

**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 230

Held at :

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

Friday, May 16 2008

Tenue à:

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

Vendredi, le 16 mai 2008

ERRATA
Volume 207
March 31, 2008

Exhibit page

P-1371 (740344) Will Say/Statement by Cst. Lefebvre 116
w/ CPS Garry Derochie - 29 Mar, 01

Should have read

P-1371 (740344) Will Say/Statement by Cst. Lefebvre 116
w/ CPS Garry Derochie - 04 Jan, 01

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Janie Larocque	
Ms. Mary Simms	
Ms. Karen Jones	
Mr. John E. Callaghan	Cornwall Community Police
Mr. Peter Manderville	Service and Cornwall Police
Ms. Reena Lalji	Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Dallas Lee	Victims Group
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Coalition for Action

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
S/SGT. BRIAN SNYDER, Resumed/Sous le même serment	1
Cross-Examination by/Contre-interrogatoire par Mr. John Callaghan(cont'd/suite)	1
Re-Examination by/Ré-interrogatoire par Ms. Karen Jones	91
JEFF CARROLL, Sworn/Assermenté	121
Examination in-Chief by/Interrogatoire en-chef Mr. Pierre Dumais	122

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1653	(740275) Notes of Brian Snyder dated 13 Aug 98 to 08 Sep 98	3
P-1654	(740065) Letter from Susan Ficek to Acting Insp. Carter dated 04 May 00	8
P-1655	(740066) Affidavit of Earl Landry 01 May 00	8
P-1656	(740063) Letter from Susan Ficek to Acting Insp. Carter dated 05 May 00	17
P-1657	(740012) Witness Statement related to C-51 dated 24 Mar 97	25
P-1658	(115742) CAS Case Notes by Pina DeBellis dated 05 Nov 93	26
P-1659	(740569) Witness Statement related to C-51 dated 19 Oct 00	32
P-1660	(740543) Notes of Ron Lefebvre dated 07 Jun 85 to 16 Jul 85	34
P-1661	(740574) Witness Statement related to C-51 dated 21 Nov 00	44
P-1371A	(740580) Witness Statement by Ron Lefebvre dated 04 Jan 01	57
P-1662	(736892) Notes of Brian Snyder dated Jul Sep 78	74
P-1663	(200198) Career profile of Jeff Carroll	123
P-1664	(738555) Notes of Jeffrey Carroll dated 19 Jun 98 to 15 Aug 98	131
P-1665	(738569) Witness Statement of James Lewis dated 19 Jun 98	140

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1666	(738570) Witness Statement of Joseph Hall dated 19 Jun 98	145
P-1667	(735899) Homicide/Sudden Death Report dated 20 Jun 98	146
P-1668	(735901) Supplementary Occurrence Report dated 29 Jun 98	148

1 --- Upon commencing at 9:36 a.m. /

2 L'audience débute à 9h36

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

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning
10 all.

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

12 May I commence?

13 **THE COMMISSIONER:** Oh, yes, yes, of course.

14 **S/SGT. BRIAN SNYDER, Resumed/Sous le même serment:**

15 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
16 **CALLAGHAN (Continued/Suite):**

17 **MR. CALLAGHAN:** Staff Sergeant Snyder, we
18 were talking about the charge stage last day and I'd like
19 to just talk a little bit about the post-charge stage on
20 the Earl Landry, Jr. case, okay, just to situate you.

21 And there's been some evidence about the
22 nature of an obstruct justice charge that was laid against
23 Earl Landry, Jr. I recognize it's not essential to the
24 Inquiry but could you just briefly explain what that is?

25 **MR. SNYDER:** Basically it was -- I'm sorry,

1 the moniker is not here.

2 MR. CALLAGHAN: Sorry. Can we get the
3 moniker list for the ---

4 MR. SNYDER: C-54 came in to me and stated
5 he no longer wished to have charges pressed against Earl
6 Landry, Jr. I relayed that information to the Crown.
7 Decision was made that we would still proceed with the
8 charges or still proceed with the sexual assault charges
9 and ultimately I laid a obstruct justice against Earl
10 Landry, Jr.

11 MR. CALLAGHAN: All right. Did you get a
12 statement from C-54 as to what led to him coming -- coming
13 into to ask the charge be dropped?

14 MR. SNYDER: Yes, I did.

15 MR. CALLAGHAN: And what was it that had
16 transpired?

17 MR. SNYDER: There was a computer that --
18 Earl Landry, Jr. had offered him a computer to drop the
19 charges.

20 MR. CALLAGHAN: And did C-54 willingly go
21 ahead with proceeding as a victim ---

22 MR. SNYDER: Yes, he did.

23 MR. CALLAGHAN: --- or a complainant? And
24 so if I could take you to Document 740275.

25 THE COMMISSIONER: Exhibit 1653 are

1 handwritten notes of -- are those your notes, sir?

2 **MR. SNYDER:** Yes, they are.

3 **THE COMMISSIONER:** All right; of Staff
4 Sergeant Snyder, first date August 13th, 1998.

5 --- **EXHIBIT NO./PIÈCE No. P-1653:**

6 (740275) Notes of Brian Snyder dated 13 Aug
7 98 to 08 Sep 98

8 **MR. CALLAGHAN:** All right. Staff Sergeant
9 Snyder, without going into too much detail, I take it -- I
10 take it that during the discussion with C-54, you learned
11 that Earl Landry was staying over at his wife's place?

12 **MR. SNYDER:** Correct.

13 **MR. CALLAGHAN:** And that -- and you've
14 talked here today about -- about the surveillance regarding
15 the breach of recognizance?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** Are these your notes in
18 relation to that?

19 **MR. SNYDER:** Yes, they are.

20 **MR. CALLAGHAN:** All right. And I take it on
21 September 4th you speak to C-54, if you look at the bottom
22 of the page.

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** And you recognized at that
25 time that you have RPG perhaps for dealing with the breach

1 of recognizance as well as the obstruct justice?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: And over the next page, you
4 advise Greg Bell of the CAS?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: And then we talked -- you've
7 already gone through this but you talked about going and
8 doing surveillance on the home of Ms. Landry; correct?

9 MR. SNYDER: Correct.

10 MR. CALLAGHAN: And I take it you made an
11 identification of Mr. Landry in the apartment after his
12 curfew, and if I could take you to the note at 2313. Can
13 you just read that for me?

14 MR. SNYDER: When it comes up here, it's
15 easier to read. Sorry.

16 MR. CALLAGHAN: All right, sorry. It's a
17 little small.

18 MR. SNYDER: "I saw Landry in apartment.
19 He appeared to be -- to have gotten up
20 off the couch against the south wall."

21 MR. CALLAGHAN: So you have made a positive
22 identification ---

23 MR. SNYDER: Yes.

24 MR. CALLAGHAN: --- of him in a different
25 residence, other than the one under his -- under the terms

1 of his bail?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: All right. And then you
4 called Earl Landry, Sr.?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: Can you tell us why you did
7 that?

8 MR. SNYDER: Basically it's to see if his
9 father knew where he was, as well as if his father would
10 give him a heads up as to me being looking for him.

11 MR. CALLAGHAN: All right. And just to fill
12 in the gap there, under the Recognizance he was to live at
13 his father's residence?

14 MR. SNYDER: That's correct.

15 MR. CALLAGHAN: And did Earl -- what did
16 Earl Landry, Sr. tell you as to the whereabouts of his son?

17 MR. SNYDER: I asked him if he knew where he
18 was. He did not know where he was.

19 MR. CALLAGHAN: And so was he forthright
20 with you?

21 MR. SNYDER: When he told me that, yes.

22 MR. CALLAGHAN: All right. And did he, to
23 your knowledge, try to contact his son?

24 MR. SNYDER: To my knowledge, no.

25 MR. CALLAGHAN: And did he try to dissuade

1 you from proceeding in any way with dealing with the Breach
2 of Recognizance?

3 **MR. SNYDER:** No.

4 **MR. CALLAGHAN:** And I take it you then go
5 ahead and you arrest Earl Landry, Jr.?

6 **MR. SNYDER:** Correct.

7 **MR. CALLAGHAN:** And if I could go -- take
8 you over to the fifth page, and you're filling out -- I
9 take it at 23:50, you're filling out the arrest report?

10 **MR. SNYDER:** Correct.

11 **MR. CALLAGHAN:** All right. And at 23:58,
12 can you read that?

13 **MR. SNYDER:** "He called father from CIB
14 office, advised him that charges for
15 being 15 minutes late on curfew, that
16 child will be upset in morning when he
17 is not there, that he will be held in
18 custody until Tuesday."

19 **MR. CALLAGHAN:** Okay. And I take it you --
20 had you read him his rights to counsel?

21 **MR. SNYDER:** Correct.

22 **MR. CALLAGHAN:** And you'll see earlier that
23 he called his counsel at 23:45.

24 **MR. SNYDER:** Correct.

25 **MR. CALLAGHAN:** Now, that leads to the

1 transcript that Commission counsel took you to at Exhibit
2 1620. We don't need to go there. It's the continuation of
3 bail hearing, but to be clear, both you and the Crown at
4 this stage were seeking to revoke ---

5 MR. SNYDER: Yes.

6 MR. CALLAGHAN: --- the bail of Earl Landry,
7 Jr.

8 MR. SNYDER: Correct.

9 MR. CALLAGHAN: All right. And was that
10 granted by the Court?

11 MR. SNYDER: No, it was not.

12 MR. CALLAGHAN: All right. And I take it
13 then you had indicated that -- earlier that Earl Landry,
14 Jr. eventually pled guilty to the charges that you had
15 laid?

16 MR. SNYDER: Correct.

17 MR. CALLAGHAN: Can you tell us what his
18 sentence was?

19 MR. SNYDER: To the sexual offences, they
20 were five years. I believe it was one year per victim,
21 consecutively.

22 MR. CALLAGHAN: And if I could take you then
23 to Exhibit 740065.

24 Sorry, did I say exhibit, I apologize.

25 THE COMMISSIONER: Yes, you did.

1 **MR. CALLAGHAN:** Document Number, Mr.
2 Commissioner.

3 **THE COMMISSIONER:** Yes. It's okay.

4 **MR. CALLAGHAN:** It's early.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 1654 is a letter to Acting
8 Inspector Carter from Susan Ficek and it's dated May 4th,
9 2000.

10 **--- EXHIBIT NO./PIÈCE NO. P-1654**

11 (740065) Letter from Susan Ficek to Acting
12 Inspector Carter dated May 4, 2000

13 **MR. CALLAGHAN:** And if I could, Mr.
14 Commissioner, also a Document 740066 which was an
15 attachment to that letter.

16 **THE COMMISSIONER:** Thank you.

17 One-six-five-five (1655) is a Court of
18 Appeal document, affidavit of Earl Landry. It's unsworn,
19 unsigned.

20 **--- EXHIBIT NO./PIÈCE NO. P-1655:**

21 (740066) Affidavit of Earl Landry dated May
22 1, 2000

23 **MR. CALLAGHAN:** Now, just to situate where
24 we are in the process, Earl Landry, Jr. appealed his five-
25 year sentence?

1 **MR. SNYDER:** Correct.

2 **MR. CALLAGHAN:** And on Exhibit 1651 the
3 Crown Attorney, Susan Ficek, writes:

4 "Mr. Landry is seeking release pending
5 an appeal against sentence which the
6 Crown opposing having regard of the
7 public interest and the risk to the
8 public should he be released."

9 And it goes on to say that they hadn't --
10 couldn't reach the trial Crown so they were speaking to
11 you; correct?

12 **MR. SNYDER:** Correct.

13 **MR. CALLAGHAN:** And they were forwarding the
14 affidavit. You'll see that in the middle paragraph?

15 **MR. SNYDER:** Correct.

16 **MR. CALLAGHAN:** And that was -- just to be
17 clear, that's the affidavit 1655?

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** All right.

20 And she asked a number of questions. She
21 says:

22 "I'm concerned since Mr. Landry
23 apparently minimizes the seriousness of
24 the offences, specifically in respect
25 of paragraph 3, he suggests in respect

1 of one charge of breaching his
2 undertaking that the victim contacted
3 him and tried to blackmail him over a
4 computer. Did Mr. Landry plead guilty
5 to the offence of breach of undertaking
6 and were these the facts in support of
7 the charge? With respect to a second
8 breach, he states he was only past his
9 curfew by five minutes. Again, I do
10 not know the facts of this second
11 charge, a failing to comply or a breach
12 of an undertaking, and wonder if this
13 explanation was before the court. In
14 terms of his guilty plea to the sexual
15 offences, Mr. Landry denies any act of
16 penetration, although that was part of
17 the facts read in by the Crown. You
18 may not be able to comment on this
19 since you were not the investigating
20 officer, but I felt I should have the
21 affidavit reviewed since it raises some
22 concerns or questions in my mind."

23 Do you see that?

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** All right.

1 And I take it this letter was sent to Acting
2 Inspector Carter but then redirected to you?

3 **MR. SNYDER:** Correct.

4 **MR. CALLAGHAN:** All right.

5 And during the course of your evidence, we
6 saw Exhibit 1621. If you could have that handy?

7 **(SHORT PAUSE/COURT PAUSE)**

8 **MR. CALLAGHAN:** Do you have 1621?

9 **MR. SNYDER:** Yes, I do.

10 **MR. CALLAGHAN:** All right. Now, what is
11 this document?

12 **MR. SNYDER:** It's the reply to this letter.
13 I wrote my opinions as to the appeal process.

14 **MR. CALLAGHAN:** And when did you do it?

15 **MR. SNYDER:** That evening, at my home.

16 **MR. CALLAGHAN:** All right. And did it get
17 sent to the Crown?

18 **MR. SNYDER:** Yes, it did. It was faxed to
19 her.

20 **MR. CALLAGHAN:** So in response to the
21 request by the Crown, you say -- and we'll just take a look
22 at a few sections -- and if I take you to the third
23 paragraph.

24 "The first point I would like to make
25 is that the victims and their families

1 would adamantly protest the release of
2 Mr. Landry pending his appeal. The
3 case was very emotional and traumatic
4 with Mr. Landry waiting to the bitter
5 end before he pled guilty. Some of the
6 victims felt victimized by Mr. Landry's
7 sentence ---"

8 **MR. SNYDER:** "Vindicated."

9 **MR. CALLAGHAN:** "--- and some still are
10 having difficulty coping."

11 **MR. SNYDER:** "Some felt vindicated."

12 **MR. CALLAGHAN:** "Some felt vindicated by Mr.
13 Landry's sentence and some are still
14 having difficulty coping."

15 Is that your view of the situation at the
16 time?

17 **MR. SNYDER:** Yes, it was.

18 **MR. CALLAGHAN:** And then if you could read -
19 - regarding point 1, which is Mr. Landry's minimizing the
20 offence, can you just read the first ---

21 **MR. SNYDER:** "You have every right to be
22 concerned because that has been Mr.
23 Landry's position from the start, to
24 minimize. He really has never taken
25 full responsibility for his actions.

1 There was always an excuse or it was
2 someone else's fault."

3 **MR. CALLAGHAN:** All right, and if we go on,
4 you're talking about the breaches and you talk about the
5 obstruct justice?

6 **MR. SNYDER:** Correct.

7 **MR. CALLAGHAN:** Can you tell us what
8 happened with the obstruct justice charge?

9 **MR. SNYDER:** "In references to the breaches
10 on September 4th, '98, Mr. Landry was
11 charged by me for obstruct justice, the
12 breach recognisance and breach of OICs
13 undertaking. The obstruct justice, I
14 believe, was withdrawn on a plea
15 bargain for a guilty plea on the other
16 two. The convictions were struck on
17 February 8, 2000 on these charges. The
18 facts of the case of the obstruct
19 justice charge are that Mr. Landry
20 approached his brother-in-law, C-54, to
21 drop the charge against him. Mr.
22 Landry offered a computer as
23 compensation for this and then a letter
24 was sent to the Crown advising same.
25 C-54 stated that he never wrote the

1 letter that was sent to the Crown.
2 However, he was contemplating
3 withdrawing his complaint for the
4 computer. Mr. Landry never provided an
5 explanation and never reported the
6 computer stolen."

7 **MR. CALLAGHAN:** All right, if we just pause
8 there. So then we -- that's the obstruct justice issue we
9 talked about?

10 **MR. SNYDER:** Correct.

11 **MR. CALLAGHAN:** All right. And then you
12 report lower, perhaps under the -- starting with the
13 sentence "Finally".

14 **MR. SNYDER:** "Finally, the breach of curfew
15 charge arises from Mr. Landry being out
16 past 11 p.m. I conducted surveillance
17 on his wife's residence because I had
18 received information that he was
19 staying there. The very first night of
20 my surveillance I noticed Mr. Landry
21 looked out the front window of his
22 wife's apartment. I could see the
23 television flickering and the light on
24 in what I believe would be the
25 kitchen."

1 **MR. CALLAGHAN:** Okay. And so you go on and
2 you describe the rest of that occurrence; right?

3 **MR. SNYDER:** Correct.

4 **MR. CALLAGHAN:** And then you go over to the
5 next page, just because I don't -- I don't think you have
6 to read the whole letter, but let's go to the next page.

7 **MR. SNYDER:** Yes.

8 **MR. CALLAGHAN:** And it says, "Denies the act
9 of penetration"?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** And if you could just read
12 your statement there.

13 **MR. SNYDER:** "Mr. Landry states that the
14 acts of penetration was not one of the
15 original allegations against him and
16 that he was caught by surprise when he
17 was advised in court. This comment,
18 like most of his comments, are
19 ridiculous. This incident was
20 investigated approximately 10 years
21 prior to him being charged, however,
22 the charges were not laid at the time
23 because the victim was not capable of
24 testifying. When the other victims
25 came forward in '96, I approached this

1 victim to see if he would testify and
2 if he wished to proceed. This charge
3 was always there and he had ample
4 opportunity to change his plea to not
5 guilty if he did not agree with the
6 facts."

7 **MR. CALLAGHAN:** Okay. And just -- just -- I
8 took, Mr. Commissioner, you may recall -- by the way,
9 you're talking about C-53; correct?

10 **MR. SNYDER:** C-51.

11 **MR. CALLAGHAN:** C-51, pardon me, I misspoke;
12 C-51.

13 Mr. Commissioner, you recall that we looked
14 at C-51's statement and there was that sentence. I didn't
15 read in the record but ---

16 **THE COMMISSIONER:** M'hm.

17 **MR. CALLAGHAN:** --- I think you get the
18 picture.

19 Okay. And then he talks about -- and I'm
20 not sure of the rest of this -- but you respond to the rest
21 of her comments?

22 **MR. SNYDER:** Correct.

23 **MR. CALLAGHAN:** All right.

24 And he talks in paragraph 4 about the
25 psychiatric evidence and that is that he was trying to

1 suggest he was better; correct?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: And you were alerting her to
4 -- what I've taken you to -- you're alluding to that during
5 the sentencing process, Dr. Ellis testified and it was
6 clear that during that time he was not made aware of
7 certain facts?

8 MR. SNYDER: Correct.

9 MR. CALLAGHAN: All right.

10 And you were trying to alert the appellate
11 Crown that in fact a lot of that issue was canvassed and
12 suggested that Dr. Ellis knew everything was incorrect
13 because that came at the sentencing process?

14 MR. SNYDER: Correct.

15 MR. CALLAGHAN: All right.

16 And just to, as we say, close the loop, if I
17 could take you to Document 740063.

18 (SHORT PAUSE/COURTE PAUSE)

19 THE COMMISSIONER: Thank you.

20 Exhibit Number 1656 is a letter from Susan
21 Ficek to Acting Inspector Clarke May 5th, 2000.

22 --- EXHIBIT NO./PIÈCE NO. P-1656:

23 (740063) Letter from Susan Ficek to
24 Acting Inspector Carter dated May 5, 2000

25 MR. CALLAGHAN: All right.

1 First off, there is no Acting Inspector
2 Clarke is there at the Cornwall Police Services?

3 MR. SNYDER: No, that's Acting Inspector
4 Carter. I believe it was a misspell.

5 MR. CALLAGHAN: All right, but this is just
6 her responding the day later after you send it?

7 MR. SNYDER: Correct.

8 MR. CALLAGHAN: And I take it she was just
9 complimenting you on the information that you gave;
10 correct?

11 MR. SNYDER: She's thanking me for the
12 information, it would helpful for her.

13 MR. CALLAGHAN: What I'd like to do now that
14 sort of completes the Earl Landry, Jr. investigation is
15 discuss your investigation of the 1985 Earl Landry, Jr.
16 investigation.

17 MR. SNYDER: Yes.

18 MR. CALLAGHAN: And you've indicated you did
19 that with Staff Sergeant Derochie?

20 MR. SNYDER: Correct.

21 MR. CALLAGHAN: And for this purpose, I'd
22 like you to have Exhibit 1622, and 1622 is your notes of
23 that investigation?

24 MR. SNYDER: Correct.

25 MR. CALLAGHAN: All right. And we talked --

1 and 1629 is your report?

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: And during the course of
4 your investigation -- and I'm not -- most of the details
5 are recorded in your notes or in your report, but you
6 indicated that you interviewed a number of officers;
7 correct?

8 MR. SNYDER: Correct.

9 MR. CALLAGHAN: And I'm just going to list
10 some of them and I think -- I'm not sure I've got all of
11 them, but it's in the record, but just so the public
12 understands the number of people you interviewed.

13 Inspector Trew?

14 MR. SNYDER: Yes.

15 MR. CALLAGHAN: Staff Sergeant Phillips?

16 MR. SNYDER: Yes.

17 MR. CALLAGHAN: Inspector Calvin Scott?

18 MR. SNYDER: Yes.

19 MR. CALLAGHAN: Inspector Fred Seaver?

20 MR. SNYDER: Yes.

21 MR. CALLAGHAN: Constable Samson?

22 MR. SNYDER: Yes.

23 MR. CALLAGHAN: Sergeant Jean-Paul Brisson?

24 MR. SNYDER: Yes.

25 MR. CALLAGHAN: Inspector Stuart McDonald?

1 MR. SNYDER: Yes.

2 MR. CALLAGHAN: Constable Payment?

3 MR. SNYDER: Yes.

4 MR. CALLAGHAN: Sergeant Masson?

5 MR. SNYDER: Yes.

6 MR. CALLAGHAN: Former Chief -- Deputy Chief

7 O'Neill?

8 MR. SNYDER: Yes.

9 MR. CALLAGHAN: All right. And I'm sure
10 there are probably a fewer smaller ones?

11 MR. SNYDER: Yes.

12 MR. CALLAGHAN: You also interviewed a
13 civilian -- or a couple of civilians, particularly one
14 regarding the photograph in the park?

15 MR. SNYDER: Correct.

16 MR. CALLAGHAN: All right. And I take it
17 you took statements from a number of those?

18 MR. SNYDER: Yes, I did.

19 MR. CALLAGHAN: All right. And you also, I
20 take it, interviewed people who were -- who you could
21 identify who were in King George Park at the time? You
22 interviewed ---

23 MR. SNYDER: Correct.

24 MR. CALLAGHAN: --- Tim Samson?

25 MR. SNYDER: That's right.

1 **MR. CALLAGHAN:** And you interviewed Gaetan
2 Rioux?

3 **MR. SNYDER:** Gaetan Rioux, yes.

4 **MR. CALLAGHAN:** Gaetan Rioux. And you were
5 a ---

6 **MR. SNYDER:** It's close.

7 **MR. CALLAGHAN:** I apologize.

8 **THE COMMISSIONER:** No, no, no.

9 **MR. CALLAGHAN:** I apologize to every French
10 -- Franco-Canadian.

11 So you went back in trying to find the
12 details of those days?

13 **MR. SNYDER:** Yes.

14 **MR. CALLAGHAN:** And again those are referred
15 to in your report?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** Now, we discussed -- and I'm
18 sorry you also spoke to -- and it was done yesterday, but
19 you also spoke to ---

20 **MR. SNYDER:** C-51?

21 **MR. CALLAGHAN:** No.

22 **MR. SNYDER:** No.

23 **MR. CALLAGHAN:** The complainant's -- the
24 plaintiff's mother, we talked about that the other day.

25 **MR. SNYDER:** C-51's mom?

1 **MR. CALLAGHAN:** I'm sorry, I'm just trying
2 to get -- C-53's mother.

3 **MR. SNYDER:** Oh ---

4 **MR. CALLAGHAN:** We talked about that. I
5 don't plan to go over it but you try to get information?

6 **MR. SNYDER:** Yes.

7 **MR. CALLAGHAN:** Right, because it was their
8 Statement of Claim that started the process?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** Right. And you did speak to
11 C-51's mother; correct?

12 **MR. SNYDER:** Yes.

13 **MR. CALLAGHAN:** And Mr. Lee took you to the
14 statement of C-51?

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** And if we could take a look
17 at that. Actually, if I could just pause for a second just
18 so I can go back on the detail of it, to set this up a
19 little better.

20 You also spoke to CAS?

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** You also -- you went to CAS
23 and they permitted you to review the records of C-51?

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** And during the course of the

1 investigation into Earl Landry, Jr. regarding an incident
2 against C-51, the police also got involved in another
3 allegation against a Gary Seguin involving assaults on C-51
4 and his brother?

5 MR. SNYDER: Correct.

6 MR. CALLAGHAN: All right. And those were
7 happening essentially at the same time?

8 MR. SNYDER: Correct.

9 MR. CALLAGHAN: In the summer of 1985?

10 MR. SNYDER: Correct.

11 MR. CALLAGHAN: Sorry, having taken that
12 time, I just want to direct your attention to Exhibit 1633
13 and he directed you -- Mr. Lee directed you to the bottom
14 paragraph and indicated that:

15 "His mother confronted him ..."

16 -- that being Earl Landry, Jr.

17 "... in front of me and he did admit
18 it at the time."

19 MR. SNYDER: Correct.

20 MR. CALLAGHAN: And so the information that
21 we're talking about is not the information of C-51 but it's
22 the information of his mother?

23 MR. SNYDER: Correct.

24 MR. CALLAGHAN: This is something told to
25 his mother?

1 **MR. SNYDER:** This is something ---

2 **MR. CALLAGHAN:** That he alleges was told to
3 his mother?

4 **MR. SNYDER:** Right.

5 **MR. CALLAGHAN:** All right.

6 So if I could take you to Document 740012?

7 **MS. JONES:** I'm sorry, I just want to
8 clarify that, please, because according to the statement --
9 according to the statement, it's not just the testimony of
10 C-53's mother because I believe C-53 said that it was done
11 in front of him as well.

12 It says:

13 "My mother confronted him in front of
14 me and he did admit it at the time."

15 So it isn't just the evidence of C-53's
16 mother; it's also C-53's.

17 **MR. CALLAGHAN:** All right. Thank you.

18 Did you -- if I could go -- I'm sorry, if I
19 could take you to Document 740012.

20 **THE COMMISSIONER:** Thank you.

21 So this is C- -- I'm slow on the uptake
22 here.

23 **MR. SNYDER:** Fifty-one (51).

24 **THE COMMISSIONER:** Fifty-one (51)?

25 **MR. SNYDER:** Right.

1 **THE COMMISSIONER:** So 1657 is the exhibit
2 and a statement of C-51's mother taken by Sergeant Snyder
3 on the 24th of March 1997.

4 **--- EXHIBIT NO./PIÈCE NO. P-1657:**

5 (740012) Witness Statement related to C-51
6 dated March 24, 1997

7 **MR. CALLAGHAN:** And we'll come to your
8 notes, but you reviewed this again in the course of this
9 investigation with C-51's mother?

10 **MR. SNYDER:** Correct.

11 **MR. CALLAGHAN:** And if I could ask you to
12 read the passage saying, "After a long time"?

13 **MR. SNYDER:** "After a long time of thinking
14 about it, I do recall going back to
15 this, going in the clubhouse with C-51
16 and seeing this big guy in front of me
17 but I don't remember what was said."

18 **MR. CALLAGHAN:** Okay. And she goes on to
19 say that she was aware that at the time the CAS got
20 involved?

21 **MR. SNYDER:** Correct.

22 "After the police were involved and
23 took over, along with CAS, I recall
24 something with dolls. I can't remember
25 exactly who checked C-51 out."

1 **MR. CALLAGHAN:** All right.

2 And if I could ask you, there's a document
3 from the files of the CAS.

4 **THE COMMISSIONER:** Thank you. Exhibit No.
5 1658 are Childrens' Aid Society of Stormont, Dundas,
6 Glengarry, case documentation system service record. The
7 first date is the 5th of November, 1993.

8 **--- EXHIBIT NO./PIECE NO. P-1658:**

9 (115742) CAS Case Notes by Pina DeBellis
10 dated 05 Nov 93

11 **MR. CALLAGHAN:** All right. And I believe
12 they're the notes of Pina DeBellis. And you would have
13 seen these notes, I take it, because they gave you the file
14 of ---

15 **MR. SNYDER:** That's correct.

16 **MR. CALLAGHAN:** All right. And it says on
17 the line:

18 "Mother remembers confronting Gary,
19 'the one at the park' is how mother
20 describes the other."

21 And I take it Gary is Gary Seguin?

22 **MR. SNYDER:** Correct.

23 **MR. CALLAGHAN:** All right. And was there
24 any indication that you're aware that you know he -- that
25 she confronted, in these notes -- do you recall seeing

1 anything perhaps is a better way to put it, "the one at the
2 park"?

3 **MR. SNYDER:** No.

4 **MR. CALLAGHAN:** You also ---

5 **MS. JONES:** I just want it made clear for
6 the record that the two items being referred to of C-53's
7 mother ---

8 **THE COMMISSIONER:** Fifty-one (51)?

9 **MR. CALLAGHAN:** Fifty-one (51).

10 **MS. JONES:** Sorry, C-51's mother, the first
11 statement, 1657, that was referred to by Mr. Callaghan is
12 dated 1997 which is approximately 12 years after the event
13 is alleged to have occurred.

14 And the notes of the CAS that were just
15 referred to, the most current exhibit, the date of that
16 interview is 1993. So I just wanted to put in context that
17 several years have passed between the event and these two
18 statements being discussed.

19 **MR. CALLAGHAN:** All right.

20 **THE COMMISSIONER:** But Mr. Callaghan I don't
21 know, Exhibit 1658 ---

22 **MR. CALLAGHAN:** Yes.

23 **THE COMMISSIONER:** --- we've got it at the
24 bottom and I -- it says:

25 "Whenever they didn't charge him I went

1 down to the clubhouse."

2 And then it stops.

3 **MR. CALLAGHAN:** I'm afraid I didn't pick
4 that page. I will see if it's relevant, yeah. And if it
5 is -- and I'm sure we're going to hear from the CAS and get
6 all these ---

7 **THE COMMISSIONER:** No, I understand that.
8 It's just that I don't want to ---

9 **MR. CALLAGHAN:** Right. And in fairness to
10 the witness, because of the way this came up in the course
11 of others' testimony, this is not something that I -- that
12 he has gone over the notes of recent date, is what I'm
13 saying.

14 **THE COMMISSIONER:** Right.

15 **MR. CALLAGHAN:** So I will correct it and
16 we'll deal with that -- it may not get done today, sir,
17 just because of the way things will work ---

18 **THE COMMISSIONER:** No.

19 **MR. CALLAGHAN:** --- but ---

20 **THE COMMISSIONER:** But -- oh, you ---

21 **MR. CALLAGHAN:** --- it'll certainly -- no,
22 but it certainly would -- CAS comes up I'm sure we'll ---

23 **THE COMMISSIONER:** After your cross-
24 examination is finished shortly.

25 **MR. CALLAGHAN:** Thank you, sir.

1 (LAUGHTER/RIRES)

2 THE COMMISSIONER: Thank you.

3 MR. CALLAGHAN: Brevity is an art which
4 lawyers don't really know how to paint.

5 The -- but you did, just to Commission
6 counsel's point, you did speak to C-51's mother during the
7 course of, at least the 2000 investigation?

8 MR. SNYDER: Yes, I did.

9 MR. CALLAGHAN: And if I could take you to
10 1622, and if I could take you to Bates page 9262. And if
11 you could go to -- this is where you interview the mother.

12 MR. SNYDER: Correct.

13 MR. CALLAGHAN: All right. And if I could
14 take you to 9264 and just to be clear, can you just start
15 with the "I asked..." which is in the middle of the page?

16 MR. SNYDER: "I asked her how it was
17 reported. She says she does not
18 remember. She does not remember
19 being at the station and that CAS was
20 there showing dolls to son. Does not
21 remember how CAS got there. I asked
22 her if Earl Landry, Sr. was present
23 at any of..."

24 MR. CALLAGHAN: Okay.

25 MR. SNYDER: "...of their meetings."

1 **MR. SNYDER:** Oh, sorry.

2 "That her brother-in-law confronted
3 Earl, Jr. The brother-in-law was also
4 a city employee. I asked if she
5 reported the assault on C-51 right away
6 or did she..."

7 **THE COMMISSIONER:** "Wait."

8 **MR. SNYDER:** "Wait before going to police.
9 She said she was having a fight with
10 her husband over the incident so..."

11 **MR. CALLAGHAN:** That's fine. I just want to
12 talk about the brother-in-law for a second.

13 **MR. SNYDER:** Yes, sorry.

14 **MR. CALLAGHAN:** So did you interview the
15 brother-in-law?

16 **MR. SNYDER:** Yes, I did.

17 **MR. CALLAGHAN:** And if I could take you to
18 Document 740569.

19 **THE REGISTRAR:** Can you repeat that, please?

20 **MR. CALLAGHAN:** Seven oh four five six nine
21 (704569). Seven four oh five six nine (740569); it was a
22 Commission-noted document.

23 And I'll say this, Mr. Commissioner, while
24 we look for it, it doesn't refer -- this document doesn't
25 refer to a monikered person but it would tend to identify a

1 monikered person so it should be stamped in any event.

2 **THE COMMISSIONER:** Okay. Thank you.

3 **MR. CALLAGHAN:** Thank you.

4 **THE COMMISSIONER:** Exhibit 1659 is a
5 statement from ---

6 **MR. CALLAGHAN:** I think the name has to go
7 unsaid, sir.

8 **THE COMMISSIONER:** No, I know that. I'm
9 just trying to see. It's C-51's relative.

10 **MR. CALLAGHAN:** Thank you.

11 **THE COMMISSIONER:** And it's taken on the 19th
12 of the 10th month of 2000.

13 **MR. CALLAGHAN:** Correct.

14 **--- EXHIBIT NO./PIECE NO. P-1659:**

15 (740569) Witness Statement related to C-51
16 dated 19 Oct 00

17 **MR. CALLAGHAN:** And without reading it, sir,
18 what was the result about the brother-in-law, whether he
19 recalled or didn't recall, confronting ---

20 **MR. SNYDER:** Just -- I just want to refresh
21 my memory with it, please.

22 **MR. CALLAGHAN:** All right. Please do. I
23 don't think -- don't read it in the record because it has
24 too many identifying factors in it.

25 **MR. SNYDER:** Basically he had never

1 confronted Earl and that he had read about it in the
2 newspaper.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. CALLAGHAN:** If I could, then, take you
5 to another point, just to move through it, at -- the arrest
6 issue that was raised by Mr. Lee and the impression was
7 that was given was that Mr. Landry, Jr. was placed under
8 arrest.

9 First of all, there was this discussion, and
10 I'll deal with them both now, around reasonable -- about
11 what the standard of arrest was and you'd said, reasonable
12 grounds?

13 **MR. SNYDER:** Yes, in my mind.

14 **MR. CALLAGHAN:** I take it, you are referring
15 to the codification under the Criminal Code that says that?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** All right.

18 And there was also discussion about the SIU,
19 while we're at it. I take it that's codified?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** And you don't have the
22 *Police Service Act* here?

23 **MR. SNYDER:** No, I do not.

24 **MR. CALLAGHAN:** All right.

25 There has been suggestion by some that you

1 might have mis-described the SIUs, you know, what they --
2 what their -- what their mandate is, but that would be all
3 in that *Police Service Act*?

4 **MR. SNYDER:** Yes, it would be.

5 **MR. CALLAGHAN:** All right.

6 So, if I could take you to Document 740543.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Thank you.

9 Exhibit Number 1660 are notes of Sergeant
10 Lefebvre from the 3rd day of May '85 to the 16th of July '85
11 I guess, but there's 16 written there.

12 **--- EXHIBIT NO./PIECE NO. 1660:**

13 (740543) Notes of Ron Lefebvre dated 07 Jun
14 85 to 16 Jul 85

15 **MR. CALLAGHAN:** Mr. Commissioner, can I get
16 the number again?

17 **THE COMMISSIONER:** One six six oh (1660).

18 **MR. CALLAGHAN:** One six six oh (1660).

19 Thank you.

20 So, do you have those in front of you?

21 Staff Sergeant?

22 **MR. SNYDER:** I do.

23 **MR. CALLAGHAN:** These -- and we've already
24 heard the testimony of Staff Sergeant Derochie, but these
25 were the notes of Sergeant Lefebvre that were found later?

1 **MR. SNYDER:** Correct.

2 **MR. CALLAGHAN:** All right.

3 And I just want to direct your attention,
4 because I want to talk about the arrest issue, if I could
5 take you to Bates page 1059?

6 **MR. SNYDER:** Yes.

7 **MR. CALLAGHAN:** If you could read the
8 notation of Wednesday, June 26th? And this is when they
9 pick up Earl Landry, Jr. at 11:19.

10 **MR. SNYDER:** HQ -- start shift. I'm sorry.
11 11:19.

12 **MR. CALLAGHAN:** Eleven nineteen (11:19).

13 **MR. SNYDER:** "With consent from Landry,
14 search of premise. Made one book
15 seized apparently owned by one..."

16 Can I mention this person's name or?

17 **MR. CALLAGHAN:** You can mention that
18 person's name.

19 **MR. SNYDER:** Timmy Samson.

20 **MR. CALLAGHAN:** And sorry, that's -- that's
21 the allegation of a book of pornography.

22 **MR. SNYDER:** That's right.

23 **MR. CALLAGHAN:** And Timmy Samson, you
24 actually spoke to in your investigation?

25 **MR. SNYDER:** Correct.

1 **MR. CALLAGHAN:** All right. Sir, go ahead.

2 **MR. SNYDER:** "Informed by Willis as not
3 being under arrest but can call a
4 lawyer if wanted to."

5 **MR. CALLAGHAN:** All right. And I take it --
6 does this refresh your memory as to whether the information
7 you had was whether Earl Landry, Jr. was under arrest or
8 not?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** If I could take you to
11 Exhibit 1623?

12 **(SHORT PAUSE/COURT PAUSE)**

13 **MR. CALLAGHAN:** If I could go to Exhibit
14 1623?

15 **THE COMMISSIONER:** We're there.

16 **MR. CALLAGHAN:** Oh, sorry, Mr. Commissioner.
17 So, this is a letter, I think it's been
18 referred to earlier by Bill Carriere.

19 **MR. SNYDER:** Correct.

20 **MR. CALLAGHAN:** If you could read the first
21 bullet? And it says -- let me start off:

22 "The following is the exact wording of
23 Information outlined by our staff based
24 on information that was provided by
25 officers with the Cornwall Police."

1 If you could read the full first bullet?

2 **MR. SNYDER:** "In documenting a referral
3 made to our Agency on July 9th, 1985,
4 social worker Jean Dupuy noted the
5 following: The referral was made to
6 our Agency by Sergeant Ron Lefebvre.
7 It is believe that this notation was
8 made on July 9th, 1985. C-51 has also
9 apparently been sexually assault by
10 Earl Landry, caretaker of King George
11 Park."

12 **MR. CALLAGHAN:** All right.

13 And so that is a note in the CAS file?

14 **MR. SNYDER:** Correct.

15 **MR. CALLAGHAN:** And this is after the date
16 of the refusal of polygraph?

17 **MR. SNYDER:** Correct.

18 **MR. CALLAGHAN:** And I take it, it's been
19 said a number of times, but CAS has an investigative power?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** All right.

22 And they could look into this?

23 **MR. SNYDER:** Yes, they could.

24 **MR. CALLAGHAN:** If I could take you then to
25 Exhibit 1637?

1 **MR. SNYDER:** Okay.

2 **MR. CALLAGHAN:** If you could then just --
3 this is the letter from Jean Dupuy was the CAS worker?

4 **MR. SNYDER:** Yes, he was at work at the time
5 in '85.

6 **MR. CALLAGHAN:** And, you -- and we went over
7 yesterday; you spoke to him, you met with him?

8 **MR. SNYDER:** Yes, I did.

9 **MR. CALLAGHAN:** And you talked to him?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** All right.

12 And he provided this letter?

13 **MR. SNYDER:** Yes.

14 **MR. CALLAGHAN:** And -- and it was gone over
15 a little bit by my friend -- I'm sorry, I'm hearing
16 whispers.

17 **THE COMMISSIONER:** Then you heard -- when
18 you referred to people as your friends?

19 **(LAUGHTER/RIRES)**

20 **THE COMMISSIONER:** Is that the whisper?

21 **MR. CALLAGHAN:** That's the only place they
22 come from is the whispers.

23 **(LAUGHTER/RIRES)**

24 **MR. CALLAGHAN:** Now, Mr. Chisholm went
25 through and indicated that the statement was being made

1 only on partial notes and I recognize you testified that
2 you weren't certain what notes he has. But can you just
3 read the fourth paragraph?

4 **MR. SNYDER:** "In July 1985 I received a
5 report from Sergeant Ron Lefebvre of
6 the Cornwall Police in regard to the
7 children, C-51 and his brother..."

8 **MR. CALLAGHAN:** Right.

9 **MR. SNYDER:** "...who were allegedly
10 sexually abused by one Gary Seguin in
11 conjunction with this same allegation
12 regarding Gary Seguin. The child C-51
13 was also allegedly sexually assaulted
14 by one Earl Landry who was described as
15 a caretaker of King George Park."

16 **MR. CALLAGHAN:** All right. So, that just
17 confirmed what the CAS had told you; he's now confirming
18 that he was told ---

19 **MR. SNYDER:** That's right.

20 **MR. CALLAGHAN:** --- after this allegation, I
21 think some have used "a conspiracy to cover up" the Earl
22 Landry, Jr. after that Ron Lefebvre's telling the CAS ---

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** All right. If I could go to
25 the bottom of this page, the last sentence?

1 on?

2 MR. SNYDER: Yes.

3 MR. CALLAGHAN: All right.

4 And the next page, and this is back to the
5 Dr. Park issue but just so it's clear, I know Mr. Chisholm
6 put it a certain way, but you found no -- and we'll take
7 what the officer says, that of course you found no
8 information confirming that the letter of Dr. Park was sent
9 to the Cornwall Police.

10 MR. SNYDER: Correct.

11 MR. CALLAGHAN: All right. Now, Mr. Lee had
12 indicated that had there been some intention by either
13 Chief Landry or Chief Shaver to cover up, if I might put it
14 that way, the allegations of Earl Landry, Jr., it would
15 require complicity by the investigators such as Ron
16 Lefebvre. Do you recall him putting that?

17 MR. SNYDER: Yes.

18 MR. CALLAGHAN: And I take it the same would
19 apply to the CAS worker who was told about it after all
20 this?

21 MR. SNYDER: Yes.

22 MR. CALLAGHAN: All right. Could you just
23 read the last paragraph?

24 MR. SNYDER: "To my recollection, I was
25 never aware of any information

1 mentioned to myself by any authority
2 that the allegations against Mr. Landry
3 should not be investigated. Further, I
4 have no recollection as to why this
5 matter was not investigated."

6 **MR. CALLAGHAN:** All right. And we also
7 talked about you -- I also talked to you about -- someone
8 talked to you about Claude Shaver's statement, Exhibit
9 1370.

10 **MR. SNYDER:** Thank you.

11 **MR. CALLAGHAN:** In it, in the last
12 paragraph, Chief Shaver says ---

13 **MR. SNYDER:** Last page?

14 **MR. CALLAGHAN:** Paragraph of the last page,
15 sorry, Madam Clerk.

16 It says:

17 "In a somewhat similar circumstance, a
18 case involving the son of a long-time
19 friend who exposed himself in front of
20 a child, I advised the father that the
21 matter would be handled professionally
22 by the department, that I could arrange
23 a polygraph test for his son. Although
24 he attempted to influence me by
25 introducing our friendship and

1 questioning the motives of one of my
2 officers, I advised him the department
3 professionally investigates all
4 complaints and I would not interfere in
5 the investigation."

6 Are you aware of that incident?

7 **MR. SNYDER:** Yes, it was my investigation.

8 **MR. CALLAGHAN:** And without -- I don't think
9 we need to talk about the names but can you just tell us is
10 that an accurate statement?

11 **MR. SNYDER:** Yes, and actually he downplayed
12 that in this. It's actually more than a friend and I don't
13 know if you want me to say.

14 **MR. CALLAGHAN:** Yes, well, I suppose, sure.

15 **MR. SNYDER:** Basically he was the Chair of
16 the Board, the Police Board.

17 **MR. CALLAGHAN:** And what was the person's
18 name? Well, I think now you've said it, you better make
19 sure it's clear as to which Chair we're talking about, I
20 think.

21 **THE COMMISSIONER:** So it wasn't Mr. ---

22 **MR. CALLAGHAN:** No, no. No, no.

23 **THE COMMISSIONER:** Well, just -- no. That's
24 all ---

25 **MR. CALLAGHAN:** That's why I think ---

1 **MR. SNYDER:** It was not him.

2 **MR. CALLAGHAN:** No, you might as well say
3 it.

4 **MR. SNYDER:** It was Ron Martelle.

5 **MR. CALLAGHAN:** Right. And what did Chief
6 Shaver do in that occasion?

7 **MR. SNYDER:** He told me to do a full
8 investigation. I did, and charged the son.

9 **MR. CALLAGHAN:** Yeah, and was the son
10 convicted in the end?

11 **MR. SNYDER:** Yes, he was.

12 **MR. CALLAGHAN:** All right. Now, just going
13 to the interviews of the two officers Willis and Lefebvre,
14 you had indicated -- just one second, sir. I think there's
15 another document I ought to have entered before we get
16 there.

17 If I could actually just -- going back a
18 little bit, Mr. Commissioner, before I start this; Exhibit
19 -- Document 740574.

20 **THE COMMISSIONER:** Thank you. Exhibit 1661
21 is a Witness Statement of a relative of C-51.

22 --- **EXHIBIT NO./PIÈCE No. P-1661:**

23 (740574) Witness Statement related to
24 C-51 dated 21 Nov 00

25 **MR. CALLAGHAN:** Yes. This is the mother and

1 just at the bottom of it ---

2 **THE COMMISSIONER:** Just a second, just a
3 second. The 21st of November 2000 is the statement date.
4 Okay.

5 **MR. CALLAGHAN:** Okay. So as I indicated --
6 as you indicated, you went over the mother's statement with
7 her and then I take it she added a second smaller statement
8 at the second page; correct?

9 **MR. SNYDER:** Yes.

10 **MR. CALLAGHAN:** I just wanted to make sure,
11 Mr. Commissioner, that we had both witness statements.

12 And -- sorry, if I can move on, you had
13 talked, when you reviewed the interviews of the two
14 officers, about -- a bit about your interview technique.

15 **MR. SNYDER:** Yes.

16 **MR. CALLAGHAN:** And I just ask you to
17 expound on that so we have an understanding of, you know,
18 what body language as percentage accounts for assessments,
19 what the actual written words or the spoken words, how does
20 it ---

21 **MR. SNYDER:** Well, what I have been taught
22 and have observed is that 50 percent of what -- from the
23 body is where you get a lot of your information. The word
24 is worth about 7 percent. There's a thing called
25 paralinguistics, is the tone and the way the speed of your

1 vocabulary.

2 So even though you're doing the -- listening
3 to the words, you're watching more the body language and
4 you're watching more the eyes and how the person is
5 expressing himself.

6 **MR. CALLAGHAN:** All right. And so there was
7 -- is there any other element to it?

8 **MR. SNYDER:** Well, there's a thing called
9 neurolinguistics which is the eye movement and people going
10 back into memory or editing. If you're watching the eyes,
11 if you're going high to the left, you're going back into
12 your memory. If you're going to the right, you're either
13 going into making or editing a story.

14 **MR. CALLAGHAN:** And I take it these are
15 things -- these are techniques taught to you ---

16 **MR. SNYDER:** Yes.

17 **MR. CALLAGHAN:** --- by the Ontario Police
18 College and those other seminars you take?

19 **MR. SNYDER:** Canadian Police College;
20 Ontario Police College, yes.

21 **MR. CALLAGHAN:** And in starting off, there
22 was a suggestion, and I think it's clear when you look at
23 the document that there were a series of "yes" or "no"
24 questions to start. You explained that but if you take a
25 look at Exhibit 1369 ---

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. CALLAGHAN: Just so it's clear, you
3 asked the "yes" "no" questions that were referred to and
4 they were -- make up of the first few questions but is it
5 fair to say you go in and get them talking a little bit?

6 MR. SNYDER: That's right.

7 MR. CALLAGHAN: All right. And this is -- I
8 just want to take you to a few excerpts of this just to
9 clarify a few points.

10 THE COMMISSIONER: I'm sorry. You're at
11 1369?

12 MR. CALLAGHAN: Yes, sir.

13 THE COMMISSIONER: Okay. So this is a
14 Witness Statement of ---

15 MR. CALLAGHAN: Stan Willis.

16 THE COMMISSIONER: --- Stan Willis who is a
17 police officer.

18 MR. CALLAGHAN: It's actually not a witness
19 statement; it's an interview.

20 THE COMMISSIONER: Well, ---

21 MR. CALLAGHAN: You see they're
22 question/answers.

23 THE COMMISSIONER: Well, I know. It says
24 Witness Statement on the top. I just don't know.

25 MR. CALLAGHAN: Well, this was a taped

1 interview.

2 MR. SNYDER: It was a taped interview. A
3 witness statement is what OMPPAC puts out, whether it's a
4 witness statement or an interview. That's what OMPPAC puts
5 out.

6 MR. CALLAGHAN: This is verbatim?

7 MR. SNYDER: Yes.

8 THE COMMISSIONER: Yes, but you weren't
9 there?

10 MR. SNYDER: Yes, I was, sir.

11 MR. CALLAGHAN: This is, Mr. Commissioner,
12 you'll recall, he talks about Staff Sergeant Derochie
13 asking the questions, he watching. In fact, you'll see ---

14 THE COMMISSIONER: Okay. No, just refresh
15 my memory now, yes.

16 MR. CALLAGHAN: And if you could just go
17 over to the second page and now, as Commission counsel
18 indicated, you're talking about going back to an
19 investigation 16 years ago?

20 MR. SNYDER: Correct.

21 MR. CALLAGHAN: And I think you'd already
22 said it was clear that their memories weren't entirely
23 clear?

24 MR. SNYDER: Correct.

25 MR. CALLAGHAN: All right. But I just -- so

1 what it was said -- if I could take you to the middle --
2 it's going to be a little difficult but if I could, it's
3 about a third of the way down. It says Staff Sergeant
4 Derochie asking the question ---

5 **MR. SNYDER:** Can it come up on my screen,
6 please?

7 **THE COMMISSIONER:** We're trying. As soon as
8 we know ---

9 **MR. SNYDER:** Oh, I'm sorry.

10 **THE COMMISSIONER:** --- where he's going
11 we'll be able to help you out.

12 **MR. CALLAGHAN:** It's the second page, so
13 we're up a little, I think, just a little, Madam Clerk,
14 just up a little. All right.

15 I'm sorry; I've got to situate it. Move up
16 a little more. Sorry, Bates page 292. I just want to
17 point out a few things on this statement and we're about a
18 third of the way down. Right about where your cursor, up,
19 up, up with your cursor. Right there, yes, please.

20 If you could go up. I'm sorry; I'm having
21 trouble locating it.

22 Moving up a little further. Okay, it should
23 be just above that. Sorry, I apologize.

24 **MR. SNYDER:** It's right there. I'm sorry,
25 right in her cursor now.

1 **MR. CALLAGHAN:** Okay. So, this is -- you're
2 talking about -- I just want to take some highlights.

3 Now, Stan Willis; what's the status of Stan
4 Willis at the moment?

5 **MR. SNYDER:** He's a constable -- at this
6 moment, right now he's deceased.

7 **MR. CALLAGHAN:** Right but at the time?

8 **MR. SNYDER:** At the time he was a Constable
9 with the OPP. He retired from Cornwall Police and got a
10 job with the OPP as a constable.

11 **MR. CALLAGHAN:** It says:

12 "Staff Sergeant Derochie, I'm sorry; do
13 you recall if Earl Landry, Jr. was ever
14 identified as a suspect involved in the
15 assault against Boudrias?"

16 Constable Willis:

17 "I couldn't say for sure."

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** Right. So his memory wasn't
20 where he could recall?

21 **MR. SNYDER:** Correct.

22 **MR. CALLAGHAN:** If you could go down.

23 Now, we talked about the notes of -- whether
24 you reviewed his notes regarding the statement and we
25 talked about the comment that it's moving too fast and it

1 says "Staff Sergeant Derochie..." Now if you can read --
2 in your notes -- in your notes indicate that on June 27th,
3 1985 you received a call from Earl Landry, Sr. relative
4 arrangements made the previous date for Landry, Jr. to take
5 a polygraph. And your conversation with Landry, Sr., your
6 notes indicates that:

7 "Although Landry, Jr. would not take
8 the test as previously arranged that he
9 might consider and take the test for a
10 future date. What efforts did you make
11 to follow-up on that possibility? Do
12 you recall this at all?"

13 Constable Willis:

14 "No, the only part I recall on that
15 phone call, we had just started our
16 shift and Earl had phoned me and all I
17 really recall is him saying 'Earl is
18 not going to take the test; things are
19 moving too fast' and that was the end
20 of the conversation. I don't know
21 anything about him taking it in the
22 future or anything like that. That was
23 basically the end of our conversation.
24 Is that all he said, he's not taking
25 it. And I remember him using the

1 sentence 'things are moving too fast'.
2 Your notebooks do indicate -- this is
3 Derochie.

4 "Your notebooks do indicate however
5 that he does take a look there, what it
6 says right at the very bottom, it says
7 'polygraph'."

8 Constable Willis.

9 "Oh well, maybe again, I don't remember
10 that but I wrote it. It was a short
11 conversation."

12 Okay, so I take it you turned your mind to
13 that discussion that we had?

14 **MR. SNYDER:** Yes.

15 **MR. CALLAGHAN:** And you were able to observe
16 Mr. Willis ---

17 **MR. SNYDER:** Yes.

18 **MR. CALLAGHAN:** --- Constable Willis on this
19 occasion?

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** All right. And if you go to
22 the bottom it says, Staff Sergeant Derochie:

23 "Do you have anything, Stan, that you
24 would -- you could possibly -- as you
25 know, you're not named as inspector,

1 you're not being sued civilly. The
2 allegation is going to throw Landry,
3 Jr. or rather Earl Landry, Sr., that he
4 somehow interfered with our -- with the
5 investigation that was being
6 conducted."

7 Constable Willis:

8 "Yeah. No, the only thing I just find
9 it offensive is somebody would suggest
10 that I would help somebody else to
11 cover up for anybody who would molest
12 kids. Like this is the real slap in
13 the face to have to answer this
14 nonsense."

15 And then there's an inaudible.

16 Staff Sergeant Derochie again:

17 "You're not being accused."

18 Over the top. Constable Willis:

19 "No, no, but I would -- I would be --
20 somebody could be accusing me of maybe
21 me helping, but no way."

22 Okay? So there was -- you did get a denial
23 from Stan Willis, I take it?

24 **MR. SNYDER:** Actually, again, somebody with
25 the -- when you're doing interviewing, deceptive people

1 have one way of answering, and truthful as well. Generally
2 a deceptive person or somebody who is actually involved
3 will deny right from the start and they'll be blaming other
4 people and won't be cooperative with the investigation.

5 Constable Willis, in this case, was
6 cooperative with the investigation and made a denial and
7 how appalling it was to him, which again reinforced my mind
8 that he was being truthful to me.

9 **MR. CALLAGHAN:** Okay. And if I could take
10 you down a little further in the passage, just at the
11 bottom.

12 If you could stop there. If you read -- a
13 little bit up it says, Constable Willis:

14 "No. And if I had anything to do with
15 it, it was just those two days, the
16 King George Park thing. That's all and
17 I think that I may have gone along just
18 because I know Earl. Like I remember
19 asking him after though, take a
20 polygraph and clear the air."

21 Staff Sergeant Derochie:

22 "That's Earl, Jr. you're talking
23 about?"

24 Constable Willis:

25 "Yeah. If I'm trying to hide something

1 I don't know why I'd try to talk him
2 into a polygraph."

3 Okay? And if you could go down a little
4 further. Now you're asking a few questions.

5 **MR. SNYDER:** Yes.

6 **MR. CALLAGHAN:** And I take it the import of
7 the question that we're about to read is about his contact
8 with Chief Shaver?

9 **MR. SNYDER:** Correct.

10 **MR. CALLAGHAN:** Sergeant Snyder:

11 "Did you have a meeting with the Chief
12 prior to the investigation? Were you
13 involved in any of the meetings in the
14 Chief's office prior to the
15 investigation being directed on how
16 this investigation was supposed to go?"

17 Constable Willis:

18 "Which chief?"

19 Sergeant Snyder:

20 "Chief Shaver."

21 "Shaver, no, no. That's why, you
22 know."

23 So, you made certain assessments on the
24 basis of this statement?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** And what was your
2 assessment?

3 **MR. SNYDER:** Well, throughout the interview
4 they presented themselves, in my mind, very truthful. They
5 had reactions where I felt were appropriate to a truthful
6 person; that's being cooperative with the questions,
7 answering the questions straightforward, and being upset at
8 the fact that they were being accused of this.

9 **MR. CALLAGHAN:** All right. If we could move
10 to the statement of Special Constable Lefebvre.

11 And, Mr. Commissioner, there is Exhibit 1371
12 but there is an OMPAC statement which is frankly much
13 easier to read and I'd ask it to be made an exhibit,
14 740580.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** Thank you.
17 1662 is a witness statement of -- well,
18 Constable Lefebvre.

19 **MR. CALLAGHAN:** And, Mr. Commissioner, I
20 don't know whether you want to make it a new exhibit or
21 make it 1371A. It is the same -- it's the same exhibit,
22 it's just a much easier copy to read.

23 **THE COMMISSIONER:** Okay, 1371A.

24 **MR. CALLAGHAN:** Just so for the record
25 people will know that it's the same document.

1 **--- EXHIBIT NO./PIÈCE No. P-1371A:**

2 (740580) Witness Statement by Ron Lefebvre
3 dated 04 Jan 01

4 **MR. CALLAGHAN:** Okay. Again, this is the
5 interview with Special Constable Lefebvre. And if I could
6 just highlight a few points here, if I could go to the
7 bottom of the first page.

8 It says -- just before I get there, what was
9 the level of Special Constable Lefebvre's memory that you
10 recall?

11 **MR. SNYDER:** His was not very good either.

12 **MR. CALLAGHAN:** All right.

13 "Staff Sergeant Derochie explained why
14 no charges were laid against Earl
15 Landry, Jr. at the conclusion of your
16 investigation in 1985."

17 Special Constable Lefebvre:

18 "If memory serves me correctly, at one
19 point I know I had consulted with the
20 Crown and again if memory serves me
21 correctly, and I'm pretty sure that the
22 case -- I recall that the probability
23 of conviction, the trial, the kid at
24 the time was mentally challenged and
25 I'm trying to think back about the

1 photo line-up. Well, I don't -- I
2 can't say 100 percent sure he could not
3 identify Earl Landry, Jr. in the
4 pictures, but there's something about
5 the photo line-up that was -- again did
6 not help the investigations as well.
7 There just wasn't enough evidence to go
8 ahead with the charge."

9 Do you see that?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** All right.

12 And at the bottom, you asked him if he could
13 remember the name of the Crown. If you go down a little
14 bit: Sergeant Snyder:

15 "Sergeant Snyder: You spoke to the
16 Crown Attorney. Do you recall what
17 Crown you spoke to?

18 Special Constable Lefebvre: No, I
19 don't."

20 And I take it you got -- Chief Shaver spoke
21 to a Crown?

22 **MR. SNYDER:** Yes.

23 **MR. CALLAGHAN:** And who spoke of this case?

24 **MR. SNYDER:** Yes.

25 **MR. CALLAGHAN:** And what was that Crown's

1 name?

2 MR. SNYDER: Alan Ain.

3 MR. CALLAGHAN: All right.

4 And if I could go over to the next page, and
5 it starts with -- I'm down to Staff Sergeant Derochie. It
6 says:

7 "Staff Sergeant Derochie: Sergeant
8 Snyder is going to show you a
9 document..."

10 Right at the bottom there?

11 MR. SNYDER: Yes.

12 MR. CALLAGHAN: "...from CAS that --
13 actually we received it from CAS.
14 It's a document that was sent to
15 CAS by Dr. Park from CHEO. Could
16 you have a look at that and just
17 read out loud the date of that
18 letter.

19 Special Constable Lefebvre:

20 September 11th, 1985.

21 Staff Sergeant Derochie: Could
22 you read that, please? We want to
23 know if you've ever seen that
24 letter before.

25 Special Constable Lefebvre: You

1 want me to read the whole letter?

2 Staff Sergeant Derochie: The
3 whole letter.

4 Special Constable Lefebvre: These
5 two boys were brought to ---

6 Staff Sergeant Derochie: No, you
7 don't have to read it aloud, just
8 read it to yourself.

9 Staff Sergeant Derochie: You ever
10 seen that letter before? Special
11 Constable Lefebvre: I don't
12 remember."

13 Right. So he couldn't remember seeing the
14 letter that Mr. Chisholm was talking about?

15 **MR. SNYDER:** Yes, that's correct. I believe
16 it's the same letter that Mr. Lee was talking about as
17 well, that I forgot that I did show him.

18 **MR. CALLAGHAN:** And then that's one of the
19 reasons why I'm bringing it up, to refresh your memory.

20 **MR. SNYDER:** Yes.

21 **MR. CALLAGHAN:** Okay. If you could go down
22 and continue on. And it says:

23 "Staff Sergeant Derochie: At the time
24 this investigation was being conducted,
25 were you involved in any other

1 investigation involving..."

2 **MR. SNYDER:** C-51.

3 **MR. CALLAGHAN:** "...C-51." Sorry for the
4 delay.

5 "Special Constable Lefebvre: Not that
6 I know of.

7 Staff Sergeant Derochie: Do you recall
8 a suspect having also assaulted several
9 young boys other than Earl Landry, Jr.
10 being the suspect involving C-51?

11 Special Constable Lefebvre: Say again?

12 Staff Sergeant Derochie: Was there
13 another suspect involved in assaulting
14 C-51 at the time? That letter doesn't
15 refresh your memory with regards to
16 another investigation that you would
17 have been conducting at that time?

18 Special Constable Lefebvre: No."

19 So this is the one involving the Gary Seguin
20 allegations?

21 **MR. SNYDER:** Correct, right.

22 **MR. CALLAGHAN:** And he had no recollection?

23 **MR. SNYDER:** Correct.

24 **MR. CALLAGHAN:** And then to read on:

25 "Staff Sergeant Derochie: Okay. In

1 your notes, the notes you made on June
2 26th, you indicated that you and Staff
3 Sergeant Willis and PC Lalonde went to
4 the King George Park. Can you explain?
5 This would have been the day after you
6 had been assigned the investigation.
7 You were assigned the investigation,
8 according to your notes, on the 25th of
9 June. And subsequent to that on the
10 26th of June you made a note that you
11 went to the King George Park with Staff
12 Sergeant Willis and Pierre Lalonde. Do
13 you recall what the purpose of that
14 was?"

15 And just pause there; Pierre Lalonde is who?

16 **MR. SNYDER:** He's our identification officer
17 at the time.

18 **MR. CALLAGHAN:** Okay.

19 "Special Constable Lefebvre: Well,
20 apparently I went to the King George
21 Park with Pierre Lalonde. I know from
22 this -- I remember bringing Earl into
23 the senior officers' lounge with Staff
24 Sergeant Willis. We brought him in
25 with regards to the allegations to

1 which they strongly denied. So I
2 approached him on taking a polygraph
3 examination and at first he didn't want
4 to do that either, but I remember
5 convincing him that the results of the
6 polygraph could not be used against him
7 in the criminal court and it was
8 inadmissible evidence. It's just that
9 it would solidify his innocence if he
10 was innocent. It would solidify that
11 aspect of it."

12 And I take it -- pausing there -- that's a
13 common technique to convince people to take a polygraph?

14 **MR. SNYDER:** It's common, but it's one of
15 the techniques.

16 **MR. CALLAGHAN:** Okay, thank you.

17 "And then we managed at one point to
18 convince him that he would take the
19 polygraph test and then I went out to
20 make arrangements for the test. I
21 don't remember if our own polygraph
22 actually was unavailable or what it
23 was, but I know I had to go out of
24 town. I went and I contacted Ottawa
25 Police Service."

1 If I could pause there. You weren't
2 qualified at that time?

3 **MR. SNYDER:** That's correct.

4 **MR. CALLAGHAN:** And who made the contact to
5 Ottawa Police. Do you recall?

6 **MR. SNYDER:** He did. I had the numbers
7 because I had utilized -- actually it was probably the
8 Canadian Police College number that I gave him because
9 that's who I was utilizing, and I gave him the number. I
10 believe I gave him the number because ---

11 **MR. CALLAGHAN:** Then it goes on to say:

12 "I told them of the urgency, that it
13 had to be done as soon as possible. I
14 went back into the interview room and -
15 - with Willis and Landry and told him
16 that it was all arranged. It was going
17 to be for the next day. He agreed to
18 come and left. Subsequent to that, I
19 remember coming back on the next day
20 and I thought -- I thought I had talked
21 to Earl apparently from my notes, and
22 says that Stan had talked to the ex-
23 Chief who said that his son wouldn't be
24 coming, and I was under the impression
25 that he had said something to the

1 effect that he's not going to be coming
2 in now or at any time to take the
3 polygraph test. That's what I remember
4 on that day. I don't remember stuff
5 really -- consent of Landry to search
6 of premises made, one book seized,
7 apparently owned by Timmy Samson. And
8 informed by Willis of not being under
9 arrest. Apparently, they can call a
10 lawyer if he went."

11 And he's looking at his notebook at this
12 stage, is he?

13 **MR. SNYDER:** I believe so.

14 **MR. CALLAGHAN:** All right.

15 And I take it that then -- he goes on to
16 explain about what he recalls about going to King George
17 Park and rather than read it, can you just tell what he and
18 Pierre Lalonde did at King George Park?

19 **MR. SNYDER:** They -- Pierre Lalonde went --
20 it was undercover, for lack of better words, as a student
21 from St. Lawrence College and he was going to be doing a
22 story on vandalism at the park.

23 **THE COMMISSIONER:** You know how far do we
24 have to go on this? I mean, they went and took a picture
25 of the guy.

1 **MR. CALLAGHAN:** Right.

2 **THE COMMISSIONER:** And brought it back.

3 Okay. That's great.

4 **MR. CALLAGHAN:** Well, I thought ---

5 **MR. SNYDER:** It was an interesting
6 technique.

7 **THE COMMISSIONER:** Well ---

8 **MR. CALLAGHAN:** I mean if -- well, I suppose
9 if someone's suggesting, as has been suggested, that there
10 was some desire not to go ahead with this, why would they
11 go to the trouble?

12 **THE COMMISSIONER:** Oh, I know that, but ---

13 **MR. CALLAGHAN:** And I mean -- I'll move on.

14 **THE COMMISSIONER:** You know I thought you
15 had said an hour-and-a-half.

16 **MR. CALLAGHAN:** I know, Mr. Commissioner,
17 and I'm understanding. I know my friends often say half-
18 an-hour and go two. I'm trying -- I'm doing the best I
19 can.

20 **THE COMMISSIONER:** Okay. It just -- this
21 witness is not a difficult witness and he's agreeing with
22 most of what you say anyway. So ---

23 **MR. CALLAGHAN:** Well, I -- what I guess --
24 well ---

25 **THE COMMISSIONER:** Carry on.

1 So you went and you took -- you got a
2 picture of ---

3 **MR. SNYDER:** Sergeant Lefebvre and -- went
4 and they -- as they were taking pictures of the vandalism
5 they moved over and took a picture of Landry to utilize it
6 in the photo line-up.

7 **THE COMMISSIONER:** All right. There you go.

8 **MR. CALLAGHAN:** All right. And if I could
9 go -- and I take it they did it by way of ruse a little
10 bit?

11 **MR. SNYDER:** That's correct.

12 **MR. CALLAGHAN:** And what was the ruse?

13 **MR. SNYDER:** Him being a student doing a
14 story on vandalism.

15 **MR. CALLAGHAN:** All right.

16 And if I could just take you to a few small
17 passages and I'll move on. If I could take you down on
18 that last page if we're not there already.

19 All right, so Staff Sergeant Derochie asks,
20 towards the bottom there:

21 "Did anyone give you directions of what
22 to do, what not to do with regard to
23 this investigation? Were you
24 independent in your way you conduct
25 this investigation?"

1 Special Constable Lefebvre:

2 "Yes, totally independent. Nobody at
3 any time ever suggested anything on how
4 to do it. If the evidence was there he
5 would have been charged."

6 Now, if I could drop down to the bottom.

7 You're asking the question. Last question -- Staff

8 Sergeant Derochie, I should say:

9 "Do you have anything to add that would
10 help us?"

11 Special Constable Lefebvre:

12 "Help you? The only thing I can tell
13 you is the true, like I said, about
14 these allegations and stuff, it's
15 totally ludicrous, it never happened,
16 it would never happen. Had the
17 evidence been there, Earl would have
18 been charged irregardless whether it's
19 the Chief's son or not."

20 Now, did you assess the veracity in your own
21 technique, system, that you talked about, of the evidence -
22 - the state of the interview of Constable Lefebvre?

23 **MR. SNYDER:** In my mind he was being
24 truthful, forward, straightforward with his answers. The
25 fact that he felt it was ludicrous, I think a couple

1 passages up or paragraphs up he's actually insulted or
2 upset about the whole ordeal, which is common with a
3 truthful person.

4 **MR. CALLAGHAN:** All right. Now if I could,
5 if I could just -- it was brought to my attention I left
6 something out.

7 If I could take you to Exhibit 1622, Bates
8 page 9275.

9 It was -- in the statement we were looking
10 at, the original statement of C-51's mother, there was a
11 reference and in your notes there's a reference of one of
12 the brother-in-laws speaking to Earl. And in the original
13 statement she referred to one of other, either the one we
14 looked or another brother-in-law.

15 **MR. SNYDER:** Correct.

16 **MR. CALLAGHAN:** And it's referenced in your
17 notes that her brother passed away eight years ago. That's
18 the other person referenced in her statement?

19 **MR. SNYDER:** Correct.

20 **MR. CALLAGHAN:** Thank you.

21 Now, I wanted to move on to the issue of
22 Keith Ouellette ---

23 **MR. SNYDER:** Yes.

24 **MR. CALLAGHAN:** And his complaints.

25 I don't know, Mr. Commissioner, if you want

1 a morning break. This is the natural place to do it.

2 **THE COMMISSIONER:** Sure.

3 **THE REGISTRAR:** Order, all rise. À l'ordre,
4 veuillez vous lever.

5 This hearing will resume at 11:15.

6 --- Upon recessing at 10:58 a.m./

7 L'audience est suspendue à 10h58

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

9 L'audience est reprise à 11h20

10 **THE REGISTRAR:** Order, all rise. À l'ordre,
11 veuillez vous lever.

12 This hearing is now resumed. Please be
13 seated; veuillez vous asseoir.

14 **THE COMMISSIONER:** Thank you.

15 **S/SGT. BRIAN SNYDER, Resumed/Sous le même serment:**

16 --- **CROSS-EXAMINATION BY/CONTRE-EXAMINATION PAR MR.**

17 **CALLAGHAN (continued/suite):**

18 **MR. CALLAGHAN:** Mr. Snyder, I pointed there
19 were two questions I didn't ask you on the Landry
20 investigation so I will ask you and I'll get to them
21 quickly.

22 I take it you first learned of the call
23 between Chief Shaver and Earl Landry, Sr. from your
24 interview with Chief Shaver or do you recall?

25 **MR. SNYDER:** I'm not sure. I don't recall.

1 Sorry.

2 **MR. CALLAGHAN:** But in that discussion with
3 Chief Shaver did you form the opinion that he was either
4 being evasive or untruthful in discussing that call?

5 **MR. SNYDER:** No, not at all.

6 **MR. CALLAGHAN:** What was your assessment?

7 **MR. SNYDER:** My assessment was he was being
8 forthright; answered. He gave me some of what the
9 conversation was about and I had no indication to suggest
10 otherwise.

11 **MR. CALLAGHAN:** Okay.

12 Mr. Commissioner, I would move on to the
13 area regarding Mr. Keith Ouellette's complaints. But I
14 would like some clarification from you, sir.

15 Commission counsel, in her questioning,
16 referred to the Martel complaint. If you recall when Mr.
17 Ouellette was in the box you'd made a ruling that the
18 Martel complaint was not an issue for the Inquiry.

19 **THE COMMISSIONER:** M'hm.

20 **MR. CALLAGHAN:** And I just want to know
21 whether that's still the ruling; that we're to limit it to
22 the -- to the one complaint and then the complaints
23 identified or is that also now an issue I need to cover?

24 **THE COMMISSIONER:** I don't think you need to
25 cover it.

1 Does anyone have any comments in that
2 regard?

3 **MR. CALLAGHAN:** So what I'd like to start,
4 if I can have the witness shown Exhibit 596.

5 **THE COMMISSIONER:** Five ninety-six (596).

6 **MR. CALLAGHAN:** And if anybody wants a copy
7 I actually have extras here.

8 Do you have that, sir?

9 **MR. SNYDER:** Five ninety-six (596), yes.

10 **MR. CALLAGHAN:** All right. Is that -- is
11 that a document July/September '78 offender Police Chief
12 Shaver?

13 **MR. SNYDER:** No, I have a ---

14 **MR. CALLAGHAN:** Pardon me. Go back, I might
15 have misspoke, it's Exhibit 596.

16 **THE CHAIRMAN:** No that's a -- 596 is a
17 confidential Crown brief on *Regina v. Wilson*.

18 **MR. CALLAGHAN:** Okay. What I was looking
19 for, we have another document marked it's -- and I hope
20 we've got the right Bates page. Would Madam Clerk be able
21 to tell us what exhibit number 736892 is? It's the
22 handwritten complaint of Keith Ouellette.

23 **THE REGISTRAR:** It's not in there.

24 **MR. CALLAGHAN:** It has to be because we
25 cross-examined him on it.

1 If I might, Mr. Commissioner, may I approach
2 and look at the binder because I know Mr. -- Staff Sergeant
3 Snyder's notes are Exhibit 601 and it would be at the same
4 time; it was all at the same time.

5 **THE REGISTRAR:** Five eighty-two (582) maybe?

6 **MR. CALLAGHAN:** Five eighty-two (582), all
7 right. If I could ask ---

8 **THE CHAIRMAN:** No, that's an interoffice
9 memo. We're getting closer because it deals with Mr. Keith
10 Ouellette's complaint.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** Is it a one-page
13 document?

14 **MR. CALLAGHAN:** I've got copies here, Mr.
15 Commissioner.

16 It's a -- if I could ask them to be passed
17 out.

18 **THE COMMISSIONER:** Can I see it for a
19 minute? Oh, yeah, okay.

20 **MR. CALLAGHAN:** Well if I might -- I
21 couldn't see it in the binder. The witness has, although
22 the evidence regarding Mr. Ouellette might have continued
23 into the next binder.

24 It certainly is a document; it's been made
25 an exhibit, sir.

1 **THE COMMISSIONER:** Well, in any event,
2 Exhibit 1662 is a statement of Keith -- Kenneth K.
3 Ouellette, July/September '78.

4 **--- EXHIBIT NO./PIÈCE No. P-1662:**
5 (736892) Notes of Brian Snyder dated Jul Sep
6 78

7 **MR. CALLAGHAN:** All right. And, Mr.
8 Commissioner, perhaps we can inform the Commission on
9 Tuesday as to the exhibit number.

10 **THE COMMISSIONER:** M'hm. Sure.

11 **MR. CALLAGHAN:** Now, do you have that?

12 **MR. SNYDER:** Yes, I do.

13 **MR. CALLAGHAN:** All right. Is that -- is
14 that the statement that was brought to you by Keith
15 Ouellette?

16 **MR. SNYDER:** Yes, it was.

17 **MR. CALLAGHAN:** All right. And this is the
18 one that's referable to the allegations regarding Chief
19 Shaver and the two other officers?

20 **MR. SNYDER:** Correct.

21 **MR. CALLAGHAN:** I don't propose to read the
22 allegations out of that document. If I could ask you to --
23 and I'm hoping that we have the right exhibit number. It's
24 582 I believe, which is your memorandum on the issue.

25 All right. And if we can go to the

1 conclusion and you summarize -- and I think just for the
2 record, you summarize the complaint because I'm going to
3 take you through the elements of the complaint ---

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** --- so we know what you did,
6 but if you could just read the first paragraph under
7 "Conclusion" which sets out the complaint?

8 **MR. SNYDER:** "In Mr. Ouellette's
9 deposition, which is the word he used,
10 that he provided to the Ontario
11 Provincial Police Project Truth, a copy
12 of which he gave the Cornwall Police
13 Service, he indicated that Chief Shaver
14 was the offender in 1978 when he tried
15 to complain about being sexually
16 abused. It is because of Chief
17 Shaver's failure to do anything about
18 the alleged abuse Mr. Ouellette said he
19 made the following comment to an
20 undercover narcotics officer in the
21 later 1983's. I was asking around for
22 a firearm. I mentioned I wanted to
23 settle a score with Chief of Police,
24 that he was corrupt. Mr. Ouellette
25 suggested that because of this comment,

1 he was picked up at the Brookdale
2 Apartments by two members of the
3 Cornwall Police Service and brought to
4 Headquarters where he was threatened
5 and assaulted."

6 **MR. CALLAGHAN:** All right. So that's the
7 gist of Exhibit 1662?

8 **MR. SNYDER:** Correct.

9 **MR. CALLAGHAN:** All right. And I take it
10 that you had indicated earlier you had known Keith
11 Ouellette. Perhaps you could describe how you knew him?

12 **MR. SNYDER:** I knew him growing up with him
13 in the same neighbourhood. I used to play with him. My
14 brother, older brother was a friend of his. We played
15 games, rode bicycles.

16 **MR. CALLAGHAN:** And if we could then turn to
17 a set of your notes, and Madam Commissioner (sic), I'll
18 give you the Bates -- the document number just to make sure
19 I get the right exhibit numbers.

20 **THE COMMISSIONER:** So I'm Mr. Commissioner
21 and she is Madam Clerk, not Madam Commissioner.

22 **MR. CALLAGHAN:** Is that what I said?

23 **THE COMMISSIONER:** No, you called me Mrs. --
24 Madam Commissioner or something like that.

25 **MR. CALLAGHAN:** I didn't call you

1 Commissionaire though?

2 **THE COMMISSIONER:** No, no.

3 **(LAUGHTER/RIRES)**

4 **THE COMMISSIONER:** No. I've been called
5 worst but ---

6 **MR. CALLAGHAN:** You know, as they say -- and
7 I'm afraid even that I said. As they say about Parliament,
8 they can do anything but change a man into a woman. So I
9 apologize if I took steps even Parliament couldn't do.

10 But I'm looking at Document 124062. It is
11 an exhibit. Commission counsel gave notice on it. I just
12 want to make sure. I have it as 601A; just before we
13 wander away.

14 **THE REGISTRAR:** Six zero one A (601A)

15 **MR. CALLAGHAN:** Six zero one A (601A); okay.
16 And these, sir, are the notes -- a typed version of your
17 notes which are Exhibit 601.

18 And I just want to be clear. There are
19 notations here and if I could take you, for example, to
20 January 11th, 2000, second page.

21 **MR. SNYDER:** Yes.

22 **MR. CALLAGHAN:** I don't think we need to
23 read them but as Mr. Lee indicated that Mr. Ouellette was
24 upset about his children ---

25 **MR. SNYDER:** Correct.

1 **MR. CALLAGHAN:** --- and his status with
2 Children's Aid.

3 **MR. SNYDER:** Correct.

4 **MR. CALLAGHAN:** And can you tell me how you
5 tried to approach that so we understand how you were
6 dealing with Mr. Ouellette?

7 **MR. SNYDER:** Well, through our conversation,
8 he was obviously very distraught about not being able to
9 visit with his children and I offered my services to sit
10 with him and be there so he could visit with his kids.

11 **MR. CALLAGHAN:** And is it fair to say, as
12 Mr. Lee indicated, that it was a recurring theme of Keith
13 Ouellette's ---

14 **MR. SNYDER:** Yes, it was.

15 **MR. CALLAGHAN:** And just because the issue
16 of reporting to CAS has been an issue here, there are
17 statements, if you turn over in this long notation you have
18 on January 13th at 8:10 and he -- I take it Mr. Ouellette
19 has indicated that -- indicated some things that might not
20 appear to be rational to you but in his own mind he talked
21 with them with some authority; right?

22 **MR. SNYDER:** Correct.

23 **MR. CALLAGHAN:** And, you know, we can read
24 the document ourselves but if you could go over to January
25 13, and I'm doing this only to illustrate how we deal with

1 things. At the bottom of that first paragraph, he says
2 that:

3 "They won't take my kids. It will be
4 over my dead body and if I have to take
5 someone with me, I will."

6 And he was -- he was agitated.

7 **MR. SNYDER:** Yes, he was.

8 **MR. CALLAGHAN:** All right. But I take it
9 that you -- after that conversation, if you go to Bates
10 page 0928, you actually comfort him but you had to -- you
11 reported it to CAS.

12 **MR. SNYDER:** Yes, I did.

13 **MR. CALLAGHAN:** So going -- and I take it if
14 we look at the first couple of notes, most of it deals with
15 him discussing his issues as opposed to the complaint.

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** Now, in terms of this
18 complaint, the factual underpinnings of the complaint, he
19 gave you some things that you could try to prove; right?
20 Like he indicated about what he called purchasing a gun
21 from an undercover agent.

22 **MR. SNYDER:** He provided me witnesses that I
23 could attempt to corroborate his story with, yes.

24 **MR. CALLAGHAN:** And the first one is -- I
25 take it you're aware that Chief Shaver starts in early

1 1983.

2 MR. SNYDER: Correct.

3 MR. CALLAGHAN: All right. And his
4 complaint of discussing this with the Chief of Police
5 happened before that?

6 MR. SNYDER: Yes.

7 MR. CALLAGHAN: And he talks about later
8 1983 when Chief Shaver was the Chief of Police.

9 MR. SNYDER: Yes.

10 MR. CALLAGHAN: And he talks about getting a
11 gun by someone at Project J.

12 MR. SNYDER: Yes.

13 MR. CALLAGHAN: All right. So were you able
14 to identify whether there was a Project J?

15 MR. SNYDER: Well, there was a project and I
16 don't think it was called Project J but the undercover
17 operator was Jay Hope and I was able to determine that.

18 MR. CALLAGHAN: And were you able to speak
19 with Jay Hope?

20 MR. SNYDER: Yes. He's with the OPP. He
21 was a superintendent at the time and I was able to speak
22 with him.

23 MR. CALLAGHAN: And if I could refer you to
24 your note of February 21st, 2000.

25 Oh, sorry, yeah. Mr. Lee indicates that Mr.

1 Ouellette did not buy a gun. The allegation is he
2 attempted to buy a gun.

3 MR. SNYDER: Correct.

4 MR. CALLAGHAN: I think we agree that it was
5 an attempt. If I misspoke, I apologize.

6 MR. LEE: (Off mic).

7 MR. CALLAGHAN: I missed it.

8 MR. LEE: My only point is that the
9 allegation as told -- I mean this is a statement given by
10 Mr. Ouellette himself talking about how all this came about
11 and what he says is that -- is that an undercover agent
12 heard him asking around if anybody had a gun because he had
13 a score to settle. I don't want it to sound like he was
14 arrested with a gun in his hands or anything like that.

15 THE COMMISSIONER: That's fine.

16 MR. CALLAGHAN: You interviewed Keith
17 Ouellette on a couple of occasions?

18 MR. SNYDER: Yes.

19 MR. CALLAGHAN: And those tapes are
20 available to be viewed?

21 MR. SNYDER: Yes, they are.

22 MR. CALLAGHAN: All right. And they're
23 videotapes?

24 MR. SNYDER: Yes, they are.

25 MR. CALLAGHAN: All right. And did he

1 indicate that he attempted or requested to buy a gun from a
2 particular person regarding Project -- what he called
3 Project J?

4 **MR. SNYDER:** Yes.

5 **MR. CALLAGHAN:** And what was the purpose he
6 articulated to you as to why he wanted that gun and what he
7 told the Project J person?

8 **MR. SNYDER:** He was -- sorry. He was upset
9 with Chief Shaver because he would not -- did not do
10 anything in '78 and he was corrupt and wanted to settle the
11 score.

12 **MR. CALLAGHAN:** And did he articulate to you
13 that he conveyed that to the person who he spoke to?

14 **MR. SNYDER:** Yes.

15 **MR. CALLAGHAN:** All right. And that person
16 was Jay Hope, as you indicated?

17 **MR. SNYDER:** Correct.

18 **MR. CALLAGHAN:** All right. Now, if I could
19 take you then to the note of February 21st, 2000 at 15:30, I
20 wonder if you could read that for me?

21 **MR. SNYDER:** "I called..."

22 Which is myself:

23 "...Superintendent Hope and asked him
24 if he remembered any conversation with
25 Keith or Kenneth Ouellette, if he heard

1 this person say he wanted a firearm to
2 settle a score with the Chief of
3 Police. The superintendent stated he
4 does not recall that conversation or
5 hearing him say it. He further advised
6 he does not recall Ouellette. If there
7 would have been a threat against the
8 Chief, he would have remembered that
9 and would have taken action at the
10 time. I advised him that I would make
11 a notation in my notes."

12 **MR. CALLAGHAN:** All right. So that part of
13 it wasn't confirmed?

14 **MR. SNYDER:** Correct.

15 **MR. CALLAGHAN:** And he then talks about 1983
16 again about two police officers coming to his place of
17 employment; right?

18 **MR. SNYDER:** Correct.

19 **MR. CALLAGHAN:** And did he give you a name
20 of a witness?

21 **MR. SNYDER:** Yes he did, it was the
22 superintendent of the building and it's Judas (sic) ---

23 **MR. CALLAGHAN:** Sorry, if you could go to
24 February 3rd 2000 just so we get -- correct the names.

25 **MR. SNYDER:** Exactly, just a minute.

1 **MR. CALLAGHAN:** Ten-fifteen (10:15). It's
2 Bates page 0930.

3 **MR. SNYDER:** Or June -- sorry, June
4 Crossthwaite.

5 **MR. CALLAGHAN:** All right. And did you
6 speak to June Crossthwaite?

7 **MR. SNYDER:** Yes, I did.

8 **MR. CALLAGHAN:** And could you read to us
9 what June Crossthwaite said to you?

10 **MR. SNYDER:** I just want to -- she
11 remembered Keith Ouellette working for her part-time ---

12 **MR. CALLAGHAN:** I'm sorry are you ---

13 **MR. SNYDER:** There's a phone number there.
14 I didn't know if ---

15 **MR. CALLAGHAN:** Just read it and leave the
16 -- read the whole thing but leave the phone number out.

17 **MR. SNYDER:** "I called June Crossthwaite at
18 Brookdale Arms. Advised she only
19 worked part-time and was given her home
20 number so I called her at home ..."

21 **MR. CALLAGHAN:** Just to stop there.
22 The Brookdale Arms is where Keith Ouellette
23 asserted that he worked and that where the officers
24 attended?

25 **MR. SNYDER:** Correct.

1 **MR. CALLAGHAN:** And he said that June
2 Crossthwaite witnessed this?

3 **MR. SNYDER:** That's correct.

4 **MR. CALLAGHAN:** All right, go ahead.

5 **MR. SNYDER:** "She remembered Keith Ouellette
6 working for her part-time as a painter.
7 She provided a copy of the application.
8 She never saw him arrested or leaving
9 with police while he worked for her.
10 She remembered that when he was a
11 resident there he was arrested for
12 harassing kids in the hall with some
13 sticks. She had difficulty pronouncing
14 "Nunchuka". She will provide
15 statements next week."

16 **MR. CALLAGHAN:** And you got a statement from
17 her?

18 **MR. SNYDER:** Yes, I did.

19 **MR. CALLAGHAN:** Now, he talked about two
20 officers, and I take it Keith Ouellette had had
21 interactions with the Cornwall Police in the past?

22 **MR. SNYDER:** Yes.

23 **MR. CALLAGHAN:** And he knew -- and he knew
24 officers of the Cornwall Police?

25 **MR. SNYDER:** Yes.

1 **MR. CALLAGHAN:** All right. And you talked
2 about the photo line-up you did?

3 **MR. SNYDER:** Yes.

4 **MR. CALLAGHAN:** All right.

5 And you have a note -- and again the whole
6 issue about the photo line-up, that's videotaped?

7 **MR. SNYDER:** Yes.

8 **MR. CALLAGHAN:** All right. And available to
9 be watched?

10 **MR. SNYDER:** Yes.

11 **MR. CALLAGHAN:** And you made some notes but
12 in your -- at the time when he identified the two people,
13 what was your perception of how certain he was?

14 **MR. SNYDER:** Positive. He was positively
15 sure -- certain of who he chose as the people that picked
16 him up and assaulted him.

17 **MR. CALLAGHAN:** And I take it he -- he went
18 through the book ---

19 **MR. SNYDER:** Yeah.

20 **MR. CALLAGHAN:** --- and looked at people and
21 thought maybe they were them and then hit on certain
22 people?

23 **MR. SNYDER:** Yeah. And he was adamant when
24 he chose those people.

25 **MR. CALLAGHAN:** And if you could read your

1 note, recognizing that there's a video of this, at 1529?

2 MR. SNYDER: I'm sorry, the date?

3 MR. CALLAGHAN: February 10th.

4 MR. SNYDER: "He started to look at the
5 blue older book with photos. He got to
6 page 4 and chose pictures at the lower
7 left corner and the person he chose was
8 Bruce Cote. He said, 'Looks very much
9 like the guy except his lips. I'm
10 going to hold my finger on that one.'
11 He pushed the desk. He looked older
12 when it happened."

13 MR. CALLAGHAN: I'm sorry, and just so we're
14 clear, the allegation that -- the allegation was it was
15 some -- one of the officers pushed the desk and had him up
16 against the wall?

17 MR. SNYDER: Correct.

18 MR. CALLAGHAN: So he's identified Mr. --
19 Constable Cote as that?

20 MR. SNYDER: Yes.

21 MR. CALLAGHAN: Okay, continue.

22 MR. SNYDER: "He looked older when it
23 happened. He continued looking and
24 talking."

25 This is Mr. Ouellette looking and talking:

1 "Said 'Cote pushed the desk.' Said he
2 knew a lot of these guys. Got to page
3 20; pointed at Wells, top-left corner
4 and said, 'Him. Looks more like him.
5 Short brush-cut like you.' He
6 mentioned he was pretty sure it was
7 him. Then he went back and looked at
8 Arcune's (phonetic) picture, lower-
9 right corner, page 9. Mentioned 'Hard
10 to tell.' Pointed to Wells and said,
11 'I'm pretty sure it was him'. I then
12 handed him the second black binder and
13 he started looking through it. He got
14 to the ninth sheet and pointed to a
15 picture of Mr. Len Lemire, a civilian,
16 top right-hand corner and said 'It's
17 him. I'm positive. That's the guy.
18 Grabbed my throat and said, 'Two
19 bullets and little fucking brain'. I
20 don't have to look anymore, that's
21 him.' Continued to look and page 13
22 top-right corner. Sergeant Cote
23 pointed out. Said, 'That's him who
24 pushed the desk. Recognized from
25 hospital. He was there when they gave

1 needles to me and was laughing. I
2 think his name is O'Reilly.' I had him
3 sign bottom of line-up sheet. He said,
4 'So much and so fast.' I checked the
5 tape to ensure that it was working.
6 All comments are on videotape."

7 **MR. CALLAGHAN:** All right.

8 And talking about the civilian, Len Lemire,
9 what is his job?

10 **MR. SNYDER:** He's a data inputter. He would
11 have done our OMPPAC entries.

12 **MR. CALLAGHAN:** And in terms of -- in terms
13 of Cote, he identifies him as O'Reilly?

14 **MR. SNYDER:** That's correct.

15 **MR. CALLAGHAN:** He uses the name "O'Reilly"?

16 **MR. SNYDER:** Correct.

17 **MR. CALLAGHAN:** All right.

18 And were you made aware of an incident --
19 and it's already in the record because the documents went
20 in -- in 1993 regarding Cote and O'Reilly attending at a
21 psychiatric ---

22 **MR. SNYDER:** Yes, I actually questioned Cote
23 because he was chosen. He provided me with a statement
24 stating that he had no dealings in this incident, however,
25 did deal with Mr. Ouellette at a hospital.

1 **THE COMMISSIONER:** Is this Mr. Côté, the
2 civilian?

3 **MR. SNYDER:** No, this is Mr. Cote.

4 **MR. CALLAGHAN:** No, Staff Sergeant --
5 Sergeant Cote?

6 **MR. SNYDER:** Right.

7 **MR. CALLAGHAN:** The civilian is Mr. Lemire.

8 **THE COMMISSIONER:** Right. Okay, go ahead.

9 **MR. CALLAGHAN:** And then if you could go
10 down ---

11 **THE COMMISSIONER:** No, I'm sorry, so he
12 remembered an incident?

13 **MR. SNYDER:** At the hospital. He said he
14 didn't have nothing to do with this incident but he was
15 involved at the hospital with Mr. Ouellette.

16 **THE COMMISSIONER:** M'hm.

17 **MR. CALLAGHAN:** And did you speak to Chief
18 Shaver whether he had heard anything about death threats?

19 **MR. SNYDER:** Yes, I did.

20 **MR. CALLAGHAN:** And what was his response?

21 **MR. SNYDER:** I have to -- to his notes.
22 Basically, he remembered -- does not remember any threats
23 this way. He did mention another individual he was
24 threatened by, but never heard of Ouellette or any threats.

25 **MR. CALLAGHAN:** And were there any other

1 leads, to your knowledge, that you -- that were available?
2 I mean, you ---

3 MR. SNYDER: I think that was ---

4 MR. CALLAGHAN: And did you -- and you --
5 and what was your conclusion?

6 MR. SNYDER: My conclusion was that it was
7 unsubstantiated. I could not prove that any officers
8 within the Service assaulted or threatened Mr. Ouellette.

9 MR. CALLAGHAN: And did you communicate that
10 to Mr. Ouellette?

11 MR. SNYDER: Yes, I did and he would have
12 got written notice of that as well as his right to appeal.

13 MR. CALLAGHAN: And do you recall whether he
14 appealed or not?

15 MR. SNYDER: He did not appeal.

16 MR. CALLAGHAN: Just one second, Mr.
17 Commissioner.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. CALLAGHAN: Thank you, Mr. Commissioner.
20 Those are all my questions.

21 THE COMMISSIONER: Thank you.

22 (SHORT PAUSE/COURTE PAUSE)

23 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. JONES:

24 MS. JONES: My role here is just to clarify
25 a few things that have come up from the other counsel that

1 asked you questions. I'm not going to be exploring any new
2 areas with you.

3 **MR. SNYDER:** Okay.

4 **MS. JONES:** Okay? You'll be relieved to
5 know.

6 Now, I think there was a bit of confusion
7 about when you took over the Earl Landry, Jr. investigation
8 involving C-52. When you took that over from Hanton and
9 Bough, but it's really Hanton because Bough didn't really
10 have too much on it, you took it over the 30th of September
11 '96.

12 Now, I understood when I'd asked you
13 questions that when you took over that file that you had
14 reviewed the contemporaneous notes of Officer Hanton, which
15 was just really two pages, and the statement of C-52 that
16 was a statement taken by Officer Hanton at the time, and
17 you had asked for a supplementary report to be written by
18 Officer Hanton.

19 **MR. SNYDER:** I get the supplementary report,
20 his notes, but I did not have the audio interview.

21 **MS. JONES:** Okay. But you had the -- did
22 you have a transcript of the interview?

23 **MR. SNYDER:** No, I did not.

24 **MS. JONES:** So you didn't read the interview
25 at all?

1 **MR. SNYDER:** Correct.

2 **MS. JONES:** But you did have his
3 contemporaneous notes and you had the supplementary report
4 that you asked for?

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** Now, on the bail issue with Earl
7 Landry, Jr., I'm just wondering if you could quickly go to
8 Exhibit 1641, please?

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **THE COMMISSIONER:** We're there.

11 **MS. JONES:** Now, if I recall your evidence
12 when I had asked you questions, you had said something to
13 the effect that when you contacted Earl Landry, Jr. or when
14 you spoke to him and it was about him phoning his father, I
15 believe, he didn't want to phone a lawyer, he wanted to
16 phone his father, and you said something about the fact
17 that he'd be held in custody until he was released after
18 bail tomorrow.

19 Do you recall saying words to that effect?

20 **MR. SNYDER:** I may have, but I don't recall,
21 but I could have, yes.

22 **MS. JONES:** Okay. When you prepared this
23 Exhibit 1641, this is the show cause hearing report you
24 fill out and tick the boxes and ---

25 **MR. SNYDER:** Correct.

1 MS. JONES: --- this is for the Crown to use

2 ---

3 MR. SNYDER: Correct.

4 MS. JONES: --- at the bail hearing.

5 You'll agree with me that the actual
6 recommendation on the first page of the report does not
7 have the box ticked, "bail opposed" or "bail with
8 conditions", "bail without conditions"?

9 MR. SNYDER: I agree.

10 MS. JONES: It's actually not ticked. Was
11 it your position that you were going to oppose bail?

12 MR. SNYDER: Yes.

13 MS. JONES: So that would have been the box
14 that you ticked?

15 MR. SNYDER: Yes.

16 MS. JONES: Okay.

17 And just to be clear as well. On Bates page
18 1473, you had made suggested release terms for Earl Landry,
19 Jr. and the one term was to abstain from communicating with
20 C-52?

21 MR. SNYDER: Correct.

22 MS. JONES: Mr. Callaghan has done so many
23 lovely lists here. Mental note.

24 You did not actually tick anything about a
25 curfew or make any suggestions about a curfew?

1 **MR. SNYDER:** Correct.

2 **MS. JONES:** And the other condition was not
3 to be left alone in the company of someone 16 years and
4 younger; correct?

5 **MR. SNYDER:** Correct.

6 **MS. JONES:** Now, when we have the actual
7 release effected, which is at Exhibit 1604, please. Just
8 looking at the conditions that were made, I just want to
9 clarify a few things.

10 First of all, the Crown actually added on a
11 person of non-association to the one that you had
12 suggested, which was C-52. She actually added on C-51 as
13 well?

14 **MR. SNYDER:** Correct.

15 **MS. JONES:** Correct? And with regards to
16 the non-attendance at a facility of child 16 and under,
17 which you had suggested, she had put 14 and under. But you
18 understand how bail conditions go, that the Crown is
19 actually, or even a JP is obliged to make sure that the
20 conditions are warranted by the evidence before the court,
21 so it doesn't make sense to just impose a condition that
22 doesn't have any relevance to the evidence?

23 **MR. SNYDER:** And that's why I didn't put C-
24 51 because he wasn't one of my victims.

25 **MS. JONES:** Okay. That's fine.

1 **MR. SNYDER:** That's why he's there and I
2 didn't have him there, so ---

3 **MS. JONES:** All right. But I'm looking at
4 the condition about the age.

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** It didn't seem that there was
7 any evidence before the court. There was 15 and 16 year-
8 olds involved just children 14 and under?

9 **MR. SNYDER:** Yes. I was just -- my mind --
10 being precautionary measures.

11 **MS. JONES:** Okay. That's fine, but I'm just
12 saying that the terms usually -- or typically have to
13 relate. By law they have to relate as well, they aren't
14 just frivolously ---

15 **MR. SNYDER:** I agree.

16 **MS. JONES:** --- stuck in there. Okay.
17 It was the Crown then that would have
18 demanded the curfew of 11:00 p.m. to 7:00 a.m.?

19 **MR. SNYDER:** Yes. And I couldn't -- I
20 didn't do that because I couldn't see a relation in my mind
21 about the time period so I didn't put a curfew in.

22 **MS. JONES:** All right.

23 And the address that's provided there that
24 he must reside at -- it's also a very common term -- is
25 that actually an address that was known to you to relate to

1 Earl Landry, Jr. What was that address?

2 MR. SNYDER: That was his dad's address.

3 MS. JONES: That was his father's address?

4 MR. SNYDER: Yes.

5 MS. JONES: So he was to reside at his
6 father's address?

7 MR. SNYDER: Yes.

8 MS. JONES: And just to be clear too, the
9 father was not made a surety?

10 MR. SNYDER: Correct.

11 MS. JONES: And the only link really to the
12 father was the fact that the address ---

13 MR. SNYDER: Correct.

14 MS. JONES: --- was to be the same.

15 So just again to explain to people in the
16 public that may not understand how bail conditions work, if
17 that person is not residing at that address, that that is
18 actually a breach of a term as well. If they're spending
19 nights residing somewhere else, that is also an additional
20 breach?

21 MR. SNYDER: Correct.

22 MS. JONES: In addition likely to the
23 curfew, which I mean if they are sleeping somewhere else
24 that they are also breaching the curfew condition. They
25 are two separate things?

1 **MR. SNYDER:** Correct.

2 **MS. JONES:** Okay.

3 Now, another point of clarification had to
4 do with exhibits, the two small exhibits that were linked a
5 bit, 1627 and 1628. These were the prepared lists of
6 questions for Officer Lefebvre?

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Okay, we're there.

9 **MS. JONES:** So do you have the two documents
10 there?

11 **MR. SNYDER:** Yes.

12 **MS. JONES:** Now, my understanding, and I
13 just reviewed the transcript to be absolutely sure, I don't
14 know if you want me to read the transcript, when you gave
15 the evidence to myself on May 14th, I had asked you if both
16 of these sets of questions were the questions that you
17 provided to Officer Lefebvre and your response was:

18 "They weren't provided. I -- we
19 interviewed him, Staff Sergeant
20 Derochie and myself, utilizing these
21 questions."

22 And I specifically said:

23 "Now, were these series of questions,
24 it's on two pages but they seem to be
25 linked to your criminal investigation,

1 were these the questions that you
2 provided to Officer Lefebvre?"

3 So on May 14th when I'd asked you, you had
4 said that both of those sets of questions were linked to
5 Officer Lefebvre?

6 **MR. SNYDER:** I must have misunderstood you
7 because as I'm looking at this one, and again I don't
8 recall this as being my set. This definitely is the
9 questions I asked ---

10 **MS. JONES:** And you're saying this -- do you
11 mean Exhibit 1627?

12 **MR. SNYDER:** I'm sorry, sorry, 1627, 1628.
13 I don't even recall asking these questions to Sergeant
14 Lefebvre so -- and from the transcripts I don't -- I don't
15 know what these questions are.

16 **MS. JONES:** Okay. So I just ---

17 **MR. SNYDER:** I apologize ---

18 **MS. JONES:** --- wanted clarification. ---

19 **MR. SNYDER:** --- that's fine --

20 **MS. JONES:** --- because there is a
21 discrepancy there.

22 **MR. SNYDER:** --- that's fine. I understand.

23 **MS. JONES:** Okay. To be fair to you, it
24 would seem the questions on the second page were asked of
25 Officer Lefebvre?

1 **MR. SNYDER:** Some of them were.

2 **MS. JONES:** So is it possible that they are
3 Officer Derochie's questions?

4 **MR. SNYDER:** I don't know. I really don't
5 know.

6 **MS. JONES:** All right.

7 Now, one of the sort of kingpins of this
8 2000 and -- or year 2000 and 2001 investigation into the
9 1985 allegation, the criminal investigation into Earl
10 Landry, Sr., one of the kingpins of your conclusions that
11 you came to was that even if Earl Landry, Sr. had made that
12 phone call saying you're investigating too fast and even if
13 that phone call had been made, it didn't matter anyway
14 because there was nothing left to investigate for the
15 officers. Do you recall saying that? That Officers
16 Lefebvre and Willis had exhausted ---

17 **MR. SNYDER:** Yes.

18 **MS. JONES:** --- their avenues of
19 investigation.

20 **MR. SNYDER:** Yes.

21 **MS. JONES:** There was nothing left to
22 investigate?

23 **MR. SNYDER:** Correct.

24 **MS. JONES:** Do you still stand by that?

25 **MR. SNYDER:** There was nothing left to

1 investigate? I could not think of anything else they could
2 do.

3 **MS. JONES:** Okay. I'm just going to make a
4 few suggestions here to see if these were possibilities
5 that Lefebvre and Willis could have done at the time.

6 **MR. SNYDER:** Okay.

7 **MS. JONES:** Is it possible that the
8 investigators -- and when I say investigators I mean
9 Lefebvre and Willis -- is it possible the investigators
10 could have asked the victim and the victim's mother for
11 names of other boys that frequented the park with him?

12 **MR. SNYDER:** Yes.

13 **MS. JONES:** Could they have asked the victim
14 or the victim's mother if they had observed any other boys
15 spending a little bit of extra time with Earl Landry, Jr.
16 at the park?

17 **MR. SNYDER:** Which links the first question,
18 yes.

19 **MS. JONES:** Could they have asked other park
20 staff about names of boys that were seen in the company of
21 -- possibly even hanging around Earl Landry, Jr. on a
22 fairly regularly basis?

23 **MR. SNYDER:** They'd have to be careful with
24 that one. I'm not sure if I would go there at that point-
25 in-time.

1 **MS. JONES:** Okay. Could they have conducted
2 any sort of surveillance on Earl Landry, Jr. in the park to
3 watch him work, to see if any boys spent any sort of time
4 with him, more than other kids?

5 **MR. SNYDER:** Now, spending time and
6 committing a crime are two different things. Could there
7 have been surveillance, possible, but I don't think it
8 would have -- again, yes.

9 **MS. JONES:** Possible?

10 **MR. SNYDER:** It's possible.

11 **MS. JONES:** Could there have been questions
12 posed to -- certainly the victim's mother, if not the
13 victim himself, as to whether there was any medical
14 evidence to support the allegation that was being made?

15 **MR. SNYDER:** Those are questions that could
16 have been posed but again, it doesn't lead to
17 corroboration. Medical evidence doesn't lead to
18 corroboration and that's Dr. Park's letter we're talking
19 about.

20 **MS. JONES:** Well, I'm just saying you had
21 said ---

22 **MR. SNYDER:** Yeah.

23 **MS. JONES:** --- made it very clear there's
24 absolutely nothing that they could have done.

25 **MR. SNYDER:** Yeah.

1 **MS. JONES:** I'm just posing some suggestions
2 that possibly the investigators could have explored but
3 they didn't.

4 **MR. SNYDER:** Okay, go ahead.

5 **MS. JONES:** Is that a possibility?

6 **MR. SNYDER:** Yes.

7 **MS. JONES:** And you agree with me, the
8 medical evidence of sexual assaults is very useful at
9 times?

10 **MR. SNYDER:** It would be useful in
11 prosecution, yes.

12 **MS. JONES:** Thank you.

13 And of course we have the issue of the
14 polygraph that apparently even Earl, Sr. had said, no
15 polygraph now but could be done at a future date?

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** Okay. Could following up on
18 that issue of the polygraph with Earl Landry, Jr. have been
19 a possible area of investigation for those investigators?

20 **MR. SNYDER:** It could have.

21 **MS. JONES:** Thank you.

22 Now, I'd like to please go to Exhibits 1655.
23 Do you have that, sir?

24 **MR. SNYDER:** Yes.

25 **MS. JONES:** This is the Affidavit of Earl

1 Landry, Jr.

2 Now, the copy we have here is unsigned and
3 undated. Did -- the version you had at the time, was it
4 actually sworn?

5 MR. SNYDER: I think it was. It's something
6 that I can't recall.

7 MS. JONES: Okay. Was it something that you
8 acted upon as if it was sworn?

9 MR. SNYDER: Yes.

10 MS. JONES: Okay. When you wrote the letter
11 to the Crown attorney ---

12 MR. SNYDER: Yes.

13 MS. JONES: --- afterwards?

14 MR. SNYDER: Yes.

15 MS. JONES: Okay. The paragraph I just want
16 to draw you to is on the first page in paragraph 4, about
17 midway through and it states -- it starts to talk about the
18 breach that you breached him on when he was at Mrs.
19 Landry's house.

20 MR. SNYDER: Yes.

21 MS. JONES: After his curfew, okay?

22 And partway though he says:

23 "On the evening in question the two
24 older boys were sick with the flu and
25 Lucie was not feeling well either.

1 Lucie and I were starting to reconcile
2 at this point and she asked me to come
3 over to help with the children. I
4 stayed long enough to help Lucie put
5 the children to sleep and I left to
6 return to my father's home at 11:05; my
7 curfew was 11 p.m."

8 I know there's an issue with that because
9 your notes actually state 11:15 ---

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** --- is when you arrested him in
12 the house. So I understand that.

13 The sentence I have the concern with is the
14 one that says, "Lucie and I were starting to reconcile;" do
15 you see that?

16 **MR. SNYDER:** Yes.

17 **MS. JONES:** So the date of the breach --
18 let's just recap what we know at that particular point. We
19 know now at the time of that breach that Earl Landry, Jr.
20 has already confessed to his wife that he has had problems
21 ---

22 **MR. SNYDER:** Yes.

23 **MS. JONES:** --- with molesting children in
24 the past. Eight or nine times, I believe he says. We have
25 Earl Landry, Jr. has been arrested three times for sexual

1 offences against children; he has confessed to you that he
2 has done it. There's I don't know how many counts of
3 sexual impropriety charged against him.

4 We have you seeing him at McDonalds with his
5 children unsupervised, and now at the time of writing this
6 Affidavit it would appear at the second breach, that he
7 says "Lucie and I were starting to reconcile" and I don't
8 know if that's true or not; we don't have anything to
9 substantiate that.

10 But when you read that -- I'm just a bit
11 surprised that that wasn't one of the issues you brought up
12 with the Crown when you wrote her the letter which is
13 referred to in Exhibit 1621.

14 **MR. SNYDER:** I don't know. He's in custody;
15 I don't understand why I'd bring it up to her.

16 **MS. JONES:** Well, that -- when you were
17 going through his Affidavit and saying these are points of
18 concern that happened, I'm just surprised you didn't focus
19 in on that saying -- and even at that time he's trying to
20 reconcile.

21 And again, it may pose a danger to his own
22 children that are in the house. It's just not something
23 that -- you went through each of the points of the
24 Affidavit but you actually didn't actually deal with that
25 particular point.

1 **MR. SNYDER:** He's in custody. Again ---

2 **THE COMMISSIONER:** Did he stay in custody
3 pending the appeal?

4 **MR. SNYDER:** Yes, he did.

5 **MS. JONES:** Could it not have been something
6 perhaps though you said, "if he happens to be released this
7 would be a concern for me"?

8 **MR. SNYDER:** Again, he's in custody, I had
9 mentioned at the bottom of my letter if you -- if he's
10 going to be released or if there's going to be further,
11 please contact me and I'll go through this further with
12 you.

13 So if there would have been problems we
14 would have went through this thing line by line and if that
15 would have been an issue with her and myself, we would have
16 discussed it.

17 And it's pretty plain at the -- my last part
18 of that statement is "I will further speak with you on
19 anything else you want."

20 So I would have been assured, in my mind,
21 the safety of those children.

22 **THE COMMISSIONER:** Mr. Callaghan?

23 **MR. CALLAGHAN:** In fairness, he's responding
24 to the letter of the Crown who asked specific issues and he
25 responds to those specific issues.

1 **THE COMMISSIONER:** It's okay. Let's move
2 on.

3 **MS. JONES:** Okay.

4 Now, with regard to the statements, just
5 very briefly, with Willis and Lefebvre, you said several
6 times to your own counsel that you were convinced that both
7 of those officers, when they gave you the statements in
8 your criminal investigation, that they were being truthful.
9 You made quite a point about that.

10 **MR. SNYDER:** Yes.

11 **MS. JONES:** Could I just refer you to
12 Exhibit 1371, please?

13 **THE COMMISSIONER:** What page?

14 **MS. JONES:** Now, this is the Will Say of
15 Lefebvre. I don't need to go into detail because I think
16 you'd be familiar what he's saying.

17 The concerns that I have here is that there
18 seems to be at least discrepancies in some of the things
19 that he said with regards to other statements that you have
20 as a person.

21 Do you still maintain the truthfulness of
22 this particular statement when Officer Lefebvre is saying
23 that he had made contact with the Crown but there doesn't
24 seem to be any sort of evidence of that?

25 **MR. SNYDER:** There's one thing about --

1 like, his memory is not very good so I've got to look at
2 his memory, in his recollection, and the way he was
3 presenting, that's the way he remembered it.

4 And because there was some conflict I took
5 that into consideration as, you know what, his memory isn't
6 as good as it should be but he presented himself stating
7 those facts very truthful to me.

8 **MS. JONES:** And would you also agree that
9 when Officer Lefebvre said that there was -- and this was
10 already canvassed with Mr. Lee but when he said there was
11 no -- there was an issue with regards to the photo line-up
12 and the I.D. of Earl Landry, Jr. there actually wasn't, it
13 turned out.

14 **MR. SNYDER:** Yes. But again, that's by his
15 memory; that's nothing to do with truthfulness or
16 deceptiveness. He was answering at the best of his
17 recollection at the time.

18 **MS. JONES:** And would you agree that he also
19 said he was not aware that the polygraph could have been
20 done later when in fact it turns that it could have been,
21 according to Officer Willis' notes anyway?

22 **MR. SNYDER:** Yes and that's fine; that's his
23 recollection of the event.

24 **MS. JONES:** Also too I believe he said that
25 Earl Landry, Jr. was arrested when in fact he wasn't.

1 **MR. SNYDER:** Again, as all his memory, he
2 presented that truthfully. In my mind he wasn't trying to
3 evade anything and I felt very comfortable that he was
4 letting me know as truthfully as he could.

5 **THE COMMISSIONER:** Well he's attempting to
6 tell the truth?

7 **MR. SNYDER:** Yes.

8 **THE COMMISSIONER:** So what you're saying is
9 that he may -- he may, for all intents and purposes,
10 appeared to be telling the truth but what he's saying may
11 not be correct?

12 **MR. SNYDER:** Right.

13 **THE COMMISSIONER:** Okay.

14 **MS. JONES:** And Exhibit 1369, please.
15 That's Mr. Willis' Will Say.

16 Do you have that in front of you, sir?

17 **MR. SNYDER:** Yes, I do.

18 **MS. JONES:** Again, the two areas that seem
19 quite curious to me, the first one is on Bates page 292,
20 which is the second page.

21 And it's exactly where Madam Clerk has put
22 it.

23 It starts off with Staff Sergeant Derochie
24 stating:

25 "Well you just explained probably some

1 of my next questions. Can you explain
2 why no charges were laid against
3 Landry, Jr. at the conclusion of the
4 investigation in 1985?"

5 Constable Willis:

6 "Go back to the above statement. No
7 just that. But we didn't have a
8 suspect. We had no proof, we had no --
9 nothing."

10 Staff Sergeant Derochie:

11 "I'm sorry, do you recall if Earl
12 Landry, Jr. was ever identified as a
13 suspect, as a suspect involved in the
14 assault against C-51?"

15 Constable Willis:

16 "I couldn't say for sure."

17 So it would appear from what he's saying
18 there that he wasn't even a suspect; it's a pretty low
19 threshold.

20 **MR. SNYDER:** Yes, again, you've got to
21 remember I'm looking at -- not the words, I'm looking at
22 his presentation and how his body language is presenting.

23 His memory of this event wasn't very good
24 and neither was Lefebvre's and we knew that.

25 So I am now attempting to look at how they

1 are reacting to these questions, and I did that. And
2 although he says he doesn't remember Earl Landry, Jr. being
3 a suspect, in my mind he didn't remember. That was a true
4 fact in my mind. He just had no recollection of that
5 event.

6 **MS. JONES:** And further down the page, again
7 because I think this point has been raised, the fact is
8 that Constable Willis completely doesn't remember that the
9 issue of the polygraph was actually something Earl Landry,
10 Sr. had said might be canvassed later. It seems that
11 Constable Willis has no memory of that at all.

12 **MR. SNYDER:** Okay. What's the question?
13 I'm sorry.

14 **MS. JONES:** All right. I'll read you the
15 portion. It starts with Sir -- I was going to say Sir
16 Derochie. That's quite an accolade.

17 "Staff Sergeant Derochie, your notes
18 indicate that although Landry, Jr.
19 would not take the test as previously
20 arranged that he might consider and
21 take the test at a future date. What
22 efforts did you make to follow up on
23 that possibility or do you recall that
24 at all?"

25 Constable Willis:

1 "No, the only part I recall from that
2 phone call we had just started our
3 shift and Earl had phoned me and all I
4 really recall is him saying 'Earl is
5 not going to take the test. Things are
6 moving too fast.' And that was the end
7 of the conversation. I don't know
8 anything about him taking it in the
9 future or anything like that. I --
10 that was basically the end of our
11 conversation. That's all he said.
12 He's not taking it. I remember him
13 using the sentence 'Things are moving
14 too fast'."

15 Staff Sergeant Derochie:

16 "Your notebooks do indicate however
17 that he does. If you look right down
18 there where it says right at the very
19 bottom, it says 'Polygraph'."

20 Constable Willis says:

21 "Oh, well, maybe again I don't remember
22 that but if I wrote it, it was a short
23 conversation."

24 And do you recall the notes of Officer
25 Willis where it definitely says "Polygraph test"? He

1 states perhaps arrangements can be made later on.

2 MR. SNYDER: Yes.

3 MS. JONES: Because that we went over
4 yesterday. These are pretty critical things. He doesn't
5 actually recall someone is a suspect and that they could
6 have polygraphed later on. You still maintain he was being
7 absolutely truthful on those points?

8 MR. SNYDER: Yes.

9 MS. JONES: The other point ---

10 MR. CALLAGHAN: (Off mic) Commission counsel
11 is moving on, she had indicated that in Exhibit 1371, Mr.
12 Lefebvre's statement or Constable Lefebvre's statement,
13 that he used the word that he had been arrested. That's
14 not in the statement. I know people have talked about it
15 but ---

16 THE COMMISSIONER: M'hm.

17 MR. CALLAGHAN: --- in reference to 1371, he
18 never said that in the statement.

19 THE COMMISSIONER: Okay. Do you have much
20 more, madam?

21 MS. JONES: No, I don't.

22 THE COMMISSIONER: Thank you.

23 MS. JONES: Just a couple more minutes,
24 please.

25 THE COMMISSIONER: M'hm.

1 **MS. JONES:** There was also the issue with
2 Officer Willis about whether he was under arrest or not
3 under arrest. Again, that has been addressed but the whole
4 issue of being under arrest or not under arrest seems to be
5 still kind of a live issue. You're not certain about that,
6 but was that something that you felt was significant enough
7 to explore with either of those individuals about whether
8 Earl Landry, Jr. was placed under arrest when he was
9 brought to the station or not?

10 **MR. SNYDER:** No.

11 **MS. JONES:** Now, just a couple more points.
12 When you spoke to C-51's family and you spoke I believe to
13 the uncle, the brother-in-law and all these sorts of
14 people, I'm just wondering why were you spending so much
15 time talking to all those people so long after the event?
16 What was the purpose of that if your criminal investigation
17 was focused on Earl Landry, Sr.'s influence or potential
18 influence on the investigation back in 1985? What was the
19 purpose of spending so much time talking to the family of
20 C-51?

21 **MR. SNYDER:** I don't know about so much
22 time, it's part of my investigation. I had people that
23 were mentioned in statements. If I have a person mentioned
24 as saying something or doing something, I go follow it up
25 to close off that loop. I don't think it's anymore time

1 than anything else. Mrs. C-51 mentioned the brother-in-law
2 had said something. I went and followed that up. It may
3 have led to, you know what; he did do something. He did
4 say something to Earl, Jr. and the police officers failed
5 to act on that.

6 You know, so I just wanted to ensure that I
7 do a thorough investigation.

8 **MS. JONES:** Okay. And just one last point.
9 Very briefly it was mentioned about Martelle not looking
10 into the investigation itself, but did you do any
11 exploration as to how Chief Shaver actually even mentioned
12 that particular situation? How did he find out about the
13 Martelle situation? Did you ever find that out?

14 **MR. SNYDER:** I missed the question. How?

15 **MS. JONES:** When Chief Shaver provided his
16 statement to you, remember, you gave him questions and then
17 he ---

18 **MR. SNYDER:** Yes.

19 **MS. JONES:** --- provided a typewritten
20 statement? And it's just mentioned -- it was mentioned ---

21 **MR. SNYDER:** Yes, okay.

22 **MS. JONES:** --- by your counsel that he
23 helped out a -- a friend had contacted him because the son
24 had been charged with exposing himself. Did you inquire
25 how he found out about his friend's son being charged?

1 **MR. SNYDER:** Well, it appears the friend
2 contacted him and said he was being investigated.

3 **MS. JONES:** Okay. But you don't have any
4 further details on that though.

5 **MR. SNYDER:** Well, the Chief spoke to me
6 about it.

7 **MS. JONES:** Pardon me?

8 **MR. SNYDER:** The Chief spoke to me about it.
9 He told me -- he told me that this individual contacted him
10 and was asking for favours and he said ---

11 **THE COMMISSIONER:** When did he tell you
12 that?

13 **MR. SNYDER:** While I was doing the
14 investigation, sir.

15 **THE COMMISSIONER:** Of Martelle's son?

16 **MR. SNYDER:** Exactly.

17 **THE COMMISSIONER:** Okay. At the time, not -
18 --

19 **MR. SNYDER:** No, no, at the time. I was
20 aware of it. It was live in myself at the time.

21 **THE COMMISSIONER:** All right. M'hm.

22 **MS. JONES:** But did you specifically ask
23 former Chief Shaver if he advised Martelle that his son had
24 been charged?

25 **MR. SNYDER:** I'm missing the point. After I

1 charged his son, did the Chief call him?

2 **MS. JONES:** No. When you were doing your
3 criminal investigation as to the impropriety of Earl
4 Landry, Sr.'s influence shall I say ---

5 **MR. SNYDER:** Yes.

6 **MS. JONES:** --- one of the issues that came
7 up was that former Chief Shaver contacted Earl Landry, Sr.
8 to say "Your son has been charged." Did you, when you
9 found out about the Martelle situation -- because that I
10 assume came as news to you when you received the
11 typewritten statement perhaps?

12 **MR. SNYDER:** Yes.

13 **THE COMMISSIONER:** No, no, no.

14 **MR. SNYDER:** No, no, in my notes.

15 **THE COMMISSIONER:** Just a minute.

16 **MR. SNYDER:** He mentioned ---

17 **THE COMMISSIONER:** No, no, just a second.

18 **MS. JONES:** Okay.

19 **THE COMMISSIONER:** Hold on. What this
20 gentleman is saying is that on the Martelle matter, which
21 was some time before the interview with Shaver, Shaver --
22 in the midst of that investigation, Shaver would have told
23 Snyder about the conversation he had with Martelle, Sr. So
24 that was then.

25 And then, when he brought it back, he gave

1 that as an example in the interview he had with Officer
2 Snyder on the Earl Landry, Sr. thing. So it wasn't that
3 this gentleman found out about it while reading Shaver's
4 notes or during his discussion.

5 MS. JONES: Okay.

6 MR. SNYDER: That's correct.

7 MS. JONES: I misstated then. What I'm
8 trying to get here is that there are -- there seem to be
9 parallels here of a father and a son who is charged.

10 When you thought about the Martelle
11 situation, when it was mentioned by former Chief Shaver in
12 his statement, did you ask Chief Shaver if he had advised
13 Martelle, Sr. about his son being charged?

14 MR. SNYDER: No.

15 MS. JONES: It never occurred to you?

16 MR. SNYDER: I guess I don't understand the
17 question. I really don't know where you're going with it.
18 I'm sorry.

19 MS. JONES: It's just a small point but we
20 have -- all I want to know is if you never asked him, then
21 that's your answer but did you ask Chief Shaver if he had
22 advised his friend Martelle that your son has just been
23 arrested or something?

24 MR. CALLAGHAN: Sorry, you're misstating the
25 evidence. He's already stated that the friend approached

1 Shaver about it. That's the -- it's not Shaver approaching
2 the friend.

3 THE COMMISSIONER: But she just wants to
4 clear that up.

5 MR. CALLAGHAN: Okay.

6 THE COMMISSIONER: In the initial Martelle
7 investigation ---

8 MR. SNYDER: Yes.

9 THE COMMISSIONER: --- did the Chief say to
10 you "Hey, I got a call from Martelle" or "I was talking to
11 Martelle about this and he told me that"?

12 MR. SNYDER: It was Martelle that approached
13 the Chief.

14 THE COMMISSIONER: Okay.

15 MS. JONES: Thank you.

16 THE COMMISSIONER: Thank you.

17 Thank you very much for your stay with us,
18 sir.

19 MR. SNYDER: Thank you, sir.

20 THE COMMISSIONER: I've certainly listened
21 to your evidence and I will take it into consideration.

22 MR. SNYDER: Thank you, sir.

23 THE COMMISSIONER: So I believe we need a
24 break and it's a good time for a break, and then we'll
25 start with the next witness and we'll go until 1:30.

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

3 This hearing will resume at 12:30.

4 --- Upon recessing at 12:15 p.m. /

5 L'audience est suspendue à 12h15

6 --- Upon resuming at 12:32 p.m. /

7 L'audience est reprise à 12h32

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

10 This hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Thank you. Good morning.

13 **MR. DUMAIS:** Good afternoon, Mr.
14 Commissioner.

15 This is Detective Sergeant Jeff Carroll.

16 **THE COMMISSIONER:** Thank you. Good morning.

17 **JEFF CARROLL, Sworn/Assermenté:**

18 **THE COMMISSIONER:** Thank you. Good morning,
19 sir, or afternoon, sir.

20 **MR. CARROLL:** Thank you.

21 **THE COMMISSIONER:** You will be with us for
22 this afternoon at least and next week some time. So as we
23 get going there is water and there is glasses. There's a
24 speaker phone -- speaker if you want to increase the
25 volume.

1 You will see documents either in hard copy
2 or on the screen. So we've got that done. A number of
3 people will be asking you questions. I ask that you listen
4 to the question fully and wait and give your answer after
5 the person has stopped speaking.

6 More importantly is that if you feel
7 uncomfortable or you need a break or anything like that
8 just turn over and get my attention and we'll deal with
9 those matters. All right?

10 **MR. CARROLL:** Thank you, sir.

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

12 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
13 **DUMAIS:**

14 **MR. DUMAIS:** Detective Sergeant, I'll be
15 referring to you as Sergeant for the duration of my
16 examination if that's okay with you.

17 **MR. CARROLL:** That's fine. It's less of a
18 mouthful.

19 **MR. DUMAIS:** All right. Now I understand
20 that you're not originally from Cornwall but you have been
21 living here for some twenty years or so and you now call
22 Cornwall your home. Is that correct?

23 **MR. CARROLL:** That's correct.

24 **MR. DUMAIS:** I understand that you've been a
25 member of the Cornwall Community Police Services for a

1 number of years as well.

2 **MR. CARROLL:** Just over 22 years, sir.

3 **MR. DUMAIS:** All right. Now, your counsel
4 have prepared a document that I'd like to refer to you and
5 it's Document Number 200198.

6 **THE COMMISSIONER:** Thank you. Exhibit 1663
7 is a document, "Rank and Position within the Cornwall
8 Police Service" of Detective Sergeant Jeffrey Carroll.

9 **--- EXHIBIT NO./PIECE NO. P-1663:**

10 (200198) Career profile of Jeff Carroll

11 **MR. DUMAIS:** Now, Sergeant, this document
12 shows at the first page essentially your different ranks
13 and positions you've held with the Cornwall Police
14 Services, starting in 1986 when you were first hired as a
15 cadet.

16 And my understanding is that you've revised
17 this document and as far as you can tell it's accurate?

18 **MR. CARROLL:** To the best of my knowledge it
19 is. I don't see any discrepancies from what I recall over
20 the years.

21 **MR. DUMAIS:** All right. So just a few
22 points. I understand that you first started in '86 and
23 essentially remained in the field operations with Cornwall
24 Police Services for the first ten years. Is that correct?

25 **MR. CARROLL:** That's correct.

1 **MR. DUMAIS:** And there's just -- you
2 transferred out to the CIB on December 31st, 1996 and spent
3 about a month there.

4 **MR. CARROLL:** Yes, I did. It may have been
5 a little bit longer than a month. I'm not quite sure and
6 I'm judging that based on what I recall the weather to be
7 like.

8 At the times I was working some rather late
9 shifts doing surveillance and other tasks like that, but if
10 the documents that the Police Service have indicated some
11 month, then it's a month as far as I'm concerned. It
12 wasn't for a very long period of time.

13 **MR. DUMAIS:** All right. Do you recall why
14 you were transferred to the CIB, stayed such a short period
15 of time and transferred out?

16 **MR. CARROLL:** I applied for a position in a
17 relatively new unit that was referred to as proactive
18 policing or the old closed unit. It was sort of a quasi-
19 undercover position where you would investigate break and
20 enters and street crimes and street level drug trafficking
21 and things like that.

22 I was successful in getting that position.
23 I went to work at it but knowing full well that because of
24 my qualifications as a Use of Force trainer I would have to
25 return to doing those instructional duties in the new year

1 because we run a period of different types of physical
2 training over the course of the winter.

3 And it just wasn't feasible to have me
4 devoted to my plainclothes duty for only two days a week
5 and then return to instructional duties for the other two
6 days of the week. So the decision was made by the people
7 running the Criminal Investigation Division that it was
8 much more practical for me to return to my field operations
9 duties.

10 **MR. DUMAIS:** Okay. So you returned to that
11 but you're finally assigned on a more permanent basis on
12 February 10th, 1998 with the Criminal Investigation Bureau.
13 Is that correct?

14 **MR. CARROLL:** That's correct.

15 **MR. DUMAIS:** And you stayed there until
16 September 15th, 2003.

17 **MR. CARROLL:** That's correct.

18 **MR. DUMAIS:** And while you were at the CIB
19 you conducted a number of different types of
20 investigations, is that correct?

21 **MR. CARROLL:** Yes, sir.

22 **MR. DUMAIS:** All right. So before we get
23 into some of these investigations I'd just like for you to
24 take a look the second and third page of that document, and
25 it's essentially a number of training courses that you

1 would have completed over the years. I don't intend to
2 look at all of the courses that you've completed but
3 certainly perhaps we can look at some of them that are
4 relevant for the purposes of the Inquiry.

5 So the first one is a course you would have
6 completed on October 19th, 1998; an investigator's course at
7 the Ontario Police College. Is that correct?

8 **MR. CARROLL:** Yes, I did.

9 **MR. DUMAIS:** All right. So that's the
10 general investigative technique course, the -- what was
11 commonly known as the GIT course, is that correct?

12 **MR. CARROLL:** I'm not sure if it is. My
13 recollection is that I went straight into the major crime
14 investigation techniques course at the Canadian Police
15 College.

16 This 1998 course I think is more properly
17 termed the Investigative Interviewing Course.

18 **MR. DUMAIS:** Oh, I see.

19 **MR. CARROLL:** And not the GIT.

20 **MR. DUMAIS:** All right. And that perhaps
21 leads to my next question, if we look at the entry that's
22 on December 5, 2000 there's -- you'll note that there's two
23 entries there.

24 So the first one is a course you would have
25 completed at the OPC, the sexual assault investigations

1 training course and just underneath it, the investigator's
2 course in Brockville.

3 MR. CARROLL: That course in Brockville was
4 a joint OPC-Childrens' Aid Society's course that was
5 focused on techniques on interviewing children that often
6 involved joint interviews by police and CAS workers.

7 That was a one-week course just hosted at
8 Brockville as a venue for that time.

9 MR. DUMAIS: Okay, but you have completed
10 these two courses during that week, is that correct?

11 MR. CARROLL: I believe the sexual assault
12 investigator's course that followed that was held in
13 Belleville. And that would have been earlier -- or sorry,
14 later on in the new year.

15 MR. DUMAIS: All right. So is it possible
16 then that the dates are perhaps off?

17 MR. CARROLL: It could be.

18 MR. DUMAIS: Okay.

19 MR. CARROLL: And I didn't catch that until
20 we went through this in detail right now.

21 MR. DUMAIS: All right. So let me ask you
22 this instead, do you recall having completed a general
23 investigative course at the Ontario Police College?

24 MR. CARROLL: No, I don't. Okay? But I did
25 take the techniques of major crime investigation at the

1 Canadian Police College. They're parallel courses that
2 have to deal with the investigation of major incidents.

3 **MR. DUMAIS:** All right. Fair enough.

4 Now, if we look then at the entry on January
5 1st, 2003 I understand that you would have completed a sex
6 offender registry -- registrar training course.

7 **MR. CARROLL:** Yes, sir.

8 **MR. DUMAIS:** And is that -- was that -- the
9 purpose of that course to certify you as a registrar? Is
10 that -- am I correct in understanding that?

11 **MR. CARROLL:** That was to give you probably
12 some detailed knowledge on the operation of and the query
13 and records keeping capability of the Ontario Sex Offender
14 Registry.

15 I'm looking at the dates here of 2003. The
16 Registry came into place in 2000.

17 **MR. DUMAIS:** M'hm.

18 **MR. CARROLL:** The 2003 entry would pertain
19 to what is called an onsite visit by staff at the central
20 Sex Offender Registry. And they would be attending
21 different locations within the province and provided
22 updated training on how the Registry is developed.

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

24 **MR. CARROLL:** That wasn't my initial
25 exposure to the Ontario Sex Offender Registry.

1 **MR. DUMAIS:** Okay. You had previous
2 exposure?

3 **MR. CARROLL:** Dating back to 2000, there
4 were training sessions that I attended as well as other
5 members of the sexual assault and child abuse unit on
6 preparing us for just exactly what was going to take place
7 when the switch was flipped, so to speak and the Sex
8 Offender Registry came into play in 2000.

9 **MR. DUMAIS:** All right. And I just noticed
10 something, Sergeant, and if you can just look at the entry
11 on February 12th, 2001. This appears to have a course, the
12 sexual assault investigations training course and it has
13 the same ID number right before the course. And again it's
14 repeated on December 5, 2000. So does that make sense that
15 this course you would have completed in 2001 rather than
16 2000?

17 **MR. CARROLL:** It could be. I do know that I
18 attended the sexual assault investigative course run by the
19 Ontario Police College that was hosted by the Belleville
20 Police Department in Belleville.

21 **MR. DUMAIS:** All right.

22 **MR. CARROLL:** I attended that course with
23 another member of the Sexual Assault and Child Abuse Unit.

24 **MR. DUMAIS:** All right. And I understand
25 that since this document was completed you completed

1 another course which is relevant and you completed that
2 just last summer, I believe and it was the -- some type of
3 training regarding child pornography; is that correct?

4 **MR. CARROLL:** I participated in a joint
5 Ontario Provincial Police/Canada Customs training session
6 on conducting electronic searches of computers, looking for
7 child pornographic material.

8 **MR. DUMAIS:** All right. All right, thank
9 you.

10 Now, if we can look at the first
11 investigation, that's probably the only one that we'll look
12 at today.

13 I understand that on June 19th, 1998 you were
14 asked to attend a location and assist or investigate in a
15 suspicious death; is that correct?

16 **MR. CARROLL:** That's correct.

17 **MR. DUMAIS:** And I understand that you were
18 asked to attend the residence by Sergeant Snyder; is that
19 correct?

20 **MR. CARROLL:** That's correct.

21 **MR. DUMAIS:** All right. And at that time
22 your actual immediate supervisor would have been, I think
23 it's Staff Sergeant Dupuis; is that correct?

24 **MR. CARROLL:** No. At that time I was in
25 Criminal Investigations, my immediate supervisor would have

1 been Sergeant Snyder.

2 **MR. DUMAIS:** All right.

3 **MR. CARROLL:** And the Staff Sergeant in
4 charge of the Unit would be Staff Sergeant Brunet.

5 **MR. DUMAIS:** Okay. All right, who was the
6 OIC at that time.

7 **MR. CARROLL:** Who was the OIC of Criminal
8 Investigations, that's correct.

9 **MR. DUMAIS:** Okay. Now -- and I understand
10 that during the course of this investigation you took down
11 notes, and if I can just take you to Document Number
12 738555.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 1664 is a document which appears to
15 be Sergeant Carroll's notes and the first date is the 19th
16 of June 1998.

17 **--- EXHIBIT NO./PIÈCE No. P-1664:**

18 (738555) Notes of Jeffrey Carroll dated 19
19 Jun 98 to 15 Aug 98

20 **MR. CARROLL:** I have them, yes.

21 **MR. DUMAIS:** Sergeant, are these the notes
22 of -- regarding this investigation?

23 **MR. CARROLL:** Yes, they are. Those are my
24 notes that I took that day.

25 **MR. DUMAIS:** And they indicate that you

1 would have asked or you would have been asked to attend 423
2 Beach Street and it says Constable Murphy; is that correct.

3 **MR. CARROLL:** That's correct.

4 **MR. DUMAIS:** All right. And at that time
5 you did not know who was the possible victim; is that
6 correct?

7 **MR. CARROLL:** Knew nothing about the case
8 until I arrived on-scene.

9 **MR. DUMAIS:** All right. So take us back to
10 June 19th; you arrive at the scene, who do you speak to, who
11 is there?

12 **MR. CARROLL:** I arrive on-scene and
13 Constable Murphy is present and there's two gentlemen
14 outside, who appear to have arrived at that location on
15 bicycles; one person by the name of James Lewis and the
16 other person by the name of Joseph Hall.

17 **MR. DUMAIS:** All right. So are you briefed
18 on this matter by Constable Murphy or do you speak directly
19 to these gentlemen?

20 **MR. CARROLL:** Constable Murphy gives me a
21 rundown on what she has learned and that amounted to Mr.
22 Lewis and Mr. Hall were friends of the person who lived at
23 423 Beach. They hadn't heard from him for a few days. They
24 had concerns about his wellbeing because they did have
25 information that he had been talking of suicide and there

1 was no answer at the door.

2 MR. DUMAIS: All right. So -- and they do
3 advise you at that time that the gentleman's name is a Mr.
4 Richard Hickerson; is that correct?

5 MR. CARROLL: That's correct.

6 MR. DUMAIS: And do you recognize the name;
7 does that mean anything to you?

8 MR. CARROLL: At that time that name meant
9 nothing to me.

10 MR. DUMAIS: All right. And what -- what do
11 they tell you about Mr. Hickerson?

12 MR. CARROLL: Over the course of the next
13 few minutes, prior to us gaining entry to the house I
14 learned from Mr. Lewis and Mr. Hall that Mr. Hickerson was
15 a former priest who had run into some trouble and may have
16 been under investigation again by the Ontario Provincial
17 Police, that has caused him quite a bit of stress and that
18 he had been expressing some sort of suicide ideation over
19 the last little while and they were concerned about him.

20 MR. DUMAIS: All right. And the trouble
21 that they related to you for -- with respect to leaving the
22 Church, was that with respect to sexual abuse; is that
23 correct?

24 MR. CARROLL: I believe that was correct.

25 MR. DUMAIS: All right. And I take it that

1 everyone confirms to you that no one has been in the
2 residence yet; correct?

3 **MR. CARROLL:** That's correct. Sorry, that's
4 correct and the residence is secure, both windows and
5 doors, and I was satisfied that no one had been inside.

6 **MR. DUMAIS:** And I understand prior to going
7 into the residence you would have contacted Staff Sergeant
8 Brunet; is that correct?

9 **MR. CARROLL:** That's correct.

10 **MR. DUMAIS:** And so what was the purpose of
11 getting Staff Sergeant Brunet involved in this?

12 **MR. CARROLL:** I wanted -- first of all, I
13 wanted another officer present because only Constable
14 Murphy and I were present.

15 There -- we had information that Mr.
16 Hickerson was suicidal. I believe at this point in time
17 that there was information that there was a firearm in the
18 residence because Mr. Lewis had told us that over the
19 course of the days prior to this Mr. Hickerson had even
20 asked for some oil for his gun, and when Mr. Lewis had
21 looked into the bedroom he could see that a rifle that
22 would be normally expected to be leaning up against the
23 corner wasn't present and there was concern just that there
24 was a weapon in the house.

25 I asked for another officer to be present;

1 Staff Sergeant Brunet attended so that I could guarantee
2 that we entered the residence safely.

3 **MR. DUMAIS:** Okay. So then he arrives on
4 the scene, and according to your notes at Bates pages
5 ending with 959, that's at around 1315 and I understand
6 that shortly afterwards you entered the residence and
7 discovered Mr. Hickerson, or who you thought was Mr.
8 Hickerson without life; is that correct?

9 **MR. CARROLL:** I found Mr. Hickerson's body
10 lying on his bedroom floor.

11 **MR. DUMAIS:** So at this point in time you
12 are still treating this as a suspicious death; is that
13 correct?

14 **MR. CARROLL:** That's correct.

15 **MR. DUMAIS:** Until such time as you're able
16 to confirm that this was a suicide; is that correct?

17 **MR. CARROLL:** At this point in time this is
18 treated as, you're correct, a suspicious death.

19 I've got two questions to answer here; first
20 of all, the cause of death which isn't something that I
21 determine, that would be determined at an autopsy. The
22 manner of death is what I would be concerned in and that
23 would be exploring whether or not this was a suicide or
24 something else.

25 **MR. DUMAIS:** All right. Now I understand

1 that in this investigation a number of your fellow officers
2 were involved. And if I can just give you a rundown and if
3 you can just confirm that for me.

4 So I understand Constable Murphy, who was
5 initially on the scene, maintained the scene security at a
6 different point in time?

7 **MR. CARROLL:** That's correct.

8 **MR. DUMAIS:** And I understand that Sergeant
9 Lalonde, who I believe was with your Identification Unit
10 was also involved.

11 **MR. CARROLL:** Yes he was. I'm not sure if
12 he was a constable or a sergeant at the time but he was the
13 Forensic Identification Officer assigned to the case.

14 **MR. DUMAIS:** All right. And there was also
15 a Constable Hart who would have assisted with the -
16 maintaining the scene security; is that correct?

17 **MR. CARROLL:** That's correct.

18 **MR. DUMAIS:** All right. And of course we've
19 already mentioned Staff Sergeant Brunet and I also
20 understand that a Constable Cameron and Constable Paquin
21 were involved in different capacities?

22 **MR. CARROLL:** Constable Cameron is Constable
23 Murphy; Cameron is her married name.

24 **MR. DUMAIS:** That's my mistake; thank you.

25 **MR. CARROLL:** Mr. Paquin is one of our

1 civilian employees who at the time assisted in the
2 dismantling of Mr. Hickerson's computer because at that
3 time my computer skills caused me some concern whether I
4 could do it properly so Mr. Paquin, being much more
5 familiar with computers than I was at the time, came and
6 assisted in just making sure things were disconnected
7 properly and removed from the residence properly.

8 **MR. DUMAIS:** Now, I'm just looking at -- and
9 perhaps it's easier if I just refer to the page of your
10 note, page 9 of your notes. And there's an indication
11 there that you would have completed a CPIC search on the
12 name of Mr. Hickerson, I presume?

13 Is that correct?

14 **MR. CARROLL:** I believe page 9 indicates a
15 CPIC query of the serial number of the firearm ---

16 **MR. DUMAIS:** I see.

17 **MR. CARROLL:** --- that was in the house. I
18 eventually did do a CPIC query on Mr. Hickerson. I don't
19 know which document here but I was checking to see what the
20 status of his gun was, whether it was on the system,
21 whether it was a stolen firearm or whatnot.

22 **MR. DUMAIS:** All right. And what was the
23 reply then?

24 **MR. CARROLL:** Well, the firearm, it says:
25 "Check CPIC reply, 10-60 negative on

1 file."

2 That means there's no warrants on that
3 firearm such as it's a stolen gun or anything like that. I
4 was simply querying the gun to see what its status was.

5 **MR. DUMAIS:** All right. So it wouldn't give
6 you the information with respect to the registration of the
7 weapon. Is that ---

8 **MR. CARROLL:** No, it wouldn't.

9 **MR. DUMAIS:** Now I -- you've also noted
10 right underneath this CPIC query, an observation you made
11 with respect to a video camera.

12 **MR. CARROLL:** Yes, I did.

13 **MR. DUMAIS:** All right. Perhaps you can
14 just explain to us where that camera was and what you
15 observed.

16 **MR. CARROLL:** In the bedroom set up right in
17 the area of the bed was a rather large video camera on a
18 tripod. I did note at the same time that the camera was
19 heavily coated in dust, there wasn't a videotape in it and
20 it didn't appear that it had been used or handled recently.

21 **MR. DUMAIS:** All right. But certainly it
22 was located in the bedroom where Mr. Hickerson was found.
23 Is that right?

24 **MR. CARROLL:** That's right.

25 **MR. DUMAIS:** All right. And am I correct in

1 assuming that most of your duties on that day had to do
2 with the scene? Is that correct?

3 **MR. CARROLL:** That's correct.

4 **MR. DUMAIS:** And you did not conduct any
5 interviews on that day?

6 **MR. CARROLL:** No, there was no interviewing
7 done that day.

8 **MR. DUMAIS:** All right. But I do understand
9 that Mr. -- the two individuals that were found on the
10 scene, so Mr. Lewis was interviewed as well as the other
11 gentleman that was with him.

12 **MR. CARROLL:** Staff Sergeant Brunet, being
13 on-scene, stepped in to help out in the initial stages of
14 this investigation. While I was dealing with the interior
15 of the residence and what I had to do with documenting the
16 finding of Mr. Hickerson's body, Staff Sergeant Brunet sat
17 Mr. Lewis and Mr. Hall in his car and took detailed written
18 statements from both of them for me.

19 **MR. DUMAIS:** All right. And if you can just
20 have a look at Document Number 738569 for a moment?

21 **MR. CARROLL:** Okay. I see that that's page
22 12 of 32 of my notes.

23 **MR. DUMAIS:** The document will be shown to
24 you shortly, Sergeant.

25 **MR. CARROLL:** Oh, I'm sorry.

1 **THE COMMISSIONER:** Exhibit 1665 is a
2 statement of a witness, James Lewis, taken on the 19th of
3 June, 1998.

4 **--- EXHIBIT NO./PIECE NO. P-1665:**

5 (738569) Witness Statement of James Lewis
6 dated 19 Jun 98

7 **MR. CARROLL:** Now I see the right document.
8 Thank you.

9 **MR. DUMAIS:** Now do you recognize this
10 document, Sergeant?

11 **MR. CARROLL:** I recognize that as the
12 written statement of James Lewis. And I recognize the
13 signature and handwriting of Staff Sergeant Brunet.

14 **MR. DUMAIS:** All right. And you've reviewed
15 the statement to prepare for your evidence but you also saw
16 it, I take it, back in June of 1998, is that correct?

17 **MR. CARROLL:** That's correct.

18 **MR. DUMAIS:** All right. So if I can then
19 just take you to Bates pages -- and just for ease of
20 reference, Sergeant so that you'll know, I'll be referring
21 to the last three digits only and it's found at the top
22 left-hand corner of the page.

23 So it would be 066.

24 **MR. CARROLL:** Okay, 066.

25 **MR. DUMAIS:** You have that page, Sergeant?

1 **MR. CARROLL:** Yes, I do.

2 **MR. DUMAIS:** All right. Now I understand --
3 and I'm looking at the seven lines from the bottom. And I
4 believe Mr. Lewis is trying to explain that he has -- he
5 had an inkling that Mr. Hickerson wanted to commit suicide.
6 And he said:

7 "Pulled out a piece of paper, address
8 things to do and talk about."

9 **MR. CARROLL:** That's right.

10 **MR. DUMAIS:** And Staff Sergeant Brunet
11 doesn't ask any questions about this statement but my
12 understanding is that at one point in time you would have
13 been shown this piece of paper, is that correct?

14 **MR. CARROLL:** That's correct.

15 **MR. DUMAIS:** And do you recall what that
16 piece of paper said?

17 **MR. CARROLL:** There was instructions for Mr.
18 Lewis on things to do with respect to bank accounts of Mr.
19 Hickerson, with respect to some of Mr. Hickerson's
20 belongings and specifically some notation there that had to
21 do with pictures, videotapes and computer disks; do what
22 you want with them.

23 **MR. DUMAIS:** All right. And so certainly it
24 appeared to have been some sort of a to do list if he was
25 to die, is that correct?

1 **MR. CARROLL:** It was a to do list. I'm not
2 sure if the reference about his death was into it or not.
3 But it was a to do list for James to consider some things
4 that had to be done.

5 **MR. DUMAIS:** So the reference to videos and
6 videotapes cause you some concern, is that correct?

7 **MR. CARROLL:** Yes, it did.

8 **MR. DUMAIS:** All right. And as a result
9 thereof you decided to re-interview Mr. Lewis on the
10 following day, is that correct?

11 **MR. CARROLL:** That's correct.

12 **MR. DUMAIS:** All right. Now, I note that
13 you were at the scene for quite a period of time. Do you
14 recall whether or not you met with Staff Sergeant Brunet
15 that night and had a discussion about this to do list or
16 whether or not that came about the next morning?

17 **MR. CARROLL:** I don't believe it took place
18 that night. This was kind of a peculiar day. We had two
19 calls of this nature going on at the same time. Staff
20 Sergeant Brunet was responsible for overseeing both of
21 them.

22 He helped me out by taking these statements
23 and he left the scene shortly after that. I don't believe
24 I spoke to him until later the next day.

25 **MR. DUMAIS:** All right. Now if I can -- and

1 we'll get to your interview in just a moment, Sergeant. If
2 I can just take you to Bates pages 070.

3 **MR. CARROLL:** Okay, I'm there.

4 **MR. DUMAIS:** All right. So the question and
5 I'm looking at the bottom question and answer on that page,
6 so the question is as follows:

7 "Did Richard ever mention to you that
8 he wanted to take his own life?"

9 And that's Staff Sergeant Brunet of course,
10 asking the question and the answer is:

11 "There was a time he had -- Dale
12 Campbell gave him a call and said he
13 wanted money from him. He came to the
14 police and made a complaint."

15 So he appears to be making reference to a
16 previous incident or a previous occurrence. And I think
17 we're missing the last line of that page.

18 And just looking at this page, do you recall
19 what that last line was?

20 **MR. CARROLL:** No, I don't.

21 **MR. DUMAIS:** All right. And I understand
22 that we're looking for the original of this document and
23 hopefully we'll be able to put it to you before you -- in
24 your evidence, but you don't recall what that said?

25 **MR. CARROLL:** I don't recall what that says,

1 no.

2 **MR. DUMAIS:** All right. Did you have any
3 discussion with Staff Sergeant Brunet with respect to the
4 name of Dale Campbell and whether or not he had made a
5 complaint or whether or not Mr. Hickerson had made a
6 complaint about him?

7 **MR. CARROLL:** I don't recall any.

8 **MR. DUMAIS:** All right. And do you recall
9 whether or not in your investigation whether you would have
10 followed up with that and done any checking on that name?

11 **MR. CARROLL:** I don't recall speaking with a
12 Dale Campbell.

13 **MR. DUMAIS:** Do you recall whether or not
14 you had checked your records or done an OMPPAC search on
15 that name?

16 **MR. CARROLL:** Not with respect to Dale
17 Campbell, no I don't.

18 **MR. DUMAIS:** Okay. Now I also understand
19 that Staff Sergeant Brunet would have interviewed Joseph
20 Hall on that same day.

21 **MR. CARROLL:** That's correct.

22 **MR. DUMAIS:** And he was the other individual
23 that was on the scene when you first arrived, is that
24 correct?

25 **MR. CARROLL:** Yes, he was.

1 **MR. DUMAIS:** And if I can then just take you
2 to Document Number 738570.

3 **THE REGISTRAR:** Seven three eight five seven
4 zero (738570)?

5 **MR. DUMAIS:** Seven three eight five seven
6 zero (738570).

7 Do we have that document, Madam Clerk?

8 **THE REGISTRAR:** Yes.

9 **MR. DUMAIS:** All right, thank you.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit Number 1665 (sic) is a statement of
12 Joseph Mason Hall; date given the 19th of June 1998.

13 **MR. DUMAIS:** Exhibit 1666, Commissioner.

14 **THE COMMISSIONER:** No, 1665. Six, six, six
15 (666)?

16 --- **EXHIBIT NO./PIÈCE No. P-1666:**

17 (738570) Witness Statement of Joseph Hall
18 dated 19 Jun 98

19 **MR. DUMAIS:** Now, Sergeant, you reviewed the
20 statement taken by Staff Sergeant Brunet as well during the

21 ---

22 **MR. CARROLL:** Yes, I recall looking it over.

23 **MR. DUMAIS:** All right. And Mr. Hall
24 essentially gives information but nothing significant, in
25 your eyes, that would warrant a re-interview; is that fair?

1 **MR. CARROLL:** Nothing from Mr. Hall, no.

2 **MR. DUMAIS:** All right. Now, I understand
3 that at one point in time you would have opened a file in
4 the OMPPAC; is that correct?

5 **MR. CARROLL:** As in creating an occurrence
6 or ---

7 **MR. DUMAIS:** Correct.

8 **MR. CARROLL:** I would have filed reports
9 with respect to the incident under Mr. Hickerson's death.

10 **MR. DUMAIS:** All right. Perhaps I can just
11 take you to a document which is Document Number 735899.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE COMMISSIONER:** Thank you.

14 Exhibit Number 1667 is a Homicide/Sudden
15 Death Report and it's dated the 20th of June 1998.

16 **--- EXHIBIT NO./PIÈCE No. P-1667:**

17 (735899) Homicide/Sudden Death Report dated
18 20 Jun 98

19 **MR. DUMAIS:** So this -- is this how you
20 would create an occurrence if you're investigating a
21 suspicious death?

22 **MR. CARROLL:** This is the general occurrence
23 report relating to any type of death investigation. It's
24 set out so that it captures essential information like the
25 investigating officer, the name of the coroner who attended

1 the scene, the apparent cause of death or the apparent
2 means of death, and initial information like that.

3 **MR. DUMAIS:** All right. And it replaces the
4 general occurrence report?

5 **MR. CARROLL:** This is the general occurrence
6 report but in specific cases of homicide and sudden death
7 they've changed it to include things like name of the
8 coroner, the body removal service, the weapon involved and
9 the suspected cause of death at the initial time of
10 investigation.

11 **MR. DUMAIS:** Okay. So if I look at the top-
12 hand corner of that document it says a report time 20th of
13 June 1998 in 00022 (sic) hours; does that mean shortly
14 after midnight on the 19th?

15 **MR. CARROLL:** Yes, it does.

16 **MR. DUMAIS:** All right. So -- and this is
17 the information then that would -- you would have entered
18 in OMPPAC; is that correct?

19 **MR. CARROLL:** That's correct.

20 **MR. DUMAIS:** All right. Now, the file, a
21 Supplementary Occurrence Report, as I understand it, and
22 that is Document Number 735901.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit Number 1668 is a Supplementary
25 Occurrence Report and the time of the report is the 29th of

1 June 1998.

2 --- EXHIBIT NO./PIÈCE No.P-1668:

3 (735901) Supplementary Occurrence Report
4 dated 29 Jun 98

5 MR. DUMAIS: As I understand it, Sergeant,
6 that filing that report would have occurred on the 29th day
7 of June 1998?

8 MR. CARROLL: That's correct.

9 MR. DUMAIS: And you do provide some general
10 information regarding the scene on the first page and on
11 the second page, which is Bates pages 609, third paragraph,
12 end of the paragraph and I'll just read it out for you:

13 "Dr. Laferriere issued a coroner's
14 search warrant for all pertinent
15 information on Hickerson, including any
16 computer files that may contain a
17 suicide note or possible next of kin
18 information."

19 MR. CARROLL: That's correct.

20 MR. DUMAIS: So coroner ensured a warrant,
21 and my understanding is, as a result thereof you seized a
22 number of material from Mr. Hickerson's home; is that
23 correct?

24 MR. CARROLL: That's right.

25 MR. DUMAIS: And you list some of these --

1 some of these materials in the second-last paragraph and if
2 I can just get your confirmation as to what was seized, and
3 I'll read it out for you:

4 "A large quantity of pornographic
5 material was present within the
6 residence, in the form of magazines and
7 videos. These, for the most part, were
8 homosexually orientated; a substantial
9 music and computer collection was
10 present, the computer equipment
11 included several diskettes, the
12 contents of which were not apparent."

13 And it stops there. But you did seize those
14 materials; is that correct?

15 **MR. CARROLL:** That's correct.

16 **MR. DUMAIS:** Now, if I can just take you
17 back to your notes for a moment, so Exhibit 1664.

18 **MR. CARROLL:** Okay.

19 **MR. DUMAIS:** And I'm looking at your first
20 entry on the 20th day of June '98, so Bates pages 968, page
21 11 of your notes.

22 **MR. CARROLL:** All right.

23 **MR. DUMAIS:** All right, so you're on duty at
24 eight o'clock that morning. At 9:15 you communicated with
25 James Lewis; is that correct?

1 **MR. CARROLL:** That's right.

2 **MR. DUMAIS:** And you asked him to meet you
3 at the police station; is that correct?

4 **MR. CARROLL:** That's right.

5 **MR. DUMAIS:** And a part of what you're doing
6 that morning is -- has to do with the suspicious death
7 investigation and principally you needed to have someone
8 identify the body; is that correct?

9 **MR. CARROLL:** That's right. I took Mr.
10 Lewis to the morgue for that purpose.

11 **MR. DUMAIS:** All right, so you did do that
12 with Mr. Lewis and he did confirm for you that it was Mr.
13 Hickerson that was found dead in his home; is that correct?

14 **MR. CARROLL:** That's right.

15 **MR. DUMAIS:** And I'm just looking at the top
16 of Bates pages 969 and the entry there is:

17 "Tells me that during the last week,
18 victim had given him a letter of
19 instructions on handling the affairs
20 after his death."

21 So is that the letter that was referenced in
22 the statement taken by Staff Sergeant Brunet?

23 **MR. CARROLL:** That's correct.

24 **MR. DUMAIS:** All right.

25 Now, the entry at 10:30 that morning states

1 the following, so this is -- you're noting what James is
2 saying:

3 "James states that he heard that victim
4 missed the first time when he shot
5 himself and this was because his hand
6 was shaking from his diabetes. We
7 asked him where he got this info and he
8 told me he must have heard from one of
9 the officers talking about this
10 yesterday."

11 And then:

12 "This was definitely not the case. This
13 point not discussed..."

14 Perhaps you can help me out with the last
15 four words.

16 **MR. CARROLL:** "This person was not
17 discussed any further at this time."

18 **MR. DUMAIS:** All right.

19 So is this something that you had noted in
20 your investigation either at that time or later on that he
21 would have missed himself the first time?

22 **MR. CARROLL:** I found that kind of a
23 peculiar comment for that time. Mr. Lewis was a very
24 emotionally fragile and nervous young man, and the comment
25 that he might have missed himself the first time he tried

1 to shoot himself because he never shot himself, I remember,
2 was, changes words, I found kind of ridiculous.

3 I had an opportunity to look at Mr.
4 Hickerson's body very closely prior to it being moved. The
5 only evidence was one gunshot wound that would appear to me
6 to be consistent with one that was self-inflicted and I
7 wanted to talk to James about that a little bit, in a
8 little bit further detail on video, and I would await the
9 results of the autopsy with respect to exactly how many
10 wounds and the way they were positioned in the body and
11 what they were consistent with, to hear that from the
12 pathologist who conducted the autopsy.

13 **MR. DUMAIS:** Do you recall ever taking that
14 point up with him again?

15 **MR. CARROLL:** I believe I spoke to James
16 about that just a little bit earlier -- sorry, a little bit
17 later on, and it was again a comment that he thought he had
18 heard and I didn't put any more thought into that until I
19 had an opportunity to review the autopsy results.

20 **MR. DUMAIS:** All right.

21 Now, I understand then that you returned to
22 the station and that is when you would have conducted your
23 interview of Mr. Lewis?

24 **MR. CARROLL:** That's correct.

25 **MR. DUMAIS:** And I understand you requested

1 that you -- from him that you be able to record the
2 interview. Is that correct?

3 **MR. CARROLL:** That's right.

4 **MR. DUMAIS:** All right. So I take it that
5 you asked him some general questions with respect to Mr.
6 Hickerson and whether or not he had any information for you
7 as to whether or not he had reason to commit suicide. Is
8 that correct?

9 **MR. CARROLL:** That's right.

10 **MR. DUMAIS:** And I understand that he did
11 relate to you that he had been recently questioned by
12 officers of Project Truth. Is that correct?

13 **THE COMMISSIONER:** You mean Mr. Hickerson?

14 **MR. DUMAIS:** Mr. Hickerson; correct.

15 **MR. CARROLL:** That's correct.

16 **MR. DUMAIS:** And did he provide you with any
17 details, any further details than that?

18 **MR. CARROLL:** I believe James had mentioned
19 to me that Richard had been through this before and that
20 over the course of the last week or at least since the
21 officers from Project Truth had spoken to him, he had
22 become increasingly depressed and had indicated that there
23 is no way that he could be dragged through the courts
24 again.

25 **MR. DUMAIS:** All right.

1 So then you do show Mr. Lewis the letter
2 that he had given to Staff Sergeant Brunet the previous
3 day, and that's the letter or the piece of paper titled --
4 that was titled "Things to do and talk about"?

5 **MR. CARROLL:** That's right.

6 **MR. DUMAIS:** All right. And one of the
7 entry on that letter indicated -- and you quoted this at
8 Bates page 971 of your note, "Pictures, videotapes and
9 diskettes". So you asked him about what Mr. Hickerson
10 could have meant by that. Is that correct?

11 **MR. CARROLL:** That's correct.

12 **MR. DUMAIS:** All right. And what did he
13 respond to you?

14 **MR. CARROLL:** Mr. Lewis told me that that
15 referred to materials that Mr. Hickerson had given to him
16 and it just referred to some of the videotapes, their
17 pictures and computer diskettes.

18 My sole interest at this point-in-time was
19 the contents of this material, simply because in the back
20 of my mind I'm looking for something that would explain the
21 manner by which Mr. Hickerson found himself deceased in his
22 bedroom. I'm looking for a suicide note or something like
23 that.

24 **MR. DUMAIS:** So he's not, at this time,
25 describing what those pictures, videotapes or diskettes

1 would depict. Is that correct?

2 MR. CARROLL: No, he's not.

3 MR. DUMAIS: All right.

4 And my understanding is that you do -- that
5 you found out during your -- the questioning of Mr. Lewis
6 that these materials were located at his residence?

7 MR. CARROLL: That's right.

8 MR. DUMAIS: And you asked for his consent
9 to attend at his residence and view this material. Is that
10 correct?

11 MR. CARROLL: That's right.

12 MR. DUMAIS: And Mr. Lewis agreed to that
13 and you did attend his apartment?

14 MR. CARROLL: Yes, he did.

15 MR. DUMAIS: All right. So then if you can
16 just describe to us then what materials he gave you when
17 you arrived at the residence?

18 MR. CARROLL: Mr. Lewis turned over quite a
19 large collection of the 3.5 inch floppy disks that you
20 would put into a computer "A" drive, some adult magazines.
21 There were several of those. They were typically your --
22 you see them often as European nudist colony type of
23 magazines.

24 There, as well, were some hardcover books
25 that were rather academic in appearance that discussed

1 issues of when a man of God falls in love with a boy or one
2 was entitled "Pederasty", the subject of man-boy love and
3 topics like that.

4 MR. DUMAIS: All right. And another one of
5 those books was titled "Children Who Seduce Men". Is that
6 correct?

7 MR. CARROLL: That's correct.

8 MR. DUMAIS: All right. And my
9 understanding, Sergeant, is that he also produced a number
10 of pictures for you. Is that correct?

11 MR. CARROLL: Yes. There was quite a
12 collection of Polaroid pictures, many of which had been cut
13 up with scissors and were left in pieces.

14 MR. DUMAIS: And where were these pictures
15 located?

16 MR. CARROLL: Those were in the kitchen
17 garbage can underneath the sink in Mr. Lewis' kitchen.

18 MR. DUMAIS: Did you observe anything?
19 Could you tell whether or not this had just been done or it
20 had been over a long period of time? Was it amongst other
21 trash, for example?

22 MR. CARROLL: It was in with other trash.
23 It was on top of the other trash and it appeared to have
24 been done somewhat recently.

25 MR. DUMAIS: And did you ask Mr. Lewis who

1 had cut up the pictures?

2 MR. CARROLL: He told me that he did.

3 MR. DUMAIS: All right. And did he tell you
4 why he had done so?

5 MR. CARROLL: No, he didn't. I collected
6 the pictures though and embarked on the task over the next
7 few days trying to put them together so that I can see what
8 they were and then begin trying to learn something about
9 them.

10 MR. DUMAIS: So my understanding, Sergeant,
11 is that you seized all of that material and you then
12 returned to Headquarters where the material was kept for
13 safekeeping. Is that correct?

14 MR. CARROLL: That's right.

15 MR. DUMAIS: All right.

16 Now, you have no entry or no notes for the
17 21st day of June, 1998. Do you recall whether or not you
18 were absent from duty that day?

19 MR. CARROLL: The 20th was a Saturday. I was
20 off on Sunday.

21 MR. DUMAIS: All right.

22 MR. CARROLL: I believe I was out of town, I
23 was in Ottawa, and I was in touch though over the course of
24 that day with Constable Lalonde who was the Ident Officer
25 who was attending the autopsy, and I was updated on -- on

1 the cause of death. And I received a confirmation at that
2 time verbally over the phone, that there was only one
3 bullet wound on Mr. Hickerson and that the cause of death
4 was consistent with a self-inflicted gunshot wound and that
5 death would have occurred instantaneously.

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

7 **THE COMMISSIONER:** How he would have missed.

8 **MR. CARROLL:** I'm sorry?

9 **THE COMMISSIONER:** I don't understand the
10 thing.

11 If his friend, Mr. Lewis, is saying that he
12 tried the first time and he missed, then there wouldn't be
13 a bullet -- you wouldn't expect to see two bullets in him.

14 **MR. CARROLL:** That didn't make any sense to
15 me at all, that Mr. Lewis felt that Mr. Hickerson tried to
16 shoot himself once and he missed and then he had to do it
17 again because his hands were shaking. I didn't put a lot
18 of stock into that -- those comments at all from Mr. Lewis,
19 and I would rather wait and get the results of the autopsy
20 relayed to me by the forensic identification people.

21 **THE COMMISSIONER:** I understand that, but
22 just because the autopsy says there's one bullet in him
23 does not close out the possibility that he missed the first
24 time?

25 **MR. CARROLL:** No, it doesn't.

1 **THE COMMISSIONER:** Okay.

2 **MR. CARROLL:** But I didn't put any stock in
3 -- in Mr. Lewis' concern.

4 **THE COMMISSIONER:** No, I'm just trying to
5 follow your logic.

6 You're saying, "Well, this guy's saying
7 there was two shots", and you're saying, "Well, I'm going
8 to wait until I see the autopsy", and there's only one
9 bullet in the guy, therefore, there wasn't two bullets.
10 The logic doesn't ---

11 **MR. CARROLL:** Okay.

12 **THE COMMISSIONER:** --- doesn't work there.

13 **MR. CARROLL:** I understand.

14 **THE COMMISSIONER:** Fine.

15 **MR. CARROLL:** My concern was, was that if
16 there was a gunshot wound, that the gunshot wound was
17 delivered by Mr. Hickerson.

18 **THE COMMISSIONER:** Yes.

19 **MR. CARROLL:** That was my only concern. I
20 wanted to make sure that this was, in fact, a suicide and
21 not a homicide that someone tried to make look like a
22 suicide ---

23 **THE COMMISSIONER:** Right.

24 **MR. CARROLL:** --- and that's what I was
25 being mindful of.

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

2 Well, let me ask you this then, Sergeant, do
3 you -- did you go back to the bedroom where Mr. Hickerson
4 was found and make any observations with respect to a
5 second gunshot?

6 **MR. CARROLL:** Yes. We had gone back to that
7 bedroom over the course of the last -- over the course of
8 the several following days.

9 There was a lot of work done by our
10 identification officer, who is also a blood spatter
11 analyst, and I believe he had a second opinion from another
12 blood spatter analyst to help develop some sort of
13 understanding on how Mr. Hickerson may have been sitting
14 prior to him pulling the trigger and how he may have
15 fallen, and whether or not the physical evidence remaining
16 at the scene was consistent with just that; a self-
17 inflicted, single gunshot wound.

18 **MR. DUMAIS:** All right. Are you satisfied
19 after having completed the suspicious death investigation
20 that he -- that this was actually a suicide?

21 **MR. CARROLL:** Absolutely.

22 **MR. DUMAIS:** All right.

23 **THE COMMISSIONER:** It might be a good place
24 to stop, Mr. Dumais?

25 **MR. DUMAIS:** That's fine, Commissioner,

1 thank you.

2 **THE COMMISSIONER:** All right, thank you.

3 We'll come back Tuesday at one o'clock.

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

6 This hearing is adjourned until May 20th, at
7 1:00 p.m.

8 --- Upon adjourning at 1:27 p.m./

9 L'audience est ajournée à 13h27

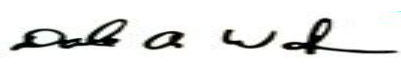
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Dale Waterman 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, Dale Waterman, 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.



Dale Waterman, CVR-CM