, whether
17 or not that courtroom and that office was located in the
18 vicinity of the Probation office, in the same area?

19 **C-10:** Yes, same building.

20 **MR. DUMAIS:** Same building. All right. I
21 am looking now at page 233 of the same document, about mid
22 page, and it's you whom is speaking and I'll just read it:

23 "But I remember Ken Seguin told me to
24 see him, he'd be in court and I didn't
25 have a lawyer at the time and I needed

1 representation for break and enter."

2 C-10: That's correct.

3 MR. DUMAIS: So, what do you mean by that
4 statement?

5 C-10: Well, I didn't have representation
6 and I had to go to court for another -- and I was already
7 on probation. So I needed a lawyer.

8 MR. DUMAIS: And the introduction to Malcolm
9 MacDonald --

10 C-10: Was through Ken Seguin.

11 MR. DUMAIS: Okay, so he's the one that
12 would have said, "I know this defence lawyer, you go and
13 see him".

14 C-10: Yes.

15 MR. DUMAIS: Now, I'm looking now at page
16 235 of that same document, 707489.

17 Just at the bottom of the page, which is the
18 introduction, and you're speaking about the allegation that
19 you've made against Malcolm MacDonald. The first one to
20 speak here is Detective Seguin. I'll just read out what he
21 says:

22 "And what did he -- you said he
23 mentioned he -- he said a couple things
24 to you. Or did he? I misunderstood
25 you."

1 They you're answering:

2 "No, like just only being a bit when I
3 was starting to move away and feel
4 uncomfortable he said, "well". He
5 grabbed his briefcase off the table and
6 he wrote something and said, "Well,
7 he'd see me in court when they called
8 my name." "

9 And then the detective asks you, at the
10 bottom of that page:

11 "Okay. Now, did you ever deal with him
12 again after that?"

13 And then you answer:

14 "But you did see him when I went down
15 to a party on the river one time. He
16 was there. I think it was Ron
17 Leroux's house. It was Ron Leroux
18 that was there. There was, Kenny
19 Seguin was there. A couple of the
20 kids about my age, 14 or 15.

21 What are you referring to here about this
22 party?

23 **C-10:** A party that I went to. I got picked
24 up on the street by Ken Seguin.

25 **MR. DUMAIS:** Okay.

1 C-10: That's how I got to that party.

2 MR. DUMAIS: So he would have brought you to
3 that party?

4 C-10: Yes. Yes.

5 MR. DUMAIS: You do go get into who you
6 remember being there at the party. You do believe that it
7 would have been at Ron Leroux's house. Is that correct?

8 C-10: Yes, I think so.

9 MR. DUMAIS: Do you remember any --

10 C-10: I can't, I can't say it was Ron
11 Leroux's, but it was --

12 MR. DUMAIS: You can or cannot say?

13 C-10: I can't say.

14 MR. DUMAIS: Okay. Fair to say that he
15 would have been there?

16 C-10: Yes.

17 MR. DUMAIS: And you disclose in here that
18 you believe some Cornwall police officer was there, and the
19 name that you refer to -- and that was Shavers. He was
20 there too? And they were there and sitting on the patio?

21 C-10: That's right.

22 MR. DUMAIS: Who are you referring to here
23 in this paragraph?

24 C-10: Ken Shavers. I mean the Chief of
25 Police, Shavers.

1 **MR. DUMAIS:** Okay. So he would have been
2 there and --

3 **C-10:** He was there.

4 **MR. DUMAIS:** All right.

5 And again, sir, you're not disclosing that
6 you were a witness to any abuse or --

7 **C-10:** No.

8 **MR. DUMAIS:** You're not indicating that he
9 abused you either. You're just saying he was there.

10 **C-10:** He was there. I just -- that's all I
11 said.

12 **MR. DUMAIS:** Okay. And as well, that they
13 were specifically asking you in these sections of the
14 questions was whether or not Malcolm MacDonald would have
15 been there as well. You indicate --

16 **C-10:** He was.

17 **MR. DUMAIS:** He was.

18 Now, in this statement, as well, they do ask
19 you whether or not you had disclosed any of these
20 allegations to any other persons prior to you making this
21 statement. And you do make reference -- and I'm looking at
22 page 238 -- to Phyllis McCrum. Who is she? Who is that
23 person?

24 **C-10:** My family. Lived up the street from
25 me.

1 **MR. DUMAIS:** Someone you kept in contact
2 with?

3 **C-10:** Yes.

4 **MR. DUMAIS:** And you would have had some
5 discussion about some of these allegations.

6 **C-10:** Yes.

7 **MR. DUMAIS:** All right.

8 As well, you indicate that you would have
9 had some discussions with respect to Gordie Summers.

10 **C-10:** Yes.

11 **MR. DUMAIS:** And is that the same situation?
12 That he had been a friend of yours?

13 **C-10:** Yes.

14 **MR. DUMAIS:** So, they're not people that are
15 in any type of official --

16 **C-10:** No.

17 **MR. DUMAIS:** Okay.

18 **C-10:** Just people I grew up with.

19 **MR. DUMAIS:** And again on the following page
20 you do disclose the fact that you had spoken to Dr. Dan
21 Sweet, as well, to Dr. Chandresena.

22 **C-10:** That's right.

23 **MR. DUMAIS:** On the following page, and I'm
24 looking at page 240 of that same document. You did
25 disclose, as well, that you had had some discussion about

1 this at a men's group. Is that right?

2 C-10: That's right.

3 MR. DUMAIS: And where would that men's
4 group be located, sir?

5 C-10: It was at the Pinecrest Community
6 Center. In Ottawa.

7 MR. DUMAIS: In Ottawa. All right.

8 C-10: It later became -- it was the first
9 meetings of the men's group and then it became the Men's
10 Project. The same head was the head at the Men's Project
11 later.

12 MR. DUMAIS: All right. So --

13 C-10: Rick Goodman.

14 MR. DUMAIS: Pardon me?

15 C-10: Rick Goodman.

16 MR. DUMAIS: So you would have been involved
17 with them, as well, during that time --

18 C-10: Yes. For a few months.

19 MR. DUMAIS: Okay.

20 As well you had disclosed the fact that you
21 may have spoken to Lynn O'Shaughnessy. Is that the same
22 thing? A friend of yours?

23 C-10: Yes.

24 MR. DUMAIS: All right. And you did
25 disclose to the Project Truth officers that you had spoken

1 to Perry Dunlop, as well.

2 C-10: Yes, I did.

3 MR. DUMAIS: All right.

4 At the bottom of page 241, the last three
5 entries, Detective Seguin is asking you:

6 "Okay, now did it -- how did it be that you came to call --
7 contact us?"

8 And then your answer:

9 "He told -- he gave me the number of
10 Project Truth."

11 He says:

12 "Okay."

13 At that time it appears that you had
14 disclosed that you had obtained the number through Perry
15 Dunlop.

16 C-10: That's correct.

17 MR. DUMAIS: Now the last topic that you
18 discussed with them during that meeting -- and that's at
19 page 243. So the second last page of your statement. A
20 little higher than mid-page, the entry by Detective Seguin:

21 "Okay. We spoke earlier and I as -- I
22 gave you --"

23 And then you answer:

24 "Counselling."

25 And then he continues on:

1 "Paper with some counselling and stuff,
2 if you feel the need."

3 At that first meeting do you recall the
4 detectives giving you some information about counselling
5 information.

6 **C-10:** Yes, I believe so. I believe it was
7 the Men's Project.

8 **MR. DUMAIS:** All right.

9 And on the following page, page 244, fourth
10 entry from the top, you say:

11 "Well, I know where Catholic Services
12 is. It's on Argyle."

13 **C-10:** That's right.

14 **MR. DUMAIS:** And, when you're saying -- when
15 you're mentioning that Catholic Services, is that the Men's
16 Project or is that something --

17 **C-10:** No.

18 **MR. DUMAIS:** This is something that it
19 separate.

20 **C-10:** That was some therapy for sexual
21 abuse that they were doing.

22 **MR. DUMAIS:** Okay. The service on Argyle,
23 is that Ottawa?

24 **C-10:** Yes.

25 **MR. DUMAIS:** Okay. Is that information that

1 you knew, from yourself, or is that information again that
2 came from the two --

3 **C-10:** No. It came from going to Narcotics
4 Anonymous meetings. Someone told me.

5 **MR. DUMAIS:** Sorry?

6 **C-10:** Someone at a meeting of Narcotics
7 Anonymous told me that.

8 **MR. DUMAIS:** Okay.

9 **C-10:** They were doing sexual abuse therapy
10 there.

11 **MR. DUMAIS:** All right.

12 Perhaps it's a good time --

13 **THE COMMISSIONER:** For the morning break.
14 Time for a break, sir. We'll come back in
15 15.

16 Thank you.

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever.

19

20 --- Upon recessing at 11:01 a.m. /

21 L'audience est suspendue à 11h01

22 --- Upon resuming at 11:20 a.m. /

23 L'audience est reprise à 12h20

24 **THE REGISTRAR:** The hearing is now resumed.

25 Please be seated. Veuillez vous asseoir.

1 **MR. DUMAIS:** So we just finished going
2 through the initial statement that you gave on February 3rd,
3 1998.

4 **THE COMMISSIONER:** I'm sorry. Just before
5 we go there, two things. First of all, can we hear over
6 this din? They were supposed to stop until one o'clock,
7 while we're gone for lunch. So can you maybe, Madame
8 Clerk, check on that again?

9 As well, sir, if you could speak a little
10 louder, or go up to the mike, that would help, as well.

11 Oh, there we go.

12 All right. Thank you.

13 **MR. DUMAIS:** I just finished going through
14 your February 3rd, 1998 statement to Detective Constable
15 Seguin and Genier. You made four different allegations in
16 there. My question is, what was the discussion after the
17 statement, with them, as to what would happen next. And
18 perhaps, we can deal specifically with the four separate
19 allegations.

20 First allegation, with respect to Ken Seguin.
21 Did you know at that time that he was dead?

22 **C-10:** I don't recall if I did or not. I
23 think I was informed by then.

24 **MR. DUMAIS:** What about the allegation
25 against Carl Allen? What was the discussion as to what

1 would happen with that?

2 C-10: I never -- it was never mentioned. I
3 don't think.

4 MR. DUMAIS: All right.

5 And what about the other allegations, the
6 allegations against Father Scott? Was any discussion with
7 respect to that --

8 C-10: That he was deceased.

9 MR. DUMAIS: Okay. So you were told that?

10 C-10: Yes. I believe so.

11 MR. DUMAIS: By one of these two --

12 C-10: Officers.

13 MR. DUMAIS: Okay.

14 And then with respect to the allegation
15 against Malcolm MacDonald? Were there any discussions with
16 respect to that, as to what would happen next?

17 C-10: I can't remember. But I remember
18 having to -- a summons to appear in court.

19 MR. DUMAIS: Okay. All right, well, we'll
20 get to that shortly.

21 You did meet a second time with Detective
22 Constable Genier. I'll talk you through that document
23 first. We filed that as exhibit 378 already. That's the
24 interview of June 26th, 1998, at the Perkins Restaurant.
25 And that's an interview that lasted between 10:30 in the

1 morning to 11:36 in the morning.

2 Do you recall who set up this -- that
3 interview?

4 **C-10:** I think it was Don Genier.

5 **MR. DUMAIS:** And the fact that the interview
6 was held at the Perkins Restaurant, is that something that
7 you set up, or is --

8 **C-10:** I believe, I believe that was an
9 agreement to meet.

10 **MR. DUMAIS:** Okay. That was a place that
11 was known to you?

12 **C-10:** Yes. Well, it was kind of a half
13 way, I mean --

14 **MR. DUMAIS:** Pardon me?

15 **C-10:** A half-way point. I think I was
16 living west of there at the time.

17 **MR. DUMAIS:** So you were living at the west
18 end of Ottawa?

19 **C-10:** Yes, and they were coming from
20 Cornwall, I think.

21 **MR. DUMAIS:** Pardon me?

22 **C-10:** I thought they were coming from
23 Cornwall. So we met half way.

24 **MR. DUMAIS:** Okay.

25 Now, did they ask you what the interview

1 would have been about, or what they would be asking you?

2 **THE COMMISSIONER:** Did he tell you?

3 **C-10:** You can ask that again.

4 **MR. DUMAIS:** Did they tell you what the
5 meeting would be about? Did they ask you to think about
6 some -- some of the details, or some more matters, or did
7 they mention specifically one of the allegations?

8 **C-10:** Times. I think it was something to
9 do with time.

10 **MR. DUMAIS:** Okay.

11 **C-10:** Time.

12 **MR. DUMAIS:** So when they phoned you they
13 said, "By the way, listen, we need to talk to you about --
14 we need to talk to you about times."

15 **C-10:** Yes. Like dates and --

16 **MR. DUMAIS:** All right. If I can take you
17 then to the -- I understand at one point in time, sir, that
18 you would have been made aware that the Carl Allen
19 allegation was being transferred to Cornwall Police
20 Services.

21 **C-10:** That's right. Yes.

22 **MR. DUMAIS:** And that you did, in fact meet
23 with an officer of Cornwall Police Service, by the name of
24 Constable René Desrosier on October 20th 1998.

25 **C-10:** That's correct.

1 **MR. DUMAIS:** Do you recall that meeting?

2 Oh, sorry -- yes, that's correct.

3 **C-10:** Yes. Yeah, I do.

4 **MR. DUMAIS:** And do you recall, as well,
5 giving a formal statement with respect to this allegation?

6 **C-10:** Yeah, I do.

7 **MR. DUMAIS:** And do you recall where you
8 gave that statement?

9 **C-10:** The Cornwall Police Station, third
10 floor.

11 **MR. DUMAIS:** And do you recall whether or
12 not the statement was taped on either audio or video?

13 **C-10:** I don't recall if it was -- no, I
14 don't.

15 **MR. DUMAIS:** All right.

16 Now, if I can just take you to a document,
17 sir, which is document number 733874.

18 **THE COMMISSIONER:** That would be Exhibit
19 No.379 which is a witness statement of C-10 taken on the
20 20th of October 1998.

21 **---EXHIBIT NO./PIÈCE NO P-379:**

22 Witness Statement dated Oct 20, 1998

23 - C-10

24 **MR. DUMAIS:** So this is a transcript, as the
25 Commissioner indicated, which was taken on October 20th,

1 '98. It appears to have started at around 3:00 o'clock in
2 the afternoon. Present during that statement was René
3 Desrosiers and C-10.

4 Do you recall that meeting with Constable
5 Desrosiers?

6 **C-10:** Yeah, but I can't remember the taping
7 of the audio stuff.

8 **MR. DUMAIS:** All right.

9 Now, do you recall how the meeting had been
10 set up?

11 **C-10:** No.

12 **MR. DUMAIS:** So you can't really tell us
13 whether or not you had contacted them or they had contacted
14 you?

15 **C-10:** I can't remember.

16 **MR. DUMAIS:** You can't remember how that was
17 done?

18 **C-10:** No.

19 **MR. DUMAIS:** When you gave -- when you met
20 with Constable Desrosiers, do you recall whether or not you
21 were still living at Ottawa at that period of time?

22 **C-10:** No. Again, maybe Richmond.

23 **MR. DUMAIS:** Okay. Is that close to Ottawa?

24 **C-10:** Yeah, just out ---

25 **MR. DUMAIS:** Just outside of Ottawa. All

1 right.

2 Now, do you recall if -- scratch that. Is
3 it fair to say that the statement that you would have given
4 to this police officer dealt essentially with the matter of
5 Carl Allen?

6 **C-10:** That's correct.

7 **MR. DUMAIS:** And do you recall any
8 conversations with respect to the fact that they were
9 dealing with the investigation of the allegation on Carl
10 Allen and not with the others?

11 **C-10:** Yes. It was just strictly dealing
12 with Carl Allen.

13 **MR. DUMAIS:** Now, after that statement was
14 given, I understand that Carl Allen would have been placed
15 under arrest. Do you recall being advised that he would
16 have been placed under arrest?

17 **C-10:** No.

18 **MR. DUMAIS:** So there had been no discussion
19 as to when that would have occurred and whether or not he
20 was in custody or released or when the matter is
21 proceeding?

22 **C-10:** No, I didn't hear anything about it,
23 except I received a subpoena to go to court to testify.

24 **MR. DUMAIS:** Okay. So you did receive a
25 summons?

1 **C-10:** Yes, I did, and I still have it. I
2 have it in my car.

3 **MR. DUMAIS:** And who would have served the
4 summons on you?

5 **C-10:** You know, I was in Ottawa. I think
6 it was -- it might have been an Ottawa police officer. I
7 don't know.

8 **MR. DUMAIS:** This Constable Desrosiers, do
9 you remember him specifically? Do you have a specific
10 recollection of who he is?

11 **C-10:** No. I couldn't place him now if he
12 was in the room.

13 **MR. DUMAIS:** Okay. And as far as you can
14 remember did you have contact with any other members of the
15 Cornwall Police Service Force?

16 **C-10:** No.

17 **MR. DUMAIS:** He would have been your only
18 contact person?

19 **C-10:** Desrosiers?

20 **MR. DUMAIS:** Yes.

21 **C-10:** Yes. And that was the only one I
22 spoke about it with.

23 **MR. DUMAIS:** Do you recall meeting with him
24 on more than one occasion or speaking with him?

25 **C-10:** The one time.

1 **MR. DUMAIS:** Just the one time?

2 **C-10:** At the Cornwall Police Station.

3 **MR. DUMAIS:** And what about telephone
4 conversations, do you recall any of them?

5 **C-10:** No.

6 **MR. DUMAIS:** You wouldn't happen to recall -
7 --

8 **C-10:** They could have happened. I'm not
9 saying they didn't. But I don't remember any.

10 **MR. DUMAIS:** You just don't remember?

11 **C-10:** No.

12 **MR. DUMAIS:** All right.

13 Now, you indicated that you'd kept a copy of
14 your summons to appear in court.

15 **C-10:** I do. Yeah, I think I still have it.

16 **MR. DUMAIS:** Do you recall what that date
17 was?

18 **C-10:** October 11th.

19 **MR. DUMAIS:** Of which year, do you recall?

20 **C-10:** No. I'm getting old. My mind's
21 going.

22 **MR. DUMAIS:** Do you recall if you ever
23 appeared in a court ---

24 **C-10:** Yes, I did.

25 **MR. DUMAIS:** --- on this matter?

1 C-10: I didn't appear in a court. I just
2 appeared in the office of the Crown Attorney.

3 MR. DUMAIS: So ---

4 C-10: I believed she was the Crown. I
5 don't know.

6 MR. DUMAIS: So you simply met with the
7 Crown Attorney ---

8 C-10: Yes.

9 MR. DUMAIS: --- and you discussed the case.
10 What was the discussion?

11 C-10: That it would be probably a fruitless
12 appearance basically; that he'd been placed on a
13 probationary order to stay away from kids and stuff like
14 that and that it would be a long drawn out process of me
15 going through the pain again for maybe no result.
16 Basically that's what it sounded like to me.

17 MR. DUMAIS: Okay. That's -- I guess if you
18 can take us through the interview ---

19 C-10: Okay.

20 MR. DUMAIS: --- a little more specifically.

21 C-10: I remember being in the office and
22 speaking with a woman and there was another person present.
23 I can't remember who it was. It might have been a lawyer.
24 Maybe his lawyer, I don't know. But she said that it more
25 or less had been dealt with; that he pleaded guilty or

1 something to that, and that a trial would have been more or
2 less a waste of time, my time and theirs, and that I think
3 he was on a...what do you call it, a keep the peace, breach -
4 - keep the peace and be of good behaviour and not be around
5 children under the age of 14 I believe.

6 **MR. DUMAIS:** All right.

7 So is that -- do you think that this
8 discussion in this Crown's office would have occurred
9 before the matter was dealt with or afterwards?

10 **C-10:** You know what? I never really did
11 get the grasp of it. I don't know if it was dealt with
12 then or had been previously dealt with. I don't know.

13 **MR. DUMAIS:** And do you recall if that
14 meeting was on a date prior to the return date on your
15 summons?

16 **C-10:** You'll have to re-phrase that
17 question.

18 **MR. DUMAIS:** So your summons said that you
19 had to be in court on a specific date.

20 **C-10:** Yes.

21 **MR. DUMAIS:** And do you think that you met
22 with this Crown Attorney prior to that date?

23 **C-10:** No, I never met her before in my life
24 prior to that date.

25 **THE COMMISSIONER:** What he's saying is you

1 went to see the Crown Attorney.

2 **C-10:** That's right.

3 **THE COMMISSIONER:** Because there was a date
4 put on paper.

5 **C-10:** That's right.

6 **THE COMMISSIONER:** And you went on that date
7 that was put on ---

8 **C-10:** That's the date I went in, yes.

9 **MR. DUMAIS:** So the date that was on your
10 summons is the date where you had that meeting?

11 **C-10:** That's right.

12 **MR. DUMAIS:** And after the meeting did you
13 go to court?

14 **C-10:** No, I left.

15 **MR. DUMAIS:** Were you present while the
16 matter ---

17 **C-10:** No.

18 **MR. DUMAIS:** --- was dealt with?

19 **C-10:** No.

20 **MR. DUMAIS:** Okay.

21 **C-10:** I was in there maybe 10 minutes in
22 their office and I went home to Ottawa.

23 **MR. DUMAIS:** And during that meeting were
24 they trying to get you to agree to what was proposed? Was
25 there something they were proposing and they were asking

1 whether or not you were okay with that?

2 **C-10:** Yes, and I just thought about it and
3 it was -- I don't know. I don't know if I wanted to go
4 through with it or I was co-erced like. I don't know. I
5 felt as though I had just wasted a whole day, just nothing
6 was going to come of it basically. It was too long in the
7 past.

8 **MR. DUMAIS:** Okay.

9 **C-10:** That's the way I felt, and I was led
10 to feel that way, I believe.

11 **MR. DUMAIS:** All right.

12 And after that meeting, was that the last
13 time that you ever dealt with the Carl Allen matter?

14 **C-10:** That's it.

15 **MR. DUMAIS:** So after you went back to
16 Ottawa on that day you received no further communications
17 from them?

18 **C-10:** No, nothing. I didn't know what --
19 nothing.

20 **MR. DUMAIS:** Okay. Now, if I can just take
21 you to document number 119031. Now, I'll just explain to
22 you what that document is.

23 **THE COMMISSIONER:** That's Exhibit 380,
24 proceedings before Justice McFee on July 30th, 2000.

25 ---EXHIBIT NO./PIÈCE NO P-380:

1 Transcript R. V. Carl Allen dated
2 July 31, 2000

3 **MR. DUMAIS:** So this is a transcript of what
4 happened in court on July 31st, 2000 in Cornwall and it has
5 the court information number 2071-98 -- sorry, 99, and it
6 appears to be a copy of the court appearance dealing with
7 your matter. And I'm just looking at page 1 of the
8 transcript and at a little higher than mid-page, and that's
9 counsel for the accused Mr. Syrduk saying the following:

10 "Your Honour, we had discussions after
11 the second pre-trial with Ms. Robinson
12 on last Thursday. I believe the matter
13 is to be resolved by recognizance to be
14 entered by Mr. Allen pursuant to an
15 8(10). The terms of those
16 recognizances will be to keep the
17 peace, be of good behaviour and to not
18 associate with the complainant."

19 Do you recall that that is what was being
20 discussed with you, those terms, or those conditions?

21 **C-10:** I didn't know that it was just -- I
22 thought he had to stay away from children and stuff like
23 that. It doesn't say that on here.

24 **MR. DUMAIS:** So you thought there had been a
25 condition that he would not associate with children?

1 **C-10:** Under the age of 14. I don't see
2 that on there. I don't know if that's something I signed,
3 or I don't know.

4 **MR. DUMAIS:** And just to confirm that this
5 is the matter that had dealt with your complaint. I'm just
6 asking you to look at the bottom of page 2 of that
7 transcript, the last entry by the court, and it's the court
8 who's speaking:

9 "Mr. Allen, I'm requiring you to enter
10 into a recognizance for a period of 12
11 months and the conditions of that
12 recognizance are to keep the peace, be
13 of good behaviour and not to have any
14 contact of any nature with [and it has
15 your name there]."

16 That's the name of the complainant and that's ---

17 **C-10:** I don't even know those other names
18 either. I never met with any of those people.

19 **MR. DUMAIS:** All right. Do you recall
20 whether or not there were any discussions with you as to
21 whether or not the charges would be stayed or withdrawn;
22 does that mean anything to you?

23 **C-10:** No, I never heard any of that.

24 **MR. DUMAIS:** Before we started this process
25 of preparing you to give evidence, do you recall if I would

1 have asked you whether or not Carl Allen had pled guilty to
2 the charge, what would you have answered or said?

3 C-10: I don't know.

4 MR. DUMAIS: You wouldn't have known?

5 C-10: No, I wouldn't have known.

6 MR. DUMAIS: Okay. All right. Now ---

7 C-10: I assumed I was supposed to testify
8 in a court in front of this guy and I was willing to do
9 that, and then it never happened.

10 MR. DUMAIS: Now, you already indicated to
11 us sir that you would not have been contacted by anyone
12 afterwards so by anyone from the Crown Attorney's office,
13 no one from Cornwall Police Services either.

14 C-10: No.

15 MR. DUMAIS: Do you recall any discussion
16 with them with respect to counselling that might have been
17 available to you or you being provided with phone numbers
18 or contact persons?

19 C-10: No.

20 MR. DUMAIS: So no one would have ---

21 C-10: No.

22 MR. DUMAIS: --- contacted you after or with
23 respect to that?

24 C-10: No. Never heard about it after that
25 date.

1 **MR. DUMAIS:** All right. Now if I can take
2 you then to the Malcolm MacDonald allegation. After your
3 second statement with the Project Truth officer, were you
4 made aware that a charge had been laid against Mr.
5 MacDonald?

6 **C-10:** Yes.

7 **MR. DUMAIS:** And how were you made aware?

8 **C-10:** I received a summons to appear in
9 court.

10 **MR. DUMAIS:** Okay. So you also received a
11 summons sir?

12 **C-10:** I still have that one I think.

13 **MR. DUMAIS:** You wouldn't happen to recall
14 what that date was?

15 **C-10:** That -- you know what, I was gonna --
16 that might have been October and I might have mixed the
17 dates up, I don't know.

18 **MR. DUMAIS:** Okay. Do you recall of which
19 year?

20 **C-10:** Geez, no.

21 **THE COMMISSIONER:** Was it before or after
22 the Allen matter; do you know?

23 **C-10:** You know what? I don't even know
24 that.

25 **THE COMMISSIONER:** Okay.

1 **MR. DUMAIS:** Now, do you recall having any
2 further contact with any of the two detectives that we
3 spoke about ---

4 **C-10:** Genier and -- no, never heard from
5 them again.

6 **MR. DUMAIS:** Right. So who and again, who
7 would have served the summons on you; do you recall that?

8 **C-10:** I can't recall that. You see, I
9 don't know if one of them was served to me there. There
10 was only one appearance when someone brought a summons to
11 my house and I believe it was from Malcolm MacDonald. And
12 I think it was probably an Ottawa cop. It wasn't one of
13 the cops that I talked to.

14 **MR. DUMAIS:** Okay.

15 **C-10:** It was someone I didn't know.

16 **MR. DUMAIS:** Okay. All right. So were you
17 ever asked to attend a meeting with someone from the
18 Crown's office that had care of this matter?

19 **C-10:** No. For the Malcolm matter?

20 **MR. DUMAIS:** Yes.

21 **C-10:** No.

22 **MR. DUMAIS:** Okay. But you were aware that
23 a date had been set for a preliminary hearing, is that
24 fair?

25 **C-10:** Yes, I can't remember what date it

1 was.

2 **MR. DUMAIS:** And do you recall if the
3 prosecutor or the Crown attorney that was handling the Carl
4 Allen matter would have been the same as of -- sorry,
5 scratch him.

6 Now, at one point in time, you were made
7 aware that the Malcolm MacDonald matter was not proceeding,
8 is that correct?

9 **C-10:** Yes.

10 **MR. DUMAIS:** And how were you made aware?

11 **C-10:** An officer showed up and -- I don't
12 know if it was the two OPP officers, I can't remember --
13 then said that Malcolm was deceased in Dade County, Florida
14 and I didn't have to go to court. That was it.

15 **MR. DUMAIS:** So, and you think that someone
16 showed up at your place of residence?

17 **C-10:** Yes, it was an officer of some type,
18 I can't remember if he was plain clothes or in uniform
19 though. I think he was plain clothes.

20 **MR. DUMAIS:** And you don't recall whether or
21 not this officer was one of the officers that had taken ---

22 **C-10:** I don't recall if it was.

23 **MR. DUMAIS:** --- your statement?

24 **C-10:** I can't recall.

25 **MR. DUMAIS:** Did you have personal knowledge

1 or had you heard this from someone else ---

2 C-10: No.

3 MR. DUMAIS: --- that so -- that was the
4 first that you heard ---

5 C-10: Yes.

6 MR. DUMAIS: Were you aware of whether or
7 not there were other victims of the -- that had made
8 allegations against Malcolm MacDonald?

9 C-10: No.

10 MR. DUMAIS: Were you aware that whether or
11 not there were other victims that had made allegations
12 against Carl Allen?

13 C-10: No, I wasn't. I was never made aware
14 of it.

15 MR. DUMAIS: Okay. So it's not part of any
16 discussions ---

17 C-10: No.

18 MR. DUMAIS: All right. Now, I'm just going
19 to take you to another document sir. Bear with me for a
20 second. Document number 700909.

21 THE COMMISSIONER: Exhibit 311 -- I'm sorry
22 381, Criminal Injuries Compensation -- what is this Mr.
23 Dumais? It's Criminal Injuries Compensation Board
24 document?

25 MR. DUMAIS: That's correct Commissioner.

1 ---EXHIBIT NO./PIÈCE NO P-381:

2 CICB - Police questionnaire D.C. Genier
3 and S.T. Seguin dated May 31, 2000

4 **THE COMMISSIONER:** All right. Thank you.

5 **MR. DUMAIS:** Now sir, this is a form -- a
6 police questionnaire form that the police fill out in a
7 Criminal Injuries Compensation Board matter. And you'll
8 see in box that has number one, your name, do you see this?

9 **C-10:** Yes.

10 **MR. DUMAIS:** And then there is the date that
11 the incident was reported; and then there is the date of
12 the alleged offender and that -- the name that's indicated
13 there is Angus Malcolm MacDonald, and then it's a simple
14 description by the officer as to what happened or what
15 occurred here. And if you look at the second page, the
16 entry on box L: "The offender died a couple of weeks before
17 the preliminary inquiry; charges were withdrawn". So you
18 had -- you filed an application with the Criminal Injuries
19 Compensation Board ---

20 **C-10:** M'hm. I've never seen this though.

21 **MR. DUMAIS:** That's fair enough. But you
22 did fill out an application yourself?

23 **C-10:** Yes, I did.

24 **MR. DUMAIS:** All right. Do you recall where
25 you got the forms from?

1 C-10: H'hm.

2 MR. DUMAIS: Is that a lawyer that would
3 have done that for you?

4 C-10: I don't know. I don't recall where I
5 got them.

6 MR. DUMAIS: All right. But you recall
7 filling it out?

8 C-10: Yes.

9 MR. DUMAIS: Do you recall filling out more
10 than one application?

11 C-10: One or two.

12 MR. DUMAIS: Yes?

13 C-10: I think I had to fill one out for
14 each charge, that's right, two.

15 MR. DUMAIS: So you had filled out two
16 applications so ---

17 C-10: Ken Seguin and Malcolm MacDonald.

18 MR. DUMAIS: --- this would have been --
19 excuse me?

20 C-10: Ken Seguin and Malcolm MacDonald.

21 MR. DUMAIS: Okay. So you did file a
22 Criminal Injuries Compensation Board ---

23 C-10: Yes.

24 MR. DUMAIS: --- against Mr. Seguin as well.
25 All right. Now this appears to be a police questionnaire

1 that was filled out with respect to Malcolm MacDonald. Do
2 you recall whether or not the matter proceeded to a hearing
3 or whether or not the matter was resolved or settled?

4 C-10: For which one?

5 MR. DUMAIS: For either of the two?

6 C-10: No. I had to go for a hearing.

7 MR. DUMAIS: Did you have to attend?

8 C-10: Yes.

9 MR. DUMAIS: Okay. And where did that
10 hearing occur or ---

11 C-10: On -- I think it's called Avenue T in
12 Ottawa, off Saint-Laurent there in a building.

13 MR. DUMAIS: All right. Who do you recall
14 being present at that meeting or at that hearing?

15 C-10: I don't remember their names, there
16 was four people present.

17 MR. DUMAIS: Okay. But you certainly were
18 there ---

19 C-10: Yes.

20 MR. DUMAIS: --- and did you have anyone
21 representing you?

22 C-10: No.

23 MR. DUMAIS: And do you recall whether or
24 not there was a police officer that showed up to give
25 evidence?

1 **C-10:** No. There wasn't anyone. I was just
2 there by myself.

3 **MR. DUMAIS:** Okay. Anyone else that would
4 have been in the hearings room ---

5 **C-10:** Worked for the Criminal Injuries
6 Compensation Board.

7 **MR. DUMAIS:** Okay. Now do you recall
8 whether or not he dealt with both matters at the same time
9 or whether there was a separate matter -- there was a
10 separate hearing?

11 **C-10:** I think I dealt with them both ones
12 there, at that one, because it's the only meeting I had.

13 **MR. DUMAIS:** Is it fair to say that both
14 matters were resolved and you received some financial
15 compensation from the Criminal Injuries Compensation Board?

16 **C-10:** Yes.

17 **MR. DUMAIS:** And as well sir, you did file a
18 civil law suit against the estate of Malcolm MacDonald.
19 That matter was resolved as well -- was dealt with as well.

20 **C-10:** That's right.

21 **MR. DUMAIS:** And as well, you did file a law
22 suit versus Ontario Ministry of Corrections and that matter
23 was dealt with and resolved as well?

24 **C-10:** Yes. That's correct.

25 **MR. DUMAIS:** Now, we did have some

1 discussions earlier on with Perry Dunlop and you did
2 indicate that you had met with him on a couple of occasions
3 in the early months of 1998. Did you have any further
4 dealings with him afterwards?

5 C-10: Not really, no, not that I recall.

6 MR. DUMAIS: So, he -- it's not a situation
7 where when you came to Cornwall you would give him a call
8 or ---

9 C-10: No.

10 MR. DUMAIS: --- he would call you in
11 Ottawa?

12 C-10: No.

13 MR. DUMAIS: And you would have had no
14 further dealings with his ---

15 C-10: No, they moved.

16 MR. DUMAIS: They moved?

17 C-10: Yes.

18 MR. DUMAIS: So you were made aware that
19 they had moved?

20 C-10: Yes, I knew they had moved, yes.

21 MR. DUMAIS: And did you have any dealings
22 with anyone else that might have been associated with Perry
23 Dunlop or his wife?

24 C-10: No.

25 MR. DUMAIS: So, no dealings at all with

1 either Carson Chisholm ---

2 **C-10:** Not really, I know Carson Chisholm
3 but didn't have any dealings where I went to his place and
4 talked about this, no.

5 **MR. DUMAIS:** Okay. So you had no dealings
6 with him in respect of any of these allegations ---

7 **C-10:** No.

8 **MR. DUMAIS:** --- and the court processes?

9 **C-10:** That's right.

10 **MR. DUMAIS:** All right. And any dealings
11 with a gentleman by the name of Charlie Bourgeois?

12 **C-10:** I don't even know who he is.

13 **MR. DUMAIS:** That's not even ringing a bell?

14 **C-10:** No.

15 **MR. DUMAIS:** All right. If we can now sir,
16 if you can just give us an idea of how these allegations
17 and dealing with them through the different court processes
18 have affected you, and whether or not you have any
19 recommendations for the Commissioner to consider as a
20 result of your personal experience.

21 **C-10:** Well, I don't know. I find that was
22 just very impersonal and you were just another number, you
23 know. They didn't take it that we'd been really damaged.

24 **THE COMMISSIONER:** M'hm.

25 **C-10:** And the one -- I always had it in my

1 head, why was Carl Allen a Cornwall matter and Malcolm
2 MacDonald and the other guys, why was that a provincial
3 matter? Why would the Cornwall police not deal with that?
4 It was in Cornwall I was molested, and that has always been
5 a question. It still is today. I find it's just like --
6 they all happened in Cornwall, so it should have been dealt
7 with by the Cornwall police. I don't understand why they
8 weren't.

9 **MR. DUMAIS:** Now, throughout your
10 experiences, sir, you have dealt with people from --
11 individuals working with either police, with the Crown
12 Attorney's office. You've dealt with the Criminal Injuries
13 Compensation Board.

14 Do you have any specific recommendation that
15 ---

16 **C-10:** To them?

17 **MR. DUMAIS:** --- or ---

18 **C-10:** No, they were really trying and I
19 don't know, it looked like they were -- it was four on one,
20 an uneven game, really, you know. I was sitting in there
21 in a room with four people that -- and I felt as though I
22 was looking down -- they were looking down on me, but my
23 self-esteem isn't that big anyway, so, I always have had
24 self-esteem around people of -- like lawyers and doctors
25 and so -- it wasn't -- you know, maybe I needed more

1 therapy before I did it. I know that I could use some
2 therapy today and that's not anyone's fault, I guess.

3 I'm tired of blaming anyway, you know. I'm
4 responsible for my own behaviour at my age and what
5 happened, happened. Sometimes I get angry about it, but I
6 gotta deal with it.

7 **MR. DUMAIS:** All right, but ---

8 **C-10:** But I'm tired of blaming and pointing
9 fingers and, you know, shit happened. I've been told that
10 anyway all my life. Oh, you just move on and deal with it
11 and move on, but it's not really that easy to move on until
12 you deal with it and I haven't dealt with it yet, not ---

13 **MR. DUMAIS:** M'hm.

14 **C-10:** --- fully. But I dealt with my drug
15 addiction and I ended that. That was a step to moving on
16 with this, and at the time that this process was going on,
17 I was in and out of relapses and so on. A lot of the
18 deficiencies were probably my own, you know.

19 **MR. DUMAIS:** Do you think some of the memory
20 lapses or stuff you don't remember I suppose ---

21 **C-10:** Yes, yes, a lot of that stuff like
22 times and dates and ---

23 **MR. DUMAIS:** What ---

24 **C-10:** I didn't think it was dealt with on
25 the Carl Allen matter very well though. That one really --

1 I never -- I just -- I thought sexual abuse was a crime.
2 The thing that bothered me the most, whenever I committed a
3 crime I always had to face the picture, you know, and then
4 -- and I did, and so I should. I agree, you just can't run
5 around laying crimes on people and expecting no result. But
6 I thought that's a pretty bad crime, you know. Trafficking
7 drugs is too, but I don't think one is better than the
8 other.

9 **MR. DUMAIS:** M'hm.

10 All right, these are my questions for you,
11 sir. Thank you very much for appearing this morning. My
12 friends certainly may have questions. You will note that
13 there are a number of people sitting in the hearing room
14 and they will identify themselves before they ask you any
15 questions, and they will tell you which institution they
16 represent or which party they represent.

17 Thank you.

18 **C-10:** Welcome.

19 **THE COMMISSIONER:** Mr. Wardle?

20 --- **CROSS-EXAMINATION BY/INTERROGATOIRE EN-CHEF PAR MR. P.**
21 **WARDLE:**

22 **MR. WARDLE:** Sir, my name is Peter Wardle
23 and I am a lawyer for Citizens for Community Renewal.

24 My client is an organization of concerned
25 citizens with standing at the Inquiry and it's known by

1 it's acronym "CCR".

2 CCR is determined to promote needed
3 institutional reforms so as to ensure the protection of
4 children and justice for all. That's just a little bit
5 about who we are.

6 C-10: M'hm.

7 MR. WARDLE: I only have a few questions for
8 you, sir.

9 I wonder if we could just bring up Exhibit
10 377 again and go to page 37.

11 So this is the first interview that you had
12 with the Ontario Provincial Police, sir.

13 C-10: That's correct.

14 MR. WARDLE: And, actually, maybe we should
15 just go back to the first page for a minute, just so that
16 the witness can make sure he's got it back into context.

17 So, sir, if we just look at the first page,
18 and Mr. Dumais took you to this, it indicates that it was
19 on February 3rd 1998 and that Officers Seguin and Genier
20 were present.

21 C-10: That's correct.

22 MR. WARDLE: And, so, I am going to go to
23 page 37 ---

24 C-10: M'hm.

25 MR. WARDLE: --- and this is where you start

1 telling the officers about the abuse involving Malcolm
2 MacDonald.

3 C-10: Yes.

4 MR. WARDLE: And I just want to back-up a
5 little bit and get a little bit of context from you, sir.
6 You were about 14-15 at this time?

7 C-10: Yes.

8 MR. WARDLE: And you had had problems in
9 your life already at that point?

10 C-10: Yes.

11 MR. WARDLE: And as you told us, you had
12 been abused when you were very young.

13 C-10: That's right.

14 MR. WARDLE: Okay, and by 14-15 you were
15 already having problems with the law ---

16 C-10: Yes.

17 MR. WARDLE: --- correct?

18 C-10: Yes.

19 MR. WARDLE: And you were already into drugs
20 as I gather?

21 C-10: That's right.

22 MR. WARDLE: And that's how you came into
23 contact with Ken Seguin because you were arrested and you -
24 - there was a probation order, correct?

25 C-10: M'hm, wait a minute, no -- yes, yes,

1 for breaking into a school.

2 MR. WARDLE: Yes, and I think you told us
3 that you began being abused by him very soon after you met
4 him?

5 C-10: Yes.

6 MR. WARDLE: And it continued for a
7 significant period of time.

8 C-10: Four or five years, yes.

9 MR. WARDLE: Okay, and somewhere around it
10 is -- somewhere around this period as I understand it, when
11 you were 14-15, during one of your court appearances, you
12 get introduced to Malcolm MacDonald?

13 C-10: Yes.

14 MR. WARDLE: And ---

15 C-10: On the second break-and-enter.

16 MR. WARDLE: Yes, and the person who
17 introduces you is Ken Seguin?

18 C-10: That's correct.

19 MR. WARDLE: And this is after he has
20 already been abusing you?

21 C-10: Yes, right. That's correct.

22 MR. WARDLE: And you subsequently learn that
23 the two of them were friends.

24 Is that correct?

25 C-10: Yes.

1 **MR. WARDLE:** And do you know if Ken Seguin
2 said anything to Malcolm MacDonald about what he was doing
3 to you or with you? Or do you just suspect that that may
4 have happened?

5 **C-10:** I suspected. I never -- I couldn't
6 swear it on a Bible or anything. I didn't see it or hear
7 it.

8 **MR. WARDLE:** All right, but from the
9 incident that is described here which, you know, is pretty
10 unusual for a lawyer to do something like this in the
11 courthouse. You probably had a suspicion that ---

12 **C-10:** Yes.

13 **MR. WARDLE:** --- Malcolm MacDonald had been
14 tipped off in some way?

15 **C-10:** That's true, yes.

16 **MR. WARDLE:** Is that fair?

17 **C-10:** Yes.

18 **MR. WARDLE:** Okay, and I just want to ask if
19 we go forward to page 40 -- we just keep going down to the
20 bottom of the page. Keep going over, I'm sorry, it's the
21 next page. That's the page I want. So it's page 236 and
22 just at the top, I'm sorry.

23 Now, I just want to take you through this.
24 Mr. Dumais already asked you some questions about this, but
25 I want to just go through it a little slowly.

1 You are being asked about Malcolm MacDonald
2 and if you look at the question at the very end of the last
3 page, if we go back one page at the very bottom. It's kind
4 of hard when we do this on the screen, but you'll see the
5 last question is:

6 "Okay, now, did you ever deal with him
7 again after that?"

8 And this is referring to Malcolm MacDonald, okay? Are you
9 with me so far?

10 **C-10:** Yes.

11 **MR. WARDLE:** And then go over to the top of
12 the next page and your answer is:

13 "No, but I did see him when I went down
14 to a party on the river one time. He
15 was there."

16 **C-10:** That's right.

17 **MR. WARDLE:** And then you say:

18 "I think it was Ron Leroux's house."

19 Now, just help us. Who was Ron Leroux and
20 how did you know Ron Leroux?

21 **C-10:** I saw Ron Leroux with those guys, but
22 I knew Ron Leroux from, like, growing up. I knew a few of
23 them.

24 **MR. WARDLE:** And was he your age or older?

25 **C-10:** No, he'd be older.

1 **MR. WARDLE:** Okay.

2 **C-10:** Ten years, maybe eight years older.

3 **MR. WARDLE:** All right, and this party down
4 the river, you were invited to this party?

5 **C-10:** Well, I was picked up by Malc -- by
6 the probation officer for not showing up at probation.

7 **MR. WARDLE:** So that would be Ken Seguin?

8 **C-10:** That's right, and I was coming out of
9 a -- I was drunk and he picked me up and we went to that
10 party. He took us there.

11 **MR. WARDLE:** "He took us..."?

12 **C-10:** There was me and another guy there,
13 ah, just can't remember which -- what his name was. We
14 were drunk and stoned on pills and we ended up at this
15 place, and, yes, I am sure it was Ron Leroux's house.

16 **MR. WARDLE:** Right.

17 Do you remember exactly where it was?

18 **C-10:** On Summerstown; on the river there.

19 **MR. WARDLE:** Summerstown?

20 **C-10:** Yes.

21 **MR. WARDLE:** And, again, this would have
22 been when you were roughly 14-15?

23 **C-10:** Yes.

24 **MR. WARDLE:** So that would have put us in --
25 I'm sorry, you're ---

1 C-10: Sixty-nine/seventy.

2 MR. WARDLE: Somewhere in the 69-60 period,
3 okay.

4 And Ken Seguin was obviously at this party?

5 --

6 C-10: Yes, he was.

7 MR. WARDLE: --- and Malcolm MacDonald was
8 at this party?

9 C-10: Yes, he was.

10 MR. WARDLE: And there were other young men
11 around your age as I ---

12 C-10: Yes.

13 MR. WARDLE: --- understand it.

14 C-10: I remember smoking marijuana and ---

15 MR. WARDLE: And it was at this party, as I
16 understand it, that you say you remember Mr. Shaver ---

17 C-10: Yes.

18 MR. WARDLE: --- being there?

19 C-10: Yes, I remember him being there.

20 MR. WARDLE: And do you know -- do you
21 remember whether Mr. Shaver was a friend of Ken Seguin?

22 C-10: Yes, I do. I remember seeing him in
23 Tim Horton's doughnuts on one occasion definitely with
24 Wilson, Ken Seguin -- Ron Wilson was the funeral homes --
25 Shavers, and Ron Leroux was sitting there.

1 **MR. WARDLE:** Okay, and -- sorry, let's just
2 get the -- we'll just get a location and a -- talking about
3 a Tim Horton's on ---

4 **C-10:** The first one ever built in
5 Brookdale.

6 **MR. WARDLE:** Okay, and give us an idea of
7 when this was?

8 **C-10:** Well, it would be -- it was around
9 1970 and, yes, and they were all sitting there having a
10 coffee, I mean -- I know -- I knew who he was. I mean his
11 paper -- picture's in the paper and I knew who the chief of
12 police was and I knew that my probation officer was and
13 Malcolm was there and Ron Leroux. No, it's -- I remember
14 it right to a tee.

15 **MR. WARDLE:** Now, did you ever see any of
16 these individuals together on any other occasion?

17 **C-10:** Several times.

18 **MR. WARDLE:** Okay.

19 **C-10:** Several times I saw Malcolm with Ken
20 Seguin many times. Many times.

21 **MR. WARDLE:** And when you went in to see the
22 police and -- sorry, February of 1998 if I've got it right
23 -- you told them this incident that is described in the
24 page we're looking at.

25 **C-10:** M'hm.

1 **MR. WARDLE:** Were the two officers at all
2 interested in what you were telling them. Do you remember?

3 **C-10:** I think they looked at each other
4 when I was saying that, and didn't seem to pursue it much.

5 **MR. WARDLE:** Did they ever come back to you
6 and ask you more questions about this ---

7 **C-10:** No.

8 **MR. WARDLE:** --- this, this cottage party
9 that you were invited to?

10 **C-10:** No, I don't, I -- not that I can
11 recall.

12 **MR. WARDLE:** All right, now did you ever
13 tell any of this to Mr. Dunlop? About the party, the
14 cottage? You'd seen these gentlemen together? Did you
15 ever give that information to Mr. Dunlop?

16 **C-10:** I may have. I don't -- I can't say,
17 ah ---

18 **MR. WARDLE:** Okay.

19 **C-10:** I would -- I don't want to say I did
20 and, no, I can't say that I did. I can't remember doing
21 so.

22 **MR. WARDLE:** And, as I understand it, at
23 some point in 1999, you gave an interview to the CBC?

24 **C-10:** That's correct.

25 **MR. WARDLE:** And you told the CBC a little

1 bit about the abuse you had suffered and Mr. Leroux was
2 also interviewed as part of that program.

3 C-10: I didn't know that, no.

4 MR. WARDLE: Did you have any dealings with
5 Mr. Leroux at the time of the program?

6 C-10: No.

7 MR. WARDLE: Okay.

8 And do you know if a any point you told Mr.
9 Leroux about, you know, your witnessing the police chief
10 with Mr. Seguin at the Tim Horton's -- anything like that?

11 C-10: No.

12 MR. WARDLE: Okay.

13 Just a couple of more questions for you,
14 sir, and then I'm finished. I think you've told us already
15 that you know Carson Chisholm, just because, you know ---

16 C-10: Yes. He's an auctioneer.

17 MR. WARDLE: He's an auctioneer. You know
18 him from around town. You haven't had any discussions with
19 him, in advance of giving your evidence today?

20 C-10: No.

21 MR. WARDLE: Okay.

22 Thank you.

23 Those are all of my questions.

24 THE COMMISSIONER: Thank you.

25 Mr. Cipriano?

1 No questions?

2 Thank you.

3 Where is my page?

4 Who's next.

5 Mr. Chisholm, yes.

6 **MR. CHISHOLM:** Good morning, sir -- good
7 afternoon, sir.

8 Sir, I have no questions for you. My name
9 is Peter Chisholm from the counsel for the local Children's
10 Aid Society.

11 Thank you for coming today.

12 **C-10:** You're welcome

13 **THE COMMISSIONER:** Mr. Neuberger or Rose,
14 how long do you think you'll be in cross-examination?

15 **MR. ROSE:** I expect to get finished by 1
16 o'clock.

17 **THE COMMISSIONER:** Well we're going for
18 lunch.

19 (LAUGHTER/RIRES)

20 **MR. ROSE:** If you give me the opportunity
21 sir, I probably go another 15 minutes.

22 **THE COMMISSIONER:** Oh, Okay.

23 (LAUGHTER/RIRES)

24 **THE COMMISSIONER:** In that case.

25 You okay to go for another 15 minutes, sir?

1 C-10: Yes.

2 THE COMMISSIONER: Okay.

3 And then we'll go for lunch.

4 C-10: Okay.

5 THE COMMISSIONER: All right.

6 So we'll start and then we'll finish up
7 after lunch.

8 MR. ROSE: Thank you.

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATIOIRE PAR MR.

10 ROSE:

11 MR. ROSE: Good afternoon, sir.

12 My name is Mr. Rose. Mr. Neuberger is back
13 there. We represent the Ministry of Community Safety and
14 Correctional Services. That ministry provides probation
15 and parole services in Ontario.

16 C-10: Yes.

17 MR. ROSE: Sir, I want to ask you some
18 questions about how you were dealt with by probation, more
19 recently; in other words, in the last few years. I don't
20 want to get into why you ended up being on probation, but
21 suffice it to say, I take it, you were put on probation in
22 the winter of 2003.

23 C-10: In Frontenac County.

24 MR. ROSE: Right.

25 And we're not concerned with why ---

1 C-10: Death threat. No big deal.

2 MR. ROSE: Okay.

3

4 In any event, you're put on probation by the
5 courts, right?

6 C-10: Yes.

7 MR. ROSE: And I take it that you were
8 assigned a probation officer.

9 Is that right?

10 C-10: That's right.

11 MR. ROSE: In fact, you were put on
12 probation in Ottawa?

13 C-10: No, originally in Kingston. But I
14 didn't report; I moved to Ottawa,

15 MR. ROSE: Right.

16 And was your probation transferred to the
17 Ottawa office?

18 C-10: Yes. Yes, it was.

19 MR. ROSE: Okay.

20 So that in February of 2003, you're
21 reporting to the Ottawa probation office.

22 C-10: Yes, not a lot though.

23 MR. ROSE: Okay.

24 Your probation officer in Ottawa was Heather
25 Perry.

1 Is that right?

2 C-10: No. That's the second time.

3 MR. ROSE: Well, I'm talking about February
4 of 2003.

5 C-10: Yes, it would have been. Yes. The
6 last time, yes. That was a charge from Ottawa too.

7 MR. ROSE: And again ---

8 C-10: So, there was one that was
9 transferred to Ottawa because I didn't want to deal with it
10 and I moved to Ottawa. And then another time I did the
11 same thing again. It's my anger problem.

12 MR. ROSE: Fair enough.

13 But in February 2003, I take it, you're
14 agreeing and you remember that ---

15 C-10: Heather Perry, yes. I remember.

16 MR. ROSE: You were speaking with Heather
17 Perry.

18 C-10: Yes.

19 MR. ROSE: She's your probation officer in
20 Ottawa.

21 C-10: Yes.

22 MR. ROSE: Okay.

23 I want to ask you some things about how she
24 dealt with you.

25 C-10: Very well.

1 **MR. ROSE:** Great. Okay.

2 Well, I take it that you remember that you
3 discussed, for instance, with her the allegation that you
4 brought -- that brought you to the Inquiry.

5 **C-10:** That's right.

6 **MR. ROSE:** In other words, you mentioned to
7 Ms. Perry that you had been abused by a probation officer.

8 **C-10:** That's right.

9 **MR. ROSE:** Okay.

10 Would you agree with me that, in terms of
11 this, you would have had a fairly open discussion with her
12 about you being a victim.

13 **C-10:** That's right.

14 **MR. ROSE:** And she provided a fair amount of
15 support for you?

16 **C-10:** Yes, she did.

17 **MR. ROSE:** Okay.

18 And the support, I take it, was --- governed
19 a few things in terms of counselling?

20 **C-10:** Yes. I was already under -- I was
21 going to the men's project at the time.

22 **MR. ROSE:** Okay.

23 So she would have discussed that counselling
24 with you ---

25 **C-10:** Yes.

1 **MR. ROSE:** --- every time you met with her?
2 And you said that you weren't reporting too
3 much, but would I be right in saying you did report with
4 Ms. Perry once a month.

5 **C-10:** Yes. Yes. Once or twice a month.

6 **MR. ROSE:** Okay.

7 So you discussed the counselling with her,
8 and we have noted in some of the records, that she was
9 supportive of you and encouraging you.

10 **C-10:** Very much.

11 **MR. ROSE:** And encouraging not so -- not
12 only with respect to counselling, but with respect to
13 lifestyle choices.

14 **C-10:** Yes. Lifestyle choices, and
15 narcotics use, and drinking.

16 **MR. ROSE:** She was encouraging you, I take
17 it, to stay away from certain individuals?

18 **C-10:** Yes.

19 **MR. ROSE:** Those individuals might have led
20 you back to be charged, or before the courts.

21 **C-10:** That's right.

22 **MR. ROSE:** Okay.

23 And I take it she made you aware that, not
24 only that she could be supportive of you but she had to
25 remind you about the terms of the probation. In other

1 words that you have this court order that governed your
2 behaviour, right?

3 C-10: That's right.

4 MR. ROSE: Okay.

5 In other words, if you stepped over a line,
6 you could be breaching a court order. But within that
7 line, she was supportive.

8 Is that right?

9 C-10: Yes.

10 MR. ROSE: Okay.

11 The probation lasted until September of
12 2003, didn't it?

13 C-10: Yes.

14 MR. ROSE: So from February of 2003 until,
15 what September 30th of 2003?

16 C-10: Yes.

17 MR. ROSE: That sounds right?

18 C-10: Yes.

19 MR. ROSE: Okay.

20 And during that whole time, it would appear
21 that she's discussing your various groups and what's
22 happening on a month-to-month basis.

23 C-10: M'hm.

24 MR. ROSE: She's commending you on the
25 positive lifestyle choices.

1 C-10: Yes.

2 MR. ROSE: And, in fact, in the very end, as
3 your probation ends -- did she commend you at the very end
4 about your progress with the therapy?

5 C-10: Yes, she did.

6 MR. ROSE: And did she remind you that
7 you're conditions expire at the end of the month, in other
8 words, September 30th.

9 C-10: Yes.

10 MR. ROSE: But that you had to abide by
11 those conditions right to the very end?

12 C-10: Yes.

13 MR. ROSE: In fact, as I see from the notes,
14 and maybe you can help me, did you say that you would abide
15 by the conditions, that you had developed those lifestyle
16 choices ---

17 C-10: Yes.

18 MR. ROSE: --- that would keep you away from
19 the courts?

20 C-10: That's right.

21 MR. ROSE: Okay.

22 Did she even advise you about the
23 possibility of -- sorry.

24 Indulgence, please.

25 THE COMMISSIONER: M'hm.

1 **MR. ROSE:** Did she provide you with
2 information on obtaining a pardon too? Do you remember
3 that?

4 **C-10:** Paying what?

5 **MR. ROSE:** A pardon.

6 **C-10:** Yes, she did.

7 **MR. ROSE:** Thank you, sir.

8 Those are my questions.

9 **THE COMMISSIONER:** Thank you.

10 We'll take lunch break now. So we'll come
11 back at a quarter to 2:00.

12 Can you canvass to see how much more cross-
13 examination there'll be?

14 Sir, we'll take a break until 1:45 and then
15 we'll finish up your testimony in the afternoon.

16 Thank you.

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever.

19 --- Upon recessing at 12:18 p.m. /

20 L'audience est suspendue à 12h18

21 --- Upon resuming at 13:59 p.m. /

22 L'audience est reprise à 13h59

23 **THE REGISTRAR:** The hearing is now resumed.

24 Please be seated. Veuillez vous asseoir.

25 **THE COMMISSIONER:** Sir, if you could have a

1 seat.

2 Ms. Im, just two short, very brief matters.
3 The first one is, how is the temperature in here? Is it me
4 that's overheating?

5 **THE REGISTRAR:** It's warm in here.

6 **THE COMMISSIONER:** Warm.

7 All right.

8 Madam Clerk, so some time around could you
9 get someone to change the air around. Notice I haven't
10 looked at the women in this -- when I asked that question.

11 **(LAUGHTER/RIRES)**

12 Because -- and I don't want to be caught in
13 any sexist comments, but women generally are colder than
14 men. In any event.

15 **UNIDENTIFIED SPEAKER:** Not ---

16 **(LAUGHTER/RIRES)**

17 **THE COMMISSIONER:** We'll leave that behind.

18 All right.

19 **UNIDENTIFIED SPEAKER:** I wouldn't quit.

20 **THE COMMISSIONER:** Pardon me?

21 **UNIDENTIFIED SPEAKER:** You quit early.

22 **(LAUGHTER/RIRES)**

23 **THE COMMISSIONER:** When I doubt, acquit? Is
24 that right?

25 **UNIDENTIFIED SPEAKER:** Yeah.

1 **THE COMMISSIONER:** Okay.

2 The other thing, though, that seriously --
3 and I'm sorry -- I don't mean -- this humour is therapy for
4 us.

5 The other thing is I have a decision to
6 render with respect to the alternative process. I will be
7 in a position to do that after we finish with this
8 gentleman's testimony.

9 Ms. Im, if you could introduce yourself to
10 this gentleman, we could proceed.

11 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. IM:**

12 **MS. IM:** Thank you, sir, for being with us
13 this afternoon.

14 My name is Judy Im, and I'm counsel for the
15 Ministry of the Attorney General.

16 I have a few questions for you. They'll
17 pretty much go in three parts.

18 One (1), I'd like to ask some questions,
19 just to clarify the chronological history. I know you've
20 advised that you've had -- there's some memory lapses with
21 respect to the dates. I just want to try refresh your
22 memory and pin you down to dates, as much as possible.

23 And then after I ask you questions about
24 that, I'm going to move on to ask you questions about the
25 matter, with respect to Agnus Malcolm MacDonald.

1 And then I'll ask you some questions about
2 the matter, with respect to Carl Allen.

3 Okay?

4 **C-10:** Okay.

5 **MS. IM:** Okay.

6 So you haven't had the benefit, like I have,
7 of having access to some of the court documents. But my
8 friend, Commission counsel, Pierre Dumais, has taken you to
9 some documents. And these are the dates, as I see them. I
10 just want to see if you could -- and then I'll ask you some
11 questions after -- after I go through that summary.

12 Okay?

13 So, in the Malcom MacDonald matter, the --
14 I'm aware that the first appearance was on May 3rd of 1999.
15 And Mr. Dumais took you to the withdrawal of the charges,
16 which took place on January 11th of 2000, which was six days
17 before the preliminary matter that was scheduled for this
18 matter. The prelim, I understand was scheduled for January
19 17th to 21st.

20 I believe you testified that you may have
21 received a summons with respect to appearing to testify at
22 that prelim, right?

23 **C-10:** Yes.

24 **MS. IM:** Okay.

25 So, with respect to the Carl Allen matter,

1 it's my understanding that the first appearance was
2 December 6th of 1999, and then the withdrawal of -- the
3 resolution, by way of recognizance, which took place, which
4 Mr. Dumais took you to the transcript?

5 **C-10:** Yes.

6 **MS. IM:** That happened on July 31st of 2000.
7 So just looking at those dates, it's apparent to me that
8 there was some overlap of these two matters. That they
9 were proceeding both at the same time.

10 Is that correct?

11 **C-10:** Yes.

12 **MS. IM:** Okay.

13 And I also -- it also appears to me that --
14 well, you're not aware of any prelim, and I'm not aware of
15 any prelim that was scheduled for the Carl Allen matter.

16 **C-10:** None.

17 **MS. IM:** No.

18 Okay.

19 So, I think you testified earlier that you'd
20 received one summons?

21 **C-10:** That's right.

22 **MS. IM:** Okay.

23 And you weren't sure if that was with
24 respect to the Malcolm MacDonald matter or the Carl Allen
25 matter.

1 C-10: No, because they were both -- at the
2 same time.

3 MS. IM: Because they were both going on at
4 the same time.

5 I'm going to suggest to you, that the
6 summons was with respect to the Malcolm MacDonald matter.
7 You don't have any knowledge that -- you wouldn't disagree
8 with that?

9 C-10: No.

10 MS. IM: Okay.

11 Thank you.

12 So, moving on now, just to the Malcolm
13 MacDonald matter. So, you testified -- my friend asked
14 you some questions about the Malcolm MacDonald matter, and
15 you couldn't recall meeting with the Crown Attorney that
16 was assigned to that file?

17 C-10: No.

18 MS. IM: It's not my understanding that
19 there ---

20 C-10: I never met ---

21 MS. IM: -- ever was such a meeting?

22 Okay, so you are aware of who the Crown was,
23 who was assigned.

24 C-10: Yes.

25 MS. IM: Okay.

1 C-10: I never met her though.

2 MS. IM: Okay.

3 Now it's my understanding that the prelim
4 for that matter was scheduled for January 17th to 21st. You
5 received a summons for that prelim. Now it's my
6 understanding that it was her intention to come to
7 Cornwall, and interview and prepare the witnesses for that
8 prelim, the week of January 11th; one week prior to the
9 scheduled prelim.

10 Now, do you recall anybody contacting you?

11 C-10: Never.

12 MS. IM: And saying, "The Crown is going to
13 want to meet with you on January 11th?"

14 C-10: No.

15 MS. IM: No.

16 Do you recall when you were served with the
17 summons, for the prelim, if there was a letter attached to
18 it asking you to call -- giving you contact information for
19 the Crown, asking you to contact her?

20 C-10: No, I don't recall.

21 MS. IM: You don't recall that.

22 Is it possible, sir, that there was such a
23 letter attached to the summons to witness -- to attend the
24 prelim?

25 C-10: If I -- I'd have read it.

1 MS. IM: Okay. Okay.

2 And then, we know that the defendant in this
3 matter, Malcolm MacDonald, died on December 23rd of 1999,
4 which then led to the withdrawal of the matter on January
5 11th of 1999.

6 C-10: That's right.

7 MS. IM: Okay.

8 Which is probably why the Crown Attorney
9 didn't meet with you on January 11th of 1999. It would have
10 ---

11 Right. Okay.

12 Thank you.

13 Now, moving onto now --I'm just going to ask
14 you some questions about the Carl Allen matter.

15 Again, I've had the benefit of taking a look
16 at the Crown file. I'm trying -- what I'm trying to do is
17 pin down -- you have advised that there was a meeting
18 between you and a female assistance Crown Attorney. Right?

19 C-10: I can't remember her name though.

20 MS. IM: You can't remember her name. And
21 there was somebody else in the room at that meeting.

22 Do you recall that?

23 C-10: Yes.

24 MS. IM: Okay.

25 C-10: But I don't know who it was. It

1 might have been a lawyer.

2 **MS. IM:** Okay. Okay.

3 Well what I'm going to do is -- there are
4 three documents that are in the Crown file that I'm going
5 to take you through to see if it jigs your memory ---

6 **C-10:** Okay.

7 **MS. IM:** --- about the details in any way.

8 So the first document is a -- it's document
9 number 119058, which I gave notice of.

10 **(SHORT PAUSE / PAUSE COURTE)**

11 **THE COMMISSIONER:** Thank you. Exhibit
12 number 382 -- I'm sorry, a memorandum to Murray MacDonald
13 from Lynn Robinson dated January 4th, 2000.

14 **--- EXHIBIT NO./PIÈCE No. P-382:**

15 Memo from Lynn Robinson to Murray
16 MacDonald dated Jan 04, 2000.

17 **MS. IM:** I think he said 382, yes.

18 **THE COMMISSIONER:** I'm sorry, did I say
19 something wrong?

20 **MS. IM:** No, I was just confirming with my
21 friend that you marked it as Exhibit number 382.

22 **THE COMMISSIONER:** Thank you.

23 **MS. IM:** Thank you. Okay. If we go to the
24 second page of Exhibit 382. Just to explain the details of
25 this memo without going into it too much, because I will be

1 taking you through it, it's a memo from Lynn Robinson, the
2 Crown Attorney who -- the assistant Crown Attorney, to
3 Murray MacDonald, the Crown Attorney in Cornwall. She's
4 reviewing the file, the case, and she advises in, on the
5 second page of this memo, that she will be -- it's number
6 two, paragraph 2 on the screen:

7 "Meet with victim to discuss the
8 frailties of the prosecution's case,
9 the rigours of the trial process and
10 the sentence eventualities."

11 So this is prior to, obviously, meeting you
12 and those are the three items that was her intention to
13 speak to you about. Okay.

14 If we can just move now to Document number
15 119055.

16 **THE COMMISSIONER:** Exhibit 383, memorandum
17 to file from L.R., dated January 25th, 2000.

18 **--- EXHIBIT NO./PIÈCE No. P-383:**

19 Memo from Lynn Robinson to file re: R.
20 v. Carl Allen dated Jan 25, 2000.

21 **MS. IM:** So this is the memo that Lynn
22 Robinson wrote to file and it purports to be a memo that
23 she wrote following the meeting with you. So if I could
24 just take you to the first sentence of this memo. "Today",
25 it's right at the top of the screen:

1 "Today, I met with the complainant to
2 discuss the prosecution. After we
3 discussed the various problems
4 contained in my memo of January 4th of
5 2000."

6 Which is the document that I showed you
7 previously.

8 **C-10:** Yes.

9 **MS. IM:** "He agreed to let me attempt
10 to resolve the matter."

11 So this is a memo that Lynn Robinson
12 purports to write based on her discussion with you that day
13 of January 25th of 2000.

14 Now, can we move to the ---

15 **THE COMMISSIONER:** Have you read that sir?

16 **MS. IM:** Oh, sorry.

17 **C-10:** Yes.

18 **THE COMMISSIONER:** Okay.

19 **MS. IM:** I'll be taking you back to this
20 document as well.

21 **THE COMMISSIONER:** Okay. I'm sorry, next
22 document?

23 **C-10:** That's good.

24 **MS. IM:** Can we go now to Document number
25 119032 and it's -- that's in the Commission's likely to be

1 made exhibits list.

2 **THE REGISTRAR:** What number?

3 **MS. IM:** Oh, 119032. Oh, not on our list,
4 it's on the Commission's counsel likely to be made an
5 exhibit list. Yes, sorry about that.

6 **THE COMMISSIONER:** Thank you. Exhibit 384
7 is a Crown Attorney's office -- what do we call this
8 document?

9 **MS. IM:** Ontario Court of Justice cover
10 sheet and handwritten notes.

11 **THE COMMISSIONER:** Okay.

12 **--- EXHIBIT NO./PIÈCE No. P-384:**

13 Officer's notes - CPS- R. Desrosiers
14 dated December 1999 to July 2000.

15 **MS. IM:** Page -- two pages.

16 **THE COMMISSIONER:** Okay.

17 **MS. IM:** Okay, if we scan down to the bottom
18 left-hand corner of this document -- oh, I am sorry -- go
19 to the second page -- right, and then scan down.

20 It looks like the first page and the second
21 page are similar but they are actually not because the
22 difference is, on the bottom left-hand corner of the second
23 page there's a little note. If I can just draw that note
24 to your attention.

25 This note purports to be a handwritten note

1 by Lynn Robinson, the Crown, and it states:

2 "Interview with Constable Desrosiers
3 and V ..."

4 -- which stands for victim --

5 "... with L.R. ..."

6 -- which is the Crown attorney in this case

7 --

8 "... the 25th of January 2000 at 3:00
9 p.m."

10 And then if we go on to the next page, and
11 if we can scan down to about the middle of the page where
12 it says "January 25th" on the left-hand side -- that's right
13 -- thank you. It says -- there's a note indicating the
14 date, January 25th of 2000 and in, what I am advised, is
15 Lynn Robinson's handwriting, it says:

16 "Met with V."

17 -- for victim --

18 "He agrees to resolution ..."

19 -- that's a shorthand form --

20 "... without jail to avoid trial. But,
21 if no resolution, he will be a very
22 good witness; bright, candid and
23 confident."

24 So, a couple of things, based on those
25 documents, I'm going to suggest to you that the meeting

1 that you had, with the Crown Attorney, was on January 25th
2 of 2000. Now I know you can't recollect the exact date but
3 do you disagree with that?

4 **C-10:** I can't -- I can't disagree with
5 that. I mean, I don't know.

6 **MS. IM:** You don't know, you don't recall
7 the exact date, do you?

8 **C-10:** That's right.

9 **MS. IM:** Okay. And also you do recall there
10 being somebody in the room?

11 **C-10:** Yes.

12 **MS. IM:** Right. I'm going to suggest to you
13 that that somebody actually was Constable Desrosiers. That
14 he was in the room at the time.

15 **C-10:** Could have been. Could have been.

16 **MS. IM:** Yes.

17 **C-10:** I don't remember who it was.

18 **MS. IM:** Okay. And if the meeting occurred
19 on January 25th of 2000 and the matter was resolved in court
20 on July 31st of 2000, I'm going to suggest to you that this
21 meeting with the Crown Attorney occurred six months before
22 the matter was dealt with in court. Would you agree with
23 that?

24 **C-10:** Was dealt with in the courtroom or
25 there?

1 **MS. IM:** It was -- she met with you six
2 months before it was actually dealt with in the court? And
3 we know that from the transcript that the withdrawal
4 occurred, in court, on July 31st of 2000. And if the
5 meeting occurred on January 25th of 2000, that that would
6 make the meeting six months before.

7 **C-10:** Could be, I agree.

8 **MS. IM:** Okay. And I'm also going to
9 suggest to you that the handwritten comment about -- and
10 I'm just going to read it again into the record:

11 "Met with victim. He agrees to
12 resolution without jail to avoid trial.
13 But if no resolution, he'll be a very
14 good witness."

15 I'm going to suggest to you that resolution
16 was being contemplated, but it hadn't occurred yet. And
17 there was a potential that the matter might not be
18 resolved, given the fact that defence counsel and the
19 accused would also have to agree to it. And that her
20 comments were that if there was no resolution that you
21 indeed would be a very good witness.

22 So I'm going to suggest to you that it was,
23 at this point in time, it was contemplated that there would
24 be a resolution, but one actually hadn't occurred yet and
25 if it didn't happen that her assessment was that you were

1 indeed going to be a very good witness.

2 C-10: But I didn't hear anything else after
3 that.

4 MS. IM: Okay.

5 THE COMMISSIONER: We should try to form
6 that as best we can as a question.

7 MS. IM: Yes, thank you.

8 THE COMMISSIONER: Okay.

9 MS. IM: Okay. One of the things that the
10 Crown stated that she would be doing during the course of
11 your meeting was discussing some points in a memo dated
12 January 4. So I'm just going to take you to that memo.
13 And that has been marked as Exhibit number 382.

14 I'm not going to take you through the entire
15 memo. I'm just going to ask you -- I'm going to paraphrase
16 some of the points of the memo and then ask you if you can
17 recall discussing that with the assistant Crown Attorney at
18 the meeting. Okay?

19 C-10: Yes.

20 MS. IM: Okay. So one of the problems that
21 -- the frailties, as she puts it, she saw with this matter
22 was an issue over dates. Do you recall having any
23 discussions about when the date of the incident ---

24 C-10: Times and dates, yes.

25 MS. IM: Yes. Okay. Yes, because according

1 to the date of birth, comparing the date of birth between
2 you and the accused, there was only six years difference --
3 -

4 C-10: Okay.

5 MS. IM: --- between the dates. So there
6 was some issue as to how old he was when the offence --
7 when the incident happened.

8 C-10: Whether he was a juvenile, or ---

9 MS. IM: Exactly, so you do recall that
10 session?

11 C-10: Yes.

12 MS. IM: Okay. And do you recall the
13 assistant Crown Attorney saying that if, he indeed was a
14 juvenile, that there were going to be some significant
15 issues that were going to arise during the course of this
16 matter?

17 C-10: Yes.

18 MS. IM: Okay. And some of these issues --
19 well there were two, in particular, that I'm going to ask
20 you if you recall discussing.

21 One was the sentence. In her opinion, what
22 the sentence would be. Should the accused be found guilty
23 of this offence, if he was indeed a juvenile or under the
24 age of 18 at the age the offence happened, that she thought
25 that he might receive probation at the very most. Do you

1 recall having that discussion with her?

2 C-10: Yes, not all of it. No, I can't
3 really say that I recall all of that.

4 MS. IM: Okay. But she did raise the issue
5 of the problem with him being a juvenile at the time?

6 C-10: Yes, a juvenile or -- versus -- yes.

7 MS. IM: Right. And do you recall her
8 explaining to you some of the procedural issues that would
9 have arose if he indeed had been a juvenile at the time
10 that the offence happened? That he would be subject to the
11 *Juvenile Delinquency Act* and the proceedings under that?
12 Do you recall ---

13 C-10: I recall a little something to do
14 with that, yes.

15 MS. IM: Okay.

16 And one of the other issues that she saw too
17 were a couple of factual differences in what some
18 individuals were saying about some of the facts surrounding
19 the incident. And specifically, one of them -- I'll just
20 raise to see if you discussed was -- the accused's sister.
21 That she couldn't recall being ---

22 C-10: Being chased out of the room with a
23 knife.

24 MS. IM: That's right. She couldn't recall.
25 Do you recall discussing that?

1 **C-10:** Do I? No.

2 **MS. IM:** Oh, with the assistant Crown
3 Attorney at the time of that meeting?

4 **C-10:** I don't recall her bringing that up.

5 **MS. IM:** Oh, okay. But you do know that the
6 sister had denied that happening -- a confrontation between
7 her and Carl Allen happening?

8 **C-10:** Well, yes, after the fact; I was told
9 long after -- like I didn't know.

10 **MS. IM:** Okay.

11 **THE COMMISSIONER:** How did you find that
12 out?

13 **C-10:** Recently.

14 **THE COMMISSIONER:** I'm sorry?

15 **C-10:** I just found that out -- I just found
16 that out 10 days ago.

17 **THE COMMISSIONER:** Oh, okay.

18 **MS. IM:** Oh, I see, in preparing for this
19 matter perhaps with your counsel. Okay.

20 Did the assistant Crown Attorney also,
21 during the course of this meeting, raise the issue of a
22 potential application by defence counsel for your
23 counselling record?

24 Did she discuss that with you, that that
25 could potentially happen in this matter?

1 C-10: No, I can't remember that.

2 MS. IM: No?

3 C-10: No.

4 MS. IM: Okay. In any event though, at the
5 end of this meeting were you aware that -- did she
6 communicate to you that in her opinion the reasonable
7 prospect of conviction in this matter was low?

8 C-10: Yes.

9 MS. IM: You were aware of that?

10 C-10: I remember that, yes.

11 MS. IM: Okay. And are you also aware that,
12 during, that this opinion, that the reasonable prospect of
13 conviction was low in this matter, was something that Lynn
14 Robinson had raised with the Crown Attorney, her supervisor
15 at the time, ---

16 C-10: No.

17 MS. IM: --- Murray MacDonald, and that he
18 agreed with her assessment? Are you aware of that?

19 C-10: No.

20 MS. IM: And just taking you back to
21 document number 119032, which is Exhibit ---

22 THE REGISTRAR: Three-eighty-four (384)

23 MS. IM: Three-eighty-four (384). Thank you
24 very much.

25 It's the second -- third page I believe.

1 There you go. Right down to the note where it starts
2 January 22nd, 2000.

3 So I've read this to you already and that
4 was that he agrees to resolution without jail to avoid
5 trial.

6 Now, are you -- do you disagree with that
7 comment, that she wrote there that it was her understanding
8 that you agreed to resolve this matter without jail to
9 avoid a trial? Like, that was your understanding.

10 **C-10:** No.

11 **MS. IM:** And is there anything that you
12 think happened during the course of the meeting that would
13 dispute what her understanding was?

14 **C-10:** No, I can't really say.

15 **MS. IM:** Well, ---

16 **C-10:** I'd have to agree I guess.

17 **THE COMMISSIONER:** Ms. Im, one of the things
18 I'm looking at is in Exhibit 382.

19 **MS. IM:** M'hm.

20 **THE COMMISSIONER:** At the back it says one
21 of the reasons for -- point number six is that the
22 conviction for one act would receive probation, but seeing
23 that the evidence in the notes that the Assistant Crown
24 Attorney wrote in 384 that there was at least 10, 15 times
25 in a bush area.

1 **MS. IM:** Yes. It's my understanding, and
2 perhaps we'll hear later from the Crown, that it was the
3 charge was with respect to one incident.

4 **THE COMMISSIONER:** Okay.

5 **MS. IM:** I don't know if that -- are you
6 aware, sir, that the charge in respect to Carl Allen was
7 with respect to one incident?

8 **C-10:** No.

9 **MS. IM:** It was your understanding that it
10 might have been with respect to more than one incident?

11 **C-10:** Yes.

12 **MS. IM:** Okay.

13 **C-10:** Because there was more than one
14 incident reported.

15 **MS. IM:** Of course, and I understand that,
16 and I'm not disputing that you indeed reported more than
17 one incident. I was just asking what your knowledge was
18 with respect to what the actual charge was that was
19 proceeding, which is my understanding with respect to the
20 one, the one incident involving the knife.

21 **C-10:** No, that was the only one.

22 **THE COMMISSIONER:** The only one involving
23 the knife.

24 **C-10:** Oh, okay.

25 **THE COMMISSIONER:** No, no. I'm sorry ---

1 C-10: No, the only one involving the knife
2 but that was the only charge.

3 **THE COMMISSIONER:** That's what she's saying.

4 **MS. IM:** That's my understanding.

5 C-10: Okay.

6 **MS. IM:** And we'll get further clarification
7 in due course I think from other witnesses.

8 C-10: So you're allowed one murder?

9 **MS. IM:** I don't think that's ---

10 C-10: I'm just kidding.

11 **MS. IM:** So just moving on to another topic.

12 Now, I heard you testify when my friend was asking you some
13 questions that you received some counselling from the Men's
14 Project in Ottawa. Is that correct?

15 C-10: M'hm.

16 **MS. IM:** Okay. And I think my friend also
17 took you to Exhibit No.379 which is your interview with
18 Detective Constable Seguin and Detective Constable Genier
19 on February 3rd of 1998. And in that transcript there is
20 some sort of conversation between you and,I think it was
21 Detective Constable Seguin about him having given you a
22 letter.

23 Exhibit 377, sorry. I'm sorry. A moment's
24 indulgence. It's Bates page number -- or would you rather
25 have the page number? The page number is 57 out of 48 on

1 the bottom. Oh, no, sorry, 243, the disclosure marking
2 page number.

3 **THE COMMISSIONER:** That won't work.

4 **MS. IM:** The second last page has that
5 reference. Thank you.

6 Okay. Half way down the page it says
7 "Seguin..." Oh, no -- "Okay. We spoke earlier and I as I
8 gave you ---" and then you say "counselling" and then he
9 says "paper with some counseling and stuff if you feel the
10 need" and you agreed with him that you were seeking some
11 counseling.

12 **C-10:** M'hm.

13 **MS. IM:** And I think what you had testified
14 when my friend Mr. Dumais was asking you questions is that
15 that's when -- on that piece of paper, is when you were
16 given the name of the Men's Project.

17 **C-10:** That's right.

18 **MS. IM:** Okay. And that's what led you to
19 contact the Men's Project and obtained counselling from
20 them, is it not?

21 **C-10:** Well, I knew about it anyway.

22 **MS. IM:** You knew about it?

23 **C-10:** Because I had already been to a prior
24 therapy group that was run by Rick Goodman and later became
25 the Men's Project.

1 **MS. IM:** Oh, I see. Okay. So that was my
2 next question, actually, was the counseling that you
3 received from the Men's Project, in terms of sequence in
4 time as to when you received the counselling. So you
5 received some ---

6 **C-10:** Prior to this.

7 **MS. IM:** You attended a group session before
8 this interview.

9 **C-10:** Yes, for about a year.

10 **MS. IM:** For about a year. And then after
11 this interview was ---

12 **C-10:** Yeah, and then I went a few months
13 and then I went to the Men's Project.

14 **MS. IM:** Back to the Men's Project. And how
15 long, a year, two years or on and off right up until today?

16 **C-10:** About two years.

17 **MS. IM:** Two years after that?

18 **C-10:** I just stopped last year I guess.

19 **MS. IM:** Okay. And just for the record,
20 this interview happened, that we're referring to, happened
21 on February 3rd of 1998, which would make the time period in
22 which you received counselling from the Men's Project 1997
23 standing to ---

24 **C-10:** No.

25 **MS. IM:** No?

1 **C-10:** No, 1998 to about -- and then like a
2 few times I left, didn't continue, and went back. But I
3 did two straight years and I just ended a year ago.

4 **MS. IM:** Oh, okay.

5 **C-10:** I wasn't ready at the time I guess.

6 **MS. IM:** I understand.

7 If I could just have a moment's indulgence.
8 I think that might be it for me.

9 Thank you, sir.

10 I have no further questions, Mr.

11 Commissioner.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Ducasse?

14 **MR. DUCASSE:** I have no questions, Mr.

15 Commissioner.

16 **THE COMMISSIONER:** Thank you.

17 Mr. Callaghan. I'm sorry, Mr. Manderville.

18 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

19 **MANDERVILLE:**

20 **MR. MANDERVILLE:** Thank you, Mr.

21 Commissioner.

22 I'm not certain whether I should say I'm
23 flattered or not. No doubt I'll hear about it though.

24 Sir, my name is Peter Manderville and I'm a
25 lawyer for the Cornwall Police. I'd like to start by

1 putting things in context as to years so I'd sort of have
2 an understanding of when things are happening in your life.
3 And to a degree you and I would both be assisted by Exhibit
4 378, which is the fairly short follow-up interview you had
5 with the OPP in June of 1998.

6 C-10: Yes.

7 MR. MANDERVILLE: And in that, at the first
8 page towards the bottom you indicate that you felt you'd
9 met Mr. Seguin, as your probation officer, in or about the
10 spring of 1968.

11 C-10: Yeah, after a break-in.

12 MR. MANDERVILLE: And that was your first
13 charge, right, the first break-in?

14 C-10: Yeah.

15 MR. MANDERVILLE: So in the spring of '68,
16 if my math is correct, and you were born in August of '54,
17 you'd have been ---

18 C-10: A juvenile.

19 MR. MANDERVILLE: --- 13 and a half or so?

20 C-10: Juvenile. Yes.

21 MR. MANDERVILLE: And not quite 14.

22 C-10: That's right. Well, somewhere around
23 there.

24 MR. MANDERVILLE: And then if we go on, you
25 had a second charge in the summer of '68. So again you

1 were 13 or almost 14.

2 C-10: M'hm.

3 MR. MANDERVILLE: Correct?

4 C-10: Yes, correct.

5 MR. MANDERVILLE: And then you were
6 subsequently charged, I believe, in the summer or fall of
7 '69 with trafficking ---

8 C-10: Narcotics.

9 MR. MANDERVILLE: --- LSD?

10 C-10: Yes.

11 MR. MANDERVILLE: And by that time you'd
12 have been 15?

13 C-10: Sixteen (16).

14 MR. MANDERVILLE: Okay.

15 C-10: Because it was a criminal charge.

16 MR. MANDERVILLE: And I think you told us
17 earlier you were expelled from school over that?

18 C-10: Yes.

19 MR. MANDERVILLE: And is that the charge for
20 which you were sent to Guelph?

21 C-10: That's right.

22 MR. MANDERVILLE: And I understand that
23 fairly soon after you finished -- it was six months in
24 Guelph?

25 C-10: Yes.

1 **MR. MANDERVILLE:** Fairly soon after you
2 finished that, you left the Cornwall area and went out to
3 British Columbia?

4 **C-10:** In 1972, '71.

5 **MR. MANDERVILLE:** In '71, '72?

6 **C-10:** Yes.

7 **MR. MANDERVILLE:** And you told us you were
8 there for about 19 years in total?

9 **C-10:** Yeah, I came back once or twice I
10 think but didn't stay long.

11 **MR. MANDERVILLE:** You came back for your
12 father's funeral?

13 **C-10:** Yes.

14 **MR. MANDERVILLE:** And ---

15 **C-10:** My brother's.

16 **MR. MANDERVILLE:** Pardon me?

17 **C-10:** And my brother's.

18 **MR. MANDERVILLE:** Right. And ultimately you
19 returned to Eastern Ontario in the late 1980's?

20 **C-10:** In '86. Expo year.

21 **MR. MANDERVILLE:** Okay. So that would be
22 about 15 years out there.

23 **C-10:** Yeah, 15. Time went by fast when you
24 were high -- a lot of mix ups.

25 **MR. MANDERVILLE:** You told the CBC person

1 who interviewed you that for quite a while, while you were
2 out there, your parents didn't know where you were ---

3 **C-10:** That's right.

4 **MR. MANDERVILLE:** --- or even if you were
5 alive?

6 **C-10:** That's right.

7 **MR. MANDERVILLE:** And you didn't tell anyone
8 about the abuse you'd experienced until you told your
9 family doctor in 1993?

10 **C-10:** Possibly.

11 **MR. MANDERVILLE:** We've got a document that
12 suggests it was 1993 that you told your family doctor about
13 it.

14 **C-10:** Okay.

15 **THE COMMISSIONER:** But the point is though
16 that the first person you told was your family doctor.

17 **C-10:** Well, other than friends and stuff.

18 **THE COMMISSIONER:** Right. Okay.

19 **MR. MANDERVILLE:** So over the years you may
20 have revealed it to certain acquaintances of yours?

21 **C-10:** Yeah.

22 **MR. MANDERVILLE:** But not -- I'll suggest
23 the doctor is perhaps a person in authority.

24 **C-10:** That's right.

25 **MR. MANDERVILLE:** And you didn't reveal it

1 to someone in authority until then; correct?

2 C-10: Correct.

3 MR. MANDERVILLE: Now, I want to talk a
4 little bit about your meetings with Mr. Dunlop.

5 C-10: M'hm.

6 MR. MANDERVILLE: And I understand you first
7 met with him on January 19th of 1998 at a restaurant in the
8 Ottawa area?

9 C-10: Yeah. It could be there or at his
10 home. I don't know which one was first. One or the other.

11 MR. MANDERVILLE: It's my understanding the
12 first meeting was at the restaurant in Ottawa and ---

13 C-10: Yeah.

14 MR. MANDERVILLE: --- I believe you said
15 that lasted about 90 minutes?

16 C-10: Yeah, about that.

17 MR. MANDERVILLE: And then you met him again
18 about a week later at his home?

19 C-10: Yes.

20 MR. MANDERVILLE: And how long did that
21 meeting last?

22 C-10: An hour-and-a-half maybe. And it
23 wasn't always talking about this. It was, like, I knew his
24 wife. I didn't know I knew his wife.

25 MR. MANDERVILLE: Sorry, I couldn't hear

1 you, sir.

2 **C-10:** I didn't know I knew his wife, so it
3 wasn't always all about this, you know, it was talking
4 about school and stuff like that, you know.

5 **MR. MANDERVILLE:** And you understood at the
6 time that he was an officer with the Cornwall Police.

7 **C-10:** Yes, I did.

8 **MR. MANDERVILLE:** And he told you he was
9 carrying out an investigation?

10 **C-10:** Yes, I did -- yes, he did.

11 **MR. MANDERVILLE:** And he told you about who
12 he was investigation?

13 **C-10:** No, just -- he asked me if ---

14 **MR. MANDERVILLE:** Just that he was
15 conducting an investigation?

16 **C-10:** I told him I had been sexually abused
17 and he asked me for names and I gave him names.

18 **MR. MANDERVILLE:** And shortly thereafter you
19 went to the O.P.P.?

20 **C-10:** That's right. He steered me to the
21 Project Truth investigation.

22 **MR. MANDERVILLE:** I would ask that the
23 witness be shown document 716355.

24 Sir, in March of 1999, you gave an interview
25 to someone from the CBC. Correct?

1 C-10: Yes, I did. In Ottawa.

2 MR. MANDERVILLE: Sorry?

3 C-10: At my house in Ottawa.

4 MR. MANDERVILLE: And did the interviewer
5 have a tape player going during it? Because we have a
6 transcript of an interview? Did you understand a
7 transcript ---

8 C-10: Yes ---

9 MR. MANDERVILLE: --- was made?

10 C-10: --- I think so. But I read it after
11 and I said, "No, that's not me." I think she
12 sensationalized it and mixed some other people's testimony
13 with others. I don't think that's the way I said it. I
14 know for a fact that it isn't what I said.

15 MR. MANDERVILLE: So not all of what is in
16 that transcript ---

17 C-10: Was right.

18 MR. MANDERVILLE: --- is true?

19 C-10: Is correct. That's right.

20 MR. MANDERVILLE: True as it pertains to
21 you?

22 C-10: That's right.

23 MR. LEE: Mr. Commissioner, I think I may be
24 able to be of some assistance.

25 Once the witness is shown this document. We

1 have one document, which is a transcript of the interview
2 he gave to a reporter. We have another document, which is
3 a transcript of the actual radio program that aired.

4 **THE COMMISSIONER:** Right.

5 **MR. LEE:** I think the witness may be
6 speaking about the latter ---

7 **C-10:** The latter? Maybe.

8 **MR. LEE:** --- so I'm not sure that what he
9 just said has anything to do with this. It may, but I
10 think what he was just speaking of was the -- what actually
11 aired; the transcript of that.

12 **THE COMMISSIONER:** Right. Okay.

13 So, Mr. Manderville, Exhibit 385 is what
14 now? Is this the transcript of the interview or of the
15 show?

16 **MR. MANDERVILLE:** The interview.

17 **THE COMMISSIONER:** All right, so ---

18 **C-10:** Okay.

19 **THE COMMISSIONER:** You understand where
20 we're going with this?

21 **C-10:** Yes.

22 **THE COMMISSIONER:** So Exhibit 385 is a
23 transcript of C-10 interview, March 22, 1999, by someone
24 from the CBC? Is that what we're saying?

25 **MR. MANDERVILLE:** It was Ms. Brosnahan, was

1 it not? Do you recall?

2 C-10: What's that?

3 MR. MANDERVILLE: Do you recall who your
4 interviewer was? Was it Ms. Brosnahan?

5 C-10: Yes, Maureen Brosnahan.

6 MR. MANDERVILLE: And do you have that
7 transcript in front of you?

8 C-10: Yes. And right here too. Twice.

9 ---EXHIBIT NO./PIÈCE NO P-385:

10 Transcript of C-10 Interview with Maureen
11 Brosnahan, CBC - March 22, 1999.

12 MR. MANDERVILLE: And at the top of page 3
13 of that document, you talk about the fact that you did
14 have, certainly at one point, a fairly significant drug
15 habit.

16 Correct?

17 C-10: That's correct.

18 MR. MANDERVILLE: And I would ask you to
19 turn to page 4 and look at the bottom, please.

20 C-10: M'hm.

21 MR. MANDERVILLE: And you're talking there
22 about -- in the context of your experience with Mr. Seguin,
23 bottom of the page, you state:

24 "I was already well into drugs by then
25 so it didn't really matter. Into LSD

1 and then I got introduced to shooting
2 speed and I never stopped. I never
3 stopped for 20 years injecting drugs
4 and ripping people off and creating my
5 own fucking nuisance in the world. You
6 know, just getting back at the world,
7 you know, blame everyone else for my
8 demise. It was everyone's fault, but
9 you know you gotta pay a price, you
10 know. I shoulda stayed in school."

11 C-10: That's right.

12 MR. MANDERVILLE: Is that true?

13 C-10: Still agree with it.

14 MR. MANDERVILLE: Sorry?

15 C-10: Still agree with that, yes.

16 MR. MANDERVILLE: And if you would go on to
17 the next page, please, the fifth page.

18 Do you have that in front of you, sir?

19 C-10: Yes, I do.

20 MR. MANDERVILLE: You see the number 236
21 halfway down?

22 C-10: Yep.

23 MR. MANDERVILLE: And the next sort of
24 separate paragraph, if you will, below that. It talks
25 about:

1 "...a life of crime, had as many as nine
2 ID's, faked a lot to draw UI..."

3 -- et cetera ---

4 C-10: That's right.

5 MR. MANDERVILLE:

6 "... police would track him down. Says
7 he got away with a lot, a lot more than
8 I got caught for. Says he's one of the
9 lucky ones."

10 C-10: That's correct.

11 MR. MANDERVILLE: Is that also true?

12 C-10: Yeah.

13 MR. MANDERVILLE: I would ask now that you
14 turn to Exhibit 377, which is your lengthy -- the
15 transcript of your lengthy interview with O.P.P.

16 C-10: M'hm.

17 MR. MANDERVILLE: The February, 1998
18 interview.

19 C-10: Seventy-seven?

20 MR. MANDERVILLE: Three-seventy-seven, yes.
21 And if you could turn to page -- it says,
22 "page 242" at the top, but of the document, it would be
23 Bates Page 7027547.

24 Two-forty-two. Do you have that in front of
25 you, sir?

1 C-10: Yes.

2 MR. MANDERVILLE: And the police are asking
3 you about your charges over the years and they ask you if
4 you have ever been convicted for fraud, and you have not
5 been convicted for fraud, have you?

6 C-10: No.

7 MR. MANDERVILLE: But in that interview, at
8 least, you acknowledge that you ---

9 C-10: Fraudulent behaviour.

10 MR. MANDERVILLE: --- had defrauded people.
11 You just haven't been convicted then?

12 C-10: That's right.

13 MR. MANDERVILLE: Now, you told Mr. Wardle,
14 a little earlier today, that back in 1969 or 1970, you went
15 to a party at Ron Leroux's house?

16 C-10: That's right.

17 MR. MANDERVILLE: And you described it as
18 being on the St. Lawrence River in, or near, Summerstown?

19 C-10: That's correct.

20 MR. MANDERVILLE: And you were 14 or 15
21 years old at the time?

22 C-10: Fifteen.

23 MR. MANDERVILLE: Was it 15?

24 C-10: On probation, yes.

25 MR. MANDERVILLE: And you had known Mr.

1 Leroux for some time by then?

2 C-10: I met him a few times, but I didn't
3 know him really well or anything.

4 MR. MANDERVILLE: Okay, and there were other
5 boys your age ---

6 C-10: Yes.

7 MR. MANDERVILLE: --- at this party?

8 C-10: Yes.

9 MR. MANDERVILLE: And you remember that you
10 were picked up by Mr. Seguin and driven to this party?

11 C-10: Yes, I do.

12 MR. MANDERVILLE: And you had had some
13 alcohol to drink beforehand and again at the party?

14 C-10: Yeah.

15 MR. MANDERVILLE: And you also smoked some
16 marijuana at the party?

17 C-10: Did some, yes.

18 MR. MANDERVILLE: And did you say that you
19 might have taken some pills beforehand, or can you recall?

20 C-10: LSD.

21 MR. MANDERVILLE: And you remember that this
22 was before you left the Cornwall area to go out to British
23 Columbia?

24 C-10: Yeah, yeah. Yeah.

25 MR. MANDERVILLE: And you said Ken Seguin

1 was there?

2 C-10: Yes, he was. He brought me there.

3 MR. MANDERVILLE: Okay, and he had the place
4 next door to Mr. Leroux's place?

5 C-10: I think he lived right next door.

6 MR. MANDERVILLE: And you maintain that you
7 saw the Chief of the Cornwall Police, Claude Shaver, there?

8 C-10: Yes, I did.

9 MR. MANDERVILLE: And you're certain of
10 that?

11 C-10: Positive.

12 MR. MANDERVILLE: Now, I am going to move
13 off that for a moment.

14 Mr. Dumais was asking you questions this
15 morning about your interview with Officer Desrosiers, of
16 the Cornwall Police, concerning the charges against Carl
17 Allen?

18 C-10: Yeah.

19 MR. MANDERVILLE: And that interview took
20 place in October, 1998?

21 C-10: Yes. At the Cornwall police station.

22 MR. MANDERVILLE: How long did that last?

23 C-10: It wasn't very long. I don't -- 20
24 minutes?

25 MR. MANDERVILLE: And it was just you and he

1 sitting in a room?

2 C-10: Yes.

3 MR. MANDERVILLE: And you told us today that
4 you have no idea what he looks like?

5 THE COMMISSIONER: What who looks like?

6 C-10: I couldn't pick him out ---

7 MR. MANDERVILLE: Officer Desrosiers.

8 C-10: I couldn't pick him out, no.

9 MR. MANDERVILLE: What did ---

10 C-10: I'd remember if someone said, "Oh,
11 that's him" and I might remember then, but ---

12 MR. MANDERVILLE: Back in 1970 when you were
13 at this party of Mr. Leroux's, what did Mr. Shaver look
14 like?

15 C-10: Dark hair and moustache. A little on
16 the -- little heavy side. Not overly heavy, but on the
17 heavier side. Six foot.

18 MR. MANDERVILLE: Long hair, short hair?

19 C-10: Short hair.

20 MR. MANDERVILLE: Was he balding? Full head
21 of hair?

22 C-10: I couldn't say. I couldn't really be
23 that specific now.

24 MR. MANDERVILLE: Sorry?

25 C-10: I couldn't be really that specific

1 now. I don't know, but I don't think he was balding at the
2 time, no. I would say no.

3 **MR. MANDERVILLE:** Now, I have to say I am
4 somewhat surprised to hear you say all this about the party
5 at Leroux's, because a title search shows that Ken Seguin
6 didn't acquire the property next door until May, 1986.
7 That's 16 or 17 years after you were at this party.

8 Does that surprise you?

9 **C-10:** No.

10 **MR. MANDERVILLE:** And Leroux didn't acquire
11 that property until July, 1980, 10 years after you say you
12 were there.

13 **C-10:** Well, I -- like I said, I didn't know
14 whose home it was. I assumed -- I assumed whose home it
15 was -- it was Ron's or Ken's. He brought me there, so -- I
16 didn't know whose house it was.

17 **MR. MANDERVILLE:** So it may not have been
18 Leroux's house?

19 **C-10:** It may not have been, no.

20 **MR. MANDERVILLE:** It may not have been
21 Seguin's house.

22 **THE COMMISSIONER:** Well, just a minute, just
23 a minute.

24 There are different ways of occupying
25 property and, sure, land title is one way to see ownership,

1 but there are other ways of occupying property.

2 MR. MANDERVILLE: Many.

3 THE COMMISSIONER: Many? So ---

4 MR. MANDERVILLE: That's not what I'm asking
5 the witness, Mr. Commissioner.

6 THE COMMISSIONER: What are you asking?

7 MR. MANDERVILLE: I'm not asking about
8 different methods of holding property, I'm telling him
9 about dates at which these properties were acquired and did
10 he know that, and putting the timeframe to him.

11 THE COMMISSIONER: Well it -- just a minute.
12 It seems to me that you are insinuating that, if the only
13 way someone can be at that property and be the occupant of
14 it, I guess, is by owning it. And you know, if that is the
15 inference, that's not going to wash with me. I mean, for
16 all I know they could have been renting the property side
17 by each.

18 MR. MANDERVILLE: True.

19 THE COMMISSIONER: Okay.

20 MR. MANDERVILLE: The witness was fairly
21 certain, with Mr. Wardle, that the property was Mr.
22 Leroux's. I believe they are now uncertain as to whose
23 property it was.

24 Correct?

25 C-10: Well yes. I'm uncertain.

1 **MR. MANDERVILLE:** Now, in 1970, when you say
2 you saw Chief Shaver at Mr. Leroux's house ---

3 **C-10:** M'hm.

4 **MR. MANDERVILLE:** --- Mr. Shaver was in fact
5 with the RCMP and not living in the area.

6 Did you know that?

7 **C-10:** Maybe -- no, I thought he was in and
8 around that -- I saw him, so, it could have been the wrong
9 date, I don't know.

10 **MR. MANDERVILLE:** And he did not join the
11 Cornwall Police until 1983 and did not become chief until
12 1984, which is about 14 years after you say you saw him at
13 Mr. Leroux's and at the Tim Hortons.

14 **C-10:** Oh, I definitely seen him, so -- I
15 know that I saw him. He could have been -- I don't know.
16 He could have been --- I don't know.

17 **MR. MANDERVILLE:** Fair to say perhaps ---

18 **C-10:** --- I don't know.

19 **MR. MANDERVILLE:** --- it didn't happen in
20 1970?

21 **C-10:** No, it was around that time. That's
22 what I thought.

23 **MR. MANDERVILLE:** You're certain it was
24 before you left for British Columbia?

25 **C-10:** Yes. Yes. Because I never saw any

1 of them people after anyway.

2 **MR. MANDERVILLE:** And does the fact that Mr.
3 Shaver did not become Chief of the Cornwall Police till
4 1984 cause you to question whether you saw him at Mr.
5 Leroux's house in 1970?

6 **C-10:** No. It doesn't ---

7 **MR. MANDERVILLE:** Thirty-seven years ago?

8 **C-10:** No.

9 **MR. MANDERVILLE:** So that's your story and
10 you're sticking to it?

11 **C-10:** I guess, yes. I did see him -- I've
12 seen him in several -- Tim Horton's with the people I spoke
13 -- I mentioned, so -- I mean, I did see him there and I got
14 nothing to win by saying it, or nothing to lose by saying
15 it.

16 **MR. MANDERVILLE:** I would ask that the
17 witness be shown document 708891. It's the Ontario
18 Provincial Probation Service Pre-sentence Report, dated
19 January, 1970.

20 I would ask that this be the next exhibit,
21 Mr. Commissioner.

22 **THE COMMISSIONER:** Yes, thank you, 386.
23 Dated January 5th, 1970.

24 ---EXHIBIT NO./PIÈCE NO P-386:

25 Ontario Provincial Probation Service Pre-

1 sentence Report - dated January 5th, 1970.

2 **MR. MANDERVILLE:** Sir, this is a pre-
3 sentence report prepared in connection with your conviction
4 for trafficking back when you were ---

5 **C-10:** Yes.

6 **MR. MANDERVILLE:** --- fifteen, sixteen.

7 **C-10:** Yes. 16, yes.

8 **MR. MANDERVILLE:** --and at page 4 of the
9 report, the officer who prepared it, Mr. Walker ---

10 **C-10:** Yeah.

11 **MR. MANDERVILLE:** --- under the heading,
12 "The Offender as a Person" suggests that you:

13 "Lie calmly, even in the face of
14 irrefutable facts; appear to give no
15 thought for the future, and is either
16 unable to appreciate or totally
17 disregards the logical consequences
18 of his behaviour. One has the
19 impression that he is interested only
20 in the immediate gratification of his
21 desires, and is heedless of the
22 inevitable result."

23 I take it you would disagree with that
24 assessment of you?

25 **C-10:** Well, he's got a degree. I guess he

1 must be right.

2 **MR. MANDERVILLE:** Lastly, sir, we talked
3 earlier about the affidavit you swore, seeking standing in
4 this ---

5 **C-10:** M'hm.

6 **MR. MANDERVILLE:** -- Inquiry? And you told
7 us that you'd looked at the front page, and you flipped to
8 the back and you signed it. Correct?

9 **C-10:** Yeah.

10 **MR. MANDERVILLE:** And I'm not suggesting
11 that you deliberately swore a false affidavit, but is it
12 fair for me to suggest that you were indifferent about the
13 contents of it?

14 **C-10:** Could be, could be fair. Yeah. I
15 just -- so used to signing things now.

16 **MR. MANDERVILLE:** But you did understand
17 that by signing an affidavit, you were swearing that
18 everything in it was true?

19 **C-10:** Yeah, I guess. Yeah.

20 **MR. MANDERVILLE:** Thank you very much, sir.

21 **C-10:** You're welcome.

22 **THE COMMISSIONER:** Thank you.

23 OPP?

24 **MS. COSTOM:** Good afternoon, Mr.
25 Commissioner.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

2 COSTOM:

3 MS. COSTOM: Good afternoon.

4 You ready?

5 C-10: I'm ready.

6 MS. COSTOM: My name is Suzanne Costom, and
7 I'm one of the lawyers representing the Ontario Provincial
8 Police ---

9 C-10: Okay.

10 MS. COSTOM: --- at this Inquiry. And I
11 have a number of questions with you -- for you, which
12 mainly aim to clarify and provide a bit more detail about
13 some of the things that you discussed this morning, in
14 response to questions from my friend.

15 C-10: Okay.

16 MS. COSTOM: So we'll go sort of area by
17 area. If there's anything at all that you're uncomfortable
18 with, please let me know.

19 C-10: No problem.

20 MS. COSTOM: Okay.

21 First of all, just in terms of the timing of
22 your meeting -- the initial meeting with the OPP -- your
23 initial contact with the OPP, I think you said this morning
24 that you met with Perry Dunlop, first alone and then with
25 his wife in January of 1998.

1 C-10: That's right.

2 MS. COSTOM: And then he referred you to
3 Project Truth?

4 C-10: Yes.

5 MS. COSTOM: He gave you the coordinates of
6 Project truth?

7 C-10: M'hm.

8 MS. COSTOM: Okay.

9 And you called Project Truth?

10 C-10: M'hm.

11 MS. COSTOM: And do you recall that you left
12 a message and you were called back the next day by a
13 Constable Seguin?

14 C-10: I think so, yeah.

15 MS. COSTOM: You know, I think what I'm
16 going to do actually, before asking you the questions,
17 because they might be of assistance to you, is I'm going to
18 ask that document 733258 -- which are the notes of
19 Constable Steve Seguin -- be deposited as an exhibit. They
20 were on the OPPA notice.

21 (SHORT PAUSE/COURTE PAUSE)

22 MS. COSTOM: I'm going to be referring to a
23 number of them. I don't know if you want to give the
24 entire document to the witness at this time.

25 Okay.

1 We're going to start at Bates page 7128330,
2 which chronologically is the first one.

3 **THE COMMISSIONER:** Exhibit 387, and these
4 are notes of ---

5 **MS. COSTOM:** Officer -- Constable Steve
6 Seguin.

7 **THE COMMISSIONER:** All right.

8 **--- EXHIBIT NO./PIÈCE NO P-387:**

9 Notes of D/Cst S. Seguin, dated January 23,
10 1998 to January 29, 1998

11 **MS. COSTOM:** So if I can direct you to the
12 bottom of the page.

13 **THE COMMISSIONER:** Page -- the first page?

14 **MS. COSTOM:** The first page -- I'm sorry --
15 of that document. That's right. Bates page 7128330.

16 It starts -- the area on the 26th of January
17 '98, Monday. Do you see that?

18 **C-10:** Nothing on the screen.

19 **MS. COSTOM:** No.

20 **C-10:** Okay, okay.

21 There you go. Yes.

22 **MS. COSTOM:** No.

23 **THE COMMISSIONER:** No this isn't ---

24 **MS. COSTOM:** Oh, I'm -- you know what, it's
25 the wrong document. I'm sorry.

1 C-10: Yes.

2 MS. COSTOM: It's -- I should -- I gave you
3 the wrong document number. I'm very, very sorry. It's
4 733258.

5 Is that what I said?

6 Okay.

7 THE COMMISSIONER: The document that we've
8 now entered as exhibit 387, will you be dealing with it
9 eventually or should we strike it?

10 MS. COSTOM: I need you to remind me which
11 document was entered as 387; 733258, is that correct?

12 THE COMMISSIONER: Seven three three two
13 five eight (58) is what is ---

14 MS. COSTOM: That's the one that I'd like to
15 deal with now, it's just that on the screen---

16 THE COMMISSIONER: Oh, on the screen.

17 Okay, okay, I got you. Okay.

18 So it remains 387. So Madam Clerk, if you
19 can -- no, that's not the one.

20 MS. COSTOM: It's Bates -- sorry, Madam
21 Clerk.

22 THE COMMISSIONER: Bates page, yeah.

23 MS. COSTOM: Seven one two eight three three
24 zero (7128330).

25 MS. COSTOM: Two five-eight (258). Seven

1 three three two five eight (733258) is the document.

2 CLERK: And that's the Bates?

3 MS. COSTOM: And the Bates, 7128330. There
4 you go. You have it?

5 C-10: Yep.

6 MS. COSTOM: Okay.

7 So sort of the last date that's addressed on
8 that page is the 26th of January, 1998, Monday.

9 Do you see that, about three quarters of the
10 way down?

11 C-10: Yeah. Yeah.

12 MS. COSTOM: And the first entry in the left
13 hand margin is 7:40, at Cornwall office.

14 C-10: Yes.

15 MS. COSTOM: And then, the last two lines of
16 the page say:

17 "Message on machine from [yourself]..."

18 With a phone number. Then if we turn to the
19 next page:

20 "Richmond area, once call back. Did
21 same two times; no answer."

22 And then if we skip down a few lines it
23 says:

24 "...14:45..."

25 So 2:45 p.m.:

1 "Contacted 838-2308 and spoke to person
2 identifying himself as [yourself]."

3 C-10: That's right.

4 MS. COSTOM: And that's the first
5 conversation.

6 C-10: M'hm.

7 MS. COSTOM: So you agree with the sequence
8 of events that you would have left a message and then you
9 would have ---

10 C-10: Yes.

11 MS. COSTOM: --- gotten a call back ---

12 C-10: M'hm.

13 MS. COSTOM: --- on that same day, or
14 perhaps the day after.

15 C-10: Yeah, yeah.

16 MS. COSTOM: Because the message is
17 retrieved at 7:40 in the morning.

18 Okay.

19 If we can now go to Bates 7128335, which is
20 two more pages into the document.

21 The little number -- this might help you,
22 sir -- is 141 on the right-hand side of the page.

23 Oh, are you looking at the screen?

24 All right.

25 So I'll wait until we get there.

1 **C-10:** The screen.

2 **MS. COSTOM:** Seven one two eight three three
3 five (7128335) at the bottom, just to identify the date,
4 we're looking at the 28th of January, 1998.

5 **THE COMMISSIONER:** M'hm.

6 **C-10:** Long Sault?

7 **MS. COSTOM:** Sorry.

8 Yeah, my friend is mentioning that on this
9 page, Mr. Commissioner, there are a number of names towards
10 the top, not in the areas that we're going to be dealing
11 with, but, nonetheless, there are names which should be
12 subject to confidentiality measures. And I see them
13 particularly at 14:20 of the previous day, so I guess of
14 the 27th of January, 1998.

15 **THE COMMISSIONER:** Have these names been
16 already granted confidentiality?

17 And if not, at -- well, in any event, these
18 are your cross documents.

19 **MS. COSTOM:** These are our cross documents.

20 **THE COMMISSIONER:** M'hm.

21 So, just a reminder that everyone has -- is
22 pitching in to ---

23 **MS. COSTOM:** Absolutely.

24 **THE COMMISSIONER:** -- catch those things.
25 So in the future ---

1 So I go back -- in any event, okay, there's
2 an issue there. Are these names ---

3 **MS. COSTOM:** I'm not sure what we've done
4 with these names in the past, and perhaps what I could do
5 in terms of whether they've been granted confidentiality or
6 whether they need to be granted confidentiality so perhaps,
7 what I could do is turn my mind to it shortly after the
8 examination and get back to the Commission.

9 **THE COMMISSIONER:** Okay.

10 So, exhibit 387, there would be a ban on
11 publication of the names -- a temporary ban on publication
12 on the names contained therein, until such time as we can
13 address the issue.

14 **MS. COSTOM:** Thank you.

15 Okay.

16 So I was just identifying for you that it's
17 the 28th January, '98. Then, if we turn to the next page,
18 which is Bates 7128336, the very next page -- no, I'm sorry
19 -- two pages later, 7128337, at 16:39 it says that you page
20 the officer, and your phone number's there.

21 **C-10:** M'hm.

22 **MS. COSTOM:** At 16:43 he calls you back and
23 he speaks with you, and an interview is set up for the
24 following Tuesday, at your residence.

25 **C-10:** M'hm.

1 **MS. COSTOM:** And we know, because Exhibit
2 377 has already been made an exhibit, that you actually met
3 the following Tuesday, February the 3rd, 1998 at the Kanata
4 detachment and that was the date of your first interview
5 with the officers.

6 **C-10:** Yes.

7 **MS. COSTOM:** So just to recap the sequence,
8 you call and leave a message, they call you back on the 26th
9 of January, you page them on the 28th of January and you
10 ultimately meet on February the 3rd 1998 for the first
11 interview.

12 Is that correct?

13 **C-10:** Yeah, sounds right.

14 **MS. COSTOM:** So it was a pretty quick
15 response time, then.

16 **C-10:** Yes.

17 **MS. COSTOM:** Okay.

18 The next thing I want to talk about is
19 counselling, and it's been referred to by a number of my
20 colleagues, that I want to go in a little bit more depth.

21 **C-10:** M'hm.

22 **MS. COSTOM:** You would agree, sir, that
23 counselling is something which is important to you and has
24 been important to you over the years?

25 **C-10:** Yes.

1 **MS. COSTOM:** Okay.

2 And you've mentioned I think this morning
3 that you even need some more?

4 **C-10:** Yeah.

5 **MS. COSTOM:** And the counselling that you
6 had has been something that you wanted to have and that
7 you've looked to benefit from.

8 **C-10:** Yeah, it wasn't -- it didn't work
9 when I went, just because I was told to go, you know. It
10 worked when I wanted to go and work on it.

11 **MS. COSTOM:** And you've made a number of
12 attempts over the year to have counselling be successful
13 for you.

14 **C-10:** Yes.

15 **MS. COSTOM:** And you're still going to
16 continue to do that.

17 **C-10:** Yes, I am.

18 **MS. COSTOM:** Okay.

19 So, I'm not going to go over again the
20 reference to the offer of counselling and the information
21 about counselling that was made to you in the interview at
22 February 3rd, 1998. That was done this morning by my friend
23 Mr. Dumais, and it was also done by Ms. Im, who's the
24 lawyer for the Attorney General. So you acknowledge that a
25 paper was given to you at that interview ---

1 C-10: Yes.

2 MS. COSTOM: --- with a list of counselling
3 places. And on that list there was at least two names that
4 we've heard so far: The Men's Project and Catholic
5 Services.

6 C-10: That's right.

7 MS. COSTOM: Okay.

8 I'm now going to ask you, Madam Clerk, to
9 call up document 733262.

10 (SHORT PAUSE/COURTE PAUSE)

11 THE COMMISSIONER: Thank you.

12 Exhibit 388.

13 --- EXHIBIT NO./PIÈCE NO P-388:

14 Notes of D/Cst S. Seguin, dated November 30,
15 1999 to December 9, 1999

16 MS. COSTOM: And these again are notes of
17 Constable Steve Seguin, of the Ontario Provincial Police.
18 And I'm going to refer you very quickly to the bottom of
19 that first page in the document, which is Bates 7129157.

20 C-10: Okay.

21 CLERK: What page of the document?

22 MS. COSTOM: One sixty-five (165). I'm just
23 waiting for it to come up on the screen, sir.

24 Okay.

25 Again just -- we're not going to deal with

1 this page other than to situate the date that's indicated
2 on the bottom, the 30th of November, 1999. And if you go
3 over to the next page, so it's page 166 of the notebook, or
4 7129158, at 10:20, the officer refers to a call that he
5 received from you in which you request the phone number for
6 the Men's Project, since you didn't have it anymore.

7 C-10: That's right.

8 MS. COSTOM: Do you remember making that
9 call to Constable Seguin?

10 C-10: Yeah, yeah.

11 MS. COSTOM: And you remember he provided
12 you with the number?

13 C-10: Yes, he did.

14 MS. COSTOM: And you remember also that he
15 took your address so he could mail you an information
16 leaflet ---

17 C-10: Yeah.

18 MS. COSTOM: --- about the project?

19 Okay.

20 In the same document, 733262 but this time
21 the Bates page 712904 which is -- 7129104. Yes, 7129204,
22 excuse me. So that's page 12. No, this is a different
23 document; 7129204. ...

24 Sorry, Mr. Commissioner, this is another
25 document. It's another passage from the notes. It's

1 document 733263 which is the continuation of the notes of
2 Constable Seguin.

3 What happens, sir, is that the officers have
4 a number of notebooks so they end up getting divided into
5 many documents. That's why it's so cumbersome.

6 **THE COMMISSIONER:** So we'll be taking the
7 break shortly.

8 What time's the train? Are people leaving
9 today?

10 **MR. WARDLE:** Mr. Commissioner, I'm an expert
11 in this subject, and in that capacity I can advise that the
12 train leaves at 4:45.

13 **THE COMMISSIONER:** Okay. So we've got you
14 and the OPPA to do. I'm concerned because I want to make
15 sure that we get the witness done. That's my first
16 priority. And then of course my second is to make sure
17 that everyone is safely tucked in tonight.

18 So how much time do you think you will need?

19 **MS. COSTOM:** Maybe about another 45 minutes.

20 **THE COMMISSIONER:** Okay. And OPPA? All
21 right. So let's finish with this document then we'll take
22 a short afternoon break.

23 **MS. COSTOM:** Perfect.

24 So we were on document 733263.

25 **THE COMMISSIONER:** Which is Exhibit 389.

1 ---EXHIBIT NO./PIÈCE NO P-389:

2 Notes of D/Cst S. Seguin, dated January 4,
3 1999

4 **MS. COSTOM:** Again, notes of Constable Steve
5 Seguin of the Ontario Provincial Police.

6 We're looking at the 4th of January 1999, a
7 Tuesday, and at the very bottom ---

8 **THE COMMISSIONER:** Hold it. I think that's
9 the wrong document that we see on the -- I may be wrong.

10 Madam Clerk, the Bates Page number?

11 **MS. COSTOM:** 7129204?

12 **THE COMMISSIONER:** 7129204. All right. So
13 389 is on the screen, C-10.

14 **C-10:** Yes.

15 **MS. COSTOM:** And it says the 4th of January
16 '99. It should be the 4th of January 2000.

17 **C-10:** Okay.

18 **MS. COSTOM:** One of those situations where
19 you're still in '99 signing a cheque ---

20 **C-10:** Just after the year.

21 **MS. COSTOM:** But it's clearly 2000.

22 At 8:49, which is the last entry on the page
23 ---

24 **C-10:** Yes, 8:45?

25 **MS. COSTOM:** At 8:49.

1 C-10: Yeah.

2 MS. COSTOM: They're very precise with their
3 times.

4 It says called you and gives your phone
5 number and "left voice message re: Malcolm and no court".

6 And if we can flip to the next page:

7 "Appreciate all his help. Call if we
8 can assist in anything, counselling, et
9 cetera."

10 Do you remember getting that message?

11 C-10: I can't remember getting it. I
12 probably did but I forget.

13 MS. COSTOM: You don't deny having received
14 it?

15 C-10: No, I don't deny that he sent me it.
16 I'm sure he would have.

17 MS. COSTOM: And that he would have offered
18 counselling on that message?

19 C-10: Yes.

20 MS. COSTOM: And then the last question on
21 this document, Mr. Commissioner. If we can go to the next
22 page, to the 5th of January 2000, and there he gets it
23 right. At 10:30, this time Constable Seguin and Genier
24 attend your residence to tell you personally about the
25 passing of Malcolm MacDonald.

1 C-10: It was ---

2 MS. COSTOM: That was on the 5th of ---

3 C-10: I don't remember it being them.

4 THE COMMISSIONER: Sorry?

5 C-10: I don't remember it being then but it
6 probably was then I guess, yes.

7 MS. COSTOM: You said this morning that you
8 weren't sure who it was.

9 C-10: Yeah, I wasn't.

10 MS. COSTOM: So that was going to be one of
11 my follow up questions, whether this helped sort of jog
12 your memory about the fact that it was the two officers
13 from the OPP who came.

14 C-10: M'hm.

15 MS. COSTOM: Okay. And again here if you
16 keep on going, they speak with yourself:

17 "He's aware of the passing of Malcolm
18 MacDonald. Explained that he's no
19 longer required to honour subpoena.
20 Offered any further assistance he
21 requires, to call us, and he said he
22 had already met with a guy from the
23 Men's Project."

24 C-10: That's right.

25 MS. COSTOM: So a further discussion about

1 counselling.

2 So then you would agree with me, sir, that
3 throughout the proceedings Constable Seguin and Constable -
4 - or throughout their dealings with you, I should say,
5 Constable Seguin and Constable Genier were aware of this
6 need for counselling?

7 C-10: I would say they were, yeah.

8 MS. COSTOM: Aware that you were damaged in
9 a certain way and needed support?

10 C-10: Yeah.

11 MS. COSTOM: And they treated you with
12 compassion?

13 C-10: Not all the time. Like I didn't --
14 like, I don't know how you say it.

15 MS. COSTOM: Well, certainly the offer --
16 the multiple offers for counselling showed a certain amount
17 of compassion?

18 C-10: Yes.

19 MS. COSTOM: And so when you said this
20 morning that in general you felt that the institutions
21 treated you as a number and ---

22 C-10: Any victim is, yeah, like ---

23 MS. COSTOM: --- that you were -- well, the
24 part I'm talking about is when you said that you were
25 treated as a number and that there was no recognition of

1 the fact that you were damaged. That really wasn't true
2 when it came to officers Genier and Seguin?

3 **C-10:** No, I didn't feel that from them.

4 **MS. COSTOM:** Okay. Thank you.

5 **THE COMMISSIONER:** All right.

6 Let's take a short break. Let's make it to
7 3:30 quickly and then come back.

8 **THE REGISTRAR:** Order. All rise. À
9 l'ordre/veuillez vous lever.

10 --- Upon recessing at 3:13 p.m./

11 L'audience est suspendue à 15h13

12 --- Upon resuming at 3:35 p.m./

13 L'audience est reprise à 15h35

14 **THE REGISTRAR:** The hearing is now resumed.
15 Please be seated. Veuillez vous asseoir.

16 **THE COMMISSIONER:** We don't have too much
17 longer, sir.

18 **C-10:** Okay.

19 **THE COMMISSIONER:** We're not going to be
20 that much longer so bear with us.

21 **C-10:** No problem.

22 **THE COMMISSIONER:** We appreciate it. Thank
23 you very much.

24 Ms. Costom.

25 **C-10, Resumed/Sous le même serment:**

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE BY MS.

2 COSTOM (CON'T/SUITE):

3 MS. COSTOM: Hello again, sir.

4 C-10: Hello.

5 MS. COSTOM: I want to talk to you a little
6 bit about some other assistance which the OPP officers
7 provided to you or to your lawyers throughout the years and
8 ask you whether or not you are aware of that assistance
9 that was offered to you. And I'm going to ask you just a
10 couple of specific questions.

11 We looked this morning at your CICB
12 application which you made to the Criminal Injuries
13 Compensation Board.

14 C-10: Yeah.

15 MS. COSTOM: And there was a document that
16 was made an exhibit. There's no need to call it up.

17 Were you aware that Constable Genier of the
18 OPP had filled out a couple of pages for -- you know, as is
19 protocol to do?

20 C-10: No, I wasn't.

21 MS. COSTOM: Okay. So you know that now?

22 C-10: Yes.

23 MS. COSTOM: Okay. Are you aware, sir, --
24 well, first of all, you mentioned this morning that you
25 were involved in civil litigation with Corrections and with

1 the estate of Malcolm MacDonald. Was that correct?

2 C-10: Yes.

3 MS. COSTOM: Now, for one of those suits was
4 your lawyer someone named David Sinclair?

5 C-10: Yes, it was.

6 MS. COSTOM: Okay. And are you aware that
7 David Sinclair wrote to the OPP requesting some records to
8 assist him in the preparation of your case?

9 C-10: I believe so, yeah.

10 MS. COSTOM: Okay. And are you aware that
11 he got a response back from Detective Inspector Hall of the
12 OPP?

13 C-10: I believe so, yeah.

14 THE COMMISSIONER: Excuse me, sir. When you
15 get old like me ---

16 C-10: Yeah, I know.

17 THE COMMISSIONER: When you get old like me
18 you can't hear very much.

19 C-10: Yeah, I remember seeing that name on
20 the document.

21 MS. COSTOM: Okay. Well, perhaps I can show
22 it to you very quickly. It's document 701108 and that was
23 on the OPP notice.

24 THE COMMISSIONER: Thank you.

25 Exhibit 390. Letter dated the 19th of June

1 2002 to Tierney Stauffer, Barristers and Solicitors, David
2 Sinclair.

3 ---EXHIBIT NO./PIÈCE NO P-390:

4 Letter from D.I. P. Hall, OPP, to David
5 Sinclair dated June 19, 2002

6 MS. COSTOM: Authored by Detective Inspector
7 Pat Hall.

8 THE COMMISSIONER: Yes.

9 MS. COSTOM: Okay. So just to show you,
10 this is a letter in which Detective Inspector Hall responds
11 to a request for information from your attorney at the
12 time. And you say you're not sure if you've seen this
13 letter before or ---

14 C-10: I think I did, from the lawyer Frank
15 Tierney.

16 MS. COSTOM: He would have showed it to you?

17 C-10: Yeah.

18 MS. COSTOM: And also did you at one time in
19 2003 have a lawyer named Snyder, with the last name Snyder?

20 C-10: Snyder. Not that I remember.

21 MS. COSTOM: Okay. I'll tell you why I'm
22 asking. I don't have much information other than a note in
23 Detective Inspector Pat Hall's notebook from December 25th,
24 2003, in which he says that he had a meeting with a lawyer
25 named Snyder in the context of your civil litigation. Does

1 that ring a bell for you? Would you have been at that
2 meeting?

3 C-10: No.

4 MS. COSTOM: No, and the name Snyder doesn't
5 mean anything to you?

6 C-10: No.

7 MS. COSTOM: Did you change firms at any
8 time or did you have different lawyers for the different
9 lawsuits?

10 C-10: Yeah, different legal -- yeah,
11 different lawyers.

12 MS. COSTOM: And what was the name of the
13 lawyer that you used in the second of the two lawsuits?

14 C-10: Howard Yegandorf.

15 MS. COSTOM: Howard Yegandorf. So perhaps -
16 --

17 C-10: Snyder might have worked for him.

18 MS. COSTOM: Perhaps. Anyways, if you don't
19 know, you don't know.

20 I want to talk to you a little bit about the
21 contact that you had, other than in relation to
22 counselling, the contact that you had with officers Seguin
23 and Genier over the course of the investigation; so
24 basically from late January '98 through to January of 2000.

25 We already heard that you had your initial

1 interview in February of 1998 and then we also heard this
2 morning, and there was an exhibit made, that there was a
3 second follow-up interview in June of 1998.

4 C-10: Yes.

5 MS. COSTOM: In fact it was June 26th, 1998.
6 And can you tell me please were you living at the same
7 address in June '98 as you had been living in in January of
8 '98?

9 C-10: No, probably not.

10 MS. COSTOM: No, okay. So if I tell you
11 that Detective Inspector -- not Detective Inspector,
12 Constables Seguin and Genier had to make great efforts ---

13 C-10: To get a hold ---

14 MS. COSTOM: --- to locate you ---

15 C-10: Yeah, I can get lost when I want.

16 MS. COSTOM: Okay. And are you aware that
17 they actually went to your old address, the address that
18 you had had in January which was on your statement form,
19 the address in Richmond, and they spoke to your neighbours
20 and the neighbour said that you had moved?

21 C-10: No, I wasn't aware.

22 MS. COSTOM: Okay. And the neighbour said
23 that you had moved to the Sharbot Lake area.

24 C-10: That's right.

25 MS. COSTOM: Was that correct information?

1 C-10: Yeah.

2 MS. COSTOM: And that you had been
3 potentially working at a campground at that time. Were you
4 working at a campground around that time?

5 C-10: No.

6 MS. COSTOM: Well, that was the information
7 that was provided to them. You're not aware of that?

8 C-10: No.

9 MS. COSTOM: Okay. Are you aware that the
10 officers also in June of '98, in the weeks prior to your
11 interview, called your mother? Is your mother's name Mary?

12 C-10: Yes.

13 MS. COSTOM: Called your mother trying to
14 track you down?

15 C-10: Yeah.

16 MS. COSTOM: And that she didn't know where
17 you were as well?

18 C-10: That's right.

19 MS. COSTOM: And ultimately they ended up
20 reaching someone who I think is your ex-wife, Theresa
21 Martin? Do you remember that?

22 C-10: Ex-girlfriend. Yeah, they got a hold
23 of her.

24 MS. COSTOM: Your ex-girlfriend?

25 C-10: Yes.

1 **MS. COSTOM:** And do you remember that she
2 actually came and tracked you down and gave you the message
3 to call the officers?

4 **C-10:** Yeah, I remember.

5 **MS. COSTOM:** Okay. And ultimately after you
6 received the message through your ex-girlfriend you called
7 the officers?

8 **C-10:** Yes.

9 **MS. COSTOM:** Do you remember that?

10 **C-10:** Yeah.

11 **MS. COSTOM:** And are you aware also that the
12 officers, once they had found you, called your mother to
13 reassure her?

14 **C-10:** Yes. Yes, I am.

15 **MS. COSTOM:** And she was very thankful?

16 **C-10:** Yeah.

17 **MS. COSTOM:** And you must have been very
18 thankful also that they reassured her?

19 **C-10:** Yeah. Yeah, I remember that.

20 **MS. COSTOM:** Okay. Are you aware that they
21 also met with your mother in July of 1998 to try and pin
22 down when you would have been represented by Malcolm
23 MacDonald?

24 **C-10:** Yeah.

25 **MS. COSTOM:** Okay. And that they took a

1 statement from her?

2 C-10: That's right.

3 MS. COSTOM: You're aware of that. Okay.

4 Now, Malcolm MacDonald was charged
5 ultimately on March 11th, 1999. I'm telling you that as a
6 fact.

7 C-10: I can't tell you that's a fact but 11
8 keeps coming up because I said it was October 11th I was
9 supposed to go and the 11th comes somewhere.

10 MS. COSTOM: That keeps on coming back?

11 C-10: Yeah.

12 MS. COSTOM: Okay. And is there a
13 significance to that in your mind?

14 C-10: September 11th.

15 MS. COSTOM: Okay. Do you recall receiving
16 a message on your answering machine at the phone number
17 792-1120 from Constable Seguin leaving you a message?

18 C-10: I can't remember that honestly.

19 MS. COSTOM: Okay. But you agree?

20 C-10: Probably happened.

21 MS. COSTOM: Was 792-1120 once your phone
22 number?

23 C-10: Yeah.

24 MS. COSTOM: Can you remember that?

25 C-10: It probably happened but I probably

1 just ---

2 **MS. COSTOM:** Okay. And we heard this
3 earlier in the questions from my friend Ms. Im that Mr.
4 MacDonald's first appearance in court was May 3rd, 1999.

5 **C-10:** I wasn't aware of that.

6 **MS. COSTOM:** Okay. Do you remember
7 receiving a call from Mr. Seguin on May 5th, 1999 in which
8 he says that he's going to advise you of the future court
9 dates?

10 **C-10:** Yeah, I do remember that.

11 **MS. COSTOM:** You remember that. Okay.

12 In terms of other dealings that you had with
13 the officers, do you remember at one point there was an
14 issue about you signing some medical releases so that they
15 could go meet with Dr. Sweet and Dr. Chandreasena?

16 **C-10:** Yeah.

17 **MS. COSTOM:** And do you remember how that
18 was done? They left the forms for you at your mom's place
19 and you picked them up and signed them and ---

20 **C-10:** Yeah, I picked them up.

21 **MS. COSTOM:** --- left them back?

22 **C-10:** Yeah.

23 **MS. COSTOM:** So there were a number of phone
24 calls in relation to that in terms of making the
25 arrangements and getting them signed?

1 C-10: Yeah.

2 MS. COSTOM: And you're aware -- I think you
3 said you just became aware that they ultimately did
4 interview those two doctors?

5 C-10: Yes, I just became aware of that.

6 MS. COSTOM: I'm sorry? You just became
7 aware of that you said?

8 C-10: Yeah.

9 MS. COSTOM: Okay. Do you remember also
10 that you had some conversations with the officers about
11 whether or not you knew a lawyer named Gary Chayko because
12 there was an issue as to whether or not there was a
13 conflict of interest in Mr. Chayko representing Mr.
14 MacDonald? I'll break that down. I'm sorry.

15 C-10: Say it again.

16 MS. COSTOM: Mr. Chayko at one point was the
17 attorney of record for Angus Malcolm MacDonald and there
18 was a question that was raised as to whether or not he
19 could remain his lawyer because of work that he had done in
20 the past for you or other people in this case. Does that
21 ring a bell for you?

22 C-10: Did he work for Adam Sherwood?

23 MS. COSTOM: I'm not certain what firm Mr.
24 Chayko is at. He's a local lawyer.

25 But do you remember there were discussions -

1 --

2 C-10: Oh yes.

3 MS. COSTOM: --- anyone explaining to you
4 that there was this problem potentially that the defence
5 lawyer might have to be changed because ---

6 C-10: I remember something like that, yes.

7 MS. COSTOM: Okay. So there were some phone
8 calls ---

9 C-10: Yes.

10 MS. COSTOM: --- and discussions about that
11 as well?

12 C-10: Some mix-up about lawyers or
13 something like that.

14 MS. COSTOM: Yes. Do you remember that?

15 C-10: Yes.

16 MS. COSTOM: Do you remember discussing that
17 with the officers?

18 C-10: Yes.

19 MS. COSTOM: Okay.

20 So there was pretty -- you know a number of
21 things that were being discussed over the course of the
22 investigation. There was pretty regular contact and things
23 going on. Would you agree?

24 C-10: Yes. Too many things going on.

25 MS. COSTOM: I'm sorry?

1 C-10: Too many things going on.

2 MS. COSTOM: Too many things going on.

3 Okay. You said earlier, that the first time
4 that you became aware of the case against Mr. MacDonald,
5 and the fact that he had been charged, had been when the
6 subpoenas were served on you. Do you remember you said
7 that this morning?

8 C-10: Yes, I thought -- yes, I remember
9 saying that.

10 MS. COSTOM: Okay. And if I tell you that
11 the subpoena was served on December the 9th, 1999, you would
12 agree with me then, in light of the answers that you just
13 gave me, that you were actually aware of the proceedings
14 significantly before that?

15 C-10: I'd have to agree, yes.

16 MS. COSTOM: Yes. In fact, at the very
17 least, we know that you had a discussion -- you agreed with
18 me -- in May, after his appearance, and you may even have
19 received a message on your machine -- you can't deny it --
20 in April of '99, about the fact that there were these
21 proceedings going on?

22 C-10: Yes.

23 MS. COSTOM: Okay. So you were mistaken
24 this morning with what you had said?

25 C-10: Yes. It's a lot of dates and times.

1 You get run down.

2 **MS. COSTOM:** Okay.

3 Also, there was a question to you this
4 morning about whether or not there was any discussions
5 about meeting with the Crown to prepare for the preliminary
6 inquiry. I think you said you ---

7 **C-10:** I never met with Shelley Hallett.

8 **MS. COSTOM:** Okay, but do you remember that
9 when the subpoena was served to you, by Constables Seguin
10 and Genier on December 9th, 1992, that there was actually a
11 discussion about meeting with her, and in fact, a date was
12 set aside based on your schedule?

13 **C-10:** Like I can't remember, but it
14 probably happened, I mean, there is ---

15 **MS. COSTOM:** Okay.

16 And then, of course, the officers came and
17 told you that there would be no longer a need for you to
18 attend court.

19 **C-10:** No longer, yes.

20 **MS. COSTOM:** Okay.

21 **C-10:** I remember that.

22 **MS. COSTOM:** Okay.

23 A number of my colleagues, including Mr.
24 Dumais, have touched upon the affidavit that you signed.
25 And I don't want to belabour the point too much. Except

1 that I just want to make sure that the things that you said
2 in that affidavit, not only things that were pointed out
3 specifically this morning by Mr. Dumais, but basically the
4 whole content of the affidavit was not your words?

5 C-10: That's right.

6 MS. COSTOM: It was drafted for you by
7 someone else?

8 C-10: Yes.

9 MS. COSTOM: And so, if I can just take out
10 the affidavit.

11 C-10: I didn't recite that and people type
12 it up, no.

13 MS. COSTOM: Right. Okay. And in fact you
14 didn't even read it before you signed it?

15 C-10: I didn't, no.

16 MS. COSTOM: Okay.

17 And so in paragraph 4a, and this is Document
18 200136, I don't know if you have a copy of it in front of
19 you?

20 C-10: Which one is it?

21 THE COMMISSIONER: The affidavit. The first
22 document you looked at this morning.

23 C-10: Oh, the big one.

24 THE COMMISSIONER: Not that big. No, your
25 affidavit, look at the screen, sir.

1 **C-10:** Okay.

2 **THE COMMISSIONER:** It's there.

3 **MS. COSTOM:** Paragraph 4a, so it's page 2.

4 **THE COMMISSIONER:** So this is the document
5 that Mr. Lee would have given you at the meeting, that they
6 handed down to each individual. And in paragraph 4 is
7 where we're leading you now.

8 **MS. COSTOM:** Yes. You talked this morning,
9 in response to a question by my friend, Mr. Dumais, about
10 the very last sentence of 4a. Starting with: "In fact, in
11 my dealings with the OPP, I felt prosecuted and re-
12 victimized".

13 **C-10:** I felt like re-victimized.

14 **MS. COSTOM:** Yes, and you said, if I
15 remember correctly, that you always feel re-victimized
16 every time you talk about this ---

17 **C-10:** Yes.

18 **MS. COSTOM:** --- even this morning, you
19 said, unfortunately, and that's certainly is not the
20 intention of anyone here to make you ---

21 **C-10:** I know, I know that.

22 **MS. COSTOM:** --- feel like that. Okay. If
23 we could talk at the beginning -- about the beginning, the
24 first sentence:

25 "I feel that the OPP investigation did

1 not go into enough depth, they did not
2 effectively seek other information from
3 the victims of sexual abuse that have
4 come forward".

5 That wasn't true, as applied to you.

6 **C-10:** No, I imagine they could have gotten
7 deeper into it I guess but I don't ---

8 **MS. COSTOM:** Well, you made four
9 allegations, right? You made an allegation against Mr.
10 Seguin, and he died. So there was nothing further to do.

11 **C-10:** Yes, there's not really much you can
12 do at that point.

13 **MS. COSTOM:** And you made an allegation
14 against Father Scott, and he died.

15 **C-10:** I'd do it again.

16 **MS. COSTOM:** And there was nothing to do
17 about that.

18 You made an allegation against Carl Allen,
19 and that was referred to the Cornwall Police Service ---

20 **C-10:** --- referred to the Cornwall Police -
21 - the only thing is why would it be -- that's the thing
22 that bothered me, why would they not just deal with that?

23 **MS. COSTOM:** Okay. But if we can just look
24 at this sentence and then perhaps we can come back to that?
25 And then you made an allegation against Angus Malcolm

1 MacDonalld, who was ultimately charged.

2 C-10: And he was charged, yes.

3 MS. COSTOM: So you really have no basis in
4 your personal experience for saying that they didn't go
5 into enough depth ---

6 C-10: No.

7 MS. COSTOM: --- or seek enough information.

8 C-10: No.

9 MS. COSTOM: Because in all four of the
10 cases, all four of the allegations you made, were either
11 dealt with or not dealt with because they had passed away.

12 C-10: Yes, they did their jobs.

13 MS. COSTOM: Okay.

14 THE COMMISSIONER: I am sorry, I couldn't
15 hear?

16 C-10: No argument from me there.

17 THE COMMISSIONER: Okay.

18 C-10: I agree with her.

19 THE COMMISSIONER: Sir, could you just maybe
20 bring the microphone down?

21 C-10: I'll lean forward.

22 THE COMMISSIONER: Or lean forward, there
23 you go, exactly. Thank you.

24 C-10: It's easier.

25 THE COMMISSIONER: You seemed comfortable

1 though so I didn't want to disturb you.

2 **MR. LEE:** I was actually just going to rise
3 and ask the witness to, please, let Ms. Costom finish her
4 questions before you answer.

5 **THE COMMISSIONER:** Okay.

6 **MR. LEE:** You're cutting her off a little
7 bit. I think the transcript is going to be a bit of a mess
8 after the fact, sir. You just let her finish and she'll
9 let you finish too.

10 **C-10:** All right.

11 **THE COMMISSIONER:** Terrific, thank you.

12 **MS. COSTOM:** And if we look at the same
13 affidavit, paragraph 12. If you could read that paragraph?

14 **C-10:** "Despite discovering numerous
15 potential victims, the OPP failed in
16 its investigation of the problems of
17 sexual abuse in the Cornwall area. I
18 fairly believe that their failing was
19 in part due to their failure to lend
20 credibility to these potential victims
21 and our complaints."

22 **MS. COSTOM:** Okay. You didn't write that
23 sentence?

24 **C-10:** No.

25 **MS. COSTOM:** Or that paragraph?

1 C-10: Definitely not.

2 MS. COSTOM: And in your case, there was no
3 issue as to whether or not they were lending you
4 credibility. Is that correct?

5 C-10: Yes.

6 THE COMMISSIONER: There is no -- you felt
7 that they believed you?

8 C-10: Oh yes.

9 THE COMMISSIONER: Okay.

10 MS. COSTOM: Okay.

11 And you allude -- it didn't sound to me in
12 your testimony today that you had that much contact with
13 too many of the other victims. You weren't involved ---

14 C-10: A few, a couple that I knew.

15 MS. COSTOM: Okay. And so really this
16 sentence is not something which you would have been in a
17 position to state back in 1998?

18 C-10: No.

19 MS. COSTOM: Okay. And so you would
20 withdraw it?

21 C-10: I would, yes.

22 MS. COSTOM: Okay. Thank you.

23 That's all, thank you, sir. Good luck to
24 you.

25 THE COMMISSIONER: Thank you.

1 Mr. Wallace?

2 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 WALLACE:

4 MR. WALLACE: Good afternoon, sir.

5 C-10: Good afternoon.

6 MR. WALLACE: My name is Mark Wallace. I am
7 the lawyer for the Ontario Provincial Police Association.
8 So, the officers from the OPP that you dealt with, namely,
9 Steve Seguin and Don Genier, they are client of ours, okay?

10 C-10: Okay.

11 MR. WALLACE: I just have a very few number
12 of questions for you.

13 At the start of your evidence this morning
14 when you started to get into the facts, you indicated that
15 your first contact with any police officer in connection
16 with your complaints was with Perry Dunlop; correct?

17 C-10: Correct.

18 MR. WALLACE: And you also, over the course
19 of your evidence, have made reference to the fact that you
20 weren't necessarily sure if you were ready to come forward.
21 This is a ---

22 C-10: Yes.

23 MR. WALLACE: --- theme that we hear from
24 most, if not all, of the victims who come and testify here
25 before this Commission. That is, that in order for them to

1 come forward, there is a real mental process that they go
2 though of thinking, "Am I ready to do so?"

3 **C-10:** Yes.

4 **MR. WALLACE:** And you went through the exact
5 same thing; correct?

6 **C-10:** Correct.

7 **MR. WALLACE:** And, in fact, as I understood
8 your evidence, prior to actually coming forward, you'd had
9 some counselling; correct, sir?

10 **C-10:** Yes.

11 **MR. WALLACE:** Yes and that counselling,
12 among other things, was designed to help you to come
13 forward; correct? You sought the counselling as a means of
14 helping you to get ready to come forward.

15 **C-10:** Yes, but I was also in counselling
16 for like anger and problems ---

17 **MR. WALLACE:** Oh yes, I am not suggesting
18 that was the only reason that ---

19 **C-10:** But it helped.

20 **MR. WALLACE:** For sure. So when you first
21 met with Steve Seguin face to face, that was at the Kanata
22 OPP, when you ---

23 **C-10:** Yes.

24 **MR. WALLACE:** --- gave the statement?

25 **C-10:** Yes.

1 **MR. WALLACE:** Okay and I think we can agree
2 that before you actually got the cameras rolling, there was
3 a bit of a chat between -- a three-way chat between you and
4 the two officers, essentially laying out what it is they're
5 going to be doing ---

6 **C-10:** Yes.

7 **MR. WALLACE:** --- it's going to be taped.
8 And it was in that conversation that you were provided the
9 information about counselling.

10 **C-10:** Yes.

11 **MR. WALLACE:** So you would agree with me
12 that right from the very get go with your dealings with
13 these two officers, they were very sympathetic to your
14 needs; correct, sir?

15 **C-10:** I agree.

16 **MR. WALLACE:** And you agree with that?

17 **C-10:** Yes.

18 **MR. WALLACE:** Yes. And, as you've told Ms.
19 Costom, that throughout your dealings with them, that
20 condition was the same. They were sympathetic towards you;
21 correct?

22 **C-10:** They treated me with dignity, yes.

23 **MR. WALLACE:** They treated you with dignity
24 and they -- right from the get go, they appeared to be
25 generally concerned about your wellbeing.

1 C-10: M'hm.

2 MR. WALLACE: Correct?

3 C-10: Yes.

4 MR. WALLACE: And, in fact, probably the
5 last thing they told you on the last day that they say you
6 in January of 2000, they made an offer to, "If you need
7 help with counselling, give us a call".

8 C-10: That's right.

9 MR. WALLACE: Is that correct?

10 C-10: Yes, I remember that.

11 MR. WALLACE: And you really didn't expect
12 to have anything to do with them any further. Malcolm was
13 dead, ---

14 C-10: That's true.

15 MR. WALLACE: --- the case was finished.

16 C-10: Exactly.

17 MR. WALLACE: And that was an offer -- they
18 didn't have to make that offer because they were not going
19 to be seeing you again.

20 C-10: Correct.

21 MR. WALLACE: Correct? And I assume you
22 were grateful for the offer?

23 C-10: Yes, I was.

24 MR. WALLACE: Yes. And you never had an
25 opportunity -- you never felt necessary to call them back.

1 C-10: No, I was already in therapy and, no.

2 MR. WALLACE: And that's what you told them,
3 that you were already with the Men's Project.

4 C-10: Yes.

5 MR. WALLACE: Thank you very much sir.

6 C-10: Good luck.

7 THE COMMISSIONER: Thank you.

8 Mr. Lee?

9 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

10 MR. LEE: You've -- various lawyers asking
11 you questions and throughout the day you've talked about a
12 lot of, what I'm going to call, is questionable activities
13 in your life.

14 C-10: Yes.

15 MR. LEE: Do you agree with that? You've
16 talked about drug addiction?

17 C-10: Yes.

18 MR. LEE: Crime ---

19 C-10: Yes.

20 MR. LEE: --- including some -- you've never
21 been convicted of fraud but there was a discussion about
22 that as well.

23 C-10: That's correct; that's true.

24 MR. LEE: Issues with authority?

25 C-10: Yes.

1 MR. LEE: Issues with alcohol?

2 C-10: Yes.

3 MR. LEE: Trouble with relationships?

4 C-10: Yes.

5 MR. LEE: Anger problems?

6 C-10: Lots.

7 MR. LEE: Sorry, I missed that?

8 THE COMMISSIONER: Lots.

9 C-10: Yes, lots.

10 MR. LEE: Problems with your education?

11 C-10: Yes.

12 MR. LEE: How did all this happen?

13 C-10: I think that once I was being abused
14 I just went downhill, I guess. I had no focus on anything.
15 I just wanted to -- I was just -- I was angry. Too angry
16 to do anything some times.

17 MR. LEE: Sir, thank you very much for
18 coming.

19 Those are my questions.

20 THE COMMISSIONER: Thank you.

21 Maître Dumais?

22 MR. DUMAIS: I have nothing Commissioner.

23 THE COMMISSIONER: Thank you.

24 MR. DUMAIS: Thank you, sir.

25 THE COMMISSIONER: Thank you, sir. I want

1 to thank you for taking the time to come here. As you've
2 indicated, I suppose, every time you talk about this, the
3 wound may open a little bit. And so that's why I want to
4 thank you because, while it costs you, it certainly has
5 helped me. And I hope it will help the rest of the Inquiry
6 in coming to some decisions as to what we have to do.

7 **C-10:** Thank you.

8 **THE COMMISSIONER:** Thank you, very much.

9 Now, before we break -- you can go sir. I
10 want to deal with the ruling in relation to Mr. Silmsers
11 evidence.

12 **MR. LEE:** Sir?

13 **THE COMMISSIONER:** Yes?

14 **MR. LEE:** Can I just step aside and speak to
15 Mr. C-10 ---

16 **THE COMMISSIONER:** Sure.

17 **MR. LEE:** --- for a moment please?

18 **THE COMMISSIONER:** Sure.

19 All right, let me deal with this matter so
20 we can get people on their way.

21 Following the receipt of a letter addressed
22 to me from David Silmsers on March 26th, 2007, I asked the
23 parties for their views on a number of issues.

24 Firstly, refers how Mr. Silmsers's letter
25 should be handled? Second, what, if any impact, the letter

1 has on the alternative process to the cross-examination of
2 Mr. Silmsler? And third, what, if any participation right
3 should be held by counsel for Mr. Silmsler on an ongoing
4 basis?

5 After hearing the submissions from parties
6 on these issues, I ordered that the alternative process to
7 the cross-examination of Mr. Silmsler should proceed as
8 schedules.

9 The following are my reasons for that
10 decision, as well as my decisions in respect of the other
11 two issues. For those who are not familiar with the
12 circumstances leading up to this ruling, I should begin
13 with some background.

14 David Silmsler appeared as a witness before
15 this Inquiry. Unfortunately, Mr. Silmsler's testimony
16 remains incomplete. He was examined in-chief, and a number
17 of parties had the opportunity to conduct their cross-
18 examination of him. Five parties did not have that
19 opportunity.

20 Mr. Silmsler left the stand following which
21 counsel for Mr. Silmsler provided the Commission with
22 medical documentation indicating that Mr. Silmsler was
23 unable to continue with his cross-examination as a result
24 of the negative effects that the cross-examination was
25 having upon his thoughts.

1 His doctor indicated that Mr. Silmsen's
2 return to the Inquiry was not feasible in the foreseeable
3 future. Mr. Selmer's unlikely return to complete his
4 cross-examination prompted the parties, and Commission
5 counsel, to engage in discussions as to how to proceed in
6 order to provide those parties who had not had a change to
7 cross examine Mr. Silmsen with an opportunity to attempt
8 to, in some fashion, address those issues that they would
9 have put to the witness.

10 An alternative narrative-type process to
11 cross-examination was established. The alternative process
12 will not necessarily be the final word on this matter. The
13 parties agreed to engage in the process but reserve their
14 right to request that Mr. Silmsen's evidence be expunged if
15 they viewed the process to be unsatisfactory.

16 As well, I retain my discretion to reject
17 the process and determine how to proceed.

18 The alternative process was to begin on
19 March 27th or March 28th of 2007.

20 On March 26th 2007, the Commission offices
21 received a letter from Mr. Silmsen. This letter was
22 addressed to me in my capacity as Commissioner of this
23 Inquiry. As I indicated yesterday, it is not my practice
24 to read correspondence that comes into the Commission
25 office, particularly correspondence from witnesses. This

1 practice is consistent with that which we employ as judges
2 hearing matters in court. Mr. Silmser and his counsel,
3 however, indicated to Commission counsel that they wish me
4 to read the letter, and that they were not seeking any
5 confidentially measures in respect to it.

6 That is, as I understand it, they wish that
7 the letter be made public. It was in these circumstances
8 that I asked the parties for their views on how the letter
9 should be handled.

10 Because some parties expressed concerns that
11 the content of the letter might have an effect on the
12 alternative process, I asked for submissions on this issue
13 as well. After hearing those submissions, I decided that
14 the alternative process should continue, and indicated that
15 my reasons for doing so would follow.

16 Finally, I asked the parties for their views
17 on what continuing role, if any, should be played by
18 counsel for Mr. Silmser, Mr. Culic. I heard submissions on
19 these issues yesterday, March 28th 2007.

20 With respect to the letter, after hearing
21 some preliminary submissions from the parties, I determined
22 that it was appropriate for me to read the letter so as to
23 be in a position to consider the different alternatives
24 that were presented to me as to how the letter should be
25 handled. As well, I indicated that I would review a

1 summary of the letter that was prepared jointly by a number
2 of the parties.

3 The letter and the summary were marked as
4 Exhibit A and B, respectively, for identification purposes,
5 until such time as I determined what should be done with
6 them. They are also marked as confidential on a temporary
7 basis.

8 After reviewing the letter and hearing
9 submissions from the parties, I am of the view that, for a
10 number of reasons, neither the letter nor the summary
11 should become formal exhibits in these proceedings.

12 First, the letter includes material that is
13 not in evidence.

14 Second, it contains opinions that are not
15 pertinent to the subject matter of my mandate.

16 Third, it purportedly authored by a witness
17 who, for medical reasons, cannot be cross-examined on its
18 contents. I use the word "purportedly" as some parties
19 question the authorship of the letter, suggesting that Mr.
20 Silmsler may have had some assistance in preparing his
21 letter. Whether or not Mr. Silmsler prepared the letter, it
22 is signed by him, apparently, and as a result I have no
23 need to explore this any further.

24 For these reasons I see no reason to enter
25 the letter or its summary as a formal exhibit. It will

1 remain as exhibits for identification purposes only. As a
2 result, their contents will not be, and cannot be
3 considered, or form the basis of my report or any factual
4 finding.

5 With respect to the publication of the
6 letter, while I have chosen not to make it as a formal
7 exhibit, I understand that it may be published elsewhere.
8 I am aware that mainstream and other media may publish
9 materials that may form part of the subject matter of this
10 Inquiry. I am fully in support of freedom of speech, so
11 long as those publishing these materials respect the
12 publication bans or confidentiality measures that I may put
13 in place from time-to-time.

14 Now, with respect to the alternative process
15 to cross-examination, some parties express a concern that
16 Mr. Silmsers letter might have an impact upon how we
17 proceed with respect to the alternative process. After
18 hearing submissions on this issue, I decided that the
19 alternative process should continue as planned. These are
20 my reasons for so doing.

21 It was suggested to me that the content of
22 the letter raised a number of options; expunging Mr.
23 Silmsers evidence; asking Mr. Silmsers to re-attend; or
24 continuing on with the alternative process as planned.

25 As for expunging Mr. Silmsers evidence, I

1 agree with counsel for Citizens for Community Renewal that,
2 at this stage, it would be a great shame to do so given the
3 great importance of his evidence. I say this however with
4 the knowledge that at the end of the alternative process,
5 that still remains an option for the parties and for me.

6 Some parties suggested that Mr. Silmsers's
7 letter led one to question whether Mr. Silmsers was able to
8 attend to complete his cross-examination, but was making a
9 choice not to do so. It was submitted that the integrity
10 of the Inquiry process is called into concern when
11 witnesses can freely choose when and to what extent they
12 will participate.

13 I am of the view that the Inquiry process is
14 not called into question. The decision as to whether or
15 not a witness is to be compelled to testify or return to
16 testify before this Inquiry, is one that is made by me, as
17 the Commissioner.

18 Mr. Silmsers, like all witness appearing
19 before this Inquiry, is expected to participate fully in
20 examination-in-chief, cross-examination, and re-
21 examination, unless exceptional circumstances prevent that
22 from happening. In this case, those exceptional
23 circumstances are his documented medical condition. This
24 medical documentation, submitted with respect to Mr.
25 Silmsers, indicated that compelling him to testify had

1 worsened his condition and further participation carries a
2 risk of harm. We have received no new medical evidence to
3 suggest that there has been a change in Mr. Silmsers
4 medical status.

5 My reading of Mr. Silmsers letter only
6 serves to reinforce the validity of the medical certificate
7 that I have already received, that indicates that to
8 require him to re-attend would only be harmful to his
9 health. In my view, Mr. Silmsers is not in a position to
10 return and I will not order him to do so.

11 What is left then is the alternative process
12 to cross-examination. It is the best alternative that we
13 have at this time, and it is for this reason that I choose
14 to proceed on that course.

15 Rule 24 of the Rules of Practice and
16 Procedure set out the order for the examination of witness.
17 Rule 24(c) states that counsel for a witness, regardless of
18 whether or not counsel is also representing a party, will
19 examine last, unless he or she had adduced the evidence of
20 that witness-in-chief, in which case there will be a right
21 to re-examine the witness.

22 Mr. Culic is counsel for a witness and
23 retains those rights, in my view, even in the absence of
24 Mr. Silmsers. In my view, when a witness is incapacitated
25 and unable to continue to serve as a witness for a valid

1 reason, the incapacity should not extinguish that witness'
2 rights to participate through counsel. Given that I
3 accepted Mr. Silmser's medical documentation, I found that
4 his letter re-enforces the content of that documentation.
5 I believe that he should continue to have participation
6 rights through his counsel in accordance with Rule 24(c).

7 However, that's provided that Mr. Culic is
8 available immediately upon the conclusion of the
9 alternative process by the remaining parties, and prior to
10 Commission counsel's opportunity to engage in the
11 alternative process, he will be able to exercise the
12 counsel rights set out in Rule 24(c).

13 Given that the alternative process is
14 unique, Mr. Culic's participation will be limited to a
15 narrative form, consistent with the manner in which the
16 alternative process evolves.

17 That's the end of my decision, read as
18 quickly as I could, Mr. Wardle, so that you could be on
19 your way.

20 And on that note then, I will conclude the
21 hearings for today and we will come back on Monday, April -
22 - pardon me? Sixteenth at 2:00 p.m.

23 Safe drive home gentlemen, ladies.

24 **THE REGISTRAR:** Order; all rise. À l'ordre;
25 veuillez vous lever.

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--- Upon adjourning at 4:08 p.m. /
L'audience est ajournée à 16h08

C E R T I F I C A T I O N

I, Marc Demers a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CR