

**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 112

Held at :

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

Jeudi, May 31, 2007

Tenue à:

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

Jeudi, le 31 mai 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Mr. Pierre R. Dumais	Commission Counsel
Ms. Janie Laroque	
Ms. Julie Gauthier	Registrar
Ms. Reena Lalji	Cornwall Police Service Board
Ms. Suzanne Costom	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Ms. Jennifer Birrell	Catholic District School Board
Ms. Lori Harreman	Counsel for C-6

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1 --- Upon commencing at 9:01 a.m./

2 L'audience débute à 9h01

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 Good morning, Ms. Sutherland.

12 **CATHY SUTHERLAND, Resumed/Sous le même serment**

13 **MS. SUTHERLAND:** Good morning.

14 **THE COMMISSIONER:** How are you doing today?

15 **MS. SUTHERLAND:** I'm fine, thank you.

16 **THE COMMISSIONER:** Good.

17 So, Mr. Chisholm was asking you questions
18 and he will pursue that for a bit now.

19 **MS. SUTHERLAND:** .

20 **THE COMMISSIONER:** Thank you.

21 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

22 **PETER CHISHOLM (cont'd/suite):**

23 **MR. CHISHOLM:** Good morning, Ms. Sutherland.

24 **MS. SUTHERLAND:** Good morning.

25 **MR. CHISHOLM:** Madam Clerk, if you could

1 pull up Document 738668, please.

2 (SHORT PAUSE/COURTE PAUSE)

3 THE COMMISSIONER: This is Exhibit 482, which
4 is what, Mr. Chisholm?

5 MR. CHISHOLM: Described as the family file,
6 the Donnelly family file; CAS file, Mr. Commissioner.

7 ---EXHIBIT NO./PIECE NO P-483:

8 (738668) of Catherine Donnelly's Child Care
9 Family File

10 THE COMMISSIONER: All right. Thank you.

11 MR. CHISHOLM: Ms. Sutherland, you have that
12 document in front of you?

13 MS. SUTHERLAND: Yes, I do.

14 MR. CHISHOLM: If I can get you to turn into
15 six pages, Bates page 7173468.

16 THE COMMISSIONER: Again, I find it easier
17 to read it on the screen, but---

18 MR. CHISHOLM: Madam Clerk, the October 29,
19 1957 entry is about half way down the page, which is what
20 is of interest to us. If you could scroll down just a
21 little bit more, please?

22 That will do it, I think.

23 THE COMMISSIONER: Can we -- there we go.

24 Now, can you go again?

25 MS. CHISHOLM: Ms. Sutherland,

1 I'm just going to read the passage:

2 "October 29 '57, this was discussed
3 today in supervision. It was decided
4 that we would not at this point take
5 direct action to apprehend Cathy. We
6 will visit weekly in an attempt to
7 assess and help this mother find
8 herself and also to keep an eye on
9 Cathy's treatment and progress. We
10 will go ahead with an appointment at
11 mental health clinic and the charge of
12 non-support."

13 Would you agree with me, Ms. Sutherland,
14 from a review of that passage that your case was discussed
15 and the issue of apprehending you was considered?

16 **MS. SUTHERLAND:** I would agree, , that they
17 discussed it, yes.

18 **MR. CHISHOLM:** And you may not agree with
19 the decision, but it was decided to visit weekly in an
20 attempt to assess and help your mother and to monitor your
21 treatment and progress?

22 **MS. SUTHERLAND:** Yes, I would agree, you
23 know, that that happened.

24 **MR. CHISHOLM:** And you would agree also that
25 the decision was made to set up an appointment at the

1 mental health clinic for your mother?

2 MS. SUTHERLAND: Yes. M'hm.

3 MR. CHISHOLM: And to seek financial support
4 with respect to the charge of non-support. I believe that
5 would be related to your father?

6 MS. SUTHERLAND: I guess my point that I
7 would make is that I -- you walk into a house, where there
8 is such an extreme level of abuse and ---

9 MR. CHISHOLM: Sorry, such an extremely ---

10 MS. SUTHERLAND: --- an extreme level of
11 abuse, there was -- you know, the condition I was in at
12 that point was terrible.

13 MR. CHISHOLM: You had -- you had burns on
14 your feet at that point?

15 MS. SUTHERLAND: No. This was the point,
16 where the worker at another point says that she's never
17 seen such a badly beaten up face.

18 Right, so, I mean to turn around and have a
19 meeting after and decide that the only thing that was
20 really necessary at that point was that Joan got mental
21 health treatment. And that, you know ---

22 MR. CHISHOLM: So you disagree with the
23 decision that was reached but do you agree there was a
24 process to consider the apprehension of you; right?

25 MS. SUTHERLAND: Yes, but my point all along

1 is not that there was nothing done. It is questioning the
2 decisions that they did make, you know.

3 **MR. CHISHOLM:** That's -- I understand your
4 point.

5 But you agree that once Dr. Lambert made his
6 child protection concerns known, a plan was put in place by
7 the society to intervene; right?

8 **MS. SUTHERLAND:** Yes.

9 I -- I feel like I'm nit picking here. I
10 mean, like how do you define intervene? If you know a
11 child is being abused, like monitoring just seems like
12 voyeurism to me. It's like you go in every time and see
13 there's increasing levels of abuse, but still do nothing,
14 but come back the next time.

15 **MR. CHISHOLM:** Well, I'm going to suggest to
16 you that the director would indicate there was a plan in
17 place to deal with ---

18 **MS. SUTHERLAND:** Yes, I agree with you on
19 that. I'm not disputing that, that they had a plan. I'm
20 just saying this plan was not sufficient.

21 **MR. CHISHOLM:** And if I could take you,
22 please, to Bates page 7173471.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** What part?

25 **MR. CHISHOLM:** The second paragraph on that

1 page, Mr. Commissioner.

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

3 **MR. CHISHOLM:** And the -- I'll read ----

4 **THE COMMISSIONER:** So what date are we
5 looking at now?

6 **MR. CHISHOLM:** The date probably, Mr.
7 Commissioner, referred to, I won't take you there, but the
8 previous page is -- the margin date is March 7, '58.

9 **THE COMMISSIONER:** Yes.

10 **MR. CHISHOLM:** And I'll just read from page
11 7173471, at the top of the page on the screen"

12 "On this date, worker visited and found
13 Catherine to be in bed with one very
14 badly burned foot and the other
15 slightly burned. One foot was
16 completely covered in a huge watery
17 blister. Mrs. Donnelly explained that
18 she put Catherine in the tub and left
19 her alone for a minute to return to the
20 bedroom and when she came back
21 Catherine had turned the hot water on
22 full force. Consequently, the burn
23 resulted. Worker was somewhat amazed
24 that Mrs. Donnelly refused to call a
25 doctor."

1 Then down 3 more lines:

2 "Mrs. Shaver was beside herself because
3 her daughter stubbornly refused to get
4 medical aid for the child. Right
5 there, worker insisted that Mrs.
6 Donnelly call any doctor, but that she
7 must call one. Mrs. Donnelly
8 disappeared leaving worker in the
9 bedroom sitting there for one hour.
10 When worker finally went downstairs,
11 Mrs. Donnelly was ironing and looked up
12 at worker when we came downstairs, and
13 she said she could not get a doctor.
14 Worker picked up the telephone and
15 immediately got Dr. Robertson's office
16 at Williamsburg. The doctor promised
17 to visit that evening or first thing
18 next morning."

19 Then into the following paragraph:

20 "Worker tried to emphasize to Mrs.
21 Donnelly the danger of infection
22 setting in in a severe burn like this
23 and that we could not leave the house
24 without knowing that medical attention
25 would be coming."

1 Would you agree with me, Ms. Sutherland,
2 that it was a CAS worker that initiated the medical
3 intervention that resulted in your hospitalization?

4 **MS. SUTHERLAND:** Yes, I would agree with
5 that, but I would also add that I think walking into a
6 house where a kid is that badly burned, you know, to me
7 would be taking the kid to the hospital right away.

8 **MR. CHISHOLM:** That's right, and I'm not
9 going to dispute with you the case management philosophies
10 50 years ago versus today. You would expect -- today I
11 would certainly expect that what you described would
12 happen.

13 The child would be hospitalized.

14 **MS. SUTHERLAND:** Mr. Chisholm, I understand
15 that your role is to defend the Children's Aid and the
16 decisions that they made, but whether it was 50 years ago
17 or a 100 years ago, seeing a child looking in that
18 condition, I would expect that even 100 years ago that they
19 would have instantly got medical attention.

20 **MS. CHISHOLM:** Well, I'm going to suggest to
21 you that the telephone calls to the doctor was the medical
22 attention. Would you agree with me?

23 **MS. SUTHERLAND:** No, I wouldn't.

24 **MS. CHISHOLM:** Okay. That's fine.

25 You'd agree with me that as a result of the

1 CAS intervention that you received medical care for your
2 burns?

3 MS. SUTHERLAND: I think really it was the
4 visit of my uncle to the house -- to her house the night,
5 before insisting that the CAS do something.

6 MS. CHISHOLM: So your uncle was at the
7 house the night before, saw the burns, right? Is that
8 right?

9 MS. SUTHERLAND: I don't know if he was at
10 my house. I know he went to the worker's house.

11 MS. CHISHOLM: Well, your uncle was aware of
12 your physical condition. Is that right?

13 MS. SUTHERLAND: Yes.

14 MS. CHISHOLM: And am I correct that it's
15 your understanding that your uncle did nothing with respect
16 to getting medical attention for you?

17 MS. SUTHERLAND: Well, then I guess he did
18 as much as the Children's Aid did.

19 MS. CHISHOLM: That's your position?

20 MS. SUTHERLAND: Well, that's my
21 understanding. If he went to the CAS worker and told her
22 about the condition I was in and he left it at that, and
23 then the worker comes to the house and sees the condition
24 I'm in and insists on medical treatment then, you know, how
25 are they different?

1 **THE COMMISSIONER:** Wait. Hold on. Hold on
2 then.

3 What I'm going to ask you to do is simply
4 answer his questions. All right? What we have to do is
5 understand my role in all of this -- is to hear his
6 questions, and you're quite right, he's representing the
7 interest of the Children's Aid Society, but I can draw
8 whatever inferences I can out of the testimony.

9 **MS. SUTHERLAND:** Okay.

10 **THE COMMISSIONER:** And, Mr. Chisholm -- so
11 I've given you the finger and I'm going to give Mr.
12 Chisholm a little bit of the finger. Don't argue. I
13 understand what you're doing and we don't have to get into
14 this kind of situation. All right?

15 **MS. CHISHOLM:** Yes, sir.

16 **MS. SUTHERLAND:** Okay.

17 **THE COMMISSIONER:** So both of you are doing
18 fine, I guess I should say, give a pat on the back and a
19 little kick in the bum, a little bit.

20 **MS. CHISHOLM:** Could I take it back one
21 page, Ms. Sutherland, to Bates page 7173470.

22 The bottom of the paragraph, Madam Clerk,
23 March 7th, 1958.

24 It reads:

25 "On the previous evening, Thursday

1 March 6th, Mr. Donald Shaver
2 approached worker at her home very
3 upset and disturbed again over the
4 treatment Mrs. Donnelly was giving
5 her daughter Catherine. His
6 immediate great concern seemed to
7 stem from the fact that Cathy had
8 been burned that day on the feet by
9 scalding water in the bathtub and Mr.
10 Shaver was convinced the mother had
11 done this on purpose."

12 Reading that portion of the record, Ms.
13 Sutherland, would you agree that Donald Shaver was aware on
14 the evening of March the 6th that you had burns to your
15 feet?

16 **MS. SUTHERLAND:** Yes, I would agree with
17 that.

18 **MS. CHISHOLM:** Sorry, Madam Clerk, back to
19 the next page, 7173471, please.

20 Going back to the paragraph that I
21 previously -- it's the second paragraph, Madam Clerk.
22 There you go.

23 You'd agree with me at that point, Ms.
24 Sutherland, that your mother's explanation was your
25 injuries were the result of an accident?

1 **MS. SUTHERLAND:** Yes, I would agree she said
2 that.

3 **MS. CHISHOLM:** Moving on to the time you
4 spent in care the first time, Ms. Sutherland. Would you
5 agree that following the discovery of your injuries, the
6 CAS decided to apprehend you and place you in a foster
7 home?

8 **MS. SUTHERLAND:** Yes, but I would also say
9 it was following letters from Dr. Robertson and Dr.
10 Lambert, that at the point I was hospitalized for a month
11 after that.

12 **MS. CHISHOLM:** Yes, and upon being
13 discharged from the hospital you were placed in the
14 Williamson foster home in Ingleside. Is that right?

15 **MS. SUTHERLAND:** That's correct.

16 **MS. CHISHOLM:** And would you agree that you
17 remained in foster care for two years?

18 **MS. SUTHERLAND:** Yes.

19 **MS. CHISHOLM:** And during that time the CAS
20 would have facilitated access visits between you and your
21 mother?

22 **MS. SUTHERLAND:** M'hm. I wouldn't agree
23 that that was a good thing though.

24 **MS. CHISHOLM:** I understand your position,
25 but with respect to the philosophy of keeping families

1 united whenever possible, would you agree that that's a
2 good thing?

3 **MS. SUTHERLAND:** I think it's an individual
4 thing. I think that there are some families that have
5 problems and, you know ---

6 **MS. CHISHOLM:** That's when it's impossible
7 to keep a family united, but when it's possible, would you
8 agree with me that it's a goal that should be attained when
9 possible?

10 **THE COMMISSIONER:** I don't know about that
11 question, because I think then we're looking at the
12 evolution of the role of the Children's Aid Society and the
13 legislation, and without getting into it, it may well be
14 that that was the philosophy at the time that was accepted
15 by all, but I think the legislation now has changed and
16 it's not the family at all costs. I think historically,
17 and if we go through it, we'll see that now the best
18 interests of the child is more of a focus than -- they're
19 all integral factors but it's not the be all and end all
20 here.

21 **MS. CHISHOLM:** That's fair.

22 **THE COMMISSIONER:** Okay. So if you want to
23 ask the question, would you agree that -- and I don't know
24 if the witness would be aware of that -- that at the time
25 in 1958 that the -- and I don't even know if that's fact,

1 but the prevailing philosophy was that one of the primary
2 goals of the Children's Aid Society was to keep families
3 together when at all possible.

4 MS. SUTHERLAND: I've heard of that, yes.

5 THE COMMISSIONER: Pardon me?

6 MS. SUTHERLAND: I've heard that that was
7 the philosophy, yes.

8 MS. CHISHOLM: And I won't delve into that
9 area anymore, Mr. Commissioner. That's probably something
10 best left for me in submissions.

11 THE COMMISSIONER: Exactly.

12 MS. CHISHOLM: Okay.

13 THE COMMISSIONER: That and the
14 Institutional Response probably.

15 MS. CHISHOLM: Correct.

16 If I could take you, please, to Exhibit 479
17 and to Bates page 7173639, please.

18 THE COMMISSIONER: Three-six-three-nine
19 (3639), Madam Clerk.

20 MS. CHISHOLM: And, Madam Clerk, I'm
21 interested in the February 16th, 1960 entry, which is at the
22 bottom of the page.

23 I'll just read to you, Ms. Sutherland, the
24 February 16th, '60 entry:

25 "We have good news from our visit to

1 Cathy and Mrs. Wood at Mountain today.
2 It seems that shortly after our last
3 decision to ease up on Cathy's visits
4 home the last one turned out quite
5 well. Cathy does not make fusses when
6 her mother comes for her anymore and
7 even seems pleased to go home.
8 Consequently, the visits have continued
9 on a weekly basis. Cathy is spending
10 all day Thursday at her home in
11 Morrisburg."

12 Would you agree with me, Ms. Sutherland,
13 that this record would reflect that some of the visits that
14 you had with your mother were positive?

15 **MS. SUTHERLAND:** Well, I would agree that
16 that's what it says.

17 **MS. CHISHOLM:** And would you agree with me,
18 based upon your review of the CAS material, that the CAS
19 would adjust the access visits depending on how the visits
20 were going, from your perspective, whether they were good
21 for you or bad for you; how you reacted to them; if you
22 reacted in a positive fashion?

23 **MS. SUTHERLAND:** I would say that there was
24 some adjustments going on, yes.

25 **MS. CHISHOLM:** I'm sorry, some adjustments?

1 MS. SUTHERLAND: Yes.

2 MR. CHISHOLM: And it's your understanding,
3 Ms. Sutherland, that after two years in care you were
4 returned to your mother. Is that right?

5 MS. SUTHERLAND: Yes.

6 MR. CHISHOLM: If I could take you please
7 to, Madam Clerk, Document Number 738670.

8 THE COMMISSIONER: Thank you.

9 Exhibit 483 is a letter. It's a mental
10 health clinic ---

11 MR. CHISHOLM: Yes.

12 THE COMMISSIONER: Dr. ---

13 MR. CHISHOLM: January 21, 1960 letter to
14 Mr. ---

15 THE COMMISSIONER: O'Brien?

16 MR. CHISHOLM: --- O'Brien, Executive
17 Director of the Children's Aid Society, by Dr. N.A.
18 Cardwell, the Director of the Mental Health Clinic in
19 Brockville, Ontario, Mr. Commissioner.

20 THE COMMISSIONER: All right.

21 MR. CHISHOLM: And I said "N". It may be an
22 "H", H.A. Cardwell.

23 ---EXHIBIT NO./PIECE NO P-483:

24 (738670) Letter from Mental Health Clinic
25 (Brockville) to Children's Aid Society

1 (Cornwall) dated 21 Jan 60

2 **MR. CHISHOLM:** Ms. Sutherland, you have
3 Exhibit 43 in front of you now?

4 **MS. SUTHERLAND:** Yes, I do.

5 **MR. CHISHOLM:** I'll direct you to the last
6 paragraph. I'll read it. The last paragraph of the letter
7 reads:

8 "In view of the fact that she at
9 least recognizes her responsibility
10 and stresses her desire to improve, I
11 feel that it is only reasonable to
12 give her another opportunity to care
13 for her child in the near future."

14 You'd agree with me that was the position
15 put forth by Dr. Cardwell to the CAS in January of 1960,
16 Ms. Sutherland?

17 **THE COMMISSIONER:** Well, let's finish off.

18 "If this is done I believe she will
19 benefit from a good deal of social
20 case work as well."

21 **MR. CHISHOLM:** That's okay.

22 **MS. SUTHERLAND:** Well, I'm sorry, what was
23 your question?

24 **MR. CHISHOLM:** Would you agree that on the
25 face of this letter Dr. Cardwell, the director of the

1 Mental Health Clinic in Brockville, is telling the
2 Children's Aid Society in Cornwall, and this letter is
3 speaking to your mother, that she deserves an opportunity
4 to reunite with you in the near future?

5 **MS. SUTHERLAND:** I would agree that that's
6 what he said. I would also -- you know, he also points out
7 she's going to make many or further unwise decisions and,
8 you know, I don't think he thought it was entirely safe to
9 go back.

10 **MR. CHISHOLM:** But he's saying your mother
11 deserved the opportunity. Is that right?

12 **MS. SUTHERLAND:** He says it's reasonable.

13 **MR. CHISHOLM:** If I could take you, please,
14 to Exhibit 482, and that's document 738668.

15 Madam Clerk, I'm interested in Bates page
16 7173492 and the last paragraph on the page, Madam Clerk,
17 please.

18 I'll read -- this is an April 17, 1962
19 closing summary. It reads:

20 "Catherine Donnelly was taken into care
21 on April 14, 1958 and remained in care
22 until May 26, 1960. During the two
23 years Cathy was in care extensive case
24 work was carried on with Mrs. Donnelly
25 and for a period of this time she also

1 had a few interviews with local
2 psychiatrists, Doctors Barton and
3 Cardwell. During this period of time,
4 Mrs. Donnelly progressed herself to a
5 great extent in the area of
6 understanding herself, some of the
7 causes for her rejection and actions
8 towards Cathy and the external causes
9 of such. On May 26, '60 Cathy was
10 returned to her mother's home on a
11 permanent basis, as it was felt the
12 situation had matured itself to the
13 point where she could be returned.
14 Although she returned to her maternal
15 home, she remained a permanent ward
16 under supervision. Since her return,
17 many visits have been made to the home.
18 During that time, it was seen that the
19 relationship between Mrs. Donnelly and
20 her daughter was a progressively good
21 one. However, wardship was continued
22 because Cathy began to change from an
23 extremely extroverted child into an
24 introverted child."

25 Madam Clerk, if I can get you to turn up the

1 next page.

2 "By October 1961 Cathy's attitude had
3 changed once again and she seemed a
4 little more animated. Therefore, on
5 October 3, '61 permanent guardianship
6 was terminated. Again contact was
7 kept up in order to assist Mrs.
8 Donnelly in her divorce proceedings.
9 After permanent wardship was
10 terminated a great improvement was
11 seen in Cathy and it is felt the
12 responsibility and the trust that the
13 Agency placed in Mrs. Donnelly has
14 been beneficial in this situation."

15 Ms. Sutherland, would you agree that that
16 record would set out that you were in care from April the
17 14th, '58 to May the 26th, 1960?

18 **MS. SUTHERLAND:** Yes.

19 **MR. CHISHOLM:** And would you agree that the
20 file record would suggest that during that time you were in
21 care that extensive case work was carried out with respect
22 to your mother?

23 **MS. SUTHERLAND:** Yes, I would agree that it
24 says that.

25 **THE COMMISSIONER:** Right. You agree that it

1 says that?

2 **MS. SUTHERLAND:** Yes.

3 **MR. CHISHOLM:** You may disagree with -- you
4 may have a different view, but do you agree that that's
5 what the record states?

6 **MS. SUTHERLAND:** Well, it's hard to disagree
7 with something that's right there. It says it. I mean ---

8 **THE COMMISSIONER:** It says that but it
9 doesn't mean that it did occur.

10 **MR. CHISHOLM:** Agreed.

11 **THE COMMISSIONER:** It's what the Children's
12 Aid Society is claiming, and not reading into that, that
13 they're overstating their case, or they're -- it's just
14 that's what it says.

15 **MR. CHISHOLM:** And today, Mr. Commissioner,
16 the society is in the same position as everyone else, we're
17 left with the records, but the problem is this case going
18 back so far in time I don't know that we'll have much more
19 than the records to speak to the issue.

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

21 **MS. SUTHERLAND:** I would say that there's
22 another letter also. It wasn't just the one letter from
23 the doctor. There was another letter from a different
24 doctor that said that she was a psychopath and that if they
25 were going to insist on returning me, you know, now was as

1 good a time as any.

2 **THE COMMISSIONER:** Well, do we have that
3 letter?

4 **MR. CHISHOLM:** I wasn't planning to put it
5 to the witness, Mr. Commissioner. I would expect Mr. Lee
6 or someone else during the Institutional Response may draw
7 your attention to the document that Ms. Sutherland is
8 referring to.

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

10 **MR. CHISHOLM:** You'd agree, Ms. Sutherland,
11 that this record that we have before us today would suggest
12 you remained a permanent ward under supervision of the CAS
13 after your return to your mother?

14 **MS. SUTHERLAND:** Yes, I agree that that's
15 what it says.

16 **MR. CHISHOLM:** And you'd agree that the
17 record would suggest that visits were made by CAS workers
18 after your return to your mother?

19 **MS. SUTHERLAND:** Yes, but again, you know,
20 this doesn't say what they saw during those visits really
21 to any great extent.

22 **MR. CHISHOLM:** I agree.

23 Would you agree that following your return
24 home in May of 1960 the CAS never received another report
25 with respect to abuse committed by your mother?

1 **MS. SUTHERLAND:** I would not agree with
2 that, no.

3 **MR. CHISHOLM:** Okay. If I could take you
4 please to Exhibit 473. And this is your statement dated
5 November 30, 1996, Ms. Sutherland.

6 **MS. SUTHERLAND:** Yes.

7 **MR. CHISHOLM:** Then I can take you to
8 probably about 80 per cent of the way to the bottom of the
9 page. The line I am interested in is, "Days after having
10 had second and third degree burns". Do you see that Madam
11 Clerk, okay, that's fine.

12 Do you see that Ms. Sutherland, "Days after
13 having had second and third degree burns to both feet"?

14 **MS. SUTHERLAND:** Yes.

15 **MR. CHISHOLM:** Mr. Commissioner, do you have
16 that?

17 **THE COMMISSIONER:** Yes.

18 **MR. CHISHOLM:** And then the sentence I am
19 interested in is, "It took continued medical attention for
20 the following year to 'unweb' the toes".

21 And I just want to take you to another
22 document. I want to deal with this issue of the treatment
23 you received for unwebbing of the toes, Ms. Sutherland.

24 If I could take you please to Exhibit 467
25 and this is a letter that you sent to Mr. Pierre Lalonde

1 dated May 17, 1999. Pierre Lalonde was the Minister of
2 Community and Social Services. And I would take you to the
3 last paragraph on the page, please.

4 It reads:

5 "At two-and-a-half, less than six
6 months later, I had been hospitalized
7 for third degree burns to my feet and
8 with serious malnutrition. I was in
9 the hospital for a month and it took
10 subsequent surgeries to unweb the
11 toes."

12 Ms. Sutherland, where did you get the
13 information that you required subsequent surgeries in the
14 following year?

15 **MS. SUTHERLAND:** From Mrs. Wood, the foster
16 mother that I was living with, she told me that there was
17 repeated visits back to the doctor, to the hospital,
18 whatever it was at that time. I had to have grafts on my
19 feet.

20 **MR. CHISHOLM:** You had to have what on your
21 feet?

22 **MS. SUTHERLAND:** My one foot was so badly
23 burnt that they had to do skin grafts ---

24 **MR. CHISHOLM:** Grafts, okay, I didn't hear
25 what you said. You're not sure where you received this

1 medical attention?

2 **MS. SUTHERLAND:** I think she told me at the
3 time it was -- I don't know if it was Dr. Robertson or Dr.
4 Lambert, it was probably not Dr. Lambert, but it would have
5 been a doctor in the area where she lived.

6 **THE COMMISSIONER:** Sorry. When would you
7 have had this conversation with her?

8 **MS. SUTHERLAND:** I found her -- well, I
9 tried to get her name from the CAS and they wouldn't give
10 it to me, so I had written to all the churches in the area
11 asking the ministers to ask their diocese if anybody had
12 taken in foster kids at that time. And that's how I found
13 Mrs. Wood. And we had a number of conversations after
14 that.

15 **THE COMMISSIONER:** When? Period of time,
16 like last year, two years, 30 years ago?

17 **MS. SUTHERLAND:** Probably around '95, '96.

18 **THE COMMISSIONER:** Okay.

19 **MR. CHISHOLM:** So Mrs. Wood told you that
20 you had skin grafts to your feet?

21 **MS. SUTHERLAND:** Yes.

22 **MR. CHISHOLM:** Okay. And she told you that
23 you were hospitalized for these surgeries?

24 **MS. SUTHERLAND:** No.

25 **MR. CHISHOLM:** Did she tell you that they

1 were carried out in a hospital?

2 **MS. SUTHERLAND:** They were either carried
3 out like maybe in emergency or -- I don't remember where it
4 was ---

5 **MR. CHISHOLM:** No, I understand. I
6 appreciate you don't remember but I am trying to determine
7 what Ms. Wood, or Mrs. Wood, would have told you with
8 respect to the ---

9 **MS. SUTHERLAND:** I can't remember if she
10 told me a doctor's office or back to the hospital. It
11 seems to me it was back at the hospital, you know.

12 **MR. CHISHOLM:** Because a skin graft would be
13 relatively -- a skin graft would be carried out in a
14 hospital to your knowledge?

15 **MS. SUTHERLAND:** Well, the skin graft would
16 have been carried out at the time of the burns when I was
17 in for the month.

18 **MR. CHISHOLM:** Okay. You speak about
19 surgeries for the unwebbing of your toes, how many
20 surgeries are you aware of?

21 **MS. SUTHERLAND:** I don't know how many. I
22 was two years old.

23 **MR. CHISHOLM:** I understand ---

24 **THE COMMISSIONER:** The question should be,
25 did Mrs. Wood tell you, and you remember if she told you

1 how many interventions you would have had with respect to
2 unwebbing your toes?

3 **MS. SUTHERLAND:** I don't know.

4 **THE COMMISSIONER:** You don't know if she
5 told you?

6 **MS. SUTHERLAND:** I know that she told me. I
7 don't know how many times it was taken ---

8 **MR. CHISHOLM:** You speak of surgeries so we
9 can say more than one?

10 **MS. SUTHERLAND:** Yes.

11 **MR. CHISHOLM:** Okay. And to your knowledge,
12 these surgeries were carried out while you were in foster
13 care?

14 **MS. SUTHERLAND:** Yes.

15 **MR. CHISHOLM:** I will take you back, please,
16 to Exhibit 467.

17 Again, this is your statement of November
18 30, 1996. And if I could take you to Bates page 1131887,
19 the second page of the document. Halfway down the
20 document, Madam Clerk, "On another occasion", it's a
21 paragraph. I don't know if that's the right Bates page
22 Madam Clerk, 1131887. That's the one.

23 **THE COMMISSIONER:** So about a little past
24 half way, "On another occasion". Right there, yes.

25 **MR. CHISHOLM:** Bingo. I'll read it, Ms.

1 Sutherland. Do you see the paragraph that starts:

2 "On another occasion, I was standing in
3 the bathroom with Brian and David
4 behind me. ..."

5 **MS. SUTHERLAND:** M'hm.

6 **MR. CHISHOLM:** "... Joan and I were at
7 the sink and she was holding my left
8 hand under the hot water tap. I don't
9 know how long we were there but my hand
10 became badly blistered and infected.
11 Another time, she was ironing and in a
12 fit of rage, she held the iron on my
13 back."

14 You told us, and I believe it's in some of
15 your original material, that acts of violence committed
16 against you by your mother were carried out in a daily
17 basis. Is that right?

18 **MS. SUTHERLAND:** Yes.

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

20 **MS. SUTHERLAND:** M'hm.

21 **MR. CHISHOLM:** So you've got this incident
22 that you describe when you hand is held under the hot water
23 tap and your hand became badly blistered and infected;
24 right?

25 **MS. SUTHERLAND:** M'hm.

1 **MR. CHISHOLM:** You've got other descriptions
2 in your material where your mother would actually boil
3 water and apply that water to your hands. Do you recall
4 that?

5 **MS. SUTHERLAND:** Yes.

6 **MR. CHISHOLM:** Okay. And you have the
7 incident that you've described in this exhibit setting up
8 how your mother put an iron on your back. I take it the
9 iron was hot, was on and hot?

10 **MS. SUTHERLAND:** Yes.

11 **MR. CHISHOLM:** Dealing with the description
12 of the incident where your hand was held under the hot
13 water tap and blistered and became infected, do you know
14 how old you would have been when ---

15 **MS. SUTHERLAND:** I was older, probably 11,
16 12.

17 **MR. CHISHOLM:** I am sorry?

18 **MS. SUTHERLAND:** Eleven, 12.

19 **MR. CHISHOLM:** Eleven or 12.

20 **MS. SUTHERLAND:** M'hm.

21 **MR. CHISHOLM:** Certainly, you were in school
22 by then?

23 **MS. SUTHERLAND:** Yes.

24 **MR. CHISHOLM:** And the incident with respect
25 to the hot iron being applied to your back, how old would

1 you have been when that happened?

2 **MS. SUTHERLAND:** Probably around the same
3 age.

4 **MR. CHISHOLM:** Again, school age?

5 **MS. SUTHERLAND:** Yes.

6 **MR. CHISHOLM:** If I could take you please to
7 Exhibit 464.

8 **THE COMMISSIONER:** It's a letter to ---

9 **MR. CHISHOLM:** Sorry, it's the April 8, 1999
10 letter from Catherine Sutherland to The Honourable Janet
11 Ecker, Ministry of Community and Social Services.

12 And the first page, second paragraph, and
13 the the paragraph starts about four years ago. I am
14 interested in the last sentence of that paragraph:

15 "Being burnt, starved and beaten were
16 just everyday occurrences."

17 Yesterday -- I just want to get some of
18 these incidents of abuse -- yesterday, you spoke of your
19 mother holding your hand in the stove for biting your
20 nails. Do you recall that?

21 **MS. SUTHERLAND:** M'hm.

22 **MR. CHISHOLM:** Okay. And I take it this is
23 holding your hand on the stove element. Is that what you
24 are saying?

25 **MS. SUTHERLAND:** Yes.

1 **MR. CHISHOLM:** The stove element was on?

2 **MS. SUTHERLAND:** Yes.

3 **THE COMMISSIONER:** I mean, actually touching
4 the element or putting it over and feeling the heat?

5 **MS. SUTHERLAND:** No, touching it.

6 **MR. CHISHOLM:** And the burning incidents
7 that you have described at the stove top, putting a hand on
8 the element of the stove, your mother boiling water to put
9 on your hands, and your mother putting your hands under the
10 hot water tap.

11 Is it fair to say that these incidents
12 occurred several times?

13 **MS. SUTHERLAND:** I would say yes, yes.

14 **MR. CHISHOLM:** I take it each and every time
15 you would have been burned you would have received an
16 injury to your hands?

17 **MS. SUTHERLAND:** Yes. Yes.

18 **MR. CHISHOLM:** Do you know if your mother
19 ever received any injuries in putting the hot water onto
20 your hands? Do you know if she ever suffered any burns?

21 **MS. SUTHERLAND:** I have no idea.

22 **MR. CHISHOLM:** Now you have described the
23 medical treatment, the unwebbing that you had to undergo
24 and the hospitalization that you had to undergo with
25 respect to the burns to your feet.

1 Did you at any time ever have to undergo any
2 medical treatment, either as a child or an adult, to deal
3 with the burns that would have been inflicted to your hands
4 through the incidents you described?

5 **MS. SUTHERLAND:** No. No.

6 **MR. CHISHOLM:** You never -- you never
7 received medical treatment for that?

8 **MS. SUTHERLAND:** No. Not that I recall.

9 **MR. CHISHOLM:** And, Ms. Sutherland, would
10 there be any reason why you -- once you received a burn
11 injury to your hands, would there be any reason why the
12 adults that interacted with you following the injury would
13 not have noticed the burns to your hands?

14 **MS. SUTHERLAND:** I'm sure they did notice.

15 **MR. CHISHOLM:** You think?

16 **MS. SUTHERLAND:** Yes.

17 **MR. CHISHOLM:** Can you tell me about the
18 people, the adults, that you would have been interacting
19 with generally after a burn injury to your hand?

20 What type of adults? Teachers?

21 **MS. SUTHERLAND:** It could have been
22 teachers. We were members of the Mormon Church. I was
23 taken there every time ---

24 **MR. CHISHOLM:** I'm sorry, teachers and then
25 who did ---

1 MS. SUTHERLAND: The church.

2 MR. CHISHOLM: The church?

3 MS. SUTHERLAND: Yes.

4 MR. CHISHOLM: And you attended church on a
5 regular basis?

6 MS. SUTHERLAND: Yes.

7 MR. CHISHOLM: And the Mormon Church?

8 MS. SUTHERLAND: Right.

9 MR. CHISHOLM: Okay. And that's situated --
10 where was that located?

11 MS. SUTHERLAND: I don't recall right now.
12 It's in Cornwall. I don't think they had their own
13 building, it was a hall.

14 MR. CHISHOLM: Okay. So you had teachers
15 that in your view would have noticed the injuries, the burn
16 injuries to your hands?

17 MS. SUTHERLAND: Yes.

18 MR. CHISHOLM: And church, adults in the
19 church?

20 MS. SUTHERLAND: Right.

21 MR. CHISHOLM: Did you interact with any
22 other adults?

23 MS. SUTHERLAND: I don't recall, I suspect
24 so, yes.

25 MR. CHISHOLM: Adults in your neighbourhood,

1 neighbours?

2 MS. SUTHERLAND: Yes.

3 MR. CHISHOLM: No reason why they would not
4 have seen these injuries?

5 MS. SUTHERLAND: I don't recall
6 specifically, but, yes, that would make sense to me.

7 MR. CHISHOLM: And do you have any
8 limitations in your function with your hands after you
9 would have received one of these burn injuries? Either as
10 a result of the hot water from the tap, the stove top
11 element, or the boiling water being applied to your hands?

12 MS. SUTHERLAND: Would I have had a
13 limitation, you said?

14 MR. CHISHOLM: Any limitations with respect
15 to the functioning of your hands?

16 MS. SUTHERLAND: Yes, well no it was
17 wrapped, yes.

18 MR. CHISHOLM: So your hands were wrapped in
19 bandages?

20 MR. SUTHERLAND: What I recall was it being
21 wrapped in gauze and I remember more than anything like
22 that it just stunk because ---

23 MR. CHISHOLM: I'm sorry, wrapped in gauze
24 and I'm having a hard time hearing you.

25 MS. SUTHERLAND: I said my hand was wrapped

1 in ---

2 **MR. CHISHOLM:** Your hand?

3 **MS. SUTHERLAND:** Yes, but it was never --
4 like the dressings were never changed or anything. So it
5 just ---

6 **MR. CHISHOLM:** So the hands were wrapped in
7 gauze and did any adults ever make enquiries as to what
8 happened to result in your hands being wrapped in gauze?

9 **MS. SUTHERLAND:** I remember a woman on the
10 bus, you know, but it was because it smelled so bad.

11 **MR. CHISHOLM:** What smelled so bad?

12 **MS. SUTHERLAND:** The bandages because they
13 were never changed.

14 **THE COMMISSIONER:** So you remember a lady on
15 the bus. Did she ask you about it, or what?

16 **MS. SUTHERLAND:** I think she told me they
17 needed to be changed. It was something like that because
18 it did, it smelled very bad.

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

20 **MR. CHISHOLM:** And this is a city --
21 Cornwall City bus, was it?

22 **MS. SUTHERLAND:** Yes.

23 **MR. CHISHOLM:** And you were riding the bus.
24 Were you by yourself or did you have your mother?

25 **MS. SUTHERLAND:** Yes, and no, I was by

1 myself.

2 **MR. CHISHOLM:** By yourself. So the lady on
3 the bus that was sitting beside you and noted an odour
4 coming from the wound?

5 **MS. SUTHERLAND:** Right. Right.

6 **MR. CHISHOLM:** Did anyone else, any other
7 adults ever speak to you about the gauze wrapped around
8 your hand?

9 **MS. SUTHERLAND:** Well, I do not recall. I
10 mean it doesn't mean they didn't, I just don't recall it
11 and I have -- I don't have a consecutive memory.

12 **MR. CHISHOLM:** Yesterday you described some
13 of the sexual abuse that you allege your mother and your
14 step-father committed on you.

15 You told us, I believe, of your mother and
16 Earl walking around naked in the house. Do you recall
17 that?

18 **MS. SUTHERLAND:** Yes, I do.

19 **MR. CHISHOLM:** Okay. With respect to the
20 sexual abuse committed by your mother and/or Earl, are you
21 aware of anyone ever reporting that abuse to the CAS?

22 **MS. SUTHERLAND:** No.

23 **MR. CHISHOLM:** And there was never any
24 mention in the correspondence that you would have sent to
25 the CAS over a period of time. There was never any mention

1 in the correspondence by you of that sexual abuse by your
2 mother or Earl. Is that right?

3 **MS. SUTHERLAND:** I don't recall at this
4 point.

5 **MR. CHISHOLM:** Okay. Yesterday, Ms.
6 Sutherland, you spoke to Mr. Dumais about being sent to
7 school in outfits that were really bizarre. Like being
8 sent to school in pyjamas or pants with the rear out of
9 them, anything to make you look like you were really
10 disturbed. Do you recall discussing that with Mr. Dumais?

11 **MS. SUTHERLAND:** Yes, I do. M'hm.

12 **MR. CHISHOLM:** And if I could take you
13 please to Exhibit 473 and Bates page 1131887, and the last
14 paragraph, please, Madam Clerk.

15 The last four lines:

16 "I was sent to school in pyjamas or
17 with clothes inside out or missing an
18 important part of the wardrobe like
19 shoes."

20 So that ties into what you were talking
21 about yesterday, pyjamas, being sent to school without
22 shoes on or being sent to school wearing pants with the
23 rear out of them; correct?

24 **MS. SUTHERLAND:** Yeah.

25 **MR. CHISHOLM:** And if I could take you

1 please to exhibit 480. This is a letter dated November
2 26th, 1965. It's from Principal Hickey of the East Front
3 Public School to Mr. A.R. Bergeron of the Children's Aid
4 Society. Do you have that letter in front of you, Ms.
5 Sutherland?

6 **MS. SUTHERLAND:** Yes, I do.

7 **MR. CHISHOLM:** The first paragraph of that
8 letter, Mr. Hickey is speaking of his interactions with
9 your mother, Mrs. Kelly, and the last sentence of the
10 paragraph indicates:

11 "I asked her to encourage the children
12 to be punctual."

13 Do you see that?

14 **MS. SUTHERLAND:** Yes, I do.

15 **MR. CHISHOLM:** Okay. And then into the next
16 paragraph, the last three lines:

17 "The children, particularly Catherine,
18 come late frequently and on one
19 occasion were kept home without valid
20 reason."

21 Do you see that?

22 **MS. SUTHERLAND:** M'hm.

23 **MR. CHISHOLM:** So would you agree with me
24 that Mr. Hickey in his letter to the CAS is speaking of
25 concerns with respect to your punctuality and attendance at

1 school?

2 **MS. SUTHERLAND:** Yes, I would.

3 **MR. CHISHOLM:** He doesn't touch upon any
4 concerns with respect to your attire or physical condition.
5 Would you agree with me?

6 **MS. SUTHERLAND:** No, this one doesn't.

7 **MR. CHISHOLM:** I'm sorry?

8 **MS. SUTHERLAND:** No.

9 **MR. CHISHOLM:** You don't agree with me?

10 **MS. SUTHERLAND:** No, I agree with you.

11 **MR. CHISHOLM:** Okay. If I could take you
12 please to Exhibit 482. This is a family file.

13 The Bates page, Madam Clerk, is 7173497.
14 This is September 17th, halfway down, Madam Clerk.

15 The September 17th, '62 entry is on the left
16 side of the margin and then you'll see a heading
17 underlined. The word "later" is underlined.

18 "Mr. Droppo, the school principal, was
19 seen. He said Brian was absent all
20 last week. Cathy said he was sick but
21 no note of excuse had come from the
22 mother. Worker explained why they are
23 absent today."

24 Then it states:

25 "Mr. Droppo thinks highly of Mrs.

1 Donnelly on the whole since she dresses
2 the children so immaculately. They are
3 best dressed in the school."

4 Do you agree that what I just read to you is
5 what the record indicates, Ms. Sutherland?

6 **MS. SUTHERLAND:** I'm sorry, what was your
7 question?

8 **MR. CHISHOLM:** Do you agree that the portion
9 of that record that I read out to you is what's contained
10 in the CAS record?

11 **MS. SUTHERLAND:** Yes, in 1962.

12 **THE COMMISSIONER:** Well, in fairness, we
13 should read in the other -- the last sentence.

14 **MR. CHISHOLM:** The last sentence?

15 **THE COMMISSIONER:** "Mr. Droppo actually
16 knows but does not want to admit that
17 the children do not dare to get a spot
18 on their clothes for fear of
19 punishment."

20 **MR. CHISHOLM:** "The clothes are nice and
21 tidy", Mr. Commissioner.

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

23 **MR. CHISHOLM:** If I can take you please to
24 Bates page 7173500.

25 Madam Clerk, I'm interested in the last

1 paragraph on that page.

2 This is a period -- you can't see this on
3 the screen, but this is a period summarized, April 1, 1963
4 to June 30, 1963, and halfway through that last paragraph
5 on the page it reads:

6 "One visit was made to the school but
7 it was found that both the principal
8 and teachers lacked understanding of
9 what the Agency was attempting. With
10 one accord, they consider Mrs. Donnelly
11 an exceptional mother. Witness the
12 beautiful way children are dressed for
13 school."

14 You'd agree with me, Ms. Sutherland, that
15 what I just read to you is what the record indicates, the
16 CAS record, indicates?

17 **MS. SUTHERLAND:** Yes, but I would also say,
18 you know, dressing kids wonderfully doesn't mean -- doesn't
19 equate with being a good mother.

20 **MR. CHISHOLM:** I'm not suggesting it does.

21 **THE COMMISSIONER:** It goes to contradict
22 your statement that your mother dressed you in a bizarre
23 way.

24 **MS. SUTHERLAND:** Yes, but then I hope Mr.
25 Chisholm brings out the parts of the document that

1 contradict that.

2 MR. CHISHOLM: Well, ---

3 THE COMMISSIONER: Which are?

4 MS. SUTHERLAND: That, especially at the
5 time, the school on Second Street, where they do mention
6 the -- well, actually Joan comes in and says she can't help
7 the way I go to school; that I leave the house in these
8 bizarre outfits. So it does speak to what I've been
9 saying.

10 MR. CHISHOLM: If I could take you please to
11 Exhibit 455. This is a letter, Ms. Sutherland, dated March
12 28, 1996, a letter from you to Mr. Mark Boisvenue of the
13 CAS. Is that right? That's your understanding?

14 MS. SUTHERLAND: Yes.

15 MR. CHISHOLM: Okay. I'm interested in the
16 second paragraph of that letter, please, and the first
17 page, Madam Clerk.

18 Five lines into that paragraph it starts
19 "Your letter states...." Well, I'll read the whole
20 paragraph.

21 "Your letter states that an initial CAS
22 intervention took place October 25,
23 1957. I suspect that at the time there
24 was a great many rigid constraints that
25 the Agency had to work within, but I am

1 sure you can understand my confusion
2 when less than six months later I had
3 been hospitalized with evidence of
4 severe neglect. The Winchester
5 Hospital records state that besides the
6 burns to my feet they gave a further
7 diagnosis of morbus miseris, which is
8 indicative of ongoing malnourishment.
9 This coupled with bronchitis, pinworms,
10 a protruding stomach and a gross
11 underweight child could not help but to
12 have at least given the appearance of
13 neglect."

14 Sorry, if I might just have a moment, Mr.
15 Commissioner.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. CHISHOLM:** I'm sorry; I took you to the
18 wrong reference. Page 7173339, the last paragraph on that
19 page:

20 "I remember being hospitalized at some
21 point in 1968. At the time, I was
22 unaware of the reasons, but recently
23 obtained records indicated malnutrition
24 so extreme that the hospital staff
25 felt, without intervention, I would

1 have been dead within weeks."

2 You wrote that in a letter, and I believe
3 you spoke to that yesterday as well -- do you recall
4 speaking to the issue of malnutrition yesterday, in 1968?

5 **MS. SUTHERLAND:** Yes, I do.

6 **MR. CHISHOLM:** And you spoke -- you were
7 hospitalized once in 1968, to your knowledge?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** Okay. And that
10 hospitalization took place after you ran away from home?

11 **MS. SUTHERLAND:** That's correct.

12 **MR. CHISHOLM:** You told us about that,
13 spending a couple of days in the bush.

14 **MS. SUTHERLAND:** Yes.

15 **MR. CHISHOLM:** And you were hospitalized at
16 Cornwall General Hospital, is that right?

17 **MS. SUTHERLAND:** That's correct.

18 **MR. CHISHOLM:** And that's on Second Street
19 in Cornwall?

20 **MS. SUTHERLAND:** Right. M'hm.

21 **MR. CHISHOLM:** If I could take you please to
22 a new document Madam Clerk? It would be document 120943.

23 **THE COMMISSIONER:** Thank you. Sorry. This
24 is ---

25 **MR. CHISHOLM:** This is would be a record,

1 dated June ---

2 **THE COMMISSIONER:** Eighteenth (18th), '68.

3 **MR. CHISHOLM:** June 18, 1968 from the
4 Cornwall General Hospital with respect to Catherine Kelly.

5 Mr. Commissioner, do we have an exhibit
6 number for this?

7 **THE COMMISSIONER:** I'm sorry, 484. Sorry.

8 --- **EXHIBIT NO./PIÈCE NO P-484:**

9 (120943) Catherine Sutherland's Cornwall
10 General Hospital History

11 **MR. CHISHOLM:** Four eighty four (484), thank
12 you.

13 **THE COMMISSIONER:** Thank you.

14 **MR. CHISHOLM:** Do you have that document in
15 front of you, Ms. Sutherland?

16 **MS. SUTHERLAND:** Yes, I do.

17 **MR. CHISHOLM:** You'll see in the first
18 paragraph the -- this is a recording of Dr. McKeown. Is
19 that your understanding?

20 **MS. SUTHERLAND:** Yes.

21 **MR. CHISHOLM:** Okay. And the first
22 paragraph, Dr. McKeown reports

23 "This patient has been attending Dr.
24 Burns and on the 10th of June, she
25 disappeared from home for a couple of

1 days. She tells me that she stayed in
2 the bush."

3 It continues on, right. Do you see that?

4 **MS. SUTHERLAND:** M'hm.

5 **MR. CHISHOLM:** And, if you look down the
6 left hand side of that record, you'll see "Order of
7 Recording." Number 1) is a Chief Complaint, 2) History of
8 Present Illness, and then it goes on. And you'll see
9 number 6) Systemic Review and then a) is General.

10 If I get you to look in the middle of the
11 page -- to 6 (a); it reads:

12 "Generally, she states that she feels
13 well..."

14 Do you see that, Ms. Sutherland?

15 **MS. SUTHERLAND:** Yeah, I do.

16 **MR. CHISHOLM:** And with respect to paragraph
17 (g), four lines from the bottom of the document, reads:

18 "Appetite good; bowel movements
19 regular."

20 Do you see that Ms. Sutherland?

21 **MS. SUTHERLAND:** Yeah.

22 **MR. CHISHOLM:** And then, on to the next
23 page, again this is with respect to a physical exam. It's
24 -- it reads:

25 "Cornwall General Hospital physical

1 examination, dated June 18th, 1968."

2 And you see the order of the recording, left
3 hand side, 1 through to 21. With respect to number 1)
4 General -- the heading is "General". And then, if you look
5 at number 1, the right at the top of the page, the physical
6 examination would indicate "Generally well."

7 Would you agree with that? That the --
8 that's what the record indicates.

9 **MS. SUTHERLAND:** Yes; yes.

10 **MR. CHISHOLM:** And item number 20 is the
11 Diagnosis. You'd see -- you'll see that the diagnosis is
12 one of adolescent psycho neurosis. Would you agree with
13 that?

14 **MS. SUTHERLAND:** I agree with that, it's
15 what it said, yes.

16 **MR. CHISHOLM:** Would you agree there's
17 nothing in this medical record that would suggest that you
18 were malnourished and weeks away from death.

19 **MS. SUTHERLAND:** Yes, I would agree that it
20 says that -- or, doesn't say that in there.

21 **MR. CHISHOLM:** If I could get you to turn
22 over to the next page. This is a progress note dated June
23 20, 1968.

24 "Child seems quite pleasant and happy."

25 Do you see that?

1 MS. SUTHERLAND: M'hm.

2 MR. CHISHOLM: Then on to another page,
3 please.

4 This is Bates page 1131939. It's the
5 consultation record, Cornwall General Hospital with respect
6 to Catherine Kelly dated June 18 1968. Consulting
7 physician is indicated as J.H. Burns, do you see that? On
8 -- sorry, in the top left portion. It's not on this screen
9 right now. The consulting physician is J.H. Burns, is that
10 right Ms. Sullivan?

11 MS. SUTHERLAND: Yes.

12 MR. CHISHOLM: And is that the same Dr.
13 Burns that you described yesterday?

14 MS. SUTHERLAND: Yes.

15 MR. CHISHOLM: You described Dr. Burns as a
16 "quack" yesterday?

17 MS. SUTHERLAND: Yes, I did.

18 MR. CHISHOLM: Okay.

19 Now, if I could take you down Madam Clerk,
20 about three quarters of the way down. There's a sentence
21 that reads

22 "I have discussed..."

23 See -- Ms. Sutherland, I'll read the
24 sentence.

25 "I have discussed the situation with

1 Mrs. Kelly and with Cathy, and also
2 with CAS. I made it clear that I
3 considered Cathy should continue in the
4 home if at all possible. If not, then
5 she should be taken into care by CAS."

6 You agree that's what the record indicates,
7 Ms. Sutherland?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** And you'd agree Ms.
10 Sutherland that when the CAS received a report from Dr.
11 Burns indicating that your home situation had collapsed,
12 that you were taken into care -- again, this would be the
13 second time in your life you were taken into care?

14 **MS. SUTHERLAND:** What is your question?

15 **MR. CHISHOLM:** You'd agree that the CAS took
16 you back into care?

17 **MS. SUTHERLAND:** In -- yes.

18 **MR. CHISHOLM:** All right.

19 **MS. SUTHERLAND:** Yeah.

20 **MR. CHISHOLM:** You spoke yesterday Ms.
21 Sutherland of your mother allowing men to sexually abuse
22 you. She would drop you off.

23 **MS. SUTHERLAND:** Right.

24 **MR. CHISHOLM:** Am I right that you never
25 told anyone at the CAS with -- about the abuse that you

1 suffered at the hands of these men?

2 **MS. SUTHERLAND:** I would never have said
3 anything against my mother. I was terrified of her.

4 **MR. CHISHOLM:** But am I right that you never
5 told the CAS with respect to the sexual abuse that you
6 suffered by these men?

7 **MS. SUTHERLAND:** That's correct.

8 **MR. CHISHOLM:** You told -- you'd agree, I
9 take it your mother was a -- was skilled at deceiving
10 people?

11 **MS. SUTHERLAND:** Yes.

12 **MR. CHISHOLM:** That's the position you take,
13 with respect to your mother?

14 **MS. SUTHERLAND:** Yes, actually, I think it
15 is. I think that's very true. And I think, for most
16 psychopaths, I think they can hold it up for a little
17 while. But I also think, given the length of time that the
18 CAS dealt with her, they should have known.

19 **MR. CHISHOLM:** You described your mother as
20 a marksman liar, in the past. Is that right? And that's -
21 - I could take you to -- it's Exhibit 464.

22 And that's Bates page 1131960. The
23 paragraph that I want on that page is the -- towards -- the
24 third last paragraph of the page, starting "I suppose".
25 Six lines down into that paragraph, it reads:

1 "Joan was a marksman liar and there
2 were several people in the
3 organizations that fell to the
4 duplicity."

5 Do you see that, Ms. Sutherland?

6 **MS. SUTHERLAND:** Yes.

7 **MR. CHISHOLM:** Those were your words?

8 **MS. SUTHERLAND:** M'hm.

9 **MR. CHISHOLM:** You mentioned several people
10 in organizations had fell for her duplicity. Who were you
11 describing whenever -- when you wrote those words, Ms.
12 Sutherland?

13 **MS. SUTHERLAND:** I think the school, the
14 Children's Aid, the police, anybody that she dealt with.

15 **MR. CHISHOLM:** Anybody and everybody she
16 dealt with; is that right?

17 **MS. SUTHERLAND:** Yes, but for a limited
18 period. I think there was a lot of people that caught on.

19 **MR. CHISHOLM:** I am sorry, a lot of people
20 that what?

21 **MS. SUTHERLAND:** Did catch on.

22 **MR. CHISHOLM:** Okay. Who caught on?

23 **MS. SUTHERLAND:** Well, I think everybody
24 with the Children's Aid.

25 **MR. CHISHOLM:** The police caught on?

1 **MS. SUTHERLAND:** Yes, I think so.

2 **MR. CHISHOLM:** What did the police do as a
3 result of catching on?

4 **MS. SUTHERLAND:** I think it was very clear
5 from the police talking to her lately that they knew she
6 was lying.

7 **MR. CHISHOLM:** And as a result of the police
8 catching on, were charges laid?

9 **MS. SUTHERLAND:** No.

10 **MR. CHISHOLM:** Did the police do anything
11 with respect to your mother as a result of catching on?

12 **MS. SUTHERLAND:** I don't think they did
13 anything, but it wasn't because they believed her. It was
14 because of the lack of evidence that exists now. I think
15 Dr. Robertson and Dr. Lambert clearly didn't fall for her.

16 **MR. CHISHOLM:** If I could take you please to
17 a new document, Madam Clerk, Document 738594.

18 **THE COMMISSIONER:** While we are waiting for
19 that document, the hospital records do not report anything
20 about your malnutrition and things like that in '68. And
21 yesterday you told me that someone had told you that if you
22 weren't fed ---

23 **MS. SUTHERLAND:** Yes ---

24 **THE COMMISSIONER:** --- you'd be dead within
25 a few weeks. Where do you get that?

1 **MS. SUTHERLAND:** It was a letter from the
2 Children's Aid here in Cornwall to the Children's Aid in
3 Hamilton, that they were told.

4 **MR. CHISHOLM:** Do you still have that
5 letter?

6 **MS. SUTHERLAND:** Somewhere, yes.

7 **MR. CHISHOLM:** These are case notes from the
8 CAS, Mr. Commissioner.

9 **THE COMMISSIONER:** Is this a new exhibit --
10 I am sorry ---

11 **MR. CHISHOLM:** This is Document 738594.

12 **THE COMMISSIONER:** There are two of them
13 though. Are these two copies? No, one back.

14 **THE COMMISSIONER:** Okay. Exhibit 485 are
15 case notes of what?

16 **MR. CHISHOLM:** Of the Children's Aid Society
17 with respect to Ms. Sutherland.

18 **THE COMMISSIONER:** And the worker is Lise
19 Stanley.

20 --- **EXHIBIT NO./PIÈCE NO. P-485:**

21 (738594) Children's Aid Society case notes
22 re: Cathy Sutherland

23 **MR. CHISHOLM:** There is one worker. The
24 first note would be from Lise Stanley, but there is also at
25 page 7173205, the worker is Mr. Mark Boisvenue.

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

2 **MR. CHISHOLM:** And that's the page of the
3 address I'm taking.

4 **THE COMMISSIONER:** All right.

5 **MR. CHISHOLM:** You too, please.

6 Ms. Sutherland, do you recall dealing with
7 Mark Boisvenue at the CAS?

8 **MS. SUTHERLAND:** Yes, I do.

9 **MR. CHISHOLM:** And do you recall having a
10 telephone conversation with Mr. Boisvenue on August 16,
11 1995? It would have been placed by Mr. Boisvenue to you.

12 **MS. SUTHERLAND:** I don't remember it, but I
13 am not denying it or anything.

14 **MR. CHISHOLM:** That's fair. I don't know
15 that many people would remember a call 12 years ago.
16 Looking at the -- if I can read to you from the entry from
17 Mr. Boisvenue of August 16, 1995:

18 "Telephone call to Cathy Sutherland.
19 Purpose of the call was to determine
20 exactly what information Ms. Sutherland
21 specifically required. She responded
22 that her memory of childhood was so
23 vague, she had no specific requests."

24 Do you agree that's what you said to Mr.
25 Boisvenue?

1 **MS. SUTHERLAND:** Yes.

2 **MR. CHISHOLM:** Then further down there is a
3 hash mark and then it reads:

4 "Ms. Sutherland stated that she was
5 sexually abused by this man..."

6 And "this man" is a reference to Mr. Virgin.

7 "...this man as a teenager but did not
8 immediately tell anybody."

9 Is that what you said to Mr. Boisvenue?

10 **MS. SUTHERLAND:** Yes, probably. I don't
11 think I did immediately tell anyone.

12 **MR. CHISHOLM:** Yesterday, you indicated in
13 your evidence that you had disclosed the abuse at the hands
14 of Mr. Virgin to a number of people.

15 **MS. SUTHERLAND:** Yes.

16 **MR. CHISHOLM:** You told us about Dr. Burns.

17 **MS. SUTHERLAND:** Yes.

18 **MR. CHISHOLM:** You told us of Blaine Grundy.

19 **MS. SUTHERLAND:** Yes.

20 **MR. CHISHOLM:** You said "I think I told him"
21 -- I am reading from yesterday's transcript, page 64. Mr.
22 Dumais is asking a question. He asks:

23 "And then you make reference to having
24 told a kid at school, Cathy."

25 And then you state -- sorry I'll wait for it to get up.

1 Page 64, Madam Clerk, line 15.

2 So Mr. Dumais states:

3 "And then you made reference to having
4 told a kid at school, Cathy."

5 You indicate:

6 "I think I told several people and I
7 had told Dr. Burns. I had told my
8 worker, you know. I told subsequent
9 workers, subsequent foster homes, you
10 know. But the year I was there, okay,
11 I told my worker and they did nothing."

12 So yesterday you said "I think I told
13 several people." How certain are you in saying "I think I
14 told several people"?

15 **MS. SUTHERLAND:** I told several people.

16 **MR. CHISHOLM:** Okay. There is no doubt in
17 your mind?

18 **MS. SUTHERLAND:** No.

19 **MR. CHISHOLM:** Okay. And you definitely
20 told Dr. Burns?

21 **MS. SUTHERLAND:** Yes.

22 **MR. CHISHOLM:** Okay. And your evidence says
23 you told Blaine Grundy?

24 **MS. SUTHERLAND:** M'hm.

25 **MR. CHISHOLM:** And Derry Tenger later on.

1 That's a ---

2 **MS. SUTHERLAND:** Right.

3 **MR. CHISHOLM:** --- subsequent worker.

4 You told us of Doris Ennis yesterday.

5 **MS. SUTHERLAND:** Yes.

6 **MR. CHISHOLM:** She was a foster mother ---

7 **MS. SUTHERLAND:** Right.

8 **MR. CHISHOLM:** --- that you had after

9 leaving the Virgin home; is that right?

10 **MS. SUTHERLAND:** Yes.

11 **MR. CHISHOLM:** And you spoke of subsequent
12 foster homes in the plural yesterday.

13 Is there anyone else apart from -- in terms
14 of foster parents that you would have told of the abuse by
15 Mr. Virgin other than Doris Ennis?

16 **MS. SUTHERLAND:** I was not sure of the
17 subsequent foster homes. I was certain that I had told
18 Doris Ennis because lately I have asked her if I told her
19 and she told me yes. But, I mean, I had told her that he
20 wouldn't leave me alone.

21 **MR. CHISHOLM:** So you told Doris Ennis --
22 I'm interested in any other foster parents. You speak of
23 foster parents yesterday in the plural. Are there other
24 foster parents apart from Mrs. Ennis that you told?

25 **MS. SUTHERLAND:** I am less certain of that

1 because I haven't gone back and verified that, but I was
2 telling everybody what was going on or what had happened.
3 So, you know, I would believe that I had told them.

4 **MR. CHISHOLM:** And you were in a number of -
5 - some six foster homes and receiving homes after the
6 Virgin home; is that right?

7 **MS. SUTHERLAND:** Yes.

8 **MR. CHISHOLM:** Okay. And your position is
9 that you told each of the foster parents in those homes
10 following?

11 **MS. SUTHERLAND:** Or the kids.

12 **MR. CHISHOLM:** Okay.

13 **MS. SUTHERLAND:** The kids that were my age
14 in most homes.

15 **MR. CHISHOLM:** I am sorry?

16 **MS. SUTHERLAND:** The kids that were my age
17 in those homes.

18 **MR. CHISHOLM:** And those would be the
19 children of the foster parents?

20 **MS. SUTHERLAND:** Often, yes.

21 **MR. CHISHOLM:** Okay. And you spoke to us of
22 a conversation that you had with Ms. Doris Ennis. You said
23 that was a conversation you had lately?

24 **MS. SUTHERLAND:** Yes.

25 **MR. CHISHOLM:** When was that conversation

1 that you had with Mrs. ---

2 **MS. SUTHERLAND:** Within the last year.

3 **MR. CHISHOLM:** Mrs. Ennis resides where now?

4 **MS. SUTHERLAND:** Winchester.

5 **MR. CHISHOLM:** Winchester.

6 How old would Mrs. Ennis be? Do you have
7 any idea?

8 **MS. SUTHERLAND:** She is quite elderly.

9 **MR. CHISHOLM:** Quite elderly?

10 **MS. SUTHERLAND:** M'hm.

11 **MR. CHISHOLM:** Still has her wits about her?

12 **MS. SUTHERLAND:** Yes she does, very much so.

13 **MR. CHISHOLM:** And does she live by herself?

14 Where does ---

15 **MS. SUTHERLAND:** No, her husband.

16 **MR. CHISHOLM:** Her husband. So Mr. Ennis is
17 still alive as well?

18 **MS. SUTHERLAND:** Yes.

19 **MS. SUTHERLAND:** And you keep in touch with
20 Mr. and Mrs. Ennis?

21 **MS. SUTHERLAND:** yes.

22 **MR. CHISHOLM:** How often would you speak to
23 them in the course of a year?

24 **MS. SUTHERLAND:** I have no idea, probably
25 more lately because I have been in the area more often.

1 **MR. CHISHOLM:** And you spoke yesterday of
2 telling a friend of the abuse by Mr. Virgin, a friend of
3 yours at school? Is that right?

4 **MS. SUTHERLAND:** Yes.

5 **MR. CHISHOLM:** And you spoke of -- yesterday
6 you spoke of, I believe, telling people on the bus. Do you
7 recall saying that?

8 **MS. SUTHERLAND:** Well, it was just an
9 example. I mean, I was telling everybody and, you know, it
10 would not surprise me to tell people I was sitting next to
11 on the bus. It was just looking for relief. I didn't
12 specifically mean I went on a bus and told somebody, you
13 know.

14 **MR. CHISHOLM:** And would -- so I take it
15 that your comment about a bus isn't making reference to a
16 school bus back at the time when you were still living at
17 the Virgin ---

18 **MS. SUTHERLAND:** I am not talking
19 specifically about a bus.

20 **THE COMMISSIONER:** This is a rhetoric
21 example.

22 **MR. CHISHOLM:** All right.

23 **MS. SUTHERLAND:** Okay.

24 **MR. CHISHOLM:** Did you tell Mrs. Virgin
25 about the abuse that you suffered at the hands of Mr.

1 Virgin?

2 **MS. SUTHERLAND:** I don't imagine so. I
3 can't imagine saying it when she saw it. So it would be
4 like pointing out the obvious.

5 **MR. CHISHOLM:** With respect to Blaine
6 Grundy, this -- the Virgin foster home was in Bainsville,
7 Ontario. Is that right?

8 **MS. SUTHERLAND:** That is correct.

9 **MR. CHISHOLM:** That is east of Cornwall,
10 right?

11 **MS. SUTHERLAND:** I guess so, yes.

12 **MR. CHISHOLM:** Okay. And can you tell us --
13 you told Mr. Grundy about this abuse how many times?

14 **MS. SUTHERLAND:** I don't know. I remember
15 the one incident sitting in the car telling him.

16 **MR. CHISHOLM:** So you only remember telling
17 him one time?

18 **MS. SUTHERLAND:** Yes.

19 **MR. CHISHOLM:** And you were sitting in a
20 car?

21 **MS. SUTHERLAND:** Right.

22 **MR. CHISHOLM:** And where were you? Were you
23 in Bainsville, in Cornwall, or somewhere else?

24 **MS. SUTHERLAND:** The car was parked in the
25 driveway of the Virgin home.

1 **MR. CHISHOLM:** Okay. So it was in
2 Bainsville?

3 **MS. SUTHERLAND:** Right.

4 **MR. CHISHOLM:** Mr. Grundy came to see you
5 that particular day?

6 **MS. SUTHERLAND:** I guess. He was there.
7 You know, he was there to see me or to see them.

8 **MR. CHISHOLM:** And why were you in the car?
9 Were you gone somewhere? Were you going somewhere or you
10 were just having a place to meet?

11 **MS. SUTHERLAND:** I think that was often a
12 situation with workers. They would show up at a foster
13 home and I guess for privacy or whatever, the interview or
14 the conversation would happen in the car.

15 **MR. CHISHOLM:** Okay. So you believe you --
16 you were not going anywhere when you were in the car?

17 **MS. SUTHERLAND:** No, I don't think so. I
18 don't know. I don't recall.

19 **MR. CHISHOLM:** And do you recall -- you
20 don't have a date, I wouldn't expect, in terms of a date
21 when you had this conversation?

22 **MS. SUTHERLAND:** No.

23 **MR. CHISHOLM:** Can you give me a season, a
24 time of the year?

25 **MS. SUTHERLAND:** Well, there was no snow on

1 the ground. I mean, I don't know.

2 **MR. CHISHOLM:** So no snow on the ground. So
3 likely not winter. Could be spring, summer or fall, is
4 that fair to say?

5 **MS. SUTHERLAND:** I don't know. I mean, I
6 was placed there in June and he started coming into my room
7 within two weeks. So I don't know when I told Mr. Grundy.

8 **MR. CHISHOLM:** I am interested in the
9 conversation that you said you had with Mr. Grundy. I want
10 to be able to situate the conversation as best I can.

11 You are not able -- all you can tell us
12 right now is that there was no snow on the ground when you
13 had the conversation?

14 **MS. SUTHERLAND:** Right.

15 **MR. CHISHOLM:** And was it daytime, night
16 time; do you know?

17 **MS. SUTHERLAND:** It was daytime.

18 **MR. CHISHOLM:** Okay.

19 And during this conversation, can you tell
20 us what you told Mr. Grundy as specifically as you can?

21 **MS. SUTHERLAND:** I don't remember the exact
22 words. I mean, I wouldn't have called it sexual abuse at
23 that time.

24 **MR. CHISHOLM:** You would not have called it
25 sexual abuse?

1 **MS. SUTHERLAND:** No, I would not have called
2 it sexual abuse.

3 **MR. CHISHOLM:** So you don't recall what you
4 said to Mr. Grundy?

5 **MS. SUTHERLAND:** I suspect it was something
6 along the line, like I told Doris, he would not leave me
7 alone. He came into my bedroom. He would, you know ---

8 **MR. CHISHOLM:** And Mr. Grundy, was he making
9 notes whenever he had this conversation with you?

10 **MS. SUTHERLAND:** No. No, it was like I
11 didn't say anything.

12 **MR. CHISHOLM:** So he wasn't making notes?
13 What was Mr. Grundy's response whenever you
14 had this conversation with him and told him?

15 **MS. SUTHERLAND:** Nothing. Nothing. He
16 changed the subject.

17 **MR. CHISHOLM:** He said nothing at all?

18 **MS. SUTHERLAND:** Yes, he changed the topic.

19 **MR. CHISHOLM:** I will take you back to
20 Exhibit 467 please, in the second page, Madam Clerk.

21 This is the letter of May 17, 1999 that you
22 sent to Mr. Pierre Lalonde of the Ministry of Community and
23 Social Services. On the second page of that -- that
24 letter, about the middle of the page:

25 " My first placement at that age was to

1 a foster home."

2 That's the way that paragraph starts.

3 **THE COMMISSIONER:** Top right?

4 **MR. CHISHOLM:** M'hm.

5 "My first placement at that age was to
6 a foster home in Bainsville with a
7 family by the name of Virgins. It only
8 took a couple of weeks before Carl
9 Virgin began making visits to my
10 bedroom."

11 And then four lines down:

12 "When I finally had the strength to
13 tell my worker what was happening, I
14 was disbelieved. I was left there for
15 a year. When I was removed, it wasn't
16 for my protection but because I had
17 made things difficult for the foster
18 family. I had told a kid at school
19 what was happening. She told her
20 parents. And it was a small town; it
21 made its way back to Virgin."

22 Now, in that letter you indicate, "I was
23 disbelieved." Why do you come to that conclusion that you
24 were disbelieved?

25 **MS. SUTHERLAND:** Because I was left there.

1 Because he didn't reply. He didn't do anything about it.
2 He didn't really say anything about it. So I guess my
3 assumption at the time and still is that I was not
4 believed.

5 **MR. CHISHOLM:** Okay. So that is your
6 assumption?

7 **MS. SUTHERLAND:** M'hm.

8 **MR. CHISHOLM:** Okay.

9 Now, you made reference to, "I had told a
10 kid at school what was happening." Who was that person?

11 **MS. SUTHERLAND:** I don't know their name. I
12 don't remember her name. I know she lived across the field
13 from where we lived.

14 **MR. CHISHOLM:** Okay.
15 So on a neighbouring farm?

16 **MS. SUTHERLAND:** Right.

17 **MR. CHISHOLM:** Okay.
18 You don't know that person then? Was that
19 person in a class with you?

20 **MS. SUTHERLAND:** Yes, probably, but my
21 memory of school is lacking, so ---

22 **MR. CHISHOLM:** We saw that yesterday in some
23 of the documentation saying you don't recall going to
24 school, but you must have been there.

25 **MS. SUTHERLAND:** I'm sorry?

1 **MR. CHISHOLM:** We saw that reference in some
2 of your correspondence yesterday to the effect that you
3 don't remember going to school, but you must have been
4 there.

5 **MS. SUTHERLAND:** Yes.

6 **MR. CHISHOLM:** Right?

7 **MS. SUTHERLAND:** Yes.

8 **MR. CHISHOLM:** so your memory of school is
9 lacking; is that fair to say?

10 **MS. SUTHERLAND:** Yes, you could say that.

11 **MR. CHISHOLM:** Now, the school you are
12 speaking of when you say "I told a kid at school," what
13 school were you attending at the time?

14 **MS. SUTHERLAND:** I think it was the
15 Lancaster Public School.

16 **MR. CHISHOLM:** Lancaster Public School?

17 **MS. SUTHERLAND:** M'hm.

18 **MR. CHISHOLM:** Okay.

19 **MS. SUTHERLAND:** You know, I also remember,
20 in thinking that no one would believe me because of their
21 name. You know, and I remember that it was kind of weird
22 thinking, but I was, you know ---

23 **MR. CHISHOLM:** Because of whose name?

24 **MS. SUTHERLAND:** Virgins, you know.

25 **MR. CHISHOLM:** Now, you're saying that

1 because of the dictionary definition of their surname as
2 opposed to the status of that family in the community?

3 MS. SUTHERLAND: Right.

4 MR. CHISHOLM: Okay.

5 But going back, you think you were attending
6 Lancaster Public School?

7 MS. SUTHERLAND: I believe so.

8 MR. CHISHOLM: Okay.

9 And this girl, it is a girl that your told?
10 You don't know her name?

11 MS. SUTHERLAND: Yes.

12 MR. CHISHOLM: She was a classmate of yours?

13 MS. SUTHERLAND: I suspect so.

14 MR. CHISHOLM: Okay. And she lived on a
15 neighbouring farm; is that right?

16 MS. SUTHERLAND: Right.

17 MR. CHISHOLM: You don't recall the surname
18 of the owners of that property?

19 MS. SUTHERLAND: No, I don't.

20 THE COMMISSIONER: So, Mr. Chisholm, I don't
21 know about a break. Would it be a good time now? How much
22 longer do you think you are going to be?

23 MR. CHISHOLM: I still have to take Ms.
24 Sutherland through the issue of -- finish up an issue of
25 the reporting and then I have to take her through the --

1 her journey with respect to obtaining her file.

2 **THE COMMISSIONER:** Half an hour, 45 minutes?

3 **MR. CHISHOLM:** Forty-five (45) minutes, Mr.
4 Commissioner. I may be a little longer than the hour and a
5 half I told you last night.

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

7 **MR. CHISHOLM:** I will soldier on as quickly
8 as I can.

9 **THE COMMISSIONER:** No, no, that's fine.

10 All right. I think we should take a break.

11 It has been an hour and a half now, so why don't we take
12 our morning break, and we will come back in 15 minutes.

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

15 --- Upon recessing at 10:31 a.m. /

16 L'audience est suspendue à 10h31

17 --- Upon resuming at 10:50 a.m. /

18 L'audience est reprise à 10h50

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

21 This hearing of the Cornwall Public Inquiry
22 is now in session. Please be seated. Veuillez vous
23 asseoir.

24 **CATHY SUTHERLAND, Resumed/Sous le même serment:**

25 **THE COMMISSIONER:** Thank you.

1 **MR. CHISHOLM:** Ms. Sutherland, before the
2 break, we were talking about the people that you would have
3 told with respect to Mr. Virgin's abuse -- sexual abuse.
4 We were speaking about the classmate of yours, female
5 classmate that resided at the neighbouring farm. Is it
6 fair to say that the story you told us, that Bainsville is
7 a small community. Is that right?

8 **MS. SUTHERLAND:** Right.

9 **MR. CHISHOLM:** Is it fair to say this --
10 your story, once you started disclosing, got around and
11 went through the school you were at?

12 **MS. SUTHERLAND:** Yes.

13 **MR. CHISHOLM:** Okay.

14 **MS. SUTHERLAND:** Well, I don't know that it
15 went through the school. I know it went through the
16 community.

17 **MR. CHISHOLM:** So people found out about it.

18 **MS. SUTHERLAND:** Right.

19 **MR. CHISHOLM:** And how do you know it went
20 through the community?

21 **MS. SUTHERLAND:** Because when I returned
22 home one day, they were sitting around the table. Mrs.
23 Virgin was crying and, you know, there was this big
24 hullabaloo ---

25 **THE COMMISSIONER:** And who's "they" sitting

1 around the table? Mr. ---

2 **MS. SUTHERLAND:** It was Mrs. Virgin -- well,
3 Carl Virgin and his wife.

4 **THE COMMISSIONER:** Anybody else?

5 **MS. SUTHERLAND:** I don't remember.

6 **THE COMMISSIONER:** Okay.

7 **MR. CHISHOLM:** You spoke of you telling
8 Doris Ennis of the abuse. Do you know whether she ever
9 reported to the Children's Aid Society that -- what you
10 told her about Mr. Virgin?

11 **MS. SUTHERLAND:** I don't recall. I don't
12 know -- I didn't ask her that.

13 **MR. CHISHOLM:** Even in your subsequent --
14 your most recent conversations with Ms. Ennis, you've never
15 asked her whether or not she notified the Children's Aid
16 Society?

17 **MS. SUTHERLAND:** No.

18 **MR. CHISHOLM:** So I take it you don't know
19 the whereabouts of this young-- this schoolmate of yours
20 that you told? You don't know her whereabouts today?

21 **MS. SUTHERLAND:** No, I don't know.

22 **MR. CHISHOLM:** You don't know who her
23 parents are; is that right?

24 **MS. SUTHERLAND:** No.

25 **MR. CHISHOLM:** What was her reaction

1 whenever you told her about the abuse?

2 MS. SUTHERLAND: I don't remember the
3 details of the conversation with her.

4 MR. CHISHOLM: Can you recall anyone else
5 that you would have disclosed the abuse at the hands of Mr.
6 Virgin to, shortly after the abuse took place, before you
7 were moved to your next foster home?

8 MS. SUTHERLAND: No, not at this moment. My
9 grandmother.

10 MS. SUTHERLAND: And so, not at this moment?

11 MS. SUTHERLAND: Pardon?

12 MR. CHISHOLM: You said, not at this moment?

13 MS. SUTHERLAND: Yes, but I said my
14 grandmother. My grandmother knew.

15 MR. CHISHOLM: You told it to your
16 grandmother?

17 MS. SUTHERLAND: M'hm.

18 MR. CHISHOLM: And that's Ms. -- Mrs.
19 Shaver.

20 MS. SUTHERLAND: Right.

21 MR. CHISHOLM: She's now dead.

22 MS. SUTHERLAND: That's correct.

23 MR. CHISHOLM: And you -- in December of
24 2006 you've had discussions with respect to this with the
25 Ontario Provincial Police. Is that right?

1 **MS. SUTHERLAND:** I've had, I'm sorry, what?

2 **MR. CHISHOLM:** You had a discussion with
3 Constable Gerry Holiday of the Ontario Provincial Police in
4 December of 2006 with respect to the abuse that you
5 suffered at the hands of Mr. Virgin. Do you recall that?
6 Do you recall an interview that you had with Constable
7 Holiday?

8 **MS. SUTHERLAND:** Yes, I do.

9 **MR. CHISHOLM:** Okay. Constable Holiday
10 traveled to Hamilton to interview you, is that right?

11 **MS. SUTHERLAND:** Exactly. Yes.

12 **MR. CHISHOLM:** And do you recall Constable
13 Holiday asking you about to whom it was that you disclosed
14 the abuse to?

15 **MS. SUTHERLAND:** I don't remember the
16 meeting verbatim, like I ---

17 **MR. CHISHOLM:** And -- but, with respect to
18 being asked, do you recall Constable Holiday asking you who
19 you disclosed the abuse to?

20 **MS. SUTHERLAND:** It makes sense to me that
21 he would have asked that, yes.

22 **MR. CHISHOLM:** Do you recall what it was
23 that you told Constable Holiday?

24 **MS. SUTHERLAND:** No, not offhand.

25 **MR. CHISHOLM:** I'd like to take you, please

1 to a new document, 739652.

2 **THE COMMISSIONER:** Thank you. Exhibit 486
3 is a witness statement, Ontario Provincial Police. The
4 witness is Catherine Sutherland and the statement was taken
5 on the 2006-12-04.

6 **--- EXHIBIT NO./PIÈCE NO P-486:**

7 (739652) Catherine Sutherland's witness
8 statement to the OPP dated 04 Dec 06.

9 **MR. CHISHOLM:** If I could take you to the
10 second page of the statement Ms. Sutherland. Have you seen
11 this document before?

12 **MS. SUTHERLAND:** Yeah, I believe I have.

13 **MR. CHISHOLM:** And the second -- it's Bates
14 page 7177371. And halfway down the page, you'll see Blaine
15 Grundy's name is in bold letters, and Derry Tenger's name
16 is in bold letters.

17 So this record would suggest that you told
18 Constable Holiday, of -- that you told Blaine Grundy and
19 Derry Tenger about the abuse. And you said that neither of
20 those -- those were both CAS workers, that neither of them
21 did anything with respect to your disclosure; right?

22 **MS. SUTHERLAND:** That's right.

23 **MR. CHISHOLM:** And then the third last
24 bullet of that page, it reads:

25 "Advises she spoke to kids at school

1 about abuse, but can't remember names.
2 Also spoke of a girl who resided at a
3 neighbouring farm but can't remember
4 her name."

5 Now, the reference to the kid, the girl who
6 resided at the neighbouring farm; is that the girl -- the
7 classmate you spoke of this morning to me?

8 **MS. SUTHERLAND:** Yes; I remember her more
9 than I ---

10 **MR. CHISHOLM:** And this would indicate --
11 this statement would indicate that you told other kids at
12 that school as well. Is that an accurate depiction of what
13 you told the Constable?

14 **MS. SUTHERLAND:** Yes, I think that that's
15 probably what I told him. I mean, again, I'd see -- you
16 know, like I don't have any real memories of telling anyone
17 specifically other than this girl.

18 **MR. CHISHOLM:** I'd like to take you to the
19 next page please; 11 bullets down. Eleven (11) bullets
20 down reads

21 "Advises memory is bad. She has a lot
22 of blank spots."

23 You told Constable Holiday that; is that
24 right?

25 **MS. SUTHERLAND:** Yes.

1 **MR. CHISHOLM:** And then, 10 bullets further
2 down:

3 "Thinks she told a Dr. Burns in
4 Cornwall."

5 **MS. SUTHERLAND:** M'hm.

6 **MR. CHISHOLM:** Is that fair to say you're
7 not certain when you use the word "thinks"?

8 **MS. SUTHERLAND:** I don't think I was certain
9 at that point, no.

10 **MR. CHISHOLM:** You're not -- you weren't
11 certain at that point?

12 **MS. SUTHERLAND:** No.

13 **MR. CHISHOLM:** And has your position changed
14 between December ---

15 **MS. SUTHERLAND:** Yes.

16 **MR. CHISHOLM:** --- between December of '96
17 and today?

18 **MS. SUTHERLAND:** Yes.

19 **MR. CHISHOLM:** And you are certain now?

20 **MS. SUTHERLAND:** Yes, I would say I have a
21 reasonable belief, certain I told Burns.

22 **MR. CHISHOLM:** Okay, but you weren't in
23 December of 2006; is that right?

24 **MS. SUTHERLAND:** I hate to say things unless
25 I know them 100 percent, and for that I'm almost 100

1 percent that I told him. Because, I know there was a point
2 where I was so angry that I refused to go back to him, and
3 I suspect it was about disclosing what was going on with
4 Virgins, and he ---

5 **MR. CHISHOLM:** And the bullet above that:
6 "Advises she told her next foster
7 family, the Gord and Dorris Ennis..."

8 **MS. SUTHERLAND:** Right.

9 **MR. CHISHOLM:** "...who reside in
10 Winchester."

11 There's no reference in this document to any
12 other disclosure to any other foster families. Is that
13 right?

14 **MS. SUTHERLAND:** I don't know.

15 **MR. CHISHOLM:** Do you want to take a second
16 and look at the document and see if you can find any
17 references?

18 **MS. SUTHERLAND:** No, if you say it's not
19 there, I believe that.

20 **MR. CHISHOLM:** Well, I don't want you to
21 rely on my perception of the document. I'd rather use
22 yours.

23 **MS. SUTHERLAND:** No, I don't see anything
24 with that, no.

25 **MR. CHISHOLM:** Okay.

1 Now, I just want to move into a new area of
2 the record's request, but before I do that, if I can take
3 you back to a couple of things that you've touched upon
4 today.

5 You described a lady on the bus noting the -
6 - an awful -- a foul odour coming from your band -- your
7 hands were wrapped in bandages; remember that?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** Now when you would have been
10 at school, a teacher or anyone else ever comment about the
11 foul odour?

12 **MS. SUTHERLAND:** I don't recall.

13 **MR. CHISHOLM:** You don't recall. Now the
14 odour, would that be a result of infection setting in?

15 **MS. SUTHERLAND:** Yes. It was oozing.

16 **MR. CHISHOLM:** It was oozing.

17 **MS. SUTHERLAND:** Yes.

18 **MR. CHISHOLM:** So there was an infection
19 there?

20 **MS. SUTHERLAND:** Yes.

21 **MR. CHISHOLM:** Painful?

22 **MS. SUTHERLAND:** Probably, yes.

23 **MR. CHISHOLM:** Okay. And you told us you
24 never received any medical attention, but I take it the
25 wrappings were applied by your mother?

1 **MS. SUTHERLAND:** That's right.

2 **MR. CHISHOLM:** Okay. The incident when you
3 ran away in 1968, is it fair to say -- you were a teenager
4 then -- is it fair to say that you would have dressed
5 yourself before you ---

6 **MS. SUTHERLAND:** No.

7 **MR. CHISHOLM:** No. Even that day ---

8 **MS. SUTHERLAND:** No.

9 **MR. CHISHOLM:** --- running away, you didn't
10 dress yourself?

11 **MS. SUTHERLAND:** No, I was not allowed to
12 dress myself. I mean I was not allowed to choose what I
13 wore.

14 **MR. CHISHOLM:** That letter, if you find that
15 letter that you've described to us from the Cornwall CAS to
16 the Hamilton CAS, could you do your best to get it in the
17 hands of Commission counsel perhaps or Mr. Lee?

18 **MS. SUTHERLAND:** I think my lawyer has it.

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. DUMAIS:** It's in superdex.

21 **MR. CHISHOLM:** My discussion with Mr. Lee I
22 just had, is it possible that the document came from the
23 Renfrew Child and Family Services and not Cornwall -- not
24 the United Counties of SD&G CAS?

25 **MS. SUTHERLAND:** It was my understanding it

1 came from Cornwall, but I could be wrong.

2 **MR. CHISHOLM:** In any event, Commission
3 counsel has the letter that you're referring to.

4 **THE COMMISSIONER:** So will we be producing
5 it?

6 **MR. DUMAIS:** Yes, Commissioner, I was going
7 to wait whether or not Mr. Lee was going to bring it up and
8 if he doesn't, my intention was to do so.

9 **THE COMMISSIONER:** All right, that's fine.
10 Thank you.

11 **MR. LEE:** I will sir.

12 **MR. CHISHOLM:** If I could take you to
13 Exhibit 484 please, back of 484 and to the page 1131939,
14 please. Just to the bottom, the last five lines of the
15 page please.

16 You see and I'll just read in the record,
17 Ms. Sutherland:

18 "...and Cathy was seen today, was
19 superficially her usual amiable self.
20 She was, however, quite defensively
21 hostile and rather emasculating in her
22 attitude. She said she ran away from
23 home because she was fed up with her
24 mother. She made it clear that she
25 felt quite fond of her mother, but

1 whenever the mother would not conform
2 adequately to her wishes, she felt the
3 natural thing to do was to leave."

4 Which is -- you agree, I've set out accurately
5 the contents of the record, Ms. Sutherland?

6 **MS. SUTHERLAND:** I would agree okay that
7 that's what Dr. Burns said.

8 **MR. CHISHOLM:** Now, do you see at the bottom
9 of that page there is a mark stating "confidential"?

10 **MS. SUTHERLAND:** Yes.

11 **MR. CHISHOLM:** You'd agree this is a third
12 party record that could end up in the hands of the CAS?

13 **THE COMMISSIONER:** I don't know if she is --
14 this is a legal question almost.

15 **MR. CHISHOLM:** Well, the witness takes a
16 position, Mr. Commissioner, that the CAS should not be
17 protecting third party records and should be releasing them
18 whenever there is an information request submitted to the
19 CAS.

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

21 **MR. CHISHOLM:** I just want to examine with
22 her whether or not she would have any apprehension about
23 having confidential records of third parties released.

24 **THE COMMISSIONER:** To other people other
25 than the patient?

1 **MR. CHISHOLM:** Well, potentially; but let's
2 limit it to the information request that comes to the CAS
3 and ---

4 **THE COMMISSIONER:** Well, there is a
5 difference between -- don't you think, between -- if I were
6 to phone you and ask you for Ms. Sutherland's hospital
7 records and whether Ms. Sutherland applied.

8 I think the situation here is the client
9 asking. So I don't know if there's any use really in going
10 with a stranger because that's not the case before us.

11 **MR. CHISHOLM:** I'll limit ---

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

13 **MR. CHISHOLM:** --- my discussion to her to
14 the client applying for the -- requesting the information.

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

16 **MR. CHISHOLM:** You see no concern, Ms.
17 Sutherland, about releasing documents from -- confidential
18 documents from third parties?

19 **MS. SUTHERLAND:** To the individual? To me?

20 **THE COMMISSIONER:** To you.

21 **MR. CHISHOLM:** Yes.

22 **MS. SUTHERLAND:** No, I don't see a problem
23 with that.

24 **THE COMMISSIONER:** And I'm sorry.
25 Yesterday, was it not your -- when you spoke to the person

1 at the hospital, were you talking about this report or all
2 reports? Remember, you said you wanted the Children's Aid
3 Society to give you your medical report and you phoned the
4 hospital and the hospital told you that they had phoned the
5 Children's Aid Society and told them to give it to you.

6 **MS. SUTHERLAND:** Yes.

7 **THE COMMISSIONER:** Now, was this this
8 report?

9 **MS. SUTHERLAND:** Yes, this is part of it.

10 **MR. CHISHOLM:** I'm going to bring you to the
11 issue of the telephone call and what the CAS has in terms
12 of permission, if you will, from the Cornwall General
13 Hospital.

14 Would you agree with me, Ms. Sutherland,
15 that the file that the CAS has maintained with respect to
16 your care is a CAS file that contains confidential
17 information about you and other people?

18 **MS. SUTHERLAND:** I would agree with that,
19 yes.

20 **MR. CHISHOLM:** You would agree with that.
21 Now, you pointed out a number of letters back and forth
22 between you and the CAS with respect to your request to
23 obtain documents. You did that yesterday; right?

24 **MS. SUTHERLAND:** M'hm.

25 **MR. CHISHOLM:** And would you agree with me

1 that the correspondence that was sent to you from the CAS
2 was courteous.

3 **MS. SUTHERLAND:** Oh, I would agree with
4 that, yes.

5 **MR. CHISHOLM:** And would you agree that the
6 correspondence contained a number of instances where the
7 Society apologized to you for the delay in getting a
8 response to you?

9 **MS. SUTHERLAND:** Yes, I would agree okay
10 that they apologized.

11 **MR. CHISHOLM:** Okay. And would you agree
12 that in some instances, you were directed to particular,
13 specific third parties to follow-up with your request for
14 information?

15 **MS. SUTHERLAND:** Are you asking me, okay,
16 within the -- the Children's Aid suggested okay that I
17 report any criminal activities to the police?

18 **MR. CHISHOLM:** No. No, I am saying the CAS
19 would take the position we can't disclose a third party
20 record, but we suggest you contact that third party
21 directly.

22 **MS. SUTHERLAND:** Yes, and I did.

23 **MR. CHISHOLM:** Okay. And would you agree
24 that the correspondence that was sent to you by the CAS
25 would have contained expressions of hope that the

1 information would be helpful to you?

2 MS. SUTHERLAND: Yes.

3 MR. CHISHOLM: Okay.

4 MS. SUTHERLAND: But that's why I was
5 requesting it. Because I knew it would be helpful.

6 MR. CHISHOLM: If I could take you back to
7 Exhibit 485 please. These are the case notes of -- I'll
8 take you to page 7173205, these are the case notes of Mark
9 Boisvenue of August the 16th, 1995. And the last two lines
10 on that page, Mr. Boisvenue writes:

11 "I advised I would attempt to get it to
12 her by next week."

13 And he is speaking of the information
14 request. I'm going to suggest to you that he indicated to
15 you that he would try to get the material to you by the
16 next week; is that fair to say?

17 MS. SUTHERLAND: That's what it says, yes.

18 MR. CHISHOLM: And you don't disagree with
19 that?

20 MS. SUTHERLAND: I don't remember it.

21 MR. CHISHOLM: If I could take you please to
22 Exhibit 454 this is a letter of August 22nd, '95 signed by
23 Mark Boisvenue and Richard Abell for William Carriere
24 addressed to you. This is a covering letter that contained
25 the chronological wardship and placement history. Is that

1 right, Ms. Sutherland?

2 **MS. SUTHERLAND:** Yes, it is.

3 **MR. CHISHOLM:** Would you agree that Mr.
4 Boisvenue kept his promise that was set out in his case
5 notes of getting the information to you in the week
6 following August 16th?

7 **MS. SUTHERLAND:** Yes, yes.

8 **MR. CHISHOLM:** Okay. And you'll see in that
9 second middle paragraph, the last sentence:

10 "If, however, you believe that a crime
11 has been committed, this agency would
12 encourage you to file a complaint with
13 the police."

14 You don't disagree that you were told that;
15 right?

16 **MS. SUTHERLAND:** Right.

17 **MR. CHISHOLM:** If I could take you, please,
18 to a new document, 123698.

19 **THE COMMISSIONER:** Thank you. Exhibit 487
20 is a letter ---

21 **MR. CHISHOLM:** Letter from Cathy Sutherland
22 dated March 28, 1996 ---

23 **THE COMMISSIONER:** Thank you.

24 **MR. CHISHOLM:** --- to the CAS to the
25 attention of Mark Boisvenue.

1 --- EXHIBIT NO./PIÈCE NO. P-487:

2 (123698) Letter from Catherine Sutherland to
3 Children's Aid Society dated 28 March 1996.

4 **MR. CHISHOLM:** The first paragraph of that
5 letter, Ms. Sutherland, is it fair to say you told him the
6 results of his efforts were met with a great deal of
7 gratitude on your part?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** And you acknowledge how
10 cumbersome a request for information is; is that right?

11 **MS. SUTHERLAND:** Yup.

12 **MR. CHISHOLM:** And would you agree that
13 seven months have gone by after you receive the letter of
14 August 22nd, '95 before you contact the CAS?

15 **MS. SUTHERLAND:** According to the
16 correspondence, yes. I don't know if I made phone calls.

17 **MR. CHISHOLM:** Okay. In terms of the
18 correspondence?

19 **MS. SUTHERLAND:** Yes.

20 **MR. CHISHOLM:** This correspondence is seven
21 months after you get the material from Mr. Boisvenue; is
22 that right?

23 **MS. SUTHERLAND:** Right.

24 **MR. CHISHOLM:** Can I suggest to you that not
25 having heard from you for a period of seven months, it was

1 reasonable for the CAS to conclude that you were satisfied
2 with the information that was provided to you and that it
3 had fulfilled its request to provide the information to you
4 -- to fulfill your request. Would you agree with me?

5 **MS. SUTHERLAND:** I don't know what the
6 Children's Aid thought at that point. It would be hard for
7 me to know whether or not they thought ---

8 **MR. CHISHOLM:** It's not unreasonable if
9 seven months go by and ---

10 **THE COMMISSIONER:** Well, let's leave at this
11 in the sense that they replied -- they responded to her
12 request, and so until they got another request, they could
13 assume that all was well.

14 **MR. CHISHOLM:** That's fair.

15 **THE COMMISSIONER:** Okay. Is that a fair
16 comment, Ms. Sutherland?

17 **MS. SUTHERLAND:** Yes.

18 **MR. CHISHOLM:** Exhibit 459, please. This
19 letter was entered, I believe, yesterday. This is a letter
20 of February 11th, 1997 addressed to you from the Children's
21 Aid Society and signed by the Executive Director, Richard
22 Abell. Is that right, Ms. Sutherland?

23 **MS. SUTHERLAND:** Yes, I believe so.

24 **MR. CHISHOLM:** You received that letter; is
25 that right?

1 MS. SUTHERLAND: Yes.

2 MR. CHISHOLM: And the first paragraph of
3 that letter ---

4 THE COMMISSIONER: Sorry, what's the date of
5 that letter?

6 MR. CHISHOLM: February 11, 1997, Mr.
7 Commissioner.

8 THE COMMISSIONER: Okay. So about 11 months
9 later from her letter of March 28th, 1996 -- 10 months --
10 no, 11 months.

11 MR. CHISHOLM: I won't dispute your math,
12 sir.

13 THE COMMISSIONER: Okay.

14 MR. CHISHOLM: The first paragraph of that
15 letter, Mr. Abell tells you that he's had discussions with
16 the Hamilton Society regarding arrangements for you to
17 review the relevant information; right? Ms. Sutherland?

18 MS. SUTHERLAND: Yes. Sorry.

19 MR. CHISHOLM: You would agree Mr. Abell
20 told you that arrangements -- he's attempted to make
21 arrangements for you to ---

22 MS. SUTHERLAND: Yes.

23 MR. CHISHOLM: --- have the information
24 reviewed in Hamilton; right?

25 MS. SUTHERLAND: M'hm.

1 **MR. CHISHOLM:** And in that letter, you would
2 agree that Mr. Abell attempts to respond to the questions
3 that you put back to Mr. Boisvenue?

4 **MS. SUTHERLAND:** Yes.

5 **MR. CHISHOLM:** And then we know that on
6 March 10, 1997, Patricia Garrahan went -- from the CAS in
7 Cornwall, went to Hamilton to meet with you; is that right?

8 **MS. SUTHERLAND:** Yes.

9 **MR. CHISHOLM:** If I could take you to a new
10 document, Madam Clerk, please, Document 738617.

11 **THE COMMISSIONER:** Thank you. Exhibit 488
12 is a -- it's a document ---

13 **MR. CHISHOLM:** It's a document signed by
14 Patricia Garrahan that sets out a notation concerning a
15 March 10, 1997 meeting between Ms. Garrahan and Catherine
16 Sutherland.

17 --- **EXHIBIT NO./PIÈCE NO. P-488:**

18 (738617) Interview with Catherine Sutherland
19 at Hamilton-Wentworth Family and Children's
20 Services dated 10 March 1997.

21 **MR. CHISHOLM:** Just reading the first
22 paragraph of the document, Ms. Sutherland:

23 "As agreed upon, that portion of
24 Catherine's child's file, which was not
25 identifying, was shared with Catherine.

1 She read the file also. As agreed
2 upon, requested the opportunity to
3 dictate and record the contents of the
4 file. I obtained a dictation machine
5 from Hamilton-Wentworth Family and
6 Children's Services as Catherine's
7 machine was not working properly."

8 Do you recall that you brought your own
9 dictation machine with you?

10 **MS. SUTHERLAND:** I don't remember the
11 details like that, no.

12 **MR. CHISHOLM:** I take it you wouldn't
13 dispute what's set out in this memo by Ms. Garrahan?

14 **MS. SUTHERLAND:** I wouldn't disagree with
15 that, no.

16 **MR. CHISHOLM:** If I could take you to
17 Exhibit 461, please? This is a letter from you to Richard
18 Abell dated November 7, 1997.

19 And would you agree with me that after Ms.
20 Garrahan's trip to Hamilton that the CAS here in Cornwall
21 did not hear from you for another eight months until you
22 corresponded with Mr. Abell on November the 7th, 1997?

23 **MS. SUTHERLAND:** Yes. Well, according to
24 the letters. I don't know if there was phone calls.

25 **MR. CHISHOLM:** You reviewed the CAS files as

1 a result of reviewing the disclosure that has been provided
2 in this Inquiry. Is that right?

3 **MS. SUTHERLAND:** Yes, I have.

4 **MR. CHISHOLM:** And would you agree that
5 there's nothing in the CAS file with respect to -- with
6 respect to a communication from the Cornwall General
7 Hospital allowing the release of its material? And I'm
8 speaking of your reference to Pat Lalonde, I believe ---

9 **MS. SUTHERLAND:** Yes, I don't think they
10 necessarily -- I mean, just because you don't have a
11 notation saying that they spoke to Pat Lalonde doesn't mean
12 that it didn't happen.

13 **MR. CHISHOLM:** On -- I won't argue that.

14 You haven't seen any documentation from the
15 Cornwall General Hospital, directed to the CAS, with
16 respect to the release of ---

17 **MS. SUTHERLAND:** No, they called. I was told
18 that they called, and ---

19 **MR. CHISHOLM:** And you told us that
20 yesterday. But, with respect to the documentation, you had
21 agreed with me there was no documentation from the Cornwall
22 General Hospital to the CAS.

23 **MS. SUTHERLAND:** No. No, I haven't seen
24 anything.

25 **MR. CHISHOLM:** Okay.

1 I take it you wouldn't disagree with me that
2 it would be reasonable for the Cornwall General Hospital to
3 communicate in writing to the CAS with respect to giving
4 its permission for the release of the documents?

5 **MS. SUTHERLAND:** I suppose so. But I mean
6 that's -- you know, how would I know?

7 **MR. CHISHOLM:** The audio tape that you made
8 during the dictation in Hamilton, you kept that audio tape,
9 did you?

10 **MS. SUTHERLAND:** Did I keep the tape?

11 **MR. CHISHOLM:** Yes.

12 **MS. SUTHERLAND:** Yes, I did.

13 **MR. CHISHOLM:** Okay. And you were able to
14 transcribe the notes that you made, whenever you dictated
15 the files, is that right?

16 **MS. SUTHERLAND:** Yeah, somewhat.

17 **MR. CHISHOLM:** I'd like to take you to a new
18 document, please; Document 738614.

19 **THE COMMISSIONER:** Exhibit number 489, a
20 letter dated November 27th, 1998 to Dr. Cornfield from
21 William Carriere, Coordinator of Services at Children's Aid
22 Society.

23 **--- EXHIBIT NO./PIÈCE NO P-489:**

24 (738614) Letter from Children's Aid Society
25 to Dr. Cornfield dated 27 Nov 98.

1 **MR. CHISHOLM:** You've seen this letter
2 before Ms. Sutherland; is that right?

3 **MS. SUTHERLAND:** Yes, I have.

4 **MR. CHISHOLM:** And I take it, from reviewing
5 some of your written material, you do not approve of the
6 suggestion made to Dr. Cornfield to obtain the information
7 from you?

8 **MS. SUTHERLAND:** No; I -- the file was
9 heavily redacted when I read it, it was a poor copy of it,
10 the first eight pages, or seven pages of it were missing.

11 **MR. CHISHOLM:** Now, those first pages are
12 front sheets. Is that right?

13 **MS. SUTHERLAND:** No, not entirely.

14 **MR. CHISHOLM:** Let's just go back to the --
15 your position is, you thought it unprofessional. Is that --
16 - I believe ---

17 **MS. SUTHERLAND:** Yes, I did. Very
18 unprofessional.

19 **MR. CHISHOLM:** Okay. And in terms of the --
20 at the time that Dr. Cornfield made the requests for the
21 information, you would have had a summary of the --provided
22 by Mark Boisvenue, is that right?

23 **MS. SUTHERLAND:** Yeah -- what, the three
24 page summary?

25 **MR. CHISHOLM:** I'm not sure ---

1 MS. SUTHERLAND: Yeah.

2 MR. CHISHOLM: --- however many pages it
3 was. You would have had Mr. Abell's letter to you, where
4 he responds to the requests -- the questions you put to Mr.
5 Boisvenue; is that right?

6 MS. SUTHERLAND: Yes.

7 MR. CHISHOLM: And you would have had the
8 transcript of the dictation that you made as a result of
9 your March 10, '97 meeting with Patricia Garrahan; is that
10 right?

11 MS. SUTHERLAND: Right.

12 MR. CHISHOLM: Do you recall in June of
13 1995, seeking medical information as a result of seizures -
14 --

15 MS. SUTHERLAND: Yes.

16 MR. CHISHOLM: --- that you were suffering?

17 MS. SUTHERLAND: Yes.

18 MR. CHISHOLM: And you called Lise Stanley;
19 is that right?

20 MS. SUTHERLAND: Yes.

21 THE COMMISSIONER: You called who? Lise
22 Stanley?

23 MR. CHISHOLM: Lise Stanley. She's set out
24 in the -- she's set out -- her case notes are set out in
25 Exhibit 485.

1 You agreed you received a prompt response to
2 your request?

3 **MS. SUTHERLAND:** I don't remember how long
4 it took Lise to provide that information.

5 **MR. CHISHOLM:** If I put it to you as the
6 following day, would you disagree with me?

7 **MS. SUTHERLAND:** No -- well I mean, if you
8 have it there, no, I'm not going to disagree.

9 **MR. CHISHOLM:** If I could take you to a new
10 document; Document 738622.

11 **THE COMMISSIONER:** Thank you. Exhibit 490
12 is a letter dated February 3rd 1997 from Wenda Hodsdon,
13 Program Supervisor of Ministry of Community and Social
14 Services to Richard Abell.

15 **--- EXHIBIT NO./PIÈCE NO P-490:**

16 (738622) Letter from Ministry of Community
17 and Social Services to Children's Aid
18 Society dated 3 Feb 97.

19 **MR. CHISHOLM:** You were c.c.'d in this
20 letter Ms. Sutherland; is that right?

21 **MS. SUTHERLAND:** Yes.

22 **MR. CHISHOLM:** And you've seen the letter
23 before?

24 **MS. SUTHERLAND:** Yes, I have.

25 **MR. CHISHOLM:** And would you agree with the

1 fourth paragraph of Ms. Hodsdon's letter:

2 "I have indicated to Miss Sutherland
3 that the gathering of this information
4 comes under the jurisdiction of the CAS
5 and as such, the Ministry does not
6 manage when it will be made available."

7 Did she tell you that?

8 **MS. SUTHERLAND:** I don't recall, but I have
9 no reason to doubt what she said.

10 **MR. CHISHOLM:** And she -- in the last
11 paragraph, Ms. Hodsdon indicated:

12 "I believe Ms. Sutherland may find it
13 helpful to know the status of her
14 information request and the time she
15 can expect to receive it."

16 You don't doubt she said that to Mr. Abell
17 in the letter; right?

18 **MS. SUTHERLAND:** Right.

19 **THE COMMISSIONER:** It's in the letter, Mr. -
20 --

21 **MR. CHISHOLM:** Would you agree that it would
22 be more helpful to you, Ms. Sutherland rather than being
23 given a timeframe which may be several months down the road
24 as to when you can expect, to receive the information that
25 it was more helpful to you to actually get the answers that

1 you posed to Mr. Boisvenue?

2 And the answers were provided to you by Mr.
3 Abell? That was more helpful to you than being -- simply
4 being told that your request is in the line and it'll take
5 several months?

6 Would you agree that it's more helpful to
7 get the information than to be told when you will get the
8 information?

9 **MS. SUTHERLAND:** Well, I think it would be -
10 - both things would have been helpful.

11 **MR. CHISHOLM:** I'll concede that to you.
12 But it would be more helpful to you to get the actual
13 information as opposed to being told when you might receive
14 it; is that right?

15 **MS. SUTHERLAND:** I don't know how to answer
16 that. Yes, I would say having the information is -- was
17 valuable.

18 **MR. CHISHOLM:** And would you agree with me
19 that you wouldn't be surprised that the CAS receives a
20 number of requests for information from a number of
21 individuals and organizations? That doesn't surprise you
22 that there would be others seeking information as opposed
23 to just yourself; right?

24 **MS. SUTHERLAND:** No, that doesn't surprise
25 me. But we're not talking where, you know, this was

1 resolved in a year or two. You know? This was a very,
2 very long time.

3 **MR. CHISHOLM:** And that will be the subject
4 of discussion further on; you have your perspective on it,
5 and there may be others out there. But ---

6 **THE COMMISSIONER:** Good, so let's go on to
7 something else.

8 **MR. CHISHOLM:** Well, this is my last area
9 Mr. Commissioner. I'm going to conclude this and I'm going
10 to sit down.

11 I take it it wouldn't come to you as a
12 surprise that individuals and organizations that make
13 requests, given the finite resources that are available to
14 a society, there has to be some delay ---

15 **MS. SUTHERLAND:** Mr. Chisholm, I think all
16 of my letters were done respectfully and with consideration
17 to the effort that they had put in. To wait four years for
18 a response, a decent response that still wasn't even
19 adequate.

20 **THE COMMISSIONER:** So, whether -- I don't
21 know that it's a fair question to ask this witness whether
22 a public agency has finite or infinite funding and whether
23 or not the delay is acceptable. I think that's a question
24 I'm going to have to answer after I hear from the
25 institutional response.

1 **MR. CHISHOLM:** Thank you Ms. Sutherland for
2 coming here in the last two days to give your evidence. I
3 wish you the best of luck in the future. Thank you.

4 **MS. SUTHERLAND:** Thank you.

5 **THE COMMISSIONER:** Yes, sir.

6 **--- CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. LEE:**

7 **Mr. LEE:** Good morning, Mr. Commissioner.

8 **THE COMMISSIONER:** M'hm. Good morning.

9 **MR. LEE:** Good morning, Cathy.

10 **MS. SUTHERLAND:** Hi.

11 **MR. LEE:** I just have a few questions for
12 you. You've made over the last couple of days several
13 references to a specific note in the CAS file and, given
14 how many times it's been referenced, I just want to take
15 you there and see if I can identify that note for the
16 record.

17 If we could pull up Exhibit 479.

18 I'm sorry, Madam Clerk, I think I have the
19 wrong file. It's 482. It's the family file that was
20 entered today. I'm looking at the third page of the notes,
21 which is Bates page 7173465. If you see, Ms. Sutherland,
22 at the very top of the page, the sentence beginning "Joan".
23 It reads:

24 "Joan brought Cathy downstairs and
25 Cathy appeared very much a mite, with

1 the most severely bruised face worker
2 had ever seen on a person."

3 Is this the note that you've referenced a
4 few times during your testimony?

5 **MS. SUTHERLAND:** Yes, it is.

6 **MR. LEE:** I just wanted to point that out
7 for the record.

8 **THE COMMISSIONER:** And what's this document?

9 **MR. LEE:** This document is the CAS family
10 file.

11 **THE COMMISSIONER:** Right.

12 **MR. LEE:** So not the file open in relation
13 to Ms. Sutherland but, rather, in relation to her family as
14 a whole. So when you get into this, Mr. Commissioner, the
15 family file contains the record of the very earliest
16 beginnings of the CAS involvement, and once they find --
17 sorry, once they take action with Ms. Sutherland, then a
18 file is open on her behalf as well. So there's information
19 in both of these that relate to Ms. Sutherland. It's just
20 she's made at least a few references to that note, so I
21 wanted to point out to you where it was ---

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

23 **MR. LEE:** --- and identify it.

24 The next area that I wanted to -- in case I
25 haven't, for the record, the Bates page is 7173465.

1 **THE COMMISSIONER:** Thank you.

2 **MR. LEE:** Mr. Chisholm, during his cross-
3 examination, spoke to you a little bit about your
4 appearance at school and the clothing you were wearing. Do
5 you recall that?

6 **MS. SUTHERLAND:** Yes, I do.

7 **MR. LEE:** And he brought you to some
8 documents relating to that. You made a reference to the
9 fact that the notes contained some kind of reference that
10 would contradict what Mr. Chisholm had to say.

11 **MS. SUTHERLAND:** That's right.

12 **MR. LEE:** I'd like to show you a letter, if
13 I could. It is Document Number 738759.

14 **THE COMMISSIONER:** Thank you. Exhibit 491
15 is a letter -- can you help me out here -- from Dr. Burns.

16 **MR. LEE:** From Dr. Burns to -- I'm not
17 exactly sure how to pronounce it -- McKeown perhaps.

18 **THE COMMISSIONER:** What?

19 **MS. SUTHERLAND:** Dr. McKeown.

20 **MR. LEE:** McKeown?

21 **MS. SUTHERLAND:** Yes.

22 **THE COMMISSIONER:** You'll see it better on
23 the -- can you bring it up, Madam Clerk?

24 Okay. So this is a letter, February 14th, 19

25 ---

1 **MR. LEE:** Sixty-eight (68).

2 **THE COMMISSIONER:** I think you're going to
3 have to bring it down a little bit. Maybe just go
4 paragraph by paragraph, Madam Clerk, so I can read it.
5 There you go. Okay.

6 **--- EXHIBIT NO./PIÈCE NO. P-491:**

7 (738759) Letter from J.H. Burns to Dr. J.
8 McKeown dated 14 Feb 68

9 **MR. LEE:** So as the Commissioner noted, this
10 is a February 14th, 1968 letter from Dr. Burns, to Dr.
11 McKeown, did you say?

12 **MS. SUTHERLAND:** Yes.

13 **MR. LEE:** Dr. McKeown.

14 If I can get you to look at the fifth
15 paragraph?

16 And I will tie this back to the record, sir.

17 It reads:

18 "At interview, Cathy was a small
19 dysplactic, rather wretched looking
20 child whose attire indicates that her
21 family have shown no ambition to
22 improve her appearance. Cathy's lack
23 of interest in her appearance is also
24 indicative of some narcissistic
25 injuries."

1 MS. SUTHERLAND: Yes.

2 MR. LEE: Do you see that?

3 MS. SUTHERLAND: M'hm.

4 MR. LEE: Now, hold on to that thought, and
5 I would now like to take you to the CAS file, which is the
6 document that you had access to, your own CAS file, which
7 is Exhibit 479.

8 THE COMMISSIONER: I'm sorry, and what date
9 is this document?

10 MR. LEE: This document I've just shown you
11 is February 14th, 1968.

12 THE COMMISSIONER: Eight, right.

13 MR. LEE: Nineteen sixty-eight (1968), yes.

14 So we're now going to Cathy's child file
15 with the CAS, to Bates page 7173647. That's the one I'm
16 interested in. In the middle of the page there's a heading
17 called "Physical appearance" and this is a note made the
18 following year, in March of 1969 when the file is reopened.
19 In "Physical appearance" it reads:

20 "Cathy is a small 13-year old girl with
21 dark brown hair and blue eyes. She is
22 a rather wretched looking child whose
23 attire indicates that her family have
24 shown no ambition to improve her
25 appearance."

1 Have you seen that in the note, Ms.

2 Sutherland?

3 **MS. SUTHERLAND:** Yes, I have.

4 **MR. LEE:** Is that what you were referring to
5 earlier during cross-examination by Mr. Chisholm?

6 **MS. SUTHERLAND:** Yes.

7 **THE COMMISSIONER:** Isn't that word for word
8 what the doctor said?

9 **MR. LEE:** It's very close to it, sir.

10 **THE COMMISSIONER:** Okay.

11 **MR. LEE:** Obviously, my submission would be
12 it was taken from there, but Ms. Sutherland has no
13 knowledge of that.

14 **MS. SUTHERLAND:** I would also say at this
15 point too that the weight is given there at 73 pounds, and
16 this is after being admitted into care. This is after time
17 in care. So to be 13 and 60 pounds is ---

18 **THE COMMISSIONER:** Well, 73. It says you're
19 73 pounds.

20 **MS. SUTHERLAND:** Yes, but this was after
21 being in care.

22 **THE COMMISSIONER:** Right. Okay.

23 **MR. LEE:** And we'll see -- we'll review the
24 entire file during the institutional response phase, I
25 would imagine. So there will be things that haven't been

1 pointed out here that will be pointed out.

2 While we're at this document, if we can go
3 to the first page of this exhibit? Not that one. There we
4 go. So if we look at the top of the page, you can see, Ms.
5 Sutherland, that it reads "Name of Child: Catherine
6 Donnelly" and it gives your -- some details of your life.
7 And down below, it begins with "Social History".

8 If we turn to the next page at the top of
9 the page, you can see the number 2. The pages here are
10 numbered, so it would appear that that's the first page of
11 this narrative; would you agree, the one that I showed you
12 prior to this?

13 **MS. SUTHERLAND:** I'm sorry, what?

14 **THE COMMISSIONER:** Yes, it is.

15 **MR. LEE:** Okay. The reason I'm asking is
16 that you mentioned to Mr. Chisholm that the first seven
17 pages of your file were missing, and he asked you whether
18 or not those were cover pages. So what I want to know is
19 are the first seven pages you're referring to the pages 1
20 through 7 of this, or are they something else?

21 **MS. SUTHERLAND:** No, of this.

22 **MR. LEE:** And how do you know that?

23 **MS. SUTHERLAND:** How do I know that this is

24 ---

25 **MR. LEE:** Well, how do you know it was the

1 first seven pages that were missing?

2 MS. SUTHERLAND: Because the pages were
3 numbered.

4 MR. LEE: And so what was the first page you
5 saw?

6 MS. SUTHERLAND: Eight (8), page 8.

7 MR. LEE: So from that you can deduce the
8 first seven pages of this were missing?

9 MS. SUTHERLAND: Right.

10 MR. LEE: And this is the file you were
11 given access to, your own ---

12 MS. SUTHERLAND: Yes.

13 MR. LEE: --- file as a child, not the
14 family file?

15 MS. SUTHERLAND: Exactly.

16 MR. LEE: The last area I want to bring you
17 to is the letter that the Commissioner had asked a question
18 about. If we can pull up Document 120960?

19 THE COMMISSIONER: Is this something we have
20 in our ---

21 MR. LEE: Yes. If it's not under that,
22 please try 120961. I have a couple of numbers on my list
23 here. I'm not sure which one it is. I think I may be
24 wrong, sir. I'm not sure notice was provided of that
25 document. I ---

1 **MR. DUMAIS:** It was not, Commissioner.

2 **MR. LEE:** It was not. This is the issue
3 that arose when Ms. Sutherland was talking about a letter
4 that she's seen ---

5 **THE COMMISSIONER:** I understand that.

6 **MR. LEE:** No, so Madam Clerk will not have
7 that document.

8 **THE COMMISSIONER:** Do you have it?

9 **MR. LEE:** I have one copy of it, yes. Is
10 that fine?

11 **THE COMMISSIONER:** Let's go. We'll bring it
12 in as an exhibit and we'll give you copies later. Let's
13 get on with it.

14 **MR. LEE:** Okay. Would you like to see it
15 first, sir?

16 **THE COMMISSIONER:** Yes. So Exhibit 492, or
17 whatever number we're at. Do you have that document on the
18 screen, Madam Clerk?

19 **MR. LEE:** This is the document on the
20 screen.

21 **THE COMMISSIONER:** Okay. So we'll take this
22 as the exhibit.

23 You can have it back.

24 So it's Exhibit 492 -- is a letter dated May
25 27th 1988 addressed to Mr. Craig Taylor of the Hamilton-

1 Wentworth Catholic Children's Aid Society, signed by Peter
2 Emond, E-m-o-n-d.

3 **---EXHIBIT NO./PIÈCE NO C-492A:**

4 (120960) Letter from Family Service Worker
5 to Hamilton-Wentworth CAS dated 27 May 88.

6 **---EXHIBIT NO./PIÈCE NO C-492B:**

7 (120961) Report on Leclair family.

8 Okay, so we've got the document there. So,
9 if you wouldn't mind -- would you mind looking at it on the
10 screen? Would that be okay?

11 **MS. SUTHERLAND:** No, that's fine.

12 **THE COMMISSIONER:** And here, you can have --

13 -

14 **MR. LEE:** Commission counsel's handed me a
15 copy, so ---

16 **THE COMMISSIONER:** We've got copies. Okay.
17 Good enough.

18 **MR. LEE:** So as the Commissioner said, Ms.
19 Sutherland, this is a May 27, 1988 letter. In the top
20 left-hand corner, you can see it's sent from Renfrew,
21 Ontario by Peter Emond, a family service worker.

22 **THE COMMISSIONER:** Wait a minute, wait a
23 minute. This is -- has to do with another family.

24 **MR. LEE:** The confusion you have at this
25 point is -- the contact at this point was made in relation

1 to Ms. Sutherland as a mother, and as part of the
2 information requested and released to a child family. So
3 when you see ---

4 **THE COMMISSIONER:** Okay.

5 **MR. LEE:** --- the first -- where you see
6 "Report on the Leclair family" that's referring to Ms.
7 Sutherland's family as an adult; is that correct, Ms.
8 Sutherland?

9 **MS. SUTHERLAND:** Yes.

10 **THE COMMISSIONER:** Who's the Leclair family?

11 **MS. SUTHERLAND:** That's when I was married;
12 that was my married name.

13 **THE COMMISSIONER:** Okay. All right.

14 **MR. LEE:** And this deals with your son --
15 the first -- if we can turn over the page, Madam Clerk?

16 **THE COMMISSIONER:** Okay. Is there any
17 question about confidentiality, with respect to being a
18 public ---

19 **MR. LEE:** I mean -- certainly I haven't
20 canvassed Ms. Sutherland nor, obviously, have I canvassed
21 it with her son, at all.

22 **THE COMMISSIONER:** So, for the time being,
23 let's make it a temporary "C" and then, once you've
24 reviewed it, you can give me some submissions on it.

25 **MR. LEE:** Thank you.

1 So Madam Clerk, if we can go to the second
2 page? And I'm going for a very specific purpose here, sir
3 ---

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

5 **MR. LEE:** --- that I'll try to get to
6 quickly.

7 You may have -- okay, Madam Clerk, I see --
8 I think what's happened is that the letter itself is
9 120960. The enclosure with the letter is 120961. And here
10 we have this report and -- would you -- Ms. Sutherland,
11 does this report -- that first page that you are looking at
12 now, deal with your family as an adult?

13 **MS. SUTHERLAND:** Yes, it does.

14 **MR. LEE:** It deals with your son?

15 **MS. SUTHERLAND:** Right.

16 **MR. LEE:** Okay. And then, if we turn over
17 the page, we have a social history for Catherine Leclair,
18 née Donnelly. And that's you -- is that correct?

19 **MS. SUTHERLAND:** Yes.

20 **MR. LEE:** And the reason I'm bringing this
21 up -- if we can go to the second paragraph under that, it
22 reads:

23 "Catherine was taken into care because
24 of malnourishment, inadequate care and
25 neglect. At one point, as a youngster,

1 Cornwall medical staff were concerned
2 if the situation continued for a period
3 of six more weeks, Catherine might have
4 died."

5 You see that there, Ms. Sutherland?

6 **MS. SUTHERLAND:** Yes.

7 **MR. LEE:** And is this the reference you were
8 pointing to earlier, in your cross-examination by Mr.
9 Chisholm?

10 **MS. SUTHERLAND:** Yes, it was. Yes.

11 **MR. LEE:** And to close this off, sir --
12 since this is a letter that wasn't sent to Ms. Sutherland
13 at any point -- if Madam Clerk can pull up on the screen
14 and I'll hand her a hard copy. Document 120963.

15 **THE COMMISSIONER:** Thank you.

16 This is Exhibit 493, a letter from Doug
17 Gorringe I guess, Intake Supervisor to Ms. Sutherland,
18 dated July 11th, 1995.

19 **---EXHIBIT NO./PIÈCE NO P-493:**

20 P-493: (120963) Letter from Doug Gorringe to
21 Catherine Sutherland dated 11 July 95.

22 **MR. LEE:** Madam Clerk, if we can just have
23 the letter on the screen so I can see it?

24 So Ms. Sutherland, this is a letter that is
25 addressed to you from -- just a little more Madam Clerk,

1 please? It's just -- I'd like to see the -- from Doug
2 Gorringe, the Intake Supervisor in Pembroke.

3 Do you recall receiving this letter?

4 **MS. SUTHERLAND:** Yes, I do.

5 **MR. LEE:** And it states that in April this
6 year, you requested information from the Catholic
7 Children's Aid Society in Hamilton.

8 "They forwarded the information to our
9 agency believing you wanted information
10 from us, although you mentioned the
11 Cornwall CAS. I have enclosed a copy
12 of yours and the Hamilton CCAS letters.
13 Regardless, I have enclosed the
14 correspondence we sent to Hamilton in
15 1988. As you can see, our information
16 is from Cornwall. I have had to delete
17 the information that applied to..."

18 **THE COMMISSIONER:** Somebody.

19 **MR. LEE:** "...somebody, as we only have your
20 consent. I apologize for the long
21 delay of this. Although background
22 searches take a longer priority than
23 abuse-type investigations, I am not
24 clear why this took two months."

25 And so is it my understanding that, along

1 with this letter, you would have received the letter we
2 just looked at a moment ago?

3 **MS. SUTHERLAND:** That's correct.

4 **MR. LEE:** And so, you would have seen it
5 that time?

6 **MS. SUTHERLAND:** Yes.

7 **MR. LEE:** In fact, the comment about you
8 being dead in six more weeks?

9 **MS. SUTHERLAND:** Right.

10 **MR. LEE:** Is that correct?

11 **MS. SUTHERLAND:** Right.

12 **MR. LEE:** Ms. Sutherland, I have no more
13 questions for you.

14 **THE COMMISSIONER:** Thank you.

15 Maître Dumais?

16 **MR. DUMAIS:** I don't have anything,
17 Commissioner. Thanks for attending, Cathy.

18 There is just one correction I want to make
19 and it's not a question for you, Cathy. Just with respect
20 to the three last documents that were referenced -- I think
21 we entered them as 492 and 493, but the letter and the case
22 summary have two separate doc numbers.

23 So just for the purposes of clarity, perhaps
24 they should be 492 and 493 and the last document that Mr.
25 Lee entered ---

1 **THE COMMISSIONER:** Actually, I don't ---

2 **MR. DUMAIS:** --- four ninety four (494).

3 **THE COMMISSIONER:** Do I have a 492? What is
4 492? You had that, right? Okay; and what do you want
5 done?

6 **MR. DUMAIS:** Perhaps just -- the covering
7 letter should be 492.

8 **THE COMMISSIONER:** Four ninety-two A (492A).
9 And the report will be 492B. How is that?

10 **MR. DUMAIS:** That's perfect. Thank you.

11 **THE COMMISSIONER:** Thank you.

12 Ms. Sutherland, I want to thank you for your
13 travels here -- and I guess that's the least of your -- for
14 your courage that you have, for coming in. The persistence
15 you have shown in getting your file and assisting yourself
16 through your journey through life. Again, I thank you very
17 much and I certainly will consider your evidence in making
18 my report.

19 Thank you.

20 **MS. SUTHERLAND:** Thank you. I want to thank
21 you for the opportunity. This has been a really great
22 opportunity for me. Stressful, but a good opportunity.

23 **THE COMMISSIONER:** Great. Thank you very
24 much.

25 All right. We're going to go on to the next

1 witness now. So maybe we should take a five minute break,
2 just to permit the witnesses to come in and -- pardon? Why
3 15 minutes? Why? Sorry? Oh, to get the documents. All
4 right. So we'll take 10 minutes, then.

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

7 --- Upon recessing at 11:47 a.m. /

8 L'audience est suspendue à 11h47

9 --- Upon resuming at 12:03 p.m. /

10 L'audience est reprise à 12h03

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

13 The hearing is now resumed. Please be
14 seated. Veuillez vous asseoir.

15 **THE COMMISSIONER:** Good morning, Mr.
16 Engelmann.

17 **MR. ENGELMANN:** I was going to say "Good
18 morning" sir, but I'm going to say good afternoon.

19 **THE COMMISSIONER:** All right.

20 **MR. ENGELMANN:** I am just glad to be here
21 and want to thank our next witness for showing up. I
22 cannot refer to him by name right now. I thought I could,
23 sir.

24 I'm going to be referring to you by way of a
25 moniker. And by that I mean a letter and a number ---

1 **C-6:** Okay.

2 **MR. ENGELMANN:** --- that will identify you
3 as a witness C-6.

4 I can inform you Mr. Commissioner, that
5 witness C-6 has consented to the lifting of publication
6 bans and that two of the lawyers from the Commission team
7 and lawyers from the Ministry of the Attorney General have
8 been working hard to have this done. We had anticipated it
9 would be done on Monday of this week; we're still waiting
10 for a Superior Court judge to sign a consent order. So
11 that may happen today, and as soon as it does I'll let you
12 know.

13 **THE COMMISSIONER:** All right.

14 **MR. ENGELMANN:** So, in the meantime, if C-6
15 could be affirmed?

16 **--- C-6, SWORN/ASSERMENTÉ:**

17 **THE COMMISSIONER:** Let me begin, sir, by
18 apologizing for that glitch. I don't think it's something
19 that is usual and I apologize again for any inconvenience
20 that might cause you. As soon as the order is obtained, we
21 will certainly lift that and make your name public, as much
22 as we can.

23 **C-6:** All right.

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

25 **---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**

1 **PETER ENGELMANN :**

2 **MR. ENGELMANN:** Sir, just a couple of
3 points. You'll have some water to your right if you need
4 it. There is a speaker just below the computer screen; if
5 you're not hearing and you want to turn it up, you can do
6 that.

7 **C-6:** Okay.

8 **MR. ENGELMANN:** Okay? And at some point
9 during my questions of you, I will have some documents to
10 show you -- have you identify. And you'll get a hard copy
11 of them and you'll also see them on the computer screen.
12 So you have a choice of where you want to read them. All
13 right?

14 **C-6:** Thanks.

15 **MR. ENGELMANN:** Okay.

16 Sir, I understand that you are represented
17 by counsel today; is that correct?

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

19 **MR. ENGELMANN:** And that's Ms. Harreman
20 who's here, in the front row?

21 **C-6:** Correct.

22 **MR. ENGELMANN:** And you've met her before,
23 Mr. Commissioner?

24 **THE COMMISSIONER:** Yes we have, thank you.

25 **Mr. ENGELMANN:** Yes, there you go.

1 Always have to introduce new people but, in
2 this case, I don't need to introduce.

3 Sir, you understand what we're doing here,
4 by way of the Inquiry?

5 **C-6:** I do.

6 **MR. ENGELMANN:** And that we're examining the
7 institutional response to allegations of historical abuse
8 against young persons here in the Cornwall area?

9 **C-6:** yes, I understand.

10 **MR. ENGELMANN:** Okay. And sir, I understand
11 your perspective before the Inquiry is one of an alleged
12 victim of child sexual abuse?

13 **C-6:** That's correct, yes.

14 **MR. ENGELMANN:** And, sir, I understand that
15 you alleged that you were abused by more than one person?

16 **C-6:** Yes.

17 **MR. ENGELMANN:** Two individuals?

18 **C-6:** Yes, yes.

19 **MR. ENGELMANN:** And were these individuals,
20 in your view, persons in authority?

21 **C-6:** They both were, yes.

22 **MR. ENGELMANN:** Okay. And who were they and
23 what were their titles?

24 **C-6:** One was a priest at my local church,
25 Father Charles, and the other one was my grade 8 teacher,

1 Marcel Lalonde.

2 **MR. ENGELMANN:** Sir, I'd like to just ask
3 you a few background questions, if I may. I don't think
4 date of birth will identify you. I understand that you
5 were born here in Cornwall 50 years ago yesterday -- or,
6 sorry, 50 years ago Tuesday.

7 **C-6:** Correct.

8 **MR. ENGELMANN:** May 29th, 1957.

9 **C-6:** Correct.

10 **MR. ENGELMANN:** And sir, I understand that
11 you have a number of siblings?

12 **C-6:** I do.

13 **MR. ENGELMANN:** There were four of you from
14 the first family, and another three from a second family?

15 **C-6:** Yes.

16 **MR. ENGELMANN:** And sir, you were the fourth
17 in the first family?

18 **C-6:** I am.

19 **MR. ENGELMANN:** Okay.

20 **C-6:** And one of your siblings, an older
21 brother, has also or was also involved in a prosecution?

22 **C-6:** He was, yes.

23 **MR. ENGELMANN:** And that's your brother,
24 Gary?

25 **C-6:** Yes, Gary.

1 **MR. ENGELMANN:** Okay. For example, he was
2 also involved in the prosecution dealing with Marcel
3 Lalonde?

4 **C-6:** Marcel Lalonde, yes.

5 **MR. ENGELMANN:** Sir, I understand that you
6 lived in a couple of different areas, here in the city of
7 Cornwall as you were growing up?

8 **C-6:** As I was growing up, yes. I lived in
9 the east end when I was very young; moved to Fifth Street,
10 near Fifth and -- Fifth and Adolphus.

11 **MR. ENGELMANN:** Okay. And can you tell us
12 how long you continued to live in Cornwall? Until about
13 what age?

14 **C-6:** I lived in Cornwall until about 18.

15 **MR. ENGELMANN:** And did you go away to
16 college at that time?

17 **C-6:** I left to move to Kingston and I went
18 to college there.

19 **MR. ENGELMANN:** And, sir, can you just tell
20 us, then, where you went to school here in the City of
21 Cornwall?

22 **C-6:** I went to St. Columban's elementary
23 school on Fourth Street.

24 **MR. ENGELMANN:** And, sir, did you go there
25 from Kindergarten through grade 6?

1 C-6: I did.

2 MR. ENGELMANN: All right.

3 C-6: All grades. And then I went next door
4 to Bishop MacDonell for grade 7 and grade 8.

5 MR. ENGELMANN: Okay.

6 C-6: And then I went from 9 until 12 to St.
7 Lawrence High School.

8 MR. ENGELMANN: Is that also in the City of
9 Cornwall.

10 C-6: It is - it was split into two schools
11 though. It was -- there was one on the corner, maybe
12 McConnell, and then they built a second school in the east
13 end of Cornwall. I went to that school after.

14 MR. ENGELMANN: And your schooling was in
15 English, sir?

16 C-6: English school.

17 MR. ENGELMANN: And then after your
18 schooling in Cornwall, you moved to Kingston and you
19 completed a college certificate there, at St. Lawrence?

20 C-6: I did, yes.

21 MR. ENGELMANN: And what was it in, sir?

22 C-6: In electronics; computer electronics,
23 specifically.

24 MR. ENGELMANN: And sir, I understand that
25 you've worked at several jobs since then?

1 C-6: I have.

2 MR. ENGELMANN: Longest one being at Digital
3 Equipment in Kanata?

4 C-6: That's correct; 18 years.

5 MR. ENGELMANN: And what did you do for
6 them?

7 C-6: I was a special computer technician.
8 I made custom computers for the military and the air force
9 and the Prime Minister's Office; for trucks and planes, so
10 customized computers.

11 MR. ENGELMANN: All right. Did you also
12 work for a company named DigiBus, after that?

13 C-6: Laidlaw. It's a bus company.

14 MR. ENGELMANN: Okay.

15 C-6: I worked for them, for a short time.

16 MR. ENGELMANN: And the Ontario Lottery
17 Corporation?

18 C-6: And then the Ontario Lottery
19 Corporation.

20 MR. ENGELMANN: And, sir ---

21 C-6: And now back to Laidlaw.

22 MR. ENGELMANN: I'm sorry?

23 C-6: I'm back to the original company, with
24 Laidlaw.

25 MR. ENGELMANN: All right. And sir, are you

1 currently unemployed?

2 C-6: No, I'm employed now.

3 MR. ENGELMANN: Okay, I'm sorry. And who
4 are you with now?

5 C-6: Laidlaw, again.

6 MR. ENGELMANN: And sir, I understand that -
7 --

8 C-6: Just so you know, I started this week,
9 so I haven't been there long.

10 MR. ENGELMANN: Okay.

11 THE COMMISSIONER: Good for you.

12 MR. ENGELMANN: Congratulations.

13 THE COMMISSIONER: So, can you help us with
14 the Lottery Corporation?

15 C-6: I could, yes.

16 I was a slot technician, so I took care of
17 the slot machines and computers.

18 THE COMMISSIONER: Okay, I thought maybe
19 with the jackpots the way they're having these days, maybe
20 we could ---

21 MR. ENGELMANN: We had some interesting
22 discussions about statistics in the slot machines.

23 C-6: Okay.

24 MR. ENGELMANN: And I'm glad I've never done
25 it, so we'll leave it there.

1 **THE COMMISSIONER:** Terrific.

2 **MR. ENGELMANN:** Sir, I understand that you
3 were married for some time?

4 **C-6:** I was; 18 years.

5 **MR. ENGELMANN:** And you were separated in or
6 around the mid '90s?

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

8 **MR. ENGELMANN:** And divorced after that?

9 **C-6:** Well, we didn't file for divorce, but
10 it was legal separation.

11 **MR. ENGELMANN:** Okay. Yes. And from that
12 marriage you had three children?

13 **C-6:** We had three children, yes.

14 **MR. ENGELMANN:** And what happened after the
15 separation, with the children?

16 **C-6:** The three children stayed with me, and
17 I -- full-time, so I raised three children on my own.

18 **MR. ENGELMANN:** Sir, I understand one of
19 your children now has a child of his or her own?

20 **C-6:** Correct; I'm a grandfather.

21 **MR. ENGELMANN:** Sir, I want to start with
22 the -- if I can, now, with the allegations with respect to
23 Marcel Lalonde.

24 **C-6:** Okay.

25 **MR. ENGELMANN:** Okay. Now, you've told us

1 you attended Bishop MacDonell School for Grades 7 and 8?

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

3 **MR. ENGELMANN:** Is that what you'd call a
4 middle school?

5 **C-6:** Yes.

6 **MR. ENGELMANN:** And was Mr. Lalonde one of
7 your teachers while you were at Bishop MacDonell School?

8 **C-6:** Yes, he was.

9 **MR. ENGELMANN:** And do you recall whether
10 that was in grade 7 or grade 8, or both?

11 **C-6:** Grade 8.

12 **MR. ENGELMANN:** Do you recall for what
13 subjects?

14 **C-6:** Home room, at least.

15 **MR. ENGELMANN:** Did you know him prior to
16 attending Bishop MacDonell School?

17 **C-6:** I did.

18 **MR. ENGELMANN:** Can you explain to us how
19 you knew him?

20 **C-6:** My older brother, Gary, was also in
21 his class before me, since he was a year-and-a-half older.
22 And he also -- Marcel also came to the house to help tutor
23 Gary.

24 **MR. ENGELMANN:** Was Gary a year ahead of you
25 at school or two years ahead of you at school? Do you

1 remember?

2 C-6: Just a year I think ahead of me.

3 MR. ENGELMANN: Okay. All right.

4 Because you're born at the end of May '57?

5 C-6: Correct.

6 MR. ENGELMANN: All right, and he's born ---

7 C-6: It'd be how many times you bailed ---

8 MR. ENGELMANN: So, he might have started
9 two years ahead of you, but finished one year ahead of you?

10 C-6: Right.

11 MR. ENGELMANN: All right. And so you knew
12 Mr. Lalonde because he had taught Gary -- he tutored Gary
13 at your home, the family home?

14 C-6: Yes.

15 MR. ENGELMANN: And did you know him from
16 any other -- through any other means?

17 C-6: Yes. I knew him from other students
18 and they went there -- he went to their house also, to
19 tutor.

20 MR. ENGELMANN: Did you know him at all from
21 church?

22 C-6: I knew him at church; I'd see him at
23 church. I was -- the understanding he was a deacon at St.
24 Columban's?

25 MR. ENGELMANN: All right. And you and your

1 family attended that church, St. Columbans?

2 C-6: Most of us?

3 MR. ENGELMANN: Okay. You did?

4 C-6: I did, and my mother.

5 MR. ENGELMANN: Can you tell us, sir, if you
6 ever attended at Marcel Lalonde's home?

7 C-6: I did, yes.

8 MR. ENGELMANN: Okay. And can you tell us
9 whether that was while you were at Bishop MacDonell school
10 or later?

11 C-6: I think it was later than Bishop
12 MacDonell.

13 MR. ENGELMANN: So you were no longer his
14 student at that time?

15 C-6: No.

16 MR. ENGELMANN: All right. And do you
17 recall whether you would have started -- did you attend
18 there on more than one occasion?

19 C-6: Yes, I did.

20 MR. ENGELMANN: Do you recall whether that
21 would have started in grade 9 or in grade 10?

22 C-6: That would be grade 9.

23 MR. ENGELMANN: And to your knowledge, were
24 there other students at about that age, attending at his
25 home?

1 C-6: Yes, there were lots of students that
2 went there.

3 MR. ENGELMANN: I'm sorry?

4 C-6: There were lots of other students that
5 went there.

6 MR. ENGELMANN: All right. And do have an
7 idea of the ages of the other students who used to go to
8 his home, in relation to yourself?

9 C-6: Yes. Same age as myself or a bit
10 younger.

11 MR. ENGELMANN: Would your brother ever go
12 there? Or do you know if he went there with you, ever?

13 C-6: Well, we went there once together. At
14 the end.

15 MR. ENGELMANN: That was later?

16 C-6: At the end, right.

17 MR. ENGELMANN: So the kids were about your
18 age or a bit younger.

19 C-6: Right.

20 MR. ENGELMANN: And what would you do at his
21 house? Why were people going there?

22 C-6: To play cards, hang around, have
23 something to drink, find something to do. He'd take us to
24 the drive-in, pack his car and trunk and under the seats
25 and go to the drive-in.

1 **MR. ENGELMANN:** So he'd hide you in the
2 trunk or under seats and take you to the drive-in?

3 **C-6:** Correct.

4 **MR. ENGELMANN:** And when you said you'd have
5 something to drink, what kind of things were you drinking?

6 **C-6:** We'd be drinking wine.

7 **MR. ENGELMANN:** Okay. Other alcohol as
8 well?

9 **C-6:** Other alcohol? No, wine specifically,
10 I remember.

11 **MR. ENGELMANN:** All right.

12 Did he always have wine at his place?

13 **C-6:** That I recall, yes.

14 **MR. ENGELMANN:** All right.

15 Now, you told us that you were sexually
16 abused. You've alleged that you were sexually abused by
17 Marcel Lalonde.

18 **C-6:** Yes.

19 **MR. ENGELMANN:** Can you tell us on how many
20 occasions?

21 **C-6:** I believe twice.

22 **MR. ENGELMANN:** Can you tell us where this
23 might have occurred?

24 **C-6:** My first time was at his apartment, a
25 small apartment upstairs.

1 **MR. ENGELMANN:** And the second time?

2 **C-6:** Sorry, I don't know the address. And
3 the second time was the same thing; it was a semi-detached
4 house where he rented an apartment there.

5 **MR. ENGELMANN:** So between the first and the
6 second time, he moved?

7 **C-6:** Yes, he moved.

8 **MR. ENGELMANN:** Okay. But both occasions,
9 it was at his residence?

10 **C-6:** Yes, both at his house.

11 **MR. ENGELMANN:** And did kids who were your
12 age attend both of those residences?

13 **C-6:** Only the first, that I know of, the
14 first residence. That's where we would all hang out, the
15 students that I knew.

16 **MR. ENGELMANN:** What about at the second
17 residence? Were you aware of others going there?

18 **C-6:** Not that I can recall.

19 **MR. ENGELMANN:** Can you very briefly tell us
20 what occurred there the first time that you say you were
21 sexually abused at the apartment upstairs?

22 **C-6:** Yes, the first time I went there just
23 to -- the first time it happened, I had been there before
24 with other people, and this time I went to see who was
25 there and what was going on, and there was no one there. I

1 was there alone.

2 MR. ENGELMANN: Did you expect other kids to
3 come?

4 C-6: I did.

5 MR. ENGELMANN: Okay. And what did you do
6 when you were there?

7 C-6: Mostly talked and we drank wine. So
8 we drank a bunch of wine. Then I didn't feel well, so I
9 went to bed and laid down. I woke up being assaulted, and
10 I was so drunk I had to vomit. So I vomited, and that's
11 about all I can pretty well recall.

12 MR. ENGELMANN: All right.

13 And the assault that you say was taking
14 place when you woke up, was that of a sexual nature?

15 C-6: Yes, it was in ---

16 MR. ENGELMANN: All right.

17 C-6: --- the bedroom.

18 MR. ENGELMANN: And do you recall -- so you
19 felt sick after that and you threw up?

20 C-6: I felt sick after drinking the wine.

21 MR. ENGELMANN: Yes.

22 C-6: It made me lay down, and while I was
23 laying down I was being assaulted.

24 MR. ENGELMANN: Okay. And you say you woke
25 up while this was happening?

1 **C-6:** Yes, I was laying down. When I woke
2 up, I was really feeling sick and I was undressed by then.
3 I just remember trying to open up the window to be sick
4 outside, and I was unable to open the window.

5 **MR. ENGELMANN:** Do you know how you got
6 undressed, sir, or who did that?

7 **C-6:** Yes, Marcel was undressing me, taking
8 off my belt, things like that to try and comfort me in my
9 sickness.

10 **MR. ENGELMANN:** You say you fell asleep on
11 the couch and then you woke up and he was doing something
12 to you?

13 **C-6:** On the bed, yes.

14 **MR. ENGELMANN:** Did you have occasion ever
15 to attend his apartment or his house after that?

16 **C-6:** I did go to his other house when he
17 had moved.

18 **THE COMMISSIONER:** And how much time would
19 there be between the first and the second assault,
20 ballpark?

21 **C-6:** Maybe within the year.

22 **THE COMMISSIONER:** Okay.

23 **C-6:** In a year.

24 **MR. ENGELMANN:** And can you tell us what
25 happened the second time?

1 C-6: I went there to drink, mostly, because
2 I knew there was alcohol there.

3 MR. ENGELMANN: Did he ---

4 C-6: After getting drunk, I know we were
5 sexually involved. He had taken some pictures with a
6 Polaroid of me while I was naked.

7 MR. ENGELMANN: Okay. So you remember he
8 did something to you? You say sexually involved, did he do
9 something to you when you were drunk?

10 C-6: Yes. He was performing fellatio.

11 MR. ENGELMANN: Okay. And he took your
12 picture as well?

13 C-6: He took my picture, yes.

14 MR. ENGELMANN: When you were naked?

15 C-6: Yes.

16 MR. ENGELMANN: Was he in the picture as
17 well or was it just a picture of you?

18 C-6: No, just a picture of me. He also
19 showed me a box of other pictures of a bunch of boys and
20 men, all naked. I didn't recognize really any of them. He
21 told me a couple of names that I did know from about, but
22 couldn't put the name and the picture together to say for
23 certain that was him in the picture.

24 MR. ENGELMANN: Had you had a fair bit to
25 drink that second time as well?

1 C-6: Yes.

2 THE COMMISSIONER: How old were you at that
3 time?

4 C-6: Fifteen (15) going on 16.

5 THE COMMISSIONER: M'hm. Okay.

6 MR. ENGELMANN: You were in high school?

7 C-6: Sixteen (16) or -- yes.

8 MR. ENGELMANN: Did you tell anybody about
9 what he did to you, either the first time or the second
10 time at around that time?

11 C-6: I didn't tell anyone the first time
12 what had happened. I had -- my brother had knowledge of
13 it.

14 MR. ENGELMANN: Okay. Well, let me just
15 stop you for a minute. You didn't tell anybody about the
16 first incident?

17 C-6: No.

18 MR. ENGELMANN: Did you tell anybody about
19 the second incident?

20 C-6: No.

21 MR. ENGELMANN: And I'm talking about near
22 the time it happened.

23 C-6: At the time, no, I didn't.

24 MR. ENGELMANN: All right.

25 And you say your brother knew about one or

1 both of them?

2 C-6: Yes.

3 MR. ENGELMANN: Why do you say that if you
4 didn't tell him?

5 C-6: Well, because my brother approached me
6 and him and I went to Marcel Lalonde's a third time I had
7 been there to confront -- he wanted to confront Marcel
8 Lalonde to leave me alone and to leave my family members
9 alone.

10 MR. ENGELMANN: Okay. So this time you're
11 describing, this would have been after the second ---

12 C-6: The second ---

13 MR. ENGELMANN: --- time when there's some
14 sexual act by Marcel Lalonde?

15 C-6: Correct.

16 MR. ENGELMANN: And you say your brother
17 confronted him?

18 C-6: He did.

19 MR. ENGELMANN: Were you there when he did
20 that?

21 C-6: I was, yes.

22 MR. ENGELMANN: And how did he confront him?
23 What did he ---

24 C-6: Well, he verbally threatened to -- you
25 know, physical harm if it didn't stop.

1 **MR. ENGELMANN:** Okay. Was there any other
2 sexual abuse or sexual assault after that?

3 **C-6:** No, there wasn't.

4 **MR. ENGELMANN:** Do you know how it was your
5 brother knew?

6 **C-6:** Yes, he said he came and got me the
7 first night that I had gotten drunk at his house.

8 **MR. ENGELMANN:** Okay. Had you ever talked
9 to your brother about what happened on that night?

10 **C-6:** Not specifically what happened, but he
11 actually told me that he knew what happened because of his
12 relationships with Marcel Lalonde. You know, he knew.

13 **MR. ENGELMANN:** All right.

14 **C-6:** And he was mad.

15 **MR. ENGELMANN:** Did you ever -- so he would
16 have indicated to you that Marcel did something to him as
17 well?

18 **C-6:** Yes.

19 **MR. ENGELMANN:** Was that later on or was
20 that at or around that time?

21 **C-6:** I can't recall if it was right then.

22 **MR. ENGELMANN:** Did he get into any details?

23 **C-6:** No.

24 **MR. ENGELMANN:** And did you get into any
25 details with him?

1 C-6: No.

2 MR. ENGELMANN: When did you first disclose
3 to anybody that you might have been abused by Marcel
4 Lalonde?

5 C-6: Well, I told my wife that ---

6 MR. ENGELMANN: Okay.

7 C-6: --- there was some involvement, not
8 too much, just -- you know, I had a relationship with my
9 teacher and a priest.

10 MR. ENGELMANN: You didn't get into the
11 details?

12 C-6: No.

13 MR. ENGELMANN: Okay. And did you describe
14 it as sexual abuse or do you remember?

15 C-6: I described it as sexual abuse.

16 MR. ENGELMANN: Sir, can you tell us when it
17 was you would have first spoken to anybody from a police
18 force about child sexual abuse dealing with Marcel Lalonde?

19 C-6: Yes, that is when I spoke to Constable
20 Rene Desrosiers with the Cornwall Police.

21 MR. ENGELMANN: Okay. My understanding,
22 sir, is that you gave a statement to the Cornwall Police on
23 February 3rd, 1997.

24 C-6: Correct.

25 MR. ENGELMANN: So that would have been many

1 years after this had happened to you?

2 C-6: Yes.

3 MR. ENGELMANN: Can you tell us why it is
4 you did not report that earlier?

5 C-6: Well, I was embarrassed. I didn't
6 want anyone to know. I felt it would make me a homosexual.
7 And even later on it was -- you know, I had children and a
8 family and more -- I felt more important things to take
9 care of at the time, with my children and family, and so --
10 -

11 THE COMMISSIONER: So what brought you --
12 how did you come around to go in to see the police?

13 C-6: Well, my brother Gary, like I said,
14 was involved and he was going and he was going to bring up
15 my name and he told me, this is the time to, you know open
16 up and go and see. So I knew I was going to be involved
17 anyways so I went down voluntarily before I was called up.

18 THE COMMISSIONER: So Gary told you that he
19 wanted to go to the police about Marcel?

20 C-6: Yes. My children are almost the same
21 age I was when the abuse happened. So I thought -- that
22 also had a reason why maybe I wanted to expose all these
23 things that happened to me, so.

24 MR. ENGELMANN: And had you read an article
25 at all or had you seen articles in the newspaper about

1 Marcel Lalonde at or about that time?

2 C-6: Yes, I had saw an article.

3 MR. ENGELMANN: Okay. So your brother told
4 you he is going to do it?

5 C-6: Correct.

6 MR. ENGELMANN: And how did that make you
7 feel about doing it yourself, talking to the police?

8 C-6: Good. I guess I started saying that
9 you know, it needed to be told and so when I started the
10 process it became easier to talk.

11 MR. ENGELMANN: Did you know any kids at
12 that time who were students of Marcel Lalonde's? And I'm
13 thinking back to early February, 1997.

14 C-6: I don't understand what you are asking
15 me, sorry.

16 MR. ENGELMANN: Did you know of any children
17 who were students of Marcel Lalonde's?

18 C-6: Oh, at that time?

19 MR. ENGELMANN: Yes.

20 C-6: Yes, we had a cousin in his class.

21 MR. ENGELMANN: All right.

22 Did that have any effect on your willingness
23 to come forward?

24 C-6: Yes, it did also because the fear of
25 the abuse continuing and the shame of -- it didn't come up

1 earlier and maybe stop it earlier.

2 **MR. ENGELMANN:** Okay. I am just going to
3 show you a statement then. It is document number 734204.

4 Madam Clerk, if that could be brought up on
5 the screen and a hard copy for the witness.

6 **THE COMMISSIONER:** So Exhibit 494 will be a
7 will-say statement taken February 3rd, 1997 from this
8 gentleman, C-6.

9 **--- EXHIBIT NO./PIÈCE NO P-494:**

10 (734204) Witness Statement C-6 w\ C.P.S.
11 dated 03 Feb 07

12 **MR. ENGELMANN:** So it is fine that it is on
13 the screen.

14 **THE COMMISSIONER:** Yes. Yes, it is.

15 **MR. ENGELMANN:** There is a publication ban
16 as I have indicated on C-6's name as we speak, but that
17 could change during the course of the day.

18 So, sir, this is a statement -- is this a
19 statement that you give to Constable Rene Desrosiers of the
20 Cornwall Police Service?

21 **C-6:** It is.

22 **MR. ENGELMANN:** And you are there with your
23 brother; correct, at the police station?

24 **C-6:** Yes, we went down together.

25 **MR. ENGELMANN:** All right.

1 And who arranged for the meeting; was that
2 you or your brother?

3 **C-6:** My brother Gary.

4 **MR. ENGELMANN:** Okay. So he had dealt with
5 the police beforehand to set this up?

6 **C-6:** To call, yes.

7 **MR. ENGELMANN:** All right.

8 And when you were interviewed, were you
9 interviewed separately or together?

10 **C-6:** Individually.

11 **MR. ENGELMANN:** All right.

12 And before you were interviewed, did you go
13 into any of these details with your brother?

14 **C-6:** No, I did not.

15 **MR. ENGELMANN:** And did he go into his
16 details with you?

17 **C-6:** No.

18 **MR. ENGELMANN:** All right.

19 I just want to ask you a few questions about
20 this allegation at that time.

21 When you saw the Cornwall Police on February
22 3, 1997 did you have any issue with who the alleged
23 perpetrator was?

24 **C-6:** No, I did not.

25 **MR. ENGELMANN:** And did you have any issue

1 about where the alleged abuse took place?

2 C-6: No.

3 MR. ENGELMANN: And that was in the City of
4 Cornwall?

5 C-6: Yes.

6 MR. ENGELMANN: And did you have any issue
7 about the -- when it actually took place?

8 C-6: Yes.

9 MR. ENGELMANN: Okay. Did you know
10 approximately when it took place, in your mind?

11 C-6: Yes, a little bit.

12 MR. ENGELMANN: You knew you were in high
13 school.

14 C-6: Yes.

15 MR. ENGELMANN: And you knew it was after
16 you had had him as a teacher?

17 C-6: After, yes.

18 MR. ENGELMANN: And you knew you were
19 presumably drinking under aged?

20 C-6: Yes.

21 MR. ENGELMANN: Okay. And did you have any
22 issues or concerns about how many times this had occurred?

23 Do you understand the question?

24 C-6: No.

25 MR. ENGELMANN: Did you have any doubts or

1 any issues with how many times?

2 C-6: Oh, twice you mean. Yes.

3 MR. ENGELMANN: You knew that?

4 C-6: Yes.

5 MR. ENGELMANN: And this statement deals
6 with the allegations against Marcel Lalonde?

7 C-6: Yes.

8 MR. ENGELMANN: And, there was a tape that
9 recorded the statement. Is that correct?

10 C-6: Correct.

11 MR. ENGELMANN: Did you, at that time, talk
12 to Rene Desrosiers about anything else other than Marcel
13 Lalonde?

14 C-6: I did. I mentioned Father Charles,
15 abuse I had with Father Charles.

16 MR. ENGELMANN: All right.

17 Did you do that while the audio tape was on,
18 or before or after, or do you remember?

19 C-6: No, I would do that after. I did that
20 after.

21 MR. ENGELMANN: And did you know Constable
22 Desrosiers?

23 C-6: I did, yes.

24 MR. ENGELMANN: And how did you know him?

25 C-6: I know him from growing up in Cornwall

1 and playing sports.

2 MR. ENGELMANN: Was he about your age?

3 C-6: He's a little older. He is more my
4 brother's Gary's age.

5 MR. ENGELMANN: All right.

6 So a couple of years older?

7 C-6: Yes.

8 MR. ENGELMANN: And did he take a statement
9 from you then about your allegations against Father
10 Charlie?

11 C-6: No, he did not.

12 MR. ENGELMANN: Okay. Do you remember how
13 those allegations were left; about what would happen with
14 them?

15 C-6: I just assumed they would be passed
16 on. He made note of it and told me that there was another
17 group involved, another group that would take care of this,
18 Father Charles.

19 MR. ENGELMANN: Did he say another police
20 force, or do you remember?

21 C-6: I don't know if he said another police
22 force or a certain person or ---

23 MR. ENGELMANN: Okay. But someone else was
24 going to take care of it?

25 C-6: Yes.

1 **MR. ENGELMANN:** All right.

2 **C-6:** And at the time I remember thinking
3 well, because one was in Cornwall, one was in some area of
4 Quebec or another part of Ontario, so they didn't relate.

5 **MR. ENGELMANN:** Hang on. Sir, the -- and we
6 will come to this. But the alleged abuse by Father Charlie
7 with respect to you ---

8 **C-6:** Yes.

9 **MR. ENGELMANN:** --- did that take place in
10 the City of Cornwall?

11 **C-6:** It did, yes.

12 **MR. ENGELMANN:** All right.

13 **C-6:** But they -- other people that were
14 accusing him were in different areas.

15 **MR. ENGELMANN:** So other people who were
16 accusing Father Charlie?

17 **C-6:** I thought it was a divisional thing
18 why it was split up.

19 **MR. ENGELMANN:** All right.

20 Do you ---

21 **C-6:** Because this police force was in this
22 area and this police force was in Cornwall.

23 **MR. ENGELMANN:** Do you remember what
24 Constable Desrosiers said to you or are you just
25 speculating about what he might have said at this point?

1 C-6: I'm not saying he said that. That was
2 my understanding ---

3 MR. ENGELMANN: Oh.

4 C-6: --- when I left.

5 MR. ENGELMANN: All right.

6 But he told you someone else would be
7 dealing with it?

8 C-6: Yes.

9 MR. ENGELMANN: All right.

10 And why did you bring up Father Charlie
11 after you had talked to him about Marcel Lalonde? Had you
12 ever brought him up before?

13 C-6: No. It seemed like the time to
14 address it and get everything out at once. No use talking
15 about one thing and then keeping something else in the
16 closet.

17 MR. ENGELMANN: All right.

18 It had taken you a long time to come out and
19 talk about Marcel Lalonde?

20 C-6: Right. So I wanted to talk about
21 everything else.

22 THE COMMISSIONER: Sorry, did your brother
23 know about your allegations about Father MacDonald?

24 C-6: No.

25 THE COMMISSIONER: Well, first of all,

1 Father Charlie ---

2 C-6: Before going down, no.

3 THE COMMISSIONER: Father Charlie you're
4 referring to is Father Charles MacDonald?

5 C-6: Yes.

6 THE COMMISSIONER: Okay. Did your brother
7 know anything about that?

8 C-6: Not before we went to Cornwall.

9 THE COMMISSIONER: So on your way down to
10 the Cornwall Police, he wouldn't have known that you were
11 going to talk about Father MacDonald?

12 C-6: No, I don't ---

13 THE COMMISSIONER: All right.

14 C-6: No.

15 THE COMMISSIONER: Okay. Thank you.

16 Go ahead.

17 MR. ENGELMANN: Did he later find out that
18 you had an allegation against Father Charles MacDonald?

19 C-6: He did.

20 MR. ENGELMANN: Okay. Do you know if that
21 was later that same year when you spoke to the OPP about
22 your allegations against Father MacDonald or some other
23 time?

24 C-6: I'm not sure when Gary found out.

25 MR. ENGELMANN: All right.

1 **THE COMMISSIONER:** Well, you -- on the way
2 out of the station, did you have a chance to talk to him
3 and did you tell him then?

4 **C-6:** Actually when we left the station
5 after our statement, we went down to the General Hospital
6 at the gas station there and we just pounded the daylights
7 out of each other.

8 **THE COMMISSIONER:** As in?

9 **C-6:** We were just so all physical. The guy
10 at the gas station had to call the police, and that's when
11 we both got up and ran away. But we were in a fist to
12 cuffs. We were just so stressed.

13 **THE COMMISSIONER:** M'hm. Okay.

14 **MR. ENGELMANN:** Do you remember what caused
15 the fight?

16 **C-6:** Yeah, I think I was made at him for
17 dragging me into all of this.

18 **THE COMMISSIONER:** I see. Okay.

19 **MR. ENGELMANN:** I'm sorry; I didn't hear
20 that.

21 **THE COMMISSIONER:** He was mad ---

22 **C-6:** I was kind of mad at him for dragging
23 me into all of this. So we had a good fight there.

24 **MR. ENGELMANN:** Did you talk to your brother
25 Gary about what you had told Constable Desrosiers and vice

1 versa?

2 **C-6:** No.

3 **MR. ENGELMANN:** Were you told anything by
4 Constable Desrosiers about talking to others?

5 **C-6:** Yes. We weren't allowed to speak to
6 each other about details and aspects of the ---

7 **MR. ENGELMANN:** And did you respect ---

8 **C-6:** Our ---

9 **MR. ENGELMANN:** Did you respect ---

10 **C-6:** --- statements.

11 **MR. ENGELMANN:** I'm sorry?

12 **C-6:** We weren't allowed to talk about our
13 aspects of our statements or details of anything else.

14 **MR. ENGELMANN:** Did you respect that
15 request?

16 **C-6:** I did, yes.

17 **MR. ENGELMANN:** To your knowledge, did your
18 brother?

19 **THE COMMISSIONER:** He means vis-à-vis you.
20 Yes.

21 **C-6:** To me, yes.

22 **MR. ENGELMANN:** Fair enough.

23 Now, was there some -- let's just deal with
24 the Lalonde allegations. Was there some -- I understand
25 there was some follow-up by Constable Desrosiers around

1 April 1st of 1997.

2 C-6: Yes.

3 MR. ENGELMANN: I'll just be a moment.

4 (SHORT PAUSE/COURTE PAUSE)

5 THE COMMISSIONER: Can I help you with
6 anything?

7 C-6: Everyone else go out?

8 THE COMMISSIONER: Yes, they did.

9 C-6: Okay.

10 MR. ENGELMANN: If the witness could be
11 shown 734233 document number, and it's a will-say statement
12 of Constable Desrosiers dated April 30th, 1997. I know this
13 isn't his document but it refers to a meeting and I thought
14 I would take him there.

15 --- EXHIBIT NO./PIÈCE NO. P-495:

16 (734233) Witness Statement by Rene
17 Desrosiers dated 30 Apr 97.

18 THE COMMISSIONER: M'hm.

19 MR. ENGELMANN: Perhaps just while we're
20 waiting, do you remember what you would have done that
21 time, April 1st, the meeting with Constable Desrosiers?

22 C-6: Drove around town, pointed out some of
23 the addresses that Marcel Lalonde lived at.

24 MR. ENGELMANN: All right.

25 So this was a second meeting with him and

1 you remember going around Cornwall showing him where Marcel
2 Lalonde lived?

3 **C-6:** Yes, my brother and I together.

4 **MR. ENGELMANN:** Okay.

5 **THE COMMISSIONER:** Wait a minute. Wait a
6 minute. Who is this statement from?

7 **MR. ENGELMANN:** This is a will-say from the
8 police officer, sir.

9 **THE COMMISSIONER:** Which one?

10 **MR. ENGELMANN:** Constable Desrosiers.

11 We've got the wrong document on the screen.
12 Sorry. Maybe I gave the wrong number, 734233, not 223.

13 **THE COMMISSIONER:** Can you take these back
14 now please, Madam Clerk.

15 **MR. ENGELMANN:** My apology. I probably said
16 the number wrong, 734233.

17 **THE COMMISSIONER:** All right.

18 So this is a statement from Rene Desrosiers,
19 Constable, taken April 30th, 1997.

20 **MR. ENGELMANN:** I think that's when he
21 prepared this document. That would be my guess.

22 **THE COMMISSIONER:** Okay.

23 **MR. ENGELMANN:** If we could turn to the
24 third page, which is Bates number 7134576. You'll see sir
25 about six lines down, it says "On April 1st..." I'll just

1 have you take a look at that. It appears to confirm that
2 you and your brother were with Constable Desrosiers on that
3 day.

4 C-6: Yes.

5 MR. ENGELMANN: And it suggests that you
6 were directed to a residence at 12-A Baldwin.

7 C-6: Yes.

8 MR. ENGELMANN: And then again you directed
9 him to another address at 23 Duncan, as being the two
10 places where you had been sexually abused or sexually
11 assaulted.

12 C-6: Yes.

13 MR. ENGELMANN: And it appears as well
14 there's a reference to you being asked to pick him out of a
15 photo line up, a photo line up for Marcel Lalonde. Do you
16 remember doing that?

17 C-6: Yes, I did that, yes.

18 MR. ENGELMANN: All right.

19 Thank you. That's all I had from that
20 document, sir.

21 Do you recall, sir, whether you were
22 notified about a month later by someone from the Cornwall
23 police that Mr. Lalonde had, in fact, been arrested?

24 C-6: Yes, I was notified.

25 MR. ENGELMANN: Do you remember how you were

1 notified?

2 **C-6:** No, maybe via Gary. A lot of the
3 information and contacts we were doing together. So
4 instead of calling us both they would call Gary and Gary
5 would tell me, or if they contacted me first I would tell
6 Gary they arrested or charged Marcel Lalonde.

7 **MR. ENGELMANN:** Were you ever advised that
8 the Cornwall Police Service conducted a search of Mr.
9 Lalonde's homes to find photographs and a Polaroid camera?

10 **C-6:** Yes, I think so. Yes.

11 **MR. ENGELMANN:** Okay. Sir, with respect to
12 this matter you've talked to us about two meetings with
13 Constable Desrosiers ---

14 **C-6:** Yes.

15 **MR. ENGELMANN:** --- about the Marcel Lalonde
16 allegations. I understand that there was a preliminary
17 inquiry dealing with the Lalonde prosecution on January
18 14th, 1998. And just to refresh your memory about timing
19 that would have been right after the big ice storm here in
20 eastern Ontario.

21 **C-6:** Yes, correct.

22 **MR. ENGELMANN:** Does that seem about right
23 as far as dates?

24 **C-6:** Yes. We were here when the power was
25 out.

1 **MR. ENGELMANN:** All right.

2 And do you remember whether or not you met
3 with a Crown attorney or Crown prosecutor the day before
4 your preliminary inquiry?

5 **C-6:** Yes.

6 **MR. ENGELMANN:** Okay. And do you remember
7 whether that was a man or a woman -- the day before the
8 preliminary inquiry dealing with Marcel Lalonde?

9 **THE COMMISSIONER:** If you don't know the
10 answer, you can say you don't know.

11 **MR. ENGELMANN:** It's fine if you don't.

12 **C-6:** I don't.

13 **MR. ENGELMANN:** I understand from some notes
14 that the prosecutor's name was Claudette Wilhelm.

15 **C-6:** Okay.

16 **THE COMMISSIONER:** Does that ring a bell?

17 **C-6:** Yes.

18 **MR. ENGELMANN:** That name seems somewhat
19 familiar?

20 **C-6:** Yes.

21 **MR. ENGELMANN:** Okay. And do you know for -
22 - do you have some recollection as to why you were meeting
23 with her the day before the preliminary inquiry?

24 **C-6:** To go over my statement.

25 **MR. ENGELMANN:** Okay. And do you actually

1 remember doing that with her?

2 C-6: Barely. I was just in the room next.
3 It would have been the room -- one of the little offices
4 there. We had met before and ---

5 MR. ENGELMANN: And that was here in the
6 City of Cornwall?

7 C-6: It was, yes.

8 MR. ENGELMANN: All right.

9 Sorry, had you met with her before that as
10 well, or do you remember?

11 C-6: I don't remember meeting her too much
12 at all.

13 MR. ENGELMANN: Okay. But you do remember
14 meeting the day before the preliminary?

15 C-6: Yes.

16 MR. ENGELMANN: All right.

17 And do you have some recollection as to how
18 long the meeting was?

19 C-6: No.

20 MR. ENGELMANN: Do you remember anything
21 about what was discussed other than your statement?

22 C-6: No, just what to expect in my
23 statement.

24 MR. ENGELMANN: Okay. Were you told
25 something about the process and procedure for a preliminary

1 inquiry?

2 C-6: Yes.

3 MR. ENGELMANN: And can you remember, sir,
4 if you would have asked any questions about the
5 proceedings, the proceedings dealing with Marcel Lalonde
6 and proceedings dealing with Father Charlie MacDonald and
7 whether or not they should be dealt with together or
8 separately?

9 C-6: Yes, I was hoping it would be all done
10 at once and together.

11 MR. ENGELMANN: Is that what you wanted?

12 C-6: That's what I wanted.

13 MR. ENGELMANN: And did you ask them why
14 they weren't being done together?

15 C-6: Yes, I did.

16 MR. ENGELMANN: And do you remember what you
17 were told?

18 C-6: They were separate cases and they were
19 being handled by different divisions or, again, different -
20 --

21 MR. ENGELMANN: Why did you want them
22 together?

23 C-6: Well, they were both associated with
24 me. I had to -- I'm a victim for both. They both were at
25 the church, one a deacon, one a priest, the other one --

1 you know, they're both family friends. They knew my
2 mother, my brother. They had been over to the house and I
3 assumed they knew each other quite well.

4 **MR. ENGELMANN:** So Father MacDonald had been
5 to the house as well, your home?

6 **C-6:** No, Marcel Lalonde had been to the
7 home.

8 **MR. ENGELMANN:** All right.

9 **C-6:** Charles, I can't remember if he had
10 ever been there for -- I don't think so.

11 **MR. ENGELMANN:** But your mother knew him as
12 well?

13 **C-6:** Yes.

14 **MR. ENGELMANN:** Okay. And did they ---

15 **C-6:** We also owned a store which we also
16 lived in, so a lot of people, you know, would also come to
17 the store, the family members. And the church was only
18 blocks away, so, you know, to have them come into the store
19 and buy something and chat.

20 **MR. ENGELMANN:** Do you remember if anybody
21 explained to you that there was a series of alleged victims
22 for Father MacDonald and another series for Marcel Lalonde
23 and why they had to be done separately?

24 **C-6:** Not really. I didn't have a good
25 understanding of why.

1 **MR. ENGELMANN:** All right.

2 Now, you testified at a preliminary inquiry
3 on January 14th, 1998; is that correct?

4 **C-6:** Yes.

5 **THE COMMISSIONER:** We'll have to stop for
6 lunch soon, Mr. Engelmann.

7 **MR. ENGELMANN:** Okay. I won't be much
8 longer.

9 **THE COMMISSIONER:** Okay.

10 **MR. ENGELMANN:** If the witness could be
11 shown Document Number 117080?

12 **THE COMMISSIONER:** All right. This is a
13 transcript of a preliminary inquiry, Volume 2. Where's the
14 date? January 14th, 1998.

15 **MR. ENGELMANN:** Sorry, sir, I've lost track
16 of the numbers.

17 **THE COMMISSIONER:** Four-nine-six (496).

18 **MR. ENGELMANN:** Four-nine-six (496)?

19 **--- EXHIBIT NO./PIÈCE NO. P-496:**

20 (117080) C-6 Preliminary Inquiry Vol 2 dated
21 14 January 1998.

22 **MR. ENGELMANN:** Mr. XXXXXXXX -- shoot, I'm
23 sorry. If that could just be taken off? I wasn't
24 expecting ---

25 **C-6:** It's all right.

1 **MR. ENGELMANN:** I apologize.

2 Sir, if you could look at Bates page
3 1108953, it's page 88 of the transcript?

4 **THE COMMISSIONER:** That's good.

5 **MR. ENGELMANN:** It appears you were called
6 as a witness in the afternoon of the 14th of January? Do
7 you have that page, sir? It's up on the screen.

8 **C-6:** Yes.

9 **MR. ENGELMANN:** And you were asked a number
10 of questions by a Claudette Wilhelm who was the Crown
11 prosecutor?

12 **C-6:** Yes.

13 **MR. ENGELMANN:** And she had met with you the
14 day before. All right.

15 And, sir, you describe, do you not, some
16 background knowledge of Mr. Lalonde; for example, on page
17 91 of the transcript, Bates page 1108956?

18 **C-6:** Yes.

19 **MR. ENGELMANN:** And you describe a couple of
20 pages later at 1108958 why you and other kids would go over
21 there?

22 **C-6:** Yes.

23 **MR. ENGELMANN:** And again on the following
24 page where his apartment was located for the first
25 allegation?

1 C-6: Correct.

2 MR. ENGELMANN: And then again the next
3 page, 1108960, that you were offered some wine and you
4 drank wine together, and it goes on.

5 C-6: Yes.

6 MR. ENGELMANN: You told us that you didn't
7 have any issues or concerns about who the alleged
8 perpetrator was; where the alleged abuse took place; how
9 many times it happened. But you had some concerns about
10 the exact dates. Do you recall if there were questions or
11 you were offered any assistance to try and help refresh
12 your memory about those dates, just if you can recall, sir?

13 C-6: Yes. Not through the Crown, no.

14 MR. ENGELMANN: You can't recall.

15 And do you know -- you talked to us about a
16 meeting with the prosecutor -- and we've determined that it
17 was Claudette Wilhelm -- the day before the preliminary
18 inquiry. Do you remember if you met with her again before
19 the trial?

20 C-6: I can't recall if I met with her.

21 MR. ENGELMANN: All right.

22 You did have to testify again though, sir,
23 at the trial of Marcel Lalonde?

24 THE COMMISSIONER: Could you perhaps help
25 him with a date or something?

1 C-6: Yes.

2 THE COMMISSIONER: Why don't we stop there
3 for lunch?

4 MR. ENGELMANN: Yes, that would be just
5 fine, sir. Thanks.

6 THE COMMISSIONER: Sir, we're going to take
7 the lunch break. We'll come back at two o'clock, and in
8 the meantime, please don't discuss your evidence with
9 anyone, and we'll come back promptly at 2:00. All right?

10 C-6: Okay.

11 THE COMMISSIONER: Thank you.

12 THE REGISTRAR: Order; all rise. À l'ordre;
13 veuillez vous lever.

14 --- Upon recessing at 1:55 p.m./

15 L'audience est suspendue à 13h55

16 --- Upon resuming at 2:05 p.m./

17 L'audience est reprise à 14h05

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

20 The hearing is now resumed. Please be
21 seated. Veuillez vous asseoir.

22 C-6, Resumed/Sous affirmation solennelle:

23 THE COMMISSIONER: Mr. Engelmann.

24 Good afternoon, sir. How are you doing?

25 C-6: Good.

1 **THE COMMISSIONER:** Good.

2 If at any time during the afternoon you wish
3 to break, we will be taking one a little later on, but if
4 you want one before, let me know. If there's anything that
5 you don't understand, just let me know. All right?

6 **C-6:** Okay. Thanks.

7 **THE COMMISSIONER:** Thank you.

8 **MR. ENGELMANN:** Good afternoon, Mr.
9 Commissioner.

10 **THE COMMISSIONER:** Good afternoon, sir.

11 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
12 **ENGELMANN (cont'd/suite):**

13 **MR. ENGELMANN:** Good afternoon, sir. I'm
14 still going to call you "sir". We still have a publication
15 ban issue as far as I know.

16 **C-6:** Okay.

17 **MR. ENGELMANN:** We'll just keep -- if I'm
18 referring to you, it will be as C-6. I can't use your
19 name.

20 **C-6:** Okay.

21 **MR. ENGELMANN:** So I was talking to you
22 about the Marcel Lalonde trial, and you would have
23 testified at a preliminary inquiry for Marcel Lalonde ---

24 **C-6:** M'hm.

25 **MR. ENGELMANN:** --- back in January of 1998,

1 just after the ice storm?

2 C-6: Yes.

3 MR. ENGELMANN: Then -- and we'll come to
4 this later -- you testified at a preliminary inquiry in
5 March of 1999, as did others, and that was dealing with
6 Charles MacDonald?

7 C-6: Yes.

8 MR. ENGELMANN: And then in the fall of
9 2000, there would have been a trial dealing with Marcel
10 Lalonde; right?

11 C-6: Correct.

12 MR. ENGELMANN: And we don't have a
13 transcript of that trial, sir. You had asked a question
14 about when.

15 THE COMMISSIONER: M'hm.

16 MR. ENGELMANN: It appears it was starting
17 in September of 2000, but we know that the Reasons for
18 Judgment were issued orally by Justice Métivier on November
19 17th, 2000.

20 THE COMMISSIONER: Okay.

21 MR. ENGELMANN: So I simply wanted to ask,
22 sir, if you recall, during the fall of the year 2000, in
23 the summer/fall of the year 2000, and this was just before
24 and during the trial dealing with Marcel Lalonde, whether
25 you were offered some form of witness support service?

1 C-6: I can't recall if I was offered it
2 right there, but I have been offered support at different
3 times.

4 MR. ENGELMANN: Okay.

5 C-6: Which I felt I didn't need and I
6 didn't accept at the time.

7 MR. ENGELMANN: All right.

8 So you were offered some witness support
9 service either that fall with the Marcel Lalonde trial or
10 perhaps even earlier with the Charles MacDonald
11 preliminary?

12 C-6: Correct.

13 MR. ENGELMANN: All right.

14 And would you have been told about the
15 availability of counseling services?

16 C-6: Yes, probably.

17 MR. ENGELMANN: Right.

18 Do you recall being advised of some
19 counseling services?

20 C-6: Yes, I've always been aware counseling
21 has been available.

22 MR. ENGELMANN: Okay. And might you have
23 also been told about a project here in the Cornwall area
24 for male survivors known as the Men's Project?

25 C-6: I knew about it, yes.

1 **MR. ENGELMANN:** Okay. Did you take
2 advantage of any of that counseling at that time?

3 **C-6:** No, I did not.

4 **MR. ENGELMANN:** All right.

5 Have you recently decided to have some
6 counseling or take some counseling as a result?

7 **C-6:** Yes, I have recently, yes.

8 **MR. ENGELMANN:** Okay. And that is with
9 respect to your allegations of child sexual abuse and
10 fallout from that?

11 **C-6:** That's correct, yes.

12 **MR. ENGELMANN:** Okay. And, sir, that's
13 within the last year or so?

14 **C-6:** Yes.

15 **MR. ENGELMANN:** Now, do you recall, sir, if
16 you were present in court when the judge read the decision
17 in the Marcel Lalonde case?

18 **C-6:** I was not, no.

19 **MR. ENGELMANN:** All right.

20 If the witness could be shown Document
21 Number 104148?

22 **THE COMMISSIONER:** No, that's not in there
23 yet, sir. It's a new one coming up.

24 **C-6:** Yes. I have to wait.

25 **MR. ENGELMANN:** Mr. Commissioner, it's an

1 extract from proceedings at trial, Reasons for Judgment --

2 -

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

4 **MR. ENGELMANN:** --- of the Honourable Madam
5 Justice Métivier. It was delivered orally on November 17th,
6 2000 at Cornwall, Ontario.

7 **THE COMMISSIONER:** Thank you. Exhibit 497
8 then.

9 **MR. ENGELMANN:** Thank you.

10 **--- EXHIBIT NO./PIÈCE NO. P-497:**

11 (104148) C-6 Extract from proceedings at
12 trial - Reasons for judgment dated 16 March
13 2001.

14 **MR. ENGELMANN:** Sir, just to explain what
15 you're looking at, I'm not sure if you've seen this
16 document before, but this is a copy of a transcript from
17 Reasons for Judgment of Justice Métivier.

18 **C-6:** Right. No, I have not read this
19 document.

20 **MR. ENGELMANN:** All right.

21 Would you have been provided a copy of this
22 document by the Crown Prosecutor's Office, police office at
23 or around this time in the fall of 2000?

24 **C-6:** No, not this document.

25 **MR. ENGELMANN:** Okay. You were never

1 provided with a copy of this?

2 C-6: No.

3 MR. ENGELMANN: All right.

4 Sir, the reference -- there were several
5 complainants in the Marcel Lalonde case. Do you remember
6 that?

7 C-6: Yes.

8 MR. ENGELMANN: Including you and your
9 brother?

10 C-6: Yes.

11 MR. ENGELMANN: And you were aware that with
12 several of them there were findings of guilt?

13 C-6: Yes.

14 MR. ENGELMANN: Including your brother?

15 C-6: Yes.

16 MR. ENGELMANN: Your brother is a victim of
17 Marcel Lalonde?

18 C-6: Right. I was aware of my brother's,
19 but not what the outcome was for all the other people that
20 were accusing.

21 MR. ENGELMANN: All right.

22 And you were aware that with your two
23 counts, he was found not guilty?

24 C-6: Correct.

25 MR. ENGELMANN: All right. And how did you

1 become aware of that, sir? Was that through your brother
2 or it was through a police officer?

3 **C-6:** Yes, it was through my brother. No,
4 it was through my brother Gary.

5 **MR. ENGELMANN:** All right. Sir, starting on
6 page 9 of the decision, it's Bates page 1024469, at the
7 last paragraph. You'll see she starts her Reasons for
8 Judgment dealing with Counts Numbers 5 and 6 that relate to
9 incidents involving yourself. Do you see that?

10 **C-6:** Sorry, I was reading this.

11 **MR. ENGELMANN:** Yes, the bottom of page 9 of
12 the Reasons.

13 **C-6:** Okay.

14 **MR. ENGELMANN:** And over the next page and a
15 half, she talks about that. We'll certainly make a copy of
16 this available for you to read, sir, but this sets out why
17 she made the finding she did with respect to the charges
18 that involved you.

19 **C-6:** Okay.

20 **MR. ENGELMANN:** And if you'll note, sir, at
21 the bottom of page 11, right at the bottom, she starts a
22 line -- and I'm not going to read it -- that says -- sorry,
23 it's Bates page 1024471.

24 **THE COMMISSIONER:** Page 11 of the judgment.
25 Okay.

1 **MR. ENGELMANN:** If you want to read that
2 onto the next page, sir that will give you some explanation
3 for her finding.

4 **C-6:** Okay. Fine.

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

6 **C-6:** Okay. I've read it.

7 **MR. ENGELMANN:** Sir, I'm just wondering, did
8 anyone ever explain to you what that meant, to have to
9 prove someone guilty beyond a reasonable doubt?

10 **C-6:** No one explained it to me. I thought
11 I understood what it meant.

12 **MR. ENGELMANN:** Okay. All right. Now, sir,
13 we know that a few months later on April 12th, 2000 -- oh
14 geez, a few months later. I think it was -- I may have my
15 dates wrong -- April 12th, I think, of the year 2000 -- no,
16 sorry, 2001, the following year, Mr. Lalonde was sentenced.

17 Were you advised of that date, to your
18 knowledge, sir?

19 **C-6:** Yes, I knew he was sentenced.

20 **MR. ENGELMANN:** All right.

21 And were you present for that sentencing?

22 **THE COMMISSIONER:** Did you go to court?

23 **C-6:** No, I didn't.

24 **MR. ENGELMANN:** All right.

25 Do you know if you were asked to fill out --

1 no, you wouldn't have been asked, sorry -- a victim impact
2 statement. It would only be those where there was a
3 finding of guilt.

4 Okay. So you were made aware of court
5 dates?

6 **C-6:** Yes.

7 **MR. ENGELMANN:** And would you have had some
8 contact from police officers or victim witness support
9 advising you of dates for court hearings?

10 **C-6:** It seems so, that I got called and
11 told when it was happening.

12 **MR. ENGELMANN:** All right.

13 And your brother Gary was keeping you
14 informed as well?

15 **C-6:** Yes.

16 **MR. ENGELMANN:** Do you recall if, for
17 example, Constable Desrosiers from the Cornwall Police
18 Service may have called you to tell you that on November
19 17th, 2000 that the judge was going to be reading her
20 decision? Do you have any recollection of that?

21 **C-6:** Not offhand, no.

22 **MR. ENGELMANN:** Okay. I'd like to ask you a
23 few questions then about your allegations of abuse against
24 Father Charles MacDonald.

25 **C-6:** Okay.

1 **MR. ENGELMANN:** And just before I do, sir, I
2 think you indicated to us that you and your mother
3 regularly attended St. Columban's Church.

4 **C-6:** Yes.

5 **MR. ENGELMANN:** Did any of your other family
6 members attend on a regular basis?

7 **C-6:** Yes, my brother and sister also on the
8 upper side.

9 **MR. ENGELMANN:** All right.
10 So of the first four siblings?

11 **C-6:** Yes.

12 **MR. ENGELMANN:** Three of the four of you?

13 **C-6:** Yes.

14 **MR. ENGELMANN:** And were you the only one
15 that was an altar boy ---

16 **C-6:** Yes.

17 **MR. ENGELMANN:** --- or were there others?

18 **C-6:** I was the only altar boy.

19 **MR. ENGELMANN:** Okay. And both before being
20 an altar boy and while an altar boy, did you attend church
21 regularly?

22 **C-6:** Yes.

23 **MR. ENGELMANN:** And you would have seen
24 Father Charles MacDonald at church on a fairly regular
25 basis for some of that time?

1 C-6: Yes.

2 MR. ENGELMANN: And would you have seen
3 Marcel Lalonde at that church over some period of time as
4 well?

5 C-6: Yes.

6 MR. ENGELMANN: And the allegation of abuse,
7 and I think you told us there was one -- sorry, was there
8 one or more times when you allege that Father MacDonald
9 abused you?

10 C-6: Just one.

11 MR. ENGELMANN: All right.

12 And where you an altar boy when that
13 happened, sir?

14 C-6: Yes, I was.

15 MR. ENGELMANN: Now, you made a statement, I
16 believe, to the Ontario Provincial Police ---

17 C-6: I did, yes.

18 MR. ENGELMANN: --- about your allegation?

19 C-6: Yes.

20 MR. ENGELMANN: And was that statement, in
21 fact, videotaped, sir?

22 C-6: It was, yes.

23 MR. ENGELMANN: All right.

24 If the witness could be shown Document
25 Number 709963. Mr. Commissioner, it's a videotaped

1 interview report with C-6. It's dated October 3rd, 1997.

2 If it can be our next exhibit, sir?

3 **THE COMMISSIONER:** Certainly.

4 So this was done in October of 1997?

5 **MR. ENGELMANN:** That's correct, sir, October
6 3rd.

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

8 **MR. ENGELMANN:** Is that Exhibit 497 or 98?

9 **THE COMMISSIONER:** That's 98 -- I'm sorry;
10 no, what are we talking about now?

11 **MR. ENGELMANN:** This document.

12 **THE COMMISSIONER:** Right. I'm sorry. It's
13 Exhibit 498. I thought you were referring to the dates of
14 the interview.

15 **MR. ENGELMANN:** Sorry.

16 **THE COMMISSIONER:** No, no, it's my mistake.

17 **---EXHIBIT NO./PIECE NO P-498:**

18 (709963) C-6 Video Taped Interview C-6 w\
19 O.P.P. dated 29 May 1997

20 **MR. ENGELMANN:** Now, sir, just before I ask
21 you about the interview, you told us that you had first
22 informed a member of the Cornwall Police Service about the
23 allegation against Father Charles?

24 **C-6:** Yes.

25 **MR. ENGELMANN:** And that was ---

1 **C-6:** Rene Desrosiers, Constable Rene
2 Desrosiers.

3 **MR. ENGELMANN:** And we saw that that took
4 place exactly eight months earlier.

5 **C-6:** Correct.

6 **MR. ENGELMANN:** February 3rd, '97.

7 **C-6:** Correct.

8 **MR. ENGELMANN:** Did you hear back from
9 Constable Desrosiers about your allegation against Father
10 MacDonald?

11 **C-6:** No, not to me.

12 **MR. ENGELMANN:** Do you recall, sir, late
13 September, early October, how this particular meeting was
14 set up with the OPP?

15 Let me try and refresh your memory, if I
16 may. Do you recall leaving a message for an OPP officer by
17 the name of Dupuis and also hearing or speaking with either
18 him or another OPP officer by the name of Inspector Hall?

19 **C-6:** Yes, I spoke with them.

20 **MR. ENGELMANN:** Okay. And, sir, if I'm not
21 mistaken, a meeting was set up to meet with them on October
22 2nd at your brother Gary's home?

23 **C-6:** Yes.

24 **MR. ENGELMANN:** And then you go to the OPP
25 station in Kanata ---

1 C-6: Correct.

2 MR. ENGELMANN: --- on October 3rd for the
3 videotaped interview?

4 C-6: Correct.

5 MR. ENGELMANN: Is that how you remember it?

6 C-6: That's how I remember it, yes.

7 MR. ENGELMANN: Okay. And do you remember
8 why it was you would have met with OPP officers at your
9 brother's home?

10 C-6: My brother and I were also involved
11 with Marcel Lalonde.

12 MR. ENGELMANN: Yes.

13 C-6: So in conjunction with that
14 information and going back and forth, it was easier just to
15 meet at one of both of our homes and then go from there.

16 MR. ENGELMANN: I think I've got the date
17 wrong, sir. I believe you met at your brother's home the
18 morning of October 3rd and then the videotaped interview was
19 the afternoon of October 3rd.

20 C-6: Yes, the same day.

21 MR. ENGELMANN: Does that make sense?

22 C-6: Yes.

23 MR. ENGELMANN: You remember that being on
24 the same day?

25 C-6: Yes.

1 **MR. ENGELMANN:** All right.

2 So you and your brother were both alleged
3 victims and your brother was a confirmed victim of Marcel
4 Lalonde, but that was being handled by the Cornwall Police.

5 Do you know why it is that you and your
6 brother are meeting with the OPP?

7 **C-6:** My brother had other allegations
8 against other -- he was a victim with other people also.

9 **MR. ENGELMANN:** Okay. He was not though an
10 alleged victim of Father Charles MacDonald?

11 **C-6:** No, not at all

12 **MR. ENGELMANN:** All right.

13 And do you know who he was an alleged victim
14 of other than Marcel Lalonde?

15 **C-6:** The probation officer, Seguin.

16 **MR. ENGELMANN:** Okay. So you'd been
17 informed by him of that?

18 **C-6:** At the time, yes.

19 **MR. ENGELMANN:** Again, did he ever get into
20 any details of that with you?

21 **C-6:** No.

22 **MR. ENGELMANN:** So I just want to ask you a
23 few questions again. When you gave the statement on
24 October 3rd, 1997 to the OPP about the alleged abuse by
25 Father MacDonald, did you have any concerns or issues with

1 respect to who the alleged perpetrator was?

2 C-6: No.

3 MR. ENGELMANN: Did you have any concerns or
4 issues about how many times you were allegedly abused?

5 C-6: No.

6 MR. ENGELMANN: Did you have any concerns or
7 issues about where the alleged abuse occurred?

8 C-6: No.

9 MR. ENGELMANN: Sir, were there any issues
10 about the date when the alleged abuse took place for you?

11 C-6: Yes.

12 MR. ENGELMANN: You've told us earlier you
13 know you were an altar boy at that time.

14 C-6: Correct.

15 MR. ENGELMANN: And did you have any
16 difficulty in remembering what age you were when you were
17 an altar boy?

18 C-6: Yes.

19 MR. ENGELMANN: Do you know if you were
20 asked some questions then to help refresh your memory about
21 some of those dates?

22 C-6: I asked the questions or I was asked
23 questions?

24 MR. ENGELMANN: You were asked questions.

25 C-6: I was asked questions. Yes, trying to

1 get it -- narrow it down.

2 **MR. ENGELMANN:** Did you remember some
3 markers -- for lack of a better word -- that could help you
4 try and place that date when you spoke to the police?

5 **C-6:** I did -- I did. I remember Father
6 Charles telling me about a window that was broken in the
7 basement, and someone tried to break in.

8 **MR. ENGELMANN:** And that was at or about the
9 time of the alleged abuse?

10 **C-6:** That was in the basement. He was
11 telling me that while we were in the basement.

12 **MR. ENGELMANN:** Okay -- when it actually
13 happened.

14 **C-6:** Yes. He -- there was a podium there
15 that had been brought downstairs, after renovations, and
16 there was a donation box at the front of the church. The
17 box itself had a long tube that ran from upstairs into the
18 basement, and the money was caught, actually, down in the
19 basement instead of being just sitting up in the box at the
20 front of the church.

21 **MR. ENGELMANN:** Okay. So those were all
22 things you remembered when you were in the basement?

23 **C-6:** Yes.

24 **MR. ENGELMANN:** Where did the alleged abuse
25 take place?

1 C-6: In the basement.

2 MR. ENGELMANN: And that's in the basement
3 of St. Columban's Church?

4 C-6: Church.

5 MR. ENGELMANN: Okay. And so, do you
6 remember why you were going into the basement and who you
7 were going into the basement with?

8 C-6: Yes; I went in the basement with
9 Father Charles, and it was to show me where -- to collect
10 the money from the basket at the other end of the church.
11 The one end of the church, you have the basement stairs,
12 and you have to go the whole length of the church to get --
13 in the basement -- to get to the collection.

14 MR. ENGELMANN: So you went down to the
15 basement with Father Charlie MacDonald?

16 C-6: Yes, I did.

17 MR. ENGELMANN: And who asked you to go down
18 to the basement?

19 C-6: Father Charles. I can only recall him
20 and I being the only two there.

21 MR. ENGELMANN: Okay. So there was no one
22 else in the basement with you?

23 C-6: No.

24 MR. ENGELMANN: And the podium that you say
25 was down in the basement ---

1 C-6: Yes?

2 MR. ENGELMANN: Do you know -- was that like
3 a podium or pulpit, where a priest would speak from?

4 C-6: Right; a pulpit, with maybe half a
5 dozen stairs and then you stand on top of the railing semi-
6 circle and speak from there.

7 MR. ENGELMANN: And do you know why it was
8 down in the basement, sir?

9 C-6: I assumed it was from the renovations.

10 MR. ENGELMANN: Okay, so there were some
11 renovations going on at that time?

12 C-6: Just started.

13 MR. ENGELMANN: Okay. And was there a
14 broken window down in the basement that day?

15 C-6: I don't recall a broken window, no.

16 MR. ENGELMANN: Okay. But Father Charles
17 MacDonald told you about it?

18 C-6: Yes.

19 MR. ENGELMANN: And was there a chute coming
20 down from a collection box?

21 C-6: Yes.

22 MR. ENGELMANN: Okay. And sir, you alleged
23 that there was some form of sexual abuse when you were down
24 in the basement with Father Charles MacDonald, on that day?

25 C-6: Yes.

1 **MR. ENGELMANN:** And without getting into any
2 detail, can you just tell us whether this -- was this
3 something you were expecting, in any way.

4 **C-6:** No, I wasn't.

5 **MR. ENGELMANN:** How did you react when this
6 happened?

7 **C-6:** Confused, afraid. Disappointed. I
8 felt a bit honoured being asked to go downstairs, and I
9 would say that would be an area of the church no one ever
10 went to. It was restricted or locked, so I wasn't ---

11 **MR. ENGELMANN:** So you felt special, being
12 asked?

13 **C-6:** Yeah; being asked to go down there.
14 And then disappointed. I was, you know, being afraid and
15 all that stuff instead.

16 **MR. ENGELMANN:** How did it end? Do you
17 remember?

18 **C-6:** Just quickly leaving the basement and
19 leaving the church.

20 **MR. ENGELMANN:** Would you remember sir, if
21 there was any church event at or about that time that you
22 could recall? And I'm thinking back then -- again, as a
23 marker with respect to dates.

24 **C-6:** There was an outing at the archdiocese
25 in Alexandria.

1 **MR. ENGELMANN:** Sorry, there was a what?

2 **C-6:** An outing.

3 **MR. ENGELMANN:** An outing?

4 **C-6:** An overnight outing at -- we all
5 stayed at the archdiocese in Alexandria.

6 **MR. ENGELMANN:** Would you ---

7 **C-6:** I wanted to go to that.

8 **MR. ENGELMANN:** Do you remember if that was
9 before or after the alleged abuse?

10 **C-6:** It would be after.

11 **MR. ENGELMANN:** Shortly after?

12 **C-6:** I think, just after. And there was
13 also a wedding I wanted to do for my -- for a teacher ---

14 **MR. ENGELMANN:** Did you remember about the
15 wedding back then or is that something you remembered
16 later?

17 **C-6:** Something I remembered after.

18 **MR. ENGELMANN:** Okay.

19 So in your statement -- that's now Exhibit
20 498, you describe the allegation of abuse on page 7037391.
21 Sort of the bottom half of that page.

22 **C-6:** Okay.

23 **MR. ENGELMANN:** Okay. You talk about a
24 podium that used to be upstairs -- see, that's about 10
25 lines from the top.

1 C-6: Correct.

2 MR. ENGELMANN: And you describe the
3 collection box and the funnel that ran into the basement;
4 you're describing that in your statement?

5 C-6: Yes, I did. Yes.

6 MR. ENGELMANN: On page 7037393, it's also
7 page 175, if that's helpful -- you were asked by Detective
8 Constable Seguin:

9 "How long do you figure you were an
10 altar boy, at this point?

11 And you say,

12 "...at least 2 years. This happened
13 towards the end, before I quit. I
14 stayed as an altar boy a bit longer
15 than that because we had planned an
16 overnight outing to the Archbishop's
17 house in Alexandria."

18 Is that what you were just describing to us?

19 C-6: Yes.

20 MR. ENGELMANN: Okay. You also say at the
21 bottom of that page, when you're asked whether you've
22 spoken to anybody else about it, by Detective Constable
23 Seguin, that you:

24 "...mentioned it to my wife at the time
25 that I'd been assaulted, but nothing in

1 details."

2 C-6: Correct.

3 MR. ENGELMANN: Is that correct as well?

4 C-6: Yes.

5 MR. ENGELMANN: And again, at the bottom of
6 page 177, 7037395, you're asked if there is anything else
7 you can provide to assist.

8 Top of the next page, you say:

9 "He did mention, yes, he did mention
10 that there was a small basement window
11 at one end of the church, and said that
12 a few weeks before -- one month before,
13 someone had broken into the basement
14 window and stole the donations."

15 MR. ENGELMANN: So that's that other marker
16 you were talking about?

17 C-6: Yes.

18 MR. ENGELMANN: All right. Before you told
19 the OPP about this on October 3rd, you had -- you'd had a
20 brief discussion about this with Constable Desrosiers
21 earlier that year?

22 C-6: Yes.

23 MR. ENGELMANN: And you'd had a brief
24 discussion, presumably, with your ex-wife but not gotten
25 into details?

1 C-6: Yes.

2 MR. ENGELMANN: Had you told anybody else
3 about Father MacDonald and your allegations?

4 C-6: No, I think I told my brother, Gary,
5 after we had gone to Cornwall.

6 MR. ENGELMANN: After.

7 C-6: After.

8 MR. ENGELMANN: And you don't know whether
9 that was before or after you told the OPP?

10 C-6: No.

11 MR. ENGELMANN: Okay. What about your
12 mother; do you know if you told her before or after you
13 would have spoken to the OPP in the fall of 1997?

14 C-6: I think I would have given her a
15 heads-up before. When we made the decision to go to
16 Cornwall, I think we gave her a heads-up that we were doing
17 this.

18 MR. ENGELMANN: Okay. Would you have
19 mentioned Father MacDonald as well, or just Marcel Lalonde
20 at that time, or do you know?

21 C-6: Both.

22 THE COMMISSIONER: I'm sorry, you would have
23 mentioned both to her?

24 C-6: Mentioned both.

25 MR. ENGELMANN: Do you know if you would

1 have gotten into any details with her?

2 C-6: No.

3 MR. ENGELMANN: Now, in your statement,
4 again -- and I'm looking at 7037390, page 172 -- again,
5 you've told us already you had some trouble remembering
6 when you were an altar boy. You say -- I'm looking near
7 the bottom:

8 "I was altar boy at St. Columban's
9 Church for a few years, I think four
10 years. I'm trying to remember if I was
11 between seven to twelve years old when
12 I was there."

13 Okay? So it seems you're a bit unclear
14 about the dates.

15 C-6: Correct.

16 MR. ENGELMANN: But you think you were an
17 altar boy for about four years -- or sorry, a few years, I
18 think four years?

19 C-6: Correct.

20 MR. ENGELMANN: So you were an altar boy
21 for several years?

22 C-6: Yes.

23 MR. ENGELMANN: Do you recall, sir, if the
24 police officers or anyone else would have shown you church
25 bulletins that might have had dates on it when you were

1 serving mass as an altar boy?

2 C-6: No, I don't recall that.

3 MR. ENGELMANN: You don't recall anybody
4 showing you bulletins? No?

5 C-6: Not specifically with my name in it.

6 MR. ENGELMANN: Do you remember them showing
7 you church bulletins at all? The issue came up at your
8 preliminary inquiry, and I'll take you there, but I just
9 wondered if -- and that was Father MacDonald's lawyer asked
10 you about church bulletins.

11 C-6: Right.

12 MR. ENGELMANN: Do you remember if the
13 police or the Crown prosecutors ever showed you church
14 bulletins to try and establish some dates?

15 C-6: I don't remember seeing any of those.

16 MR. ENGELMANN: I'll just be a moment.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. ENGELMANN: Sir, after this -- do you
19 recall if you would have suggested, or asked the OPP
20 officers to speak to your mother?

21 C-6: For details, yes.

22 MR. ENGELMANN: You asked them to speak to
23 her?

24 C-6: Yes.

25 MR. ENGELMANN: Details about what?

1 C-6: When I was an altar boy, when I went
2 to Alexandria.

3 MR. ENGELMANN: You thought that she would
4 be able to help them with that?

5 C-6: Yes.

6 MR. ENGELMANN: When you were an altar boy,
7 how did you know when you were to help serve mass? Was
8 there someone who would tell you?

9 C-6: No, my mother would just send me.

10 MR. ENGELMANN: Your mother would send you?

11 C-6: Yes.

12 MR. ENGELMANN: Sir, we know that you had a
13 -- you were a witness in a preliminary inquiry dealing with
14 charges against Father MacDonald in March of 1999, and
15 that's about a year and a half after you give that first
16 statement to the OPP.

17 C-6: Yes.

18 MR. ENGELMANN: Do you know, sir, between
19 that first statement and the preliminary inquiry, would you
20 have had some contact with OPP officers?

21 C-6: Yes.

22 MR. ENGELMANN: Okay. And would you have
23 received calls from time to time from either Officers
24 Dupuis or Seguin?

25 C-6: Yes.

1 **MR. ENGELMANN:** Do you know if you ever had
2 another meeting where you were interviewed again like you
3 were that first time?

4 **C-6:** At the OPP station? No.

5 **MR. ENGELMANN:** Yes.

6 **C-6:** I didn't have another one after that.

7 **MR. ENGELMANN:** All right. Do you remember
8 if there was any follow-up on any of the markers we talked
9 about, like about dates for the broken window, the
10 renovation, the retreat?

11 **C-6:** No, I don't remember any. Anything
12 that would -- I just don't remember the questions I asked.
13 I asked those questions and I don't remember anyone
14 answering them.

15 **MR. ENGELMANN:** You don't remember, or it
16 didn't happen?

17 **C-6:** It didn't happen.

18 **MR. ENGELMANN:** Sir, did you have a meeting
19 with a Crown prosecutor before giving your evidence at the
20 preliminary inquiry against Father MacDonald?

21 **C-6:** Yes, I had a meeting.

22 **MR. ENGELMANN:** Because there's a reference
23 in one of the officer's notes that you had a meeting with a
24 Crown prosecutor by the name of Pelletier in Ottawa about a
25 month before your preliminary inquiry.

1 C-6: Yes.

2 **MR. ENGELMANN:** Do you remember going to a
3 meeting with a prosecutor by the name of Robert Pelletier
4 about a month before your preliminary inquiry?

5 **C-6:** I remember going there. I don't
6 remember too much about meeting him or what we talked
7 about, and I think I only went there shortly -- a second
8 time when I was informed that he was not going to be my
9 Crown attorney anymore.

10 **MR. ENGELMANN:** Okay. So you had a meeting
11 with him before the preliminary inquiry?

12 **C-6:** Yes.

13 **MR. ENGELMANN:** Do you remember how long the
14 meeting was or anything about the meeting?

15 **C-6:** Not too much, no.

16 **MR. ENGELMANN:** Do you remember if it was a
17 short meeting, or medium, long, any sense? Not really?
18 You have to say yes or no, sir.

19 **C-6:** No, I don't recall if it was short or
20 long.

21 **MR. ENGELMANN:** All right. And then you
22 would have had a meeting with the Crown prosecutor after
23 the preliminary inquiry?

24 **C-6:** I think we met shortly after that for
25 a short period of time.

1 **MR. ENGELMANN:** Are there some notes that
2 suggest that you met with a prosecutor by the name of
3 Shelley Hallett in October of 1999?

4 **C-6:** Yes, there was a second one.

5 **MR. ENGELMANN:** So that would have been
6 several months after the preliminary inquiry?

7 **C-6:** Yes.

8 **MR. ENGELMANN:** Do you remember meeting a
9 woman prosecutor?

10 **C-6:** Yes.

11 **MR. ENGELMANN:** Okay. Was it explained to
12 you why there was a different prosecutor that was going to
13 be dealing with your case?

14 **C-6:** Not fully, just that there was a
15 conflict of interest with the first one.

16 **MR. ENGELMANN:** All right.

17 So if we could just look at the preliminary
18 inquiry transcript for a few minutes, sir, and that's
19 Document Number 111257.

20 Mr. Commissioner, this is a transcript, a
21 preliminary inquiry dated March 24th, 1999 before the
22 Honourable Judge G. Renaud here in the City of Cornwall.

23 **THE COMMISSIONER:** Thank you. Exhibit
24 Number 499. Thank you.

25 **--- EXHIBIT NO./PIÈCE NO. P-499:**

1 (111257) C-6 Preliminary Inquiry Vol V dated
2 24 March 1999

3 **MR. ENGELMANN:** Mr. XXXXXX, you have a copy
4 of Exhibit 499?

5 **C-6:** I do. C-6.

6 **MR. ENGELMANN:** I'm sorry. If that could be
7 C-6? I apologize.

8 Sir, starting on page 2, you were examined
9 by the prosecutor, Mr. Pelletier. Do you see that?

10 **C-6:** Yes.

11 **MR. ENGELMANN:** And at the bottom of this
12 next page, page 3, you were asked about when it was you
13 might have begun as an altar boy?

14 **C-6:** Yes.

15 **MR. ENGELMANN:** And there doesn't appear to
16 have been any follow-up question about some of those other
17 markers you talked to us about.

18 **C-6:** Right.

19 **MR. ENGELMANN:** Now, after about nine pages,
20 you get to your cross-examination by Mr. Neville starting
21 top of page 13.

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

23 **MR. ENGELMANN:** Sir, on page 15 which is
24 Bates page 1056454, near the top of that page, you see
25 there is a reference to you're mentioning Father MacDonald

1 to Constable Desrosiers.

2 C-6: Yes.

3 MR. ENGELMANN: And he asked you questions
4 about that over the next couple of pages trying to suggest
5 to you that that was unlikely that you would have mentioned
6 it in effect.

7 C-6: Okay.

8 MR. ENGELMANN: In fact, on page 17 at
9 1056456, the question is

10 Q "Well I can tell you that I have
11 looked through his notes at that
12 interview, there is no such utterance
13 attributed to you in those notes."

14 And you say:

15 A "That's fine."

16 Q "Why is that?"

17 A "Because Constable Desrosiers didn't
18 write it down."

19 Q "Okay, that's your explanation. Is
20 that it?"

21 A "Yes."

22 So, do you know if he wrote it down or not
23 when you told him about Father MacDonald?

24 C-6: No, I don't think he wrote anything
25 down.

1 **MR. ENGELMANN:** You're also asked, and I'm
2 looking at page 21 of the transcript, 1056460 about the
3 fact that there had been publicity about Father MacDonald's
4 case since around 1993. And you're asked why didn't you
5 come forward? Do you see that, it's right at the middle of
6 the page.

7 **C-6:** Of 21?

8 **MR. ENGELMANN:** Yes.

9 **C-6:** Yes.

10 **MR. ENGELMANN:** And you said you didn't want
11 to get involved. You said because it's embarrassing and I
12 think you've told us some other reasons why as well today.

13 **C-6:** Yes.

14 **MR. ENGELMANN:** Now, at the bottom of page
15 24 and the top of page 25, Bates pages 1056463 and 64, Mr.
16 Neville's asking you about the church bulletin. And that
17 the days you're to serve mass should be published in the
18 bulletin. Do you see that?

19 **C-6:** Yes.

20 **MR. ENGELMANN:** Okay. It appears you don't
21 really know that -- I'm looking near the bottom of page 25.

22 **C-6:** M'hm.

23 **MR. ENGELMANN:** He says again

24 "I am suggesting to you the way it was
25 done in the Parish was in the church

1 bulletin. It told you in advance the
2 mornings you were expected to be there,
3 you or you and someone else."

4 Is that correct?

5 **C-6:** If you say so.

6 **MR. ENGELMANN:** It appears you didn't really
7 know. Then again at the bottom of that page, you're
8 talking about your mother giving you up ---

9 **C-6:** It's my mother.

10 **MR. ENGELMANN:** Then again on the following
11 page, page 26, it's Mr. Neville who's talking to you about
12 when the chute was put into the church and the book rack.
13 Do you see that at the bottom of the page?

14 **C-6:** Yes.

15 **MR. ENGELMANN:** That it wasn't until early
16 '71 when it was put in. Do you see that?

17 **C-6:** Yes.

18 **MR. ENGELMANN:** And then again he is asking
19 you about the broken window on the next page, page 27. So
20 he appears to be asking you about a number of these markers
21 that you've brought up with the police.

22 **C-6:** Correct.

23 **MR. ENGELMANN:** And again on page 30, near
24 the bottom, at about line 23, he is asking you about the
25 podium as well and the renovations. Do you see that?

1 C-6: Yes.

2 MR. ENGELMANN: So after the preliminary
3 inquiry, do you recall if you were asked any further
4 questions or provided any further information about any of
5 these markers that you talked about by either the police or
6 the Crown prosecutors?

7 C-6: No.

8 MR. ENGELMANN: You said that you remembered
9 something after this about a wedding I believe.

10 C-6: Yes. My Grade 6 teacher, Mr. Hodds
11 was getting married and I was the altar boy at his wedding,
12 myself and David Samas.

13 MR. ENGELMANN: David Samas not David
14 Silmsers?

15 C-6: Samas. Yes.

16 MR. ENGELMANN: Yes, he was another altar
17 boy?

18 C-6: Or I had mistaken the identity.

19 MR. ENGELMANN: All right, you had said
20 Silmsers instead of Samas?

21 C-6: Yes, at the time.

22 MR. ENGELMANN: And this being an altar boy
23 at this wedding, do you remember if that was before or
24 after your alleged abuse by Father MacDonald? Whether the
25 wedding ---

1 C-6: I can't say for sure.

2 MR. ENGELMANN: All right. You remember
3 being an altar boy for your Grade 6 teacher's wedding?

4 C-6: Correct.

5 MR. ENGELMANN: Would that have been while
6 you were in Grade 6 with him or would it have had been
7 after you had had him as a teacher?

8 C-6: I am not sure about that, that's why I
9 went to my mother and asked her when they got married. I
10 tried to contact my Grade 6 teacher but he had since passed
11 away.

12 MR. ENGELMANN: All right. So you'd tried
13 to do a little investigation on your own.

14 C-6: Yes.

15 MR. ENGELMANN: And met with Shelley Hallett
16 in the fall of 1999? Do you remember if you talked to her
17 at all about the dates issues? Or do you remember much
18 about the meeting at all?

19 C-6: Not too much.

20 MR. ENGELMANN: If the witness could be
21 shown Document Number 733623. Mr. Commissioner, these are
22 notes of Detective Constable Dupuis. It's an excerpt, sir,
23 starting at Bates page 7131564, if that could be the next
24 exhibit?

25 THE COMMISSIONER: Thank you. Exhibit

1 number 500.

2 ---EXHIBIT NO./PIÈCE NO P-500:

3 (733623 7131614-17) Officers notes D/Cst Joe
4 Dupuis dated 20 Oct 99.

5 **MR. ENGELMANN:** It's a little harder to
6 read, sir. It might be easier on the screen. But the
7 second page of the document, at the bottom, says "XXXXX
8 arrives at Kanata offices ---

9 I'm sorry.

10 **THE COMMISSIONER:** Is there any -- other
11 than that, that name, sir, are there any other names here
12 that should warrant us stamping this?

13 **MR. ENGELMANN:** Sir, the documents, all of
14 the documents I've referred to the witness to have his name
15 in them.

16 **THE COMMISSIONER:** Oh no, that's ---

17 **MR. ENGELMANN:** They should be subject to a
18 publication ban on a temporary basis because we assume it
19 will be lifted.

20 **THE COMMISSIONER:** No. We know that and the
21 only reason why we stamp it is as an aide-mémoire to those
22 of the public who wish to look at it.

23 So, given the fact that they are going to --
24 that's going to be dealt with shortly, I am not too worried
25 about that part of it. What I am worried about is if there

1 are any other names in here other than this gentleman's
2 because these are police officers' notes that we should be
3 weary of.

4 **MR. ENGELMANN:** That's one of the advantages
5 of just using the excerpts sir. I believe there were not.

6 **THE COMMISSIONER:** All right. Thank you.
7 I'm sorry. So where were you going?

8 **MR. ENGELMANN:** Sir, I was just looking at
9 the bottom of page 7131614, it says: ---

10 **THE COMMISSIONER:** C-6.

11 **MR. ENGELMANN:** "14:07 C-6 arrives at
12 Kanata office ---

13 **THE COMMISSIONER:** That's the 54, look in
14 the left-hand, there is a number 54 on that page.

15 **C-6:** Yes.

16 **THE COMMISSIONER:** So where are you, Mr.
17 Engelmann?

18 **MR. ENGELMANN:** I am on page 7131615.

19 **THE COMMISSIONER:** One five (15) now, okay.
20 All right.

21 **MR. ENGELMANN:** It says at the top:
22 "Ms Hallett discusses the background
23 ..."

24 **THE COMMISSIONER:** Madam Clerk, are we
25 there?

1 **MR. ENGELMANN:** Do you see that sir at the
2 top of the page?

3 **C-6:** I do, yes.

4 **MR. ENGELMANN:** So there appears to be a
5 description of a meeting you were having with Shelley
6 Hallett?

7 **C-6:** M'hm.

8 **MR. ENGELMANN:** Would you agree with that,
9 sir?

10 **C-6:** Yes.

11 **MR. ENGELMANN:** And she's asking you about a
12 number of things. She says:

13 "Talked about being new Crown on case."

14 Says:

15 "Discussed Perry Dunlop being a
16 possible witness. Requested they do
17 not communicate."

18 Sir, have you ever spoken with Perry Dunlop
19 for any reason?

20 **C-6:** No. No, I have not.

21 **MR. ENGELMANN:** And would you have ever
22 spoken to his wife Helen Dunlop, or his lawyer Charlie
23 Bourgeois?

24 **C-6:** No, I have not.

25 **MR. ENGELMANN:** Would you have ever spoken

1 to a man by the name of Carson Chisholm?

2 C-6: Slightly.

3 MR. ENGELMANN: Okay. Can you describe what
4 you mean by "slightly?"

5 C-6: At the trial there was a man, there,
6 with two children. And I had asked the judge if they could
7 excuse the children. I didn't want them in there.

8 MR. ENGELMANN: Do you remember if that was
9 the Marcel Lalonde trial?

10 C-6: It turned out to be, yes. It turned
11 out to be Chisholm and his children -- or son, and he just
12 introduced himself -- Perry Dunlop's brother-in law, I
13 guess, and that was all.

14 MR. ENGELMANN: And did he remove his
15 children ---

16 C-6: He did.

17 MR. ENGELMANN: --- before you gave your
18 evidence?

19 C-6: He did. So he wasn't present.

20 MR. ENGELMANN: Did you speak to him about
21 any details of any of your own allegations ---

22 C-6: No.

23 MR. ENGELMANN: --- or anything else? It
24 was just to remove his children from the court room. Is
25 that a yes?

1 **C-6:** Yes. Yes.

2 **MR. ENGELMANN:** And sir, there's a number of
3 other comments here about your background -- where you've
4 worked. So it appears that Ms. Hallett was asking a number
5 of questions about your background.

6 **C-6:** Correct.

7 **MR. ENGELMANN:** Is that fair?

8 The date of the note, as I understand it --
9 I've been asked for this, is -- yes, October 20th 1999.
10 You'll see the date, sir, on Bates page 7131614 about two
11 thirds of the way down the page.

12 **THE COMMISSIONER:** One six one four (1614).
13 Where do I see it?

14 **C-6:** M'hm.

15 **MR. ENGELMANN:** Okay?

16 **THE COMMISSIONER:** I don't -- oh yeah,
17 right, now -- the 20th of October '99. Okay.

18 **MR. ENGELMANN:** Mr. Commissioner, I am
19 advised that there is one name in this document of a
20 witness who testified earlier this week; in fact, first
21 this week. So there should be a publication ban on that
22 particular name.

23 **THE COMMISSIONER:** Well, there is a
24 publication ban outstanding ---

25 **MR. ENGELMANN:** Yes.

1 **THE COMMISSIONER:** --- we're just going to
2 stamp it so that anyone looking through these documents
3 will be aware of that.

4 **MR. ENGELMANN:** Yes.

5 **THE COMMISSIONER:** Thank you.

6 **MR. ENGELMANN:** Now sir, were you provided
7 with a copy of the statement that -- were you provided with
8 the copy of your statement, and also a copy of the
9 transcript from the preliminary inquiry before you met with
10 Ms. Hallett? Do you remember if an OPP officer would have
11 provided you with that?

12 **C-6:** Yes. I was provided my written
13 statement.

14 **MR. ENGELMANN:** Okay. And was that the
15 statement you'd given back on October 3rd 1997?

16 **C-6:** Yes.

17 **MR. ENGELMANN:** All right. And you still
18 have it, right, sir?

19 **C-6:** I do, yes.

20 **MR. ENGELMANN:** And were you actually
21 provided with a copy of your transcript of the preliminary
22 inquiry?

23 **C-6:** Yes.

24 **MR. ENGELMANN:** Okay. Was it the actual
25 pages dealing with your evidence, or were they other pages?

1 C-6: There were other pages, also included.

2 MR. ENGELMANN: Do you remember?

3 C-6: No, that's not my book.

4 MR. ENGELMANN: Sorry?

5 C-6: No -- I did get a book where they was
6 talking about some documents -- talking about someone else,
7 not me. And I was wondering why I had it.

8 MR. ENGELMANN: I understand, sir, that you
9 were actually provided with pages 33 on, from the March 24th
10 1999 transcript. And that it was really dealing with the
11 submissions that Mr. Neville was making at the preliminary
12 inquiry.

13 C-6: Right. It's just -- it mentioned you.

14 MR. ENGELMANN: So it's an oversight. You
15 got the wrong pages.

16 C-6: Yes.

17 MR. ENGELMANN: And sir, you never testified
18 at a trial with respect to Father Charles MacDonald, did
19 you?

20 C-6: No, I did not.

21 MR. ENGELMANN: Okay. And how -- were you
22 aware, sir, that his charges were dismissed on the basis of
23 a charter application?

24 C-6: Yes.

25 MR. ENGELMANN: And can you tell us how you

1 became aware of that?

2 C-6: No -- either told by my brother, or
3 Ms. Hallett.

4 MR. ENGELMANN: Is it possible that you
5 received a call from an OPP officer by the name of Don
6 Genier, to tell you that the charges against Father
7 MacDonald had been dismissed, because of delay?

8 C-6: It's possible, yes.

9 MR. ENGELMANN: And sir, were you offered
10 some form of counselling and/or support services during
11 this prosecution, to the best of your recollection?

12 C-6: Yes, I think I was.

13 MR. ENGELMANN: Sir I want to ask you, just
14 before closing, three questions. I'd like to ask you if
15 you can describe for us the impact, or effect, the alleged
16 abuse has had on your life. Also, if you want to comment
17 on the institutional response to your allegations of child
18 sexual abuse and as well, if you have some suggestions or
19 recommendations for us, as we move ahead with this inquiry
20 looking at institutional response.

21 Have you had a chance to think about those
22 questions, sir?

23 C-6: I have, yes. Slightly.

24 MR. ENGELMANN: Okay. Do you want to -- do
25 you want me to repeat those questions again? Are you

1 prepared to deal with that? You've written up a few notes,
2 have you sir?

3 C-6: I have, yes.

4 MR. ENGELMANN: Okay.

5 C-6: Well, the impact on me was that --
6 well, very early on I stopped going to church. I didn't
7 have -- I became a lot more introverted and I was confused
8 about, you know, the authority, and what's right and wrong,
9 and who to go to when something's wrong. A little less
10 open with my parents.

11 I never made my children go to church.

12 MR. ENGELMANN: I'm sorry?

13 C-6: Well, my children were never to go to
14 church. Also -- especially if they were going to go alone.
15 So I eliminated the church out of my life, for one thing.

16 MR. ENGELMANN: Had it been a big ---

17 C-6: Until I was an older teenager, I did
18 have a lot of problems with nightmares and recurring --
19 the same dream over and over and over. And thinking about
20 it a lot. I did a lot of drinking and some drugs during
21 that time, too, to help cope. I had problems with
22 relationships; I was probably over sexually active, so it
23 didn't make for good dating. I have that -- you know, I
24 was confused about my sexuality. I was not too sure how to
25 handle myself in relationships.

1 I distanced myself from my brother Gary, the
2 most. I didn't understand him -- what he was trying to
3 tell me, and -- his moods and his attitudes.

4 I find myself overreacting when it comes to,
5 you know, abuse, since -- of the abuse. I think a lot of
6 people will know there is abuse, but I always take action,
7 especially for others. My brother and I fight a lot,
8 mostly when it involves someone else -- helping someone
9 else.

10 I over-discipline my boys -- only on sexual
11 behaviour, misbehaviour that I deemed was inappropriate. I
12 under-disciplined them for everything else, holding hands
13 or, you know, stuff like that, and once this actually
14 started, I would say between 2002 and 2005, I was really
15 hard on my kids, really negative at home, my work, my job,
16 stuff going on, always yelling at them for almost anything.
17 I overemphasized the importance of work to be regarded as
18 number one over other things. I had to get involved in
19 everything my kids did. So I went to camp with them. I
20 was their coach and always there.

21 I didn't restrict them from -- my son didn't
22 want to sing, so he sang in a church choir, Nativity, I
23 think, in Ottawa and they, when he was younger, flew to
24 Europe and sang over there, which put me in a lot of stress
25 while he was gone.

1 I don't know; it put a lot of stress on my
2 work. When things weren't going well there, I wouldn't let
3 it slide. I would keep pushing the authority to take
4 corrective actions, even if it put me in the bad books with
5 management. I think that's all I can say for that.

6 It's taken up a lot of my time away from my
7 family, with my kids and my grandson.

8 On my last page I had some of the things I
9 think that might help some of these institutes, or the
10 procedures. It seems that we need singular procedures for
11 all institutes that they have to follow, which will then
12 bring them under the umbrella, well, if you're dealing with
13 adults, handicapped or children, then a clearance is
14 required to work with these groups. Like Cub masters, bus
15 drivers are required for these clearances, but church
16 officials are not.

17 I find that all the institutes need to have
18 a very clear and precise written procedures and to document
19 everything. A paper trail, written proof is needed when
20 there's issues that need to be handed up or handed to
21 someone else. A paper trail needs to be shown so there is
22 no dropping of the ball or, you know, he said/she said.
23 It's all documented.

24 I find I do that myself a lot. I don't take
25 anybody's word. Put it in writing and then I'll believe

1 you.

2 I find, myself, I don't use any of the
3 institutes that are -- some of the assistance that's
4 available that I could have used when I was a single father
5 and stuff. I didn't use any of them myself.

6 I was wondering if the Inquiry could look
7 into some of the linkages between Project Truth, some of
8 the other people that were accused, some of the people that
9 were victims and the links between them, not just within
10 the single institute, but between the institutes.

11 **THE COMMISSIONER:** I'm sorry, I didn't
12 understand. Help me out a little bit.

13 **C-6:** I'm just saying like if it wasn't -- a
14 teacher and a priest aren't in the same institute, they
15 become two different institutes, so they're two different -
16 --

17 **THE COMMISSIONER:** In your case, help me out
18 a little bit. Are you saying in your case Lalonde and
19 Father MacDonald?

20 **C-6:** No, I've been reading some of the
21 stuff online, and it seems like everybody's looking -- as
22 long as, you know, it's one guy in my institute, we have a
23 little problem, but the institute doesn't have a problem.
24 Because there's one from each institute, it doesn't make it
25 a big issue.

1 **THE COMMISSIONER:** Okay. I see what you
2 mean, yes.

3 **C-6:** It seems to have -- I think it would
4 be helpful for someone like me, when I first came into the
5 justice system, to have like an introduction document with
6 some of the common terms and, you know, what a preliminary
7 is and how it works, what they're looking for.

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

9 **C-6:** How trials work, expected timeframes -
10 --

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

12 **C-6:** --- on some of these, on how they're -
13 - how long it's going to take.

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

15 **C-6:** How to prepare yourself, not just for
16 going to court, but how to prepare yourself before you can
17 go to your lawyer and trying to relate it all to laymen's
18 terms so everyone could understand.

19 Basic institutional policy and procedures,
20 investigative markers and pointers and risk analysis of --
21 a risk analysis should be done before the policies and
22 procedures are made, to make assumptions, what if this
23 would happen.

24 **THE COMMISSIONER:** Thank you.

25 **C-6:** While I was going through this, I was

1 making notes on what was a common link between either
2 someone being, you know, wrongly accused, or a victim not
3 being -- or someone being wrongly accused, or getting off
4 even though they were guilty. You have either inadequate
5 representation. You have overzealous diagnostic forensics
6 that tries to lean one way or the other.

7 Delays in justice, you know, really seem to
8 be a big part here.

9 Missing or incorrect information, I've seen
10 it almost from everybody, lawyers, Crowns, myself. We were
11 always making mistakes, but what happens is that we keep
12 sticking -- we keep sticking to the procedures when the
13 process is inadequate. What I mean by that is, say, for
14 example, a file or information is misplaced by a clerk in
15 the process, then you have a drop-dead date to get this
16 done, and that would be the procedure. The procedure won't
17 be -- won't compensate because of the disruption caused by
18 the process.

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

20 **C-6:** And this problem doesn't seem to come
21 to light until the completed process is looked at and
22 reviewed. So by then it's too late.

23 Some of the things we can do to resolve some
24 of these is the education of employees in the institutes
25 themselves. They have to have a good understanding of

1 their job task, which gives them limits, responsibilities
2 and an audit trail. There's no passing of responsibility,
3 like I said, until there's a sign-off that someone has
4 taken responsibility away from you.

5 This responsibility has to be driven from
6 the top down, but the information that they're driving has
7 to be taken from the bottom, from the employees working
8 there and then driven down. It always seems to be from the
9 employees up, and that's when people stop talking and
10 working as a team in an institute.

11 Now I notice when we get into larger
12 institutes that they're like hi-tech, which I'm very
13 familiar with, that it's -- you know, we have documentation
14 control, like ISO 9000, that no one is allowed to deviate
15 until the document's changed.

16 I think that's all I have for now.

17 **THE COMMISSIONER:** Mr. Engelmann, did you
18 have another question?

19 **MR. ENGELMANN:** I'm having a bad day. I
20 didn't think I'd be in the situation I'm in. So I had
21 something -- sir, thank you for your comments. I had just
22 a couple of other questions that arose.

23 You talked about delays. There was a delay
24 of about a year and a half between the time you first spoke
25 to the OPP and gave the full statement about the

1 allegations against Father MacDonald and your preliminary
2 inquiry. Do you know -- do you have any -- were you
3 provided any explanation for that delay?

4 **C-6:** No, not at all.

5 **MR. ENGELMANN:** Sir, did you ever file a
6 civil claim of any sort?

7 **C-6:** No, I have not.

8 **MR. ENGELMANN:** You told us you just
9 recently started some counselling that you hadn't done
10 earlier.

11 **C-6:** Yes.

12 **MR. ENGELMANN:** Did you ever file a claim
13 with the Criminal Injuries Compensation Board?

14 **C-6:** No, I have not.

15 **MR. ENGELMANN:** Thank you very much, sir.
16 Those are my questions. Could you please answer questions
17 my friends may have for you?

18 **C-6:** Okay.

19 **MR. ENGELMANN:** Thank you.

20 **C-6:** I have started proceedings for
21 compensation now though.

22 **MR. ENGELMANN:** I'm sorry?

23 **C-6:** I have started proceedings ---

24 **MR. ENGELMANN:** Oh, you have just started?

25 **C-6:** --- this week. Yes.

1 **MR. ENGELMANN:** Okay.

2 **C-6:** Well, when some of the information
3 came to light I think maybe things have changed in the last
4 couple of weeks.

5 **THE COMMISSIONER:** All right.

6 Why don't we take the afternoon break and
7 we'll continue in 15 minutes.

8 **C-6:** Okay. Thanks.

9 **THE COMMISSIONER:** Thank you.

10 **THE REGISTRAR:** Order. All rise. Veuillez
11 vous lever.

12 --- Upon recessing at 3:17 p.m./

13 L'audience est suspendue à 15h17

14 --- Upon resuming at 3:37 p.m./

15 L'audience est reprise à 15h37

16 **THE REGISTRAR:** The hearing is now resumed.
17 Please be seated. Veuillez vous asseoir.

18 **C-6, Resumed/Sous le même serment:**

19 **THE COMMISSIONER:** Mr. Manson, before you
20 begin, I have a few questions of this gentleman so that
21 they could be upfront before you people cross-examine.

22 Sir, I have a few questions of you and let
23 me start with this. You allege that Father MacDonald
24 abused you while you were an alter boy.

25 **C-6:** Yes.

1 **THE COMMISSIONER:** And then how much time
2 would have elapsed between that incident and the first
3 incidents with Mr. Lalonde, ballpark?

4 **C-6:** Three years.

5 **THE COMMISSIONER:** Okay. Now, you spoke of
6 linkages at one point and I don't think we were talking
7 about the same kind of linkages. You tell me -- your
8 evidence is that Monsieur Lalonde was a Deacon and Father
9 MacDonald was a priest at the same church. Did Monsieur
10 Lalonde ever talk to you about Father MacDonald for
11 example?

12 **C-6:** No.

13 **THE COMMISSIONER:** Did Father MacDonald ever
14 spoke to you about Monsieur Lalonde?

15 **C-6:** No.

16 **THE COMMISSIONER:** Do you in some way see
17 any connection between them knowing each other and your
18 abuse by either, by both of them, allegedly?

19 Did you understand what I'm trying to say?

20 **C-6:** Yes. If you're asking for a
21 connection I'm the connection.

22 **THE COMMISSIONER:** Pardon me?

23 **C-6:** If you're asking for a connection then
24 I'm the connection.

25 **THE COMMISSIONER:** I understand that, but --

1 -

2 C-6: The only other thing I can think of
3 that connects us. But I also understand Cornwall's a small
4 town so ---

5 THE COMMISSIONER: No, but other than being
6 a small town and that kind of thing, you don't have any
7 evidence or anything like that ---

8 C-6: No.

9 THE COMMISSIONER: --- or anything that
10 could show some connection in some way?

11 C-6: No.

12 THE COMMISSIONER: Okay. We've also heard
13 so far from a number of alter boys from St. Columban's, and
14 I'm wondering if while you were an alter boy, if there was
15 any discussion amongst alter boys with respect to Father
16 MacDonald and that kind of thing?

17 C-6: No. That I can recall, no.

18 THE COMMISSIONER: All right.

19 So when you were an alter boy you wouldn't
20 have heard of any allegations of impropriety from other
21 alter boys?

22 C-6: No.

23 THE COMMISSIONER: Did that ever surface
24 later on?

25 C-6: No.

1 **THE COMMISSIONER:** So you've never heard
2 from the alter boys when you were there about other
3 incidents or anything like that?

4 **C-6:** No.

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

6 **C-6:** With alter boys and priests?

7 **THE COMMISSIONER:** I'm sorry?

8 **C-6:** With the alter boys and the priests?

9 **THE COMMISSIONER:** Yes. Okay. Thank you.

10 Mr. Manson.

11 **MR. MANSON:** Well, you asked all my
12 questions, Mr. Commissioner.

13 **THE COMMISSIONER:** Oh, sure.

14 **MR. MANSON:** Just kidding.

15 **(LAUGHTER/RIRE)**

16 **THE COMMISSIONER:** Now the real questions.

17 **C-6:** M'hm.

18 **---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.**
19 **MANSON:**

20 **MR. MANSON:** I'm going to refer to Exhibit
21 494 and maybe to 499, but 494 for sure. That's the
22 February 3rd, statement.

23 **THE COMMISSIONER:** Mr. Manson is with the
24 Citizens for Community Renewal.

25 **MR. MANSON:** Yes. I was just going to

1 introduce myself.

2 **THE COMMISSIONER:** Oh, I'm sorry.

3 **MR. MANSON:** That was to the benefit of the
4 Registrar.

5 Mr. C-6, I know that it's awkward, but I'm
6 Allan Manson and I represent the Citizens for Community
7 Renewal, which is a group of Cornwall citizens who are
8 committed to promoting institutional reform.

9 I want to ask you about your statement to
10 Constable Desrosiers on February 3rd, 1997 just because I
11 want to get the account clear for the Commissioner. I'm
12 not challenging you. But if we go back to the preliminary
13 it's fair to say that Mr. Neville challenged you, and one
14 of the ways he challenged you was by suggesting that you
15 didn't say anything about Father MacDonald to Constable
16 Desrosiers.

17 **C-6:** Correct.

18 **MR. MANSON:** That's correct.

19 And one of the tools that he used to
20 challenge you was the fact, and I agree with him, that
21 Constable Desrosiers' notes don't mention Father MacDonald;
22 correct?

23 **C-6:** Correct.

24 **MR. MANSON:** And if we look at the
25 statement, Exhibit 494, it doesn't mention Father MacDonald

1 either; correct?

2 **C-6:** Correct.

3 **MR. MANSON:** Now, I understand from your
4 testimony earlier that you mentioned Father MacDonald after
5 the audio taping was finished.

6 **C-6:** Correct.

7 **MR. MANSON:** Let's just go back to the
8 audiotape for a minute. That's Exhibit 494. You'd agree
9 with me that if we look at the start time, around 1:30,
10 1:31 and then go to the end time, 2:01 in the afternoon,
11 that this was a half hour interview; correct?

12 **C-6:** Correct, yes.

13 **MR. MANSON:** And certainly if we look at it
14 nowhere in that interview do you mention Father MacDonald;
15 correct?

16 **C-6:** Yes, correct.

17 **MR. MANSON:** I'm talking about the
18 transcript of the audio taped interview.

19 But also nowhere in the interview does
20 Constable Desrosiers ask you about whether you've been
21 victimized by anyone else in Cornwall, does he?

22 **C-6:** In the interview, no.

23 **MR. MANSON:** In fact, if we turn to the last
24 page, he says "Anything else happen?" and you say "No,
25 those were the only two incidents I had." And he says "And

1 where did they all happen?"; "One at each apartment." So
2 clearly he's asking you about Marcel Lalonde; correct?

3 C-6: Yes.

4 MR. MANSON: And he's not posing the
5 question of have you been victimized by anyone else?

6 C-6: Right.

7 MR. MANSON: Now, the interview ends at
8 about 2:01, the taped interview; correct?

9 C-6: Yes.

10 MR. MANSON: And we know you waited around
11 for your brother because you told us about the punch up
12 after this attendance at the police station; correct?

13 C-6: Correct.

14 MR. MANSON: Can you explain the
15 circumstances after the tape machine is turned off how it
16 was that you mentioned Father MacDonald? Do you have any
17 recollection?

18 C-6: Probably posed it more as a -- I feel
19 I posed it as a question to Rene Desrosiers. I also have
20 Father Charles -- I was a victim of Father Charles. How do
21 I proceed with that?

22 MR. MANSON: And his answer to you was?

23 C-6: It was a different -- someone else was
24 going to be handling it. It was a different ---

25 MR. MANSON: At any time did he say -- I'm

1 sorry?

2 **C-6:** It was a different process or
3 department or different police force looking into it.

4 **MR. MANSON:** At any time did he mention the
5 OPP?

6 **C-6:** Could have then.

7 **MR. MANSON:** Because if we look through the
8 officer's notes we'll see that they were in close contact
9 with the OPP, certainly about Marcel Lalonde. And I don't
10 want to go to that, but it's in Sergeant Brunet's notes,
11 Mr. Commissioner ---

12 **THE COMMISSIONER:** Yes.

13 **Mr. MANSON:** --- from January of that year.

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

15 **MR. MANSON:** How long did this conversation,
16 after the audio taping, take?

17 **C-6:** Oh, maybe a few minutes.

18 **MR. MANSON:** So you were hanging around
19 chatting with Constable Desrosiers?

20 **C-6:** Yes.

21 **MR. MANSON:** And Mr. Commissioner, I don't
22 want to put this into evidence at this time, but later on
23 we will be hearing from C-6's brother, and the statement --
24 the audio tape statement of C-6, which is document 734201,
25 commences at 2:42.

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

2 **MR. MANSON:** So, there is about 40 minutes
3 between one event and the other event. And it's during
4 that period that you mentioned Father MacDonald.

5 **C-6:** It was at the end, yes.

6 **MR. MANSON:** Yeah.

7 **THE COMMISSIONER:** No.

8 **MR. MANSON:** After the audio -- but, it was
9 during that period -- 2:01 to 2:40 -- during the break
10 between when they finished taping you and when they started
11 taping your brother?

12 **C-6:** Yeah, it's after we were talking.
13 Yes.

14 **MR. MANSON:** Those are my only questions,
15 Mr. Commissioner.

16 **THE COMMISSIONER:** Thank you. Monsieur --
17 what's the order, Mr. Lee? What -- is he your client?

18 **MR. LEE:** He's not.

19 **THE COMMISSIONER:** There we go.

20 **--- CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. LEE:**

21 **MR. LEE:** Good afternoon, sir. My name is
22 Dallas Lee; I'm counsel for the Victim's Group here at the
23 Inquiry. I just have a very few questions for you.

24 Getting back to what the Commissioner asked
25 you a few moments ago, with the -- sort of the relationship

1 that you see between Marcel Lalonde and Charles MacDonald
2 from the church. As you've explained today, one was a
3 deacon at the church, one was a priest at the church, and
4 you raised that issue at some point during the
5 investigation in that you've been -- is it my understanding
6 you raised it because you didn't understand why they were
7 two separate investigations?

8 **C-6:** No; I raised it just to give
9 information.

10 **MR. LEE:** Was it your intention of raising
11 that issue, in hopes of having it considered one
12 investigation?

13 **C-6:** I'd hope for one single investigation
14 on myself, and now the people were involved.

15 **MR. LEE:** Do you remember who you told about
16 who you gave that information to?

17 **THE COMMISSIONER:** What information? That
18 you wanted both together?

19 **MR. LEE:** No, the witness has said that --
20 he brought up the issue of Marcel Lalonde being a deacon at
21 the same church as Father MacDonald was a priest ---

22 **THE COMMISSIONER:** Oh, okay.

23 **MR. LEE:** --- in order to provide the
24 information to the authorities because he thought it was
25 relevant.

1 Do you remember who you provided that
2 information to?

3 C-6: Not right now, no.

4 MR. LEE: Does it make sense if I told you
5 that the notes seem to indicate that you had a meeting with
6 Rene Desrosiers and a Crown Attorney in relation to the
7 Marcel Lalonde investigation and you told them at that
8 time? This was after you'd gone to the OPP. You'd gone to
9 the OPP, that statement was out.

10 C-6: Okay.

11 MR. LEE: Does that make sense to you?

12 C-6: Yes?

13 MR. LEE: Do you know if there was ever an
14 investigation into the link between those two people?

15 C-6: No I don't know if there was one or
16 not.

17 MR. LEE: Were you ever told one way or the
18 other?

19 C-6: No.

20 MR. LEE: At this point, you know -- today,
21 sitting here in your preparation sir, have you ever been
22 told if there was one or not?

23 C-6: No.

24 MR. LEE: So you just don't know.

25 The -- you told us that you were an altar

1 boy at St. Columban's for a number of years, I think -- in
2 one of your police statements, it said four years;
3 somewhere in that neighbourhood. Is that correct?

4 C-6: Correct.

5 MR. LEE: After you disclosed your abuse by
6 Father MacDonald to the police, did anybody from the
7 Diocese of Alexandria-Cornwall contact you at any time?

8 C-6: No.

9 MR. LEE: Prior to your disclosure, had you
10 ever been contacted during the course of a Diocese
11 investigation in Charles MacDonald?

12 C-6: No.

13 MR. LEE: Have you to this point had any
14 contact with the Diocese about this?

15 C-6: No.

16 MR. LEE: Sir, those are all my questions
17 for you, thank you very much for coming.

18 C-6: You're welcome.

19 THE COMMISSIONER: Thank you. Mr. Cipriano?
20 I'm sorry?

21 MR. CIPRIANO: I didn't hear it that's why.

22 THE COMMISSIONER: Well, yeah.

23 --- CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.

24 CIPRIANO:

25 Mr. CIPRIANO: Good afternoon sir, I am one

1 of the lawyers for Father MacDonald.

2 I want to start off by saying you already
3 told us that you didn't have any dealings with Perry
4 Dunlop. Is that correct?

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

6 **MR. CIPRIANO:** And I'm just going to show
7 you a letter; it's Document Number 701520, Bates page
8 7003877.

9 **THE COMMISSIONER:** All right. So Exhibit
10 501 is a letter from Claudette Wilhelm to Detachment
11 Inspector Pat Hall of the OPP dated October 5th, 1999.

12 **--- EXHIBIT NO./PIÈCE NO P-501:**

13 (701520) Letter from Claudette Wilhelm (MAG)
14 to Pat Hall (OPP) dated 5 Oct '99.

15 **MR. CIPRIANO:** Now sir, I don't expect
16 you've ever seen this letter but if you look at the fourth
17 paragraph which reads:

18 "However, it has come to our attention
19 that Constable Dunlop is meeting with
20 complainants on the Marcel Lalonde
21 prosecutions. Defence have reason to
22 believe that he has spoken with ..."

23 And I won't mention the names but your name
24 is in there.

25 **C-6:** Correct.

1 **MR. CIPRIANO:** And you've indicated you
2 never spoke to him, but your brother's name is also there
3 and I'm asking, do you know whether your brother might have
4 spoken to him?

5 **C-6:** I don't think my brother had spoken to
6 him, no.

7 **MR. CIPRIANO:** Okay. Would it be possible,
8 or you just don't -- or do you know for a fact that your
9 brother never spoke to him?

10 **C-6:** I'm almost sure of the fact that he
11 hasn't spoken to him.

12 **MR. CIPRIANO:** And correct me if I'm wrong,
13 but I get the sense from what you've told us today that it
14 was your brother who initiated most of what occurred in
15 going to the police?

16 **C-6:** Yes.

17 **MR. CIPRIANO:** And this -- the altercation
18 you had with your brother after leaving the Cornwall police
19 station, that was as a result -- I think you said, because
20 you had told him about the allegations you raised against
21 Father MacDonald.

22 **C-6:** No, I said it was because of the
23 stress that we were under.

24 **MR. CIPRIANO:** Would that have been the
25 first time that you had -- your brother would have known

1 about the allegations against Father MacDonald?

2 C-6: Yes.

3 MR. CIPRIANO: Okay. When I say that, I
4 mean the very fact that you had alleged anything; is that
5 correct?

6 C-6: I think so, yes.

7 MR. CIPRIANO: Okay.

8 If I can get you to look at, it would be
9 Exhibit 499, which is the transcript of the preliminary
10 inquiry.

11 C-6: Okay.

12 MR. CIPRIANO: And more specifically page
13 22. I don't know if that's easier for Madam Clerk.

14 You were being cross-examined as to why it
15 is you had come forward and one of the reasons you gave was
16 that your brother would have disclosed it to the police
17 anyway. Do you recall that?

18 C-6: Correct, yes.

19 MR. CIPRIANO: So -- and you said that you
20 had mentioned it to your brother, not the details, but only
21 the fact that you had been assaulted by Father MacDonald.

22 C-6: Yes.

23 MR. CIPRIANO: So is it possible then that
24 you might have mentioned it to him before rather than
25 after?

1 C-6: Yes, it's possible.

2 MR. CIPRIANO: And we know the date of your
3 preliminary inquiry was March 24th, 1999.

4 Do you recall that in the hallway of the
5 preliminary inquiry you had met two people that you knew;
6 David Silmser and John MacDonald?

7 C-6: I had seen them there, yes.

8 MR. CIPRIANO: And did they speak to you at
9 all that day?

10 C-6: I don't think so, maybe a hello,
11 that's all.

12 MR. CIPRIANO: Did you know if they were
13 testifying at all that day?

14 C-6: I'm not sure.

15 MR. CIPRIANO: Okay. Had you seen them --
16 in all the meetings you had with police officers, and
17 victim/witness people, and Crown Attorneys, had you ever
18 been with them regarding this case?

19 C-6: John and David? No.

20 MR. CIPRIANO: Okay.

21 C-6: Actually, the opposite, I was trying
22 to avoid them.

23 MR. CIPRIANO: Okay. And why is it that you
24 were trying to avoid them?

25 C-6: They made me nervous. They seemed

1 unsteady, you know, like they were -- they looked pretty
2 rough.

3 **MR. CIPRIANO:** And when was it that you saw
4 them to be nervous or unsteady?

5 **C-6:** Almost every time I see them now, or
6 John. I don't recall seeing David ---

7 **MR. CIPRIANO:** Okay.

8 **C-6:** Maybe at the trial, but John
9 MacDonald, I've seen.

10 **MR. CIPRIANO:** But I'm going to bring you
11 back to the preliminary inquiry, or the time when this is
12 ongoing.

13 **C-6:** M'hm.

14 **MR. CIPRIANO:** Were you seeing them then,
15 that you saw that they were being unsteady, or nervous?

16 **C-6:** No, no -- well I'm also a family --
17 friends of the family.

18 **MR. CIPRIANO:** Okay.

19 **C-6:** So I know his bothers also, and
20 they're telling me that John's having problems with
21 drinking and ---

22 **MR. CIPRIANO:** Okay.

23 **C-6:** --- you know, handling himself. So
24 that's the last person that I wanted to see in a court
25 situation.

1 **MR. CIPRIANO:** Okay. Did it ever -- did you
2 ever find it strange or odd that they would show up on the
3 date of your preliminary inquiry?

4 **C-6:** No. I assumed they both still lived in
5 Cornwall.

6 **MR. CIPRIANO:** Okay. If I could ask you to
7 turn to page 3 of the transcript, and this is when you're
8 being asked questions by the Crown Attorney, Mr. Pelletier.
9 And he asks you, and I'm just going to ask you to confirm
10 some portions -- I believe it's line 26:

11 "Is it possible for you to recall what
12 age you would have been when you began
13 as an altar boy?"

14 And you say:

15 "About seven."

16 **C-6:** Correct.

17 **MR. CIPRIANO:** Okay. So that would bring us
18 to roughly the year 1964 or 1965. Is that correct?

19 **C-6:** Correct.

20 **MR. CIPRIANO:** And we know from page 4, if
21 you turn the page, that you were an altar boy for about
22 four or five years?

23 **C-6:** Correct.

24 **MR. CIPRIANO:** And when we go to page 5 we
25 know -- you indicated to Mr. Pelletier that the incident

1 regarding Father MacDonald occurred a couple of years into
2 your tenure as an altar boy.

3 C-6: Correct.

4 MR. CIPRIANO: So that would bring us into
5 1966 or 1967?

6 C-6: At that time, yes.

7 MR. CIPRIANO: Okay. After the preliminary
8 inquiry, you said that you were given a copy of -- or it
9 might have been a wrong copy of the transcript?

10 C-6: Yes.

11 MR. CIPRIANO: By the Crown Attorney?

12 C-6: Correct.

13 MR. CIPRIANO: Okay. And you had some
14 meetings with the Crown Attorney, I take it? You met the
15 new Crowns?

16 C-6: Yes.

17 MR. CIPRIANO: Okay. If I can just bring up
18 document -- this is not an exhibit -- 113527.

19 THE REGISTRAR: One-one-three (113) ---

20 MR. CIPRIANO: Five-two-seven (527), more
21 specifically Bates page 1068428.

22 THE COMMISSIONER: Thank you. Exhibit
23 number 502. What's this?

24 ---EXHIBIT NO. /PIÈCE NO P-502:

25 (113257) Synopsis re C-6 R. v. MacDonald

1 re : C-6

2 **MR. CIPRIANO:** Mr. Commissioner, there are
3 some names in here that I believe are subject to
4 confidentiality measures.

5 **THE COMMISSIONER:** Okay, so -- all right.
6 So we'll stamp it. What is this document?

7 **MR. CIPRIANO:** It's a synopsis of the
8 transcript of the preliminary inquiry.

9 **THE COMMISSIONER:** Prepared by?

10 **MR. CIPRIANO:** I would -- I'm on the last
11 page. I believe it's prepared by the Crown Attorney.

12 **THE COMMISSIONER:** Can someone help out
13 here?

14 **MR. ENGELMANN:** We've looked at some
15 documents similar. There was a summer student or an
16 articling student working for the Crown who prepared some
17 synopsis.

18 **THE COMMISSIONER:** All right.

19 **MR. ENGELMANN:** I'm not sure why we're going
20 to this, so I may have an objection.

21 **THE COMMISSIONER:** Right. Why are we going
22 to this?

23 **MR. CIPRIANO:** Well, I was just -- on the
24 certain page that I'm interested in, which is the last
25 page, has some of the -- is a synopsis of the preliminary

1 inquiry for this witness ---

2 THE COMMISSIONER: M'hm.

3 MR. CIPRIANO: --- and I was going to ask
4 whether any of the weaknesses or concerns, or
5 inconsistencies in his evidence were ever raised with him?

6 MR. ENGELMANN: By whom, the Crown?

7 MR. CIPRIANO: Yes, Crown or police
8 officers, or ---

9 THE COMMISSIONER: Okay.

10 C-6: No.

11 MR. CIPRIANO: Okay. So have you had a
12 chance to look at that page?

13 C-6: Yes.

14 MR. CIPRIANO: The one with your name at the
15 top? Okay.

16 C-6: Yes, I read it.

17 MR. CIPRIANO: So there's here a number of
18 concerns that are raised, and those things -- those
19 questions were never asked of you?

20 C-6: Correct.

21 MR. CIPRIANO: Okay. Okay, sir, thank you.

22 C-6: Thank you.

23 THE COMMISSIONER: Mr. Chisholm?

24 MR. CHISHOLM: Good morning -- good
25 afternoon, Mr. Commissioner.

1 Good afternoon, sir. My name is Peter
2 Chisholm. I'm counsel for the United Counties of Stormont,
3 Dundas and Glengarry CAS. I have no questions for you. I
4 would like to thank you for your recommendations that you
5 made this afternoon. I found them to be most interesting.
6 Thank you.

7 **C-6:** You're welcome.

8 **THE COMMISSIONER:** Okay. Mr. Rose?

9 **MR. ROSE:** Good afternoon, sir. My name is
10 David Rose. I act for the Ministry of Community Safety and
11 Correctional Services. I have no questions for you. Thank
12 you for coming today.

13 **THE COMMISSIONER:** Thank you.

14 Ms. Lalji?

15 **MR. SCHARBACH:** I think actually ---

16 **THE COMMISSIONER:** Did I miss you? I'm
17 sorry. I can't even read lists anymore. I'm sorry, Mr.
18 Scharbach.

19 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

20 **SCHARBACH:**

21 **MR. SCHARBACH:** That's all right. Thank
22 you.

23 Good afternoon, sir. My name is Stephen
24 Scharbach, and I'm counsel for the Ministry of the Attorney
25 General. And I have a few questions for you this afternoon

1 concerning your contacts with the Crown Attorneys in your
2 two cases.

3 C-6: Yes.

4 MR. SCHARBACH: First of all, I want to deal
5 with the first prosecution that you were involved with,
6 that of Mr. Lalonde. And I think you mentioned to us that
7 you had a meeting before the preliminary inquiry with a
8 female Crown Attorney by the name of Claudette Wilhelm.

9 C-6: Yes.

10 MR. SCHARBACH: Do you recall that? And I
11 think you mentioned to us that you met with her on the day
12 before the preliminary started. And we know the
13 preliminary started on January the 14th, 1998.

14 C-6: Correct.

15 MR. SCHARBACH: And it appears that you met
16 with her on January the 13th. Is that correct?

17 C-6: Correct.

18 MR. SCHARBACH: And I believe you told us
19 that you were provided with the statement that you had
20 earlier given to Constable Desrosiers.

21 C-6: Yes.

22 MR. SCHARBACH: In preparation for the
23 meeting with the Crown; is that correct?

24 C-6: Correct.

25 MR. SCHARBACH: And I understand the meeting

1 took place at the fourth floor of the Justice Building on
2 Pitt Street in Cornwall?

3 **C-6:** Yes.

4 **MR. SCHARBACH:** And was anyone else present
5 at that meeting besides you and Ms. Wilhelm? Was Constable
6 Desrosiers there as well?

7 **C-6:** I'm not sure. He could have been,
8 yes.

9 **MR. SCHARBACH:** Okay. Well, do you remember
10 a second meeting with Ms. Wilhelm at which Constable
11 Desrosiers was present?

12 **C-6:** I don't recall those meetings too
13 much.

14 **MR. SCHARBACH:** Okay. All right.

15 Well, dealing with this first meeting just
16 before the preliminary, the purpose of that meeting, I take
17 it, was to touch on, go over your evidence in preparation
18 for your testimony the next day?

19 **C-6:** Yes.

20 **MR. SCHARBACH:** Is that correct?

21 **C-6:** Correct.

22 **MR. SCHARBACH:** So you would have gone over
23 that information?

24 **C-6:** Yes.

25 **MR. SCHARBACH:** And I understand she would

1 have explained what the process would be the next day?

2 C-6: Yes.

3 MR. SCHARBACH: And she would have given you
4 a chance to ask her any questions that you needed to?

5 C-6: Yes.

6 MR. SCHARBACH: And the meeting took about
7 45 minutes?

8 C-6: It sounds right.

9 MR. SCHARBACH: Okay. And after the
10 preliminary, the trial took place in September of 2000, and
11 I want to ask you, did you -- do you recall having another
12 meeting with Ms. Wilhelm ---

13 THE COMMISSIONER: Actually, I've got it
14 November of 2000, but I'm ---

15 MR. SCHARBACH: The Reasons for ---

16 THE COMMISSIONER: Oh, that's right.

17 MR. SCHARBACH: --- Decision were issued on
18 November the 17th.

19 THE COMMISSIONER: I'm sorry. Thank you.

20 MR. SCHARBACH: As best as I could tell
21 though, the trial took place in September of 2000. Does
22 that generally accord with your memory?

23 C-6: Correct.

24 MR. SCHARBACH: Okay. And can I ask you,
25 did you have or do you recall having a second meeting with

1 Ms. Wilhelm just before the trial in preparation for your
2 testimony at the trial?

3 C-6: I don't recall that.

4 MR. SCHARBACH: Okay. Do you recall whether
5 or not you were given a transcript of your testimony at the
6 preliminary in preparation for your testimony at the trial?

7 C-6: I think I got lost there for a second.
8 Are we still talking Marcel Lalonde?

9 MR. SCHARBACH: Yes, we're only talking
10 about Marcel Lalonde right now.

11 C-6: Okay. I didn't know if you were.

12 MR. SCHARBACH: So were you given ---

13 C-6: Yes, I would have been given the
14 transcript before the trial.

15 THE COMMISSIONER: Okay. But was that ---

16 C-6: The preliminary, I mean.

17 THE COMMISSIONER: The copy he's talking
18 about is the copy of the preliminary, what you had said at
19 the preliminary. You told me that at some point they gave
20 you the wrong one? They had stuff in there that wasn't
21 about you? Am I mistaken about that?

22 MR. ENGELMANN: That was the transcript from
23 the preliminary with Father Charlie ---

24 THE COMMISSIONER: Oh, I'm sorry.

25 C-6: See, I'm going through two things at

1 once here.

2 **THE COMMISSIONER:** Yes.

3 **C-6:** And I get them mixed up a little bit.

4 **THE COMMISSIONER:** No, no, no ---

5 **C-6:** And then my brother's involved on top
6 of all this and it's -- I'm trying to keep them all
7 straight. You can see how hard it is.

8 **THE COMMISSIONER:** Exactly. That's my point
9 exactly.

10 **MR. ENGELMANN:** Perhaps in fairness to the
11 witness ---

12 **THE COMMISSIONER:** And to me.

13 **MR. ENGELMANN:** --- and to the Commissioner,
14 Mr. Scharbach, in posing the question about whether you
15 were given a transcript, if he could just direct you to
16 that exhibit so that you could look at it.

17 **MR. SCHARBACH:** Okay.

18 **THE COMMISSIONER:** Okay. So we're only
19 talking about the Lalonde trial. We're only talking about
20 you for now.

21 **C-6:** Okay.

22 **THE COMMISSIONER:** All right.

23 So did you get -- after the preliminary
24 inquiry, did you get a copy of the evidence you gave at the
25 preliminary inquiry?

1 **C-6:** Yes.

2 **THE COMMISSIONER:** Okay.

3 **MR. SCHARBACH:** And I asked you that, sir,
4 because I'm really trying to get at whether or not you
5 recall a second meeting with Ms. Wilhelm at which you
6 discussed your evidence at the preliminary.

7 **C-6:** Yes, I recall a meeting with her and
8 discussing what we talked about at the preliminary and
9 preparing for the trial.

10 **MR. SCHARBACH:** Okay. And I don't want to
11 put words in your mouth, but am I correct in concluding
12 that you had two meetings with Ms. Wilhelm, once before the
13 preliminary and once before the trial?

14 **C-6:** I would think we met before. I can't
15 say if we met twice.

16 **MR. SCHARBACH:** All right. That's fine.
17 Now, I understand that at a meeting with Ms.
18 Wilhelm, you raised the idea of linking the prosecutions
19 against Marcel Lalonde with the prosecution against Father
20 MacDonald. Is that correct?

21 **C-6:** Correct, yes.

22 **MR. SCHARBACH:** And you had a conversation
23 with Ms. Wilhelm about that?

24 **C-6:** A lot of people, yes.

25 **MR. SCHARBACH:** And I understand that Ms.

1 Wilhelm explained to you that in order for the two men to
2 be tried together, they had to be linked somehow in their
3 crimes against you. Do you recall that? Well, do you
4 recall her -- sorry.

5 C-6: That would make sense.

6 MR. SCHARBACH: Yes. Do you recall her
7 giving you an explanation as to why they were being
8 prosecuted separately?

9 C-6: No.

10 MR. SCHARBACH: Okay. All right.

11 I want to ask you -- sorry,

12 C-6: This ---

13 MR. SCHARBACH: You were about to say
14 something?

15 C-6: This meeting was -- we had no meetings
16 with the Crown attorney, my brother and myself together.

17 MR. SCHARBACH: Oh no, I'm sorry, if I gave
18 the impression that I was referring to a meeting at which
19 you and your brother were both present, I didn't intend to
20 do that.

21 C-6: We did have meetings like that too
22 though, didn't we, where we met with the Crown together?

23 MR. SCHARBACH: Not that I know of.

24 C-6: Okay.

25 MR. SCHARBACH: All right. So can we leave

1 it at this; you had at least one meeting with Ms. Wilhelm,
2 possibly two?

3 **C-6:** Yes.

4 **MR. SCHARBACH:** Is that correct to say?

5 **C-6:** Correct.

6 **MR. SCHARBACH:** And you did have a
7 conversation with her in which you raised the concern about
8 linking the prosecutions?

9 **C-6:** Yes.

10 **MR. SCHARBACH:** And she provided you with an
11 explanation? It appears that you don't remember what the
12 explanation was at the moment.

13 **C-6:** Right.

14 **MR. SCHARBACH:** Is that correct to say?

15 **C-6:** Either I didn't understand it or I
16 didn't ---

17 **MR. SCHARBACH:** Okay. But you had a
18 discussion with her. We can go that far?

19 **C-6:** Yes.

20 **MR. SCHARBACH:** Okay. I want to move now to
21 your meetings with the Crown in the MacDonald prosecutions.
22 So we can set aside all the meetings concerning Marcel
23 Lalonde.

24 **C-6:** Okay.

25 **MR. SCHARBACH:** And I understand that before

1 the preliminary inquiry, I think you said that Constable
2 Dupuis of the OPP took you to meet with the Crown who, at
3 that point, was Robert Pelletier. Is that correct?

4 C-6: Correct.

5 MR. SCHARBACH: This would be February of
6 1999?

7 C-6: Correct.

8 MR. SCHARBACH: And again, as I understand
9 it, Mr. Pelletier gave you the police statement that you
10 had given with respect to Father MacDonald, or at least you
11 had been given that statement beforehand?

12 C-6: Beforehand, yes.

13 MR. SCHARBACH: And you were asked to read
14 it before your meeting with Mr. Pelletier?

15 C-6: Yes.

16 MR. SCHARBACH: And the purpose of the
17 meeting with -- sorry, you were about to say something
18 more?

19 C-6: Yeah, well, I didn't -- I couldn't
20 read it all the way ---

21 MR. SCHARBACH: Okay.

22 C-6: --- before I met with anyone. So I
23 hadn't really read the document. I had started to read it,
24 and then I wasn't able to finish it.

25 MR. SCHARBACH: Okay. And is it fair to say

1 that the meeting with Mr. Pelletier was for the same
2 purpose as your earlier meeting with Ms. Wilhelm; that is,
3 to go over your -- to go over your statement and to explain
4 to you what you could expect to encounter at the
5 preliminary inquiry?

6 **C-6:** Yes.

7 **MR. SCHARBACH:** All right.

8 And the meeting took place ---

9 **THE COMMISSIONER:** Sorry?

10 **C-6:** Who came first then -- what Crown
11 attorney did I have first? Well, Mrs. Wilhelm, right?

12 **THE COMMISSIONER:** Right. For the Lalonde
13 prosecution, yes. Then when that thing was finished, now
14 we're talking about the MacDonald prosecution.

15 **C-6:** Well, it changed after ---

16 **THE COMMISSIONER:** Yes.

17 **MR. SCHARBACH:** Okay.

18 **C-6:** So the Crown attorney changed after
19 that.

20 **THE COMMISSIONER:** Yes.

21 **C-6:** Okay.

22 **THE COMMISSIONER:** So what this gentleman is
23 saying is the first person you would have met on the
24 MacDonald prosecution was a fellow by the name of Robert
25 Pelletier.

1 **C-6:** Yes. Correct.

2 **THE COMMISSIONER:** Do you remember that?

3 **C-6:** The first Crown attorney I met on that
4 was Robert Pelletier.

5 **THE COMMISSIONER:** All right.

6 And the question was do you remember meeting
7 with him for the purposes of preparing for your preliminary
8 inquiry?

9 **C-6:** Yes.

10 **THE COMMISSIONER:** Okay.

11 **MR. SCHARBACH:** Okay. Thank you.

12 Thank you, Mr. Commissioner.

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

14 **MR. SCHARBACH:** And after the preliminary
15 inquiry, you met -- and before the trial, or before the
16 trial was scheduled, I should say, you met with a female
17 Crown ---

18 **C-6:** Correct.

19 **MR. SCHARBACH:** --- who had taken over that
20 case.

21 **C-6:** Correct. Yes.

22 **MR. SCHARBACH:** And that was Ms. Shelly
23 Hallett, correct?

24 **C-6:** Correct.

25 **MR. SCHARBACH:** And you had a meeting with

1 her, I think -- I think my friend brought out in October of
2 1999?

3 C-6: Correct.

4 MR. SCHARBACH: And again I'm going to ask
5 you, do you recall whether you had more than one meeting
6 with Ms. Hallett?

7 C-6: Yes, I did.

8 MR. SCHARBACH: Do you recall how many?

9 C-6: It felt like I had two or three with
10 Ms. Hallett.

11 MR. SCHARBACH: Right.

12 C-6: I had the most meetings with her.

13 MR. SCHARBACH: Right.

14 And at that first meeting with Ms. Hallett,
15 did she explain to you why she had taken over the
16 prosecution?

17 C-6: A conflict of interest is all I can
18 remember with the first Crown attorney.

19 MR. SCHARBACH: Okay. And that first
20 meeting you had with Ms. Hallett, it was sort of a get-to-
21 know-each-other meeting; am I correct?

22 C-6: Correct.

23 MR. SCHARBACH: She -- you talked a lot
24 about your background, where you worked, your education,
25 your family and so on. You didn't talk so much about the

1 details of the case at that meeting; is that correct?

2 C-6: Correct, yes.

3 MR. SCHARBACH: Okay. And then -- and I
4 think you also mention that you wanted a publication ban at
5 that meeting?

6 C-6: I could have asked for that then, yes.

7 MR. SCHARBACH: Okay. Well, you recall
8 asking Ms. Hallett about getting a publication ban?

9 C-6: Yes, I remember asking for that
10 because my children were still young.

11 MR. SCHARBACH: Right. And then over the
12 months you mentioned you had two, possibly three, meetings
13 - one, possibly two, additional meetings. Is that correct?

14 C-6: Correct.

15 MR. SCHARBACH: And in those other meetings
16 you had you talked about the case itself, I take it?

17 C-6: Yes.

18 MR. SCHARBACH: And in any of those meetings
19 or before those meetings were you provided with the
20 transcript of the preliminary inquiry in the MacDonald
21 case? For the purpose of going over the evidence that you
22 already provided?

23 C-6: Yes.

24 MR. SCHARBACH: Okay. So she was
25 essentially preparing you for eventual testimony at the

1 trial ---

2 C-6: Correct.

3 MR. SCHARBACH: --- in those two, or three,
4 meetings. Is that right?

5 C-6: Correct, yes.

6 MR. SCHARBACH: Now, I understand you also
7 had contact with a third Crown in the MacDonald
8 prosecution, a fellow by the name of McConnery. Do you
9 recall that?

10 C-6: No.

11 MR. SCHARBACH: Do you recall having
12 telephone conversations with McConnery?

13 C-6: No.

14 MR. SCHARBACH: Okay. All right. I want to
15 turn now to contacts that it appears you had with the
16 Victim Assistance Program, I believe, in Ottawa. You had
17 some contact with the Victim Assistance Program. Is that
18 correct?

19 C-6: You mean through Pat?

20 MR. SCHARBACH: No, no, no.

21 THE COMMISSIONER: Before that.

22 MR. SCHARBACH: In connection with the
23 prosecutions, and we can talk about Lalonde first, I
24 understand that -- they call it the VWAP office, if that
25 rings a bell, Victim and Witness Assistance Program.

1 **C-6:** Okay. Yes. Yes, they were approached
2 and gave me a card ---

3 **MR. SCHARBACH:** Right.

4 **C-6:** --- for assistance, yes.

5 **MR. SCHARBACH:** Okay. We have material that
6 I understand is a photocopy of their file concerning their
7 contacts with you. I know that you haven't seen that file
8 before.

9 But I wonder, Mr. Commissioner, if I may
10 have the witness see the document and enter it as an
11 exhibit and ask him whether the entries on those files
12 accord with his recollection.

13 If I may, I'm talking about document 200138.

14 **THE COMMISSIONER:** Thank you. Exhibit 503
15 are notes from the -- well, this is Cornwall Police, Mr.
16 Scharbach. This is on a letterhead from Detective Rene
17 Desrosiers.

18 **MR. SCHARBACH:** I think what you may be
19 looking at is the second page.

20 **THE COMMISSIONER:** Yes.

21 **MR. SCHARBACH:** And I think that's actually
22 a photocopy of his business card.

23 **THE COMMISSIONER:** Oh, okay. So what you're
24 saying -- thank you. So these are notes from the Victim
25 Witness Assistance Program?

1 **MR. SCHARBACH:** Yes, sir.

2 **THE COMMISSIONER:** Okay.

3 **MR. SCHARBACH:** I understand they are, yes.

4 **THE COMMISSIONER:** All right.

5 **---EXHIBIT NO./PIECE NO P-503:**

6 (200138) Notes from Witness Assistance

7 Program re C-6

8 **MR. SCHARBACH:** And we may eventually have
9 someone testify to these notes but at the moment I'd like
10 to ---

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

12 **MR. SCHARBACH:** Sir, on the first page --
13 sorry, the first two pages deal with what I understand are
14 your contacts with the Victim Assistance Program with
15 respect to the Lalonde prosecution. And it indicates that
16 on September the 12th, 2000 the Victim Assistance person met
17 with you and it says here:

18 "She explained our services. Referred
19 to counselling and possible court
20 accompaniment for Monday September the
21 18th. Will advise."

22 Do you recall having a meeting with someone
23 from the Victim Assistance Program ---

24 **C-6:** Yes.

25 **MR. SCHARBACH:** --- in September before the

1 trial?

2 C-6: Yes.

3 MR. SCHARBACH: And ---

4 C-6: It wasn't a meeting.

5 MR. SCHARBACH: I'm sorry?

6 C-6: It wasn't a meeting in a room and
7 everything. It was just a face-to-face conversation in
8 hallway or some place, or whatever.

9 MR. SCHARBACH: Okay. And did the person
10 explain to you the services of the Victim Assistance
11 Program?

12 C-6: Yes.

13 MR. SCHARBACH: And she referred you to
14 counselling. You had a conversation about counselling?

15 C-6: She referred me to counselling?

16 MR. SCHARBACH: Well, did she talk to you;
17 did she have a conversation about counselling?

18 C-6: Yes, we had a conversation, talked
19 about counselling. She gave me her card, her business
20 card.

21 MR. SCHARBACH: Right.

22 THE COMMISSIONER: So it wasn't really a
23 referral. It was she told you that counselling was
24 available.

25 C-6: Yeah.

1 **THE COMMISSIONER:** Okay.

2 **MR. SCHARBACH:** Okay. And the second
3 notation is dated September the 18th and it says "court
4 accompaniment". Now, that suggests that this person
5 accompanied you to court on September the 18th when you
6 testified with respect to Marcel Lalonde. Is that ---

7 **C-6:** No, this is suggesting that she had
8 offered her services to accompany me to court and that -- I
9 think my Crown attorney was to call back and let her know
10 if I needed accompaniment or not, and I didn't.

11 **THE COMMISSIONER:** That's on the 12th. But
12 then on the 18th she's got a note saying that there was
13 court accompaniment. So do you recall seeing this lady on
14 the 18th?

15 **C-6:** No.

16 **MR. SCHARBACH:** All right.

17 Now, on the next page there's a notation for
18 the date November the 17th.

19 **THE COMMISSIONER:** It's the one with the
20 business card.

21 **MR. SCHARBACH:** The next page over.

22 **THE COMMISSIONER:** Yes, that's the one.

23 **MR. SCHARBACH:** And we know that November
24 the 17th, 2000 was the date that the reasons for decision
25 were given with respect to Mr. Lalonde. And the note says

1 "Attended sentencing. Spoke with..." -- she mentions names,
2 including yours, and she indicates that she informed you
3 and the others concerning the general way in which
4 decisions are rendered and sentencing and so on.

5 Do you recall having a conversation with
6 someone that day?

7 **C-6:** No.

8 **MR. SCHARBACH:** You don't recall that?

9 **C-6:** No.

10 **THE COMMISSIONER:** Just a minute. And I'm
11 sorry to interrupt.

12 Were you there that day?

13 **C-6:** No, my brother went.

14 **MR. SCHARBACH:** All right.

15 **C-6:** I remember a lot of people assumed
16 that when they told Gary they were telling me.

17 **MR. SCHARBACH:** Oh, I see. I see.

18 **C-6:** And the other way around.

19 **MR. SCHARBACH:** All right.

20 You'll see she mentions both you and your
21 brother's names there.

22 **C-6:** Correct.

23 **MR. SCHARBACH:** All right.

24 But you weren't present in court that day?

25 **C-6:** Not in the sentencing, no.

1 **THE COMMISSIONER:** No, not the sentencing.

2 **C-6:** "Attended sentencing".

3 **THE COMMISSIONER:** You see what it says.

4 **MR. SCHARBACH:** It's true. She does say
5 sentencing.

6 **THE COMMISSIONER:** She does sentencing, but
7 that's not what we're talking about. We're talking about
8 on November 17th -- was that the sentencing date?

9 **MR. SCHARBACH:** That was the date that
10 reasons for decisions were issued. Sentencing came much
11 later.

12 **THE COMMISSIONER:** You see, now you can
13 understand why some people are confused.

14 **MR. SCHARBACH:** M'hm.

15 **THE COMMISSIONER:** So November 17th was the
16 day that the judge gave her decision as to who was going to
17 be found guilty as to what charges. I just want to make
18 very clear ---

19 **C-6:** Not the sentencing?

20 **THE COMMISSIONER:** Right.

21 **C-6:** Okay.

22 **THE COMMISSIONER:** Were you there the day
23 that she gave the decision, the judge gave the decision?

24 **C-6:** No, I don't think I was.

25 **THE COMMISSIONER:** Okay. And that would

1 have been when she would have said that Mr. Lalonde I find
2 you not guilty with respect to your charges, the ones that
3 you're -- were you there when she ---

4 **C-6:** No.

5 **THE COMMISSIONER:** Okay.

6 **MR. SCHARBACH:** Thank you, Mr. Commissioner.

7 Now, if we can turn to the last page. This
8 appears to be the notes concerning your contacts with
9 Victims Assistance with respect to the MacDonald
10 prosecution.

11 So we'll just set aside Lalonde altogether
12 right now.

13 **C-6:** Yes. Okay. Father Charles.

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

15 **MR. SCHARBACH:** And the entry indicates that
16 on July -- the first entry that is, indicates that on July
17 the 20th, 2000 there's a telephone call from you. I assume
18 "TC from XXXX" means telephone call from XXXX -- sorry,
19 from you. The notation indicates that you had basic
20 questions and you had your statement and transcript.

21 There was also, apparently, an explanation
22 of the Victim Assistance Services; you'll see that in the
23 fourth line.

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

25 **MR. ENGELMANN:** Mr. Commissioner, I'm just

1 wondering -- in fairness to the witness, we don't have an
2 author, we don't have a name. Is there some suggestion as
3 to who might have done this?

4 **MR SCHARBACH:** I'm afraid I don't have the
5 name of the individual, but I would ask the witness whether
6 or not he recalls the contacts.

7 **THE COMMISSIONER:** Okay, just -- so, you
8 remember the first lady who helped you, the Victim Witness
9 Assistance Program, from Monsieur Lalonde.

10 **C-6:** Yes.

11 **THE COMMISSIONER:** With respect to Father
12 Charles MacDonald -- can you picture who that person was
13 that was helping you in the same function? Was it a male
14 or a female?

15 Do you have any recollection of that?

16 **C-6:** No, the only person I remember was a
17 female lady offering me assistance the first time I was
18 down there, in Cornwall.

19 **THE COMMISSIONER:** Okay. Right. So do you
20 remember someone else coming at the Father MacDonald
21 hearing to be with you?

22 **C-6:** No.

23 **THE COMMISSIONER:** So I don't know -- Mr.
24 Scharbach?

25 **MR. SCHARBACH:** here.

1 All right; well let me sum it up this way.

2 The notes indicate that there were contacts
3 between July of 2000 and it looks like March 2002 between
4 yourself and the Victim Assistance Program office
5 concerning the MacDonald prosecution only. Do you recall
6 being in contact with the Victim Assistance Program
7 occasionally during that period from July 2000 to March
8 2002?

9 C-6: I know there was -- these services
10 were available.

11 MR. SCHARBACH: M'hm.

12 C-6: And that I was able to apply ---

13 MR. SCHARBACH: M'hm

14 C-6: --- for victim's compensation. But
15 again like, the counselling, I wasn't interested in it all.

16 THE COMMISSIONER: No, that's not -- we're
17 talking about something different, though we're talking
18 about someone phoning you up and following you through the
19 charges with Father MacDonald. And one of the things would
20 have been -- did somebody phone and leave a message for you
21 once and then you phoned them back and said I don't want
22 you leaving messages with my children and stuff like that?
23 Does that ring a bell?

24 C-6: It rings a bell but I've done it
25 before but to other people, too. It's just ---

1 **THE COMMISSIONER:** Sure, okay.

2 **C-6:** --- don't leave a message; I don't get
3 my messages.

4 **MR. SCHARBACH:** Thank you sir, those are ---

5 **THE COMMISSIONER:** That happens in your home
6 as well?

7 **C-6:** It happens there too; yes.

8 **MR. SCHARBACH:** Thank you sir; those are all
9 of my questions. Thank you very much for your information
10 today.

11 **C-6:** You're welcome.

12 **THE COMMISSIONER:** Well, I get my messages
13 from my children about a week later.

14 **C-6:** I'd like it better than email.

15 **THE COMMISSIONER:** Okay. Who's next now?

16 **MS. LALJI:** Should I do mine next?

17 **THE COMMISSIONER:** Thank you -- Ms. Lalji.

18 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

19 **LALJI:**

20 **MS. LALJI:** Good afternoon sir -- my name is
21 Reena Lalji and I'm counsel for the Cornwall Police. I just
22 have a few questions for you.

23 Sir, I wanted to talk to you about your
24 first meeting with Constable Desrosiers and how that came
25 about. Before I turn you to the documents, I'll just ask

1 you some questions to see if it jives with your
2 recollection.

3 Now, in January 31st -- on January 31st 1997,
4 your brother had called the CPS and spoke to René
5 Desrosiers. Does that recall -- do you recall that?

6 **C-6:** Yes.

7 **MS. LALJI:** And in that conversation, your
8 brother had indicated to constable Desrosiers that he
9 wanted to specifically speak to him about allegations
10 regarding Marcel Lalonde. Do you agree with that?

11 **C-6:** I do, yes.

12 **MS. LALJI:** Also during that conversation,
13 your brother had indicated to constable Desrosiers that you
14 also wanted to come in and speak to Constable Desrosiers
15 about your allegations, with respect to Marcel Lalonde. Do
16 you agree with that?

17 **C-6:** Yes.

18 **MS. LALJI:** Okay.

19 And then, during that conversation, your
20 brother scheduled an appointment for both of you to attend
21 the Cornwall Police office on February 3rd, to be
22 interviewed by Constable Desrosiers. Is that right?

23 **C-6:** Correct.

24 **MS. LALJI:** So then, on February 3rd of 1997,
25 you and your brother came to the Cornwall Police -- right?

1 C-6: Correct.

2 MS. LALJI: And then you had your interview
3 with Constable Desrosiers, one on one. Correct?

4 C-6: Yes, correct.

5 MS. LALJI: And then, on April 1st 1997, you
6 and your brother met with Constable Desrosiers so that each
7 of you could show constable Desrosiers where Marcel Lalonde
8 had lived is that right?

9 C-6: Correct.

10 MS. LALJI: Okay. And then, later on that
11 day, on April 1st, you went back to the police station and
12 identified Marcel Lalonde in a photo lineup. Do you
13 remember that?

14 C-6: I remember that, yes.

15 MS. LALJI: Then, later on that month, on
16 April 29th 1997, Constable Tyo from the Cornwall Police left
17 you a message at home and indicated to you that Marcel
18 Lalonde had been arrested. Do you recall that?

19 MS. LALJI: The message? Not really, no.

20 C-6: Okay; would it help if I showed you a
21 note from Constable Tyo's notebook?

22 C-6: No.

23 MS. LALJI: Okay.

24 C-6: I'm just saying this because Tyo is
25 spelled T--Y--O?

1 MS. LALJI: Correct.

2 C-6: And that's a name I wouldn't have
3 forgotten.

4 MS. LALJI: You would have forgotten?

5 C-6: I would not have forgotten. Mr. Tyo -
6 - T-Y-O -- was also killed with my father in a car
7 accident. So T-Y-O is not a common name ---

8 MS. LALJI: Okay; but that's a note from
9 this Constable, though ---

10 C-6: --- and that would have stuck with me,
11 yeah.

12 MS. LALJI: Okay, but he did ---

13 C-6: He might have been a relative and I
14 would have asked him, or -- so, I don't recall that at all.

15 MS. LALJI: Okay; okay. Do you recall that
16 your brother was contacted by Constable Tyo on that day --
17 on April 29th -- and had actually spoken to your brother and
18 told him about the arrest?

19 C-6: Yes.

20 MS. LALJI: Okay, so ---

21 MR. ENGELMANN: (Off mic) --- Excuse me ---

22 C-6: So, I think I heard that from my
23 brother, actually.

24 MR. ENGELMANN: (Off mic) --- We've had a
25 number of questions where we were talking about

1 conversations that clearly, the witness was not a part of.
2 So perhaps ---

3 **THE COMMISSIONER:** Well, we don't really
4 know if he wasn't part of it.

5 **MR. ENGELMANN:** Well we don't, and that was
6 never developed, right? I'm -- you know, I've been waiting
7 patiently but, again, I have no idea whether this witness
8 overheard all of these conversations or if he was just told
9 afterwards, by his brother. There are a whole lot of
10 questions about conversations.

11 **THE COMMISSIONER:** Well, I know. You're
12 right, you're absolutely right, and I let them go as well
13 because I thought it was just setting the scenario and ---

14 **MR. ENGELMANN:** (Off mic) --- All right.

15 **THE COMMISSIONER:** --- not much would turn
16 on the veracity of it all.

17 **MS. LALJI:** Mr. Commissioner, I was just
18 putting these questions to the witness to show a timeline;
19 and that was the reason for it.

20 **THE COMMISSIONER:** Okay. Okay. So the
21 witness is saying that, yes, he found out that the -- that
22 Lalonde had been arrested, but probably through his
23 brother.

24 **MS. LALJI:** Correct.

25 Well, let me ask you this, sir: were you

1 aware -- even though you may have found out from your
2 brother at a later date -- were you aware that Mr. Lalonde
3 was arrested on April 29th, on that day, even if you found
4 out later on?

5 **C-6:** Yes.

6 **MS. LALJI:** Okay.

7 So, based on that timeline that I just gave
8 to you -- that we just went through right now, it was
9 within three months from your first interview, with
10 constable Desrosiers on February 3rd 1997, to the day that
11 Marcel Lalonde was arrested in April. Is that right?

12 **C-6:** It sounds right, yes.

13 **MS. LALJI:** Now, you told Mr. Engelmann
14 earlier today -- even though it's not in your summary of
15 evidence that you had told Constable Desrosiers about
16 Father MacDonald in your February 3rd, 1997 interview. Do
17 you recall that?

18 **MR. ENGELMANN:** (Off mic) --- Excuse me, I
19 was just -- if I interrupt, sorry.

20 We've already explained several times that
21 we're not going to be cross-examining witnesses on their
22 summary of evidence. It's the Commission's work product.
23 If there's an issue about telling anything about Constable
24 Desrosiers, it was clear that this witness indicated at a
25 preliminary inquiry many, many years ago that he told

1 constable Desrosiers. So, if there's a mistake because
2 there's been an omission in the Commission's summary of
3 evidence, I don't think that should be put to the witness.

4 **THE COMMISSIONER:** Okay.

5 **MS. LALJI:** Mr. Commissioner, I am not
6 cross-examining this witness on any summary of evidence.
7 That was just by way of an introduction to all of my
8 questions that are coming up. I am not cross-examining him
9 on that document -- on the summary of evidence.

10 **THE COMMISSIONER:** Okay, well -- so what was
11 your question, again?

12 **MS. LALJI:** That was just by way of an
13 introduction to my question. I actually hadn't gotten into
14 my question, yet.

15 **THE COMMISSIONER:** Okay, okay.

16 **MS. LALJI:** So, my question to you, sir, is
17 that now, you had not mentioned in your recorded portion of
18 that interview in February 3rd -- on February 3rd; it's not
19 mentioned in there that you had referred to Father
20 MacDonald. Is that correct?

21 **C-6:** Correct.

22 **MS. LALJI:** Also, the transcript of that
23 interview, which is Exhibit 494 -- it doesn't need to be
24 pulled up -- which is Exhibit 494 -- it's also not
25 mentioned in there -- and we've gone over that.

1 C-6: Correct.

2 MS. LALJI: When you met with the OPP in the
3 fall of 1997, which was in October, and that's entered as
4 Exhibit 498 -- we don't have to go to it unless we need to
5 -- the OPP had asked you who you had told about Father
6 MacDonald and those allegations, and at that time, you
7 hadn't mentioned to the OPP that you had mentioned it to
8 Constable Desrosiers. Is that right?

9 If you are not sure ---

10 C-6: Yes.

11 MS. LALJI: --- I can take you to the
12 document.

13 C-6: No, I hadn't mentioned it them.

14 MS. LALJI: You had not mentioned it to the
15 OPP?

16 C-6: No. It was being actioned.

17 THE COMMISSIONER: It was being what?

18 C-6: Actioned.

19 MS. LALJI: Pardon me?

20 THE COMMISSIONER: Actioned.

21 C-6: There was someone now looking into it,
22 so why would I ask the question?

23 MS. LALJI: Sorry. Let me rephrase my
24 question. When you had spoken to the OPP in October 1997,
25 when they were asking you about the Father MacDonald

1 allegations ---

2 **C-6:** Correct.

3 **MS. LALJI:** --- the OPP had asked you if you
4 had told anyone else about those allegations prior to
5 meeting with them, and at that time, you did not tell them
6 that you had told Constable Desrosiers. Is that correct?

7 **C-6:** Correct.

8 **MS. LALJI:** But you do recall that you
9 mentioned this to Constable Desrosiers in the non-recorded
10 portion of the February 3rd interview. Correct?

11 **C-6:** Correct.

12 **MS. LALJI:** Now, the statement that you had
13 given to Constable Desrosiers on February 3rd, 1997, that
14 was specifically on Marcel Lalonde?

15 **C-6:** Yes.

16 **MS. LALJI:** You testified earlier today that
17 Constable Desrosiers told you on February 3rd that another
18 group was going to look into the Father MacDonald
19 allegations. Correct?

20 **C-6:** Correct.

21 **MS. LALJI:** And Project Truth did, indeed,
22 deal with you regarding Father MacDonald's allegations.
23 Right?

24 **C-6:** Correct.

25 **MS. LALJI:** Thank you. I have no further

1 questions.

2 **THE COMMISSIONER:** Okay. Ms. Costom.

3 **MS. COSTOM:** I am actually going to let Mr.
4 Carroll go first today.

5 **THE COMMISSIONER:** You are.

6 Mr. Carroll.

7 **MR. CARROLL:** Good afternoon.

8 **THE COMMISSIONER:** Good afternoon, sir.

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

10 **CARROLL:**

11 **MR. CARROLL:** Good afternoon, sir. My name
12 is Bill Carroll. I am the lawyer for the Ontario
13 Provincial Police Association.

14 **C-6:** Okay.

15 **MR. CARROLL:** It's an organization, for
16 example, Constable Dupuis is a member of that as well as
17 Constable Seguin. Okay?

18 **C-6:** M'hm.

19 **MR. CARROLL:** I just have a couple of
20 questions for you about the early stages of your
21 conversations with the OPP in relation to Father MacDonald.

22 You've already told us that you met with the
23 OPP originally on October the 3rd, of '97. Was that at your
24 brother's place initially?

25 **C-6:** We initially met there and then drove

1 to the OPP station.

2 MR. CARROLL: Right. And there was an
3 interview at your -- yes, a conversation at your brother's
4 place, I guess is a better way of putting it.

5 C-6: Yes.

6 MR. CARROLL: You gave some information
7 about your allegations against Father MacDonald, and you
8 were requested to come to Kanata Station to make a formal
9 video-audio statement. Right?

10 C-6: Correct.

11 MR. CARROLL: And you certainly agreed to do
12 that, to go with them. Right?

13 C-6: Yes. Yes, I did.

14 MR. CARROLL: All right.

15 In fact, you had made the initial contact
16 with them, had you not?

17 C-6: Yes.

18 MR. CARROLL: Yes. And that was because you
19 wanted to speak about this matter involving Father
20 MacDonald. Correct?

21 C-6: Correct.

22 MR. CARROLL: When you get to -- I'll take
23 you to the documents if necessary, but I'm going to suggest
24 to you, sir, that once you get to Kanata and the equipment
25 is set up, there's some preliminaries about how the

1 interview is going to go, but they ask you if you -- on
2 video, they ask you if you consent to being taped; don't
3 they?

4 C-6: Correct.

5 MR. CARROLL: And you readily agree to that
6 as well?

7 C-6: Yes.

8 MR. CARROLL: In the interview, sir, it
9 comes to light as to who you told, that there was a
10 conversation, you acknowledged, with your wife; right?

11 C-6: Correct.

12 MR. CARROLL: And sir, is it fair to say
13 that what the officers did, rather than just running out to
14 interview your wife, they asked your permission, if it
15 would be okay with you to go and speak to her.

16 C-6: Correct, yes.

17 MR. CARROLL: Also in that interview, they
18 were asking you -- and you recall Mr. Engelmann was asking
19 you a couple of questions about this, about how old you
20 were when these incidents took place and when you were an
21 altar boy. Right?

22 C-6: Correct, yes.

23 MR. CARROLL: And you said to the police
24 words to the effect, I was expecting that kind of question
25 and so I think you should talk to my mom, she may be able

1 to assist you on that?

2 C-6: Correct.

3 MR. CARROLL: And you were aware that within
4 days of your interview, the officers went and spoke to your
5 mom?

6 C-6: Yes.

7 MR. CARROLL: And from that information, she
8 was able to provide them with the information about how old
9 you were and what years you were an altar boy. Correct?

10 C-6: Correct.

11 MR. CARROLL: And she was also able to
12 provide them with the name of another altar boy that she
13 knew of that served at the same time as you that they could
14 follow-up with. Right?

15 C-6: Correct.

16 MR. CARROLL: Throughout the course of your
17 dealings with -- Constable Dupuis was the main -- the
18 officer you spoke with mainly, I think, eh?

19 C-6: Yes.

20 MR. CARROLL: And am I correct, sir, in
21 stating that at all times he treated you with respect and
22 dignity?

23 C-6: He did, yes.

24 MR. CARROLL: Thank you, sir. Thank you for
25 your evidence today.

1 **THE COMMISSIONER:** Thank you.

2 Ms. Costom.

3 **MS. COSTOM:** Good afternoon, sir.

4 **C-6:** Hi.

5 **MS. COSTOM:** I am Suzanne Costom. I'm one
6 of the lawyers for the Ontario Provincial Police, the
7 higher-ranking officers of the service.

8 It's been a long afternoon. I think you'll
9 be happy to know I have no questions for you. I want to
10 thank you for coming today.

11 **C-6:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Ms. Birrell.

14 **MS. BIRRELL:** Good afternoon, Mr.
15 Commissioner.

16 **THE COMMISSIONER:** Good afternoon.

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

18 **BIRRELL**

19 **MS. BIRRELL:** Good afternoon, sir.

20 **C-6:** Good afternoon.

21 **MS. BIRRELL:** My name is Jennifer Birrell,
22 and I am counsel for the Catholic District School Board of
23 Eastern Ontario. I have just a few questions for you. I
24 won't keep you too much longer.

25 When you began giving your evidence today,

1 my friend, Mr. Engelmann, began by reviewing your school
2 history. Do you recall him going through ---

3 C-6: Yes.

4 MS. BIRRELL: --- that you had been to St.
5 Columban's and thereafter, you went to Bishop Macdonell?

6 C-6: Yes.

7 MS. BIRRELL: And those are both schools
8 that are in the Catholic School Board. That's correct?

9 C-6: Correct.

10 MS. BIRRELL: And then you went to high
11 school and that was with another school board? That wasn't
12 within the Catholic system?

13 C-6: St. Columban's?

14 MS. BIRRELL: After Bishop ---

15 C-6: St. Lawrence High School, yes.

16 MS. BIRRELL: Okay. And that's a Separate
17 School Board? It's not a Catholic school?

18 C-6: It's got a Saint in front of it.

19 (LAUGHTER / RIRES)

20 MS. BIRRELL: Okay.

21 C-6: I always thought it was a Catholic
22 school.

23 MS. BIRRELL: Okay. All right then.

24 And while you were at Bishop Macdonell, I
25 think that's when you said you were -- Marcel Lalonde was

1 your teacher in Grade 8 or your homeroom teacher?

2 C-6: Yes.

3 MS. BIRRELL: Okay. And I think you said --
4 your evidence was that there was no abuse that took place
5 or alleged abuse that took place during the Grade 8 year.

6 C-6: Correct.

7 MS. BIRRELL: Would it be fair to describe
8 your relationship with Mr. Lalonde during the Grade 8
9 school year as a normal student-teacher relationship?

10 C-6: Normal in that environment.

11 MS. BIRRELL: In that environment. And
12 there wasn't any of these visits outside of school in Grade
13 8?

14 C-6: Yes.

15 MS. BIRRELL: There were?

16 C-6: There were, yes.

17 MS. BIRRELL: Okay. Can you tell me about
18 those?

19 C-6: Might be at a bottle drive in a
20 carwash and he organized it because we were doing
21 fundraising to go to Toronto by bus and stay at the
22 university there in Grade 8.

23 MS. BIRRELL: Okay. These were class
24 activities?

25 C-6: These were class activities, yes.

1 **MS. BIRRELL:** Okay. And visiting his
2 apartment, that didn't take place during the Grade 8 school
3 year?

4 **C-6:** No.

5 **MS. BIRRELL:** That took place after you left
6 Bishop Macdonell. Is that correct?

7 **C-6:** Yes. Correct.

8 **MS. BIRRELL:** And I think you were clear
9 that during your evidence in-chief that, at that time, you
10 didn't raise your allegations of abuse with the school
11 board or anyone?

12 **C-6:** No.

13 **MS. BIRRELL:** And I think you explained why.
14 My question for you would be what if
15 anything could institutions like the school board do to
16 enable students to raise these allegations at the time?

17 **C-6:** If they can do it anonymously, have a
18 web page where they can write in.

19 **MS. BIRRELL:** M'hm.

20 **C-6:** You know, anonymously chat with a
21 counsel over the Internet and then get a feel of whether
22 they want to continue and ---

23 **MS. BIRRELL:** I beg your pardon?

24 **C-6:** And then, after that, they can get a
25 feel if they want to continue with charges in person, after

1 they've spoken to somebody anonymously telling them that
2 your case is strong, your case is weak, are you prepared to
3 go 10 years through court and, you know, just give them a
4 feeling of what it's like to go to court.

5 **MS. BIRRELL:** Anything else that the school
6 board could do to assist alleged victims to come forward?

7 **C-6:** Like I say, all I can think of is a
8 special chat room on that for the schools.

9 **MS. BIRRELL:** Thank you, sir. Those are all
10 my questions for today. I thank you for coming forward
11 today.

12 **C-6:** You're welcome.

13 **THE COMMISSIONER:** Thank you.

14 So who is going next? Would you like to ask
15 some questions?

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

17 **HARREMAN:**

18 **MS. HARREMAN:** Just a few questions, your
19 Honour.

20 Going back to your testimony in regards to
21 Marcel Lalonde. We heard that in total there were three
22 visits to his house; different locations.

23 The first visit, you went there? We heard
24 that you expected to find other people there. There were
25 none. There was alcohol consumed, and you went to lie down

1 and you awoke to find yourself being sexually assaulted?

2 C-6: Correct

3 MS. HARREMAN: At any point during that
4 occasion did you indicate that that kind of sexual contact
5 would be okay with you?

6 C-6: No, I did not.

7 MS. HARREMAN: And on the second occasion,
8 you indicated that you went to his -- Mr. Lalonde's new
9 place of residence, and that you went there in order to
10 consume alcohol because you expected to be able to do that?

11 C-6: Okay.

12 MS. HARREMAN: Correct? And again you found
13 yourself passed out at some point during the evening. Had
14 you prior to that time indicated to Mr. Lalonde that you
15 were expecting a sexual relationship with him during that
16 evening?

17 C-6: No, I did not.

18 MS. HARREMAN: Did you give any indication
19 to him that such contact would be consensual? Did you ever
20 indicate to him that it was okay for him to have sexual
21 contact with you on that occasion?

22 C-6: Not straight out. There was no ---

23 MS. HARREMAN: Did you say, "Yes, you can
24 have sex with me"?

25 C-6: After ---

1 **MS. HARREMAN:** Did he ask you if he could
2 have sex with you?

3 **C-6:** Yes.

4 **MS. HARREMAN:** Did you say, "Yes, you can
5 have sex with me"?

6 **C-6:** Yes.

7 **MS. HARREMAN:** And do you know ---

8 **C-6:** At first, but not after. After I was
9 drunk, and, you know, inebriated, it carried it on, beyond
10 ---

11 **MS. HARREMAN:** At the time ---

12 **C-6:** --- photos and stuff and ---

13 **MS. HARREMAN:** Okay. So at the time that he
14 was having sex with you, was that consensual?

15 **THE COMMISSIONER:** You were under the
16 influence of alcohol, I take it?

17 **C-6:** Yes.

18 **THE COMMISSIONER:** And when he asked you
19 whether or not this sexual activity would take place ---

20 **C-6:** Yes.

21 **THE COMMISSIONER:** --- you were under the
22 influence of alcohol?

23 **C-6:** Yes.

24 **THE COMMISSIONER:** And how old were you at
25 the time?

1 C-6: Maybe sixteen at the most.

2 MS. HARREMAN: So you were consuming alcohol
3 at the time these conversations were taking place.

4 C-6: Yes.

5 MS. HARREMAN: Okay. And did you give
6 consent for the photos to be taken?

7 C-6: I think I did, yes.

8 MS. HARREMAN: And had you consumed alcohol
9 at that time?

10 C-6: Yes, yes.

11 MS. HARREMAN: At the time that -- or after
12 Justice Métivier rendered her judgement in respect of the
13 charges that stemmed from your reports to the police about
14 Marcel Lalonde, did the Crown ever discuss the potential to
15 appeal her decision with you?

16 C-6: Not that I recall.

17 MS. HARREMAN: Did they ever indicate why
18 they would not appeal such a decision with you?

19 C-6: No.

20 MS. HARREMAN: Turning now to Father
21 Charles, and just following up on my friend's question, at
22 the time that you went ---

23 C-6: But you can't -- can I answer
24 something before that; may be too much, but it was asked
25 before and I'm sure I stated somewhere that the second time

1 I went to Marcel Lalonde's was to drink.

2 MS. HARREMAN: Right.

3 C-6: Marcel Lalonde, the second time he
4 moved, was now married. So he had a wife, so ---

5 MS. HARREMAN: Okay.

6 C-6: Thank you.

7 THE COMMISSIONER: No, no, let's finish that
8 thought.

9 C-6: Okay.

10 THE COMMISSIONER: So -- what? So you
11 thought that it would be safe for you to go there? Is that
12 what ---

13 C-6: Yes.

14 MS. HARREMAN: Okay. And the third visit to
15 Marcel Lalonde's home, you indicated that you went there
16 with your brother; correct?

17 C-6: Correct.

18 MS. HARREMAN: And how long after the second
19 visit did that take place?

20 C-6: I don't think it was very long after
21 the second visit at all.

22 MS. HARREMAN: And do you recall what Gary
23 was saying to Mr. Lalonde?

24 C-6: Threatening him with bodily harm and
25 telling him to leave our family -- leave me alone, and my

1 family members alone.

2 **MS. HARREMAN:** Okay. And did you say
3 anything to Mr. Lalonde at that time, or do anything?

4 **C-6:** I took his bottle of booze. I took a
5 40-ouncer of booze. I took it from his house. That's all
6 I did.

7 **MS. HARREMAN:** Turning then to Father
8 Charles. When you went to give your statement to OPP, did
9 you think that you would need to tell them that you had
10 mentioned this to Rene Desrosiers when you gave your
11 statement about Marcel Lalonde?

12 **C-6:** No.

13 **MS. HARREMAN:** Okay. And why would you not
14 think to mention that to them?

15 **C-6:** I was being actioned. There was no
16 reason to bring it up. I guess so.

17 **MS. HARREMAN:** So would be correct in
18 stating that you were under the assumption that there had
19 been a dialogue already between Desrosiers and OPP, or ---

20 **C-6:** I had assumed that there was a note,
21 or memo, here's another guy coming. He's at the wrong
22 place.

23 **MS. HARREMAN:** Okay. When you were being
24 cross-examined by Mr. Neville at the preliminary inquiry
25 for Father Charles' case, did Mr. Neville ever show you the

1 church bulletins that he was referring to in his cross-
2 examination?

3 C-6: No, I don't recall seeing one.

4 MS. HARREMAN: Did the police or Crown show
5 you any church bulletins that would have either
6 corroborated or questioned your testimony?

7 C-6: I don't recall seeing a church
8 bulletin at all.

9 MS. HARREMAN: And you stated that your
10 contact with police officers from the OPP in regards to
11 Father Charles' case were respectful; that they treated you
12 well?

13 C-6: Yes.

14 MS. HARREMAN: You recently have seen the
15 documents that several people today have referred to that
16 indicated Mr. Neville's knowledge of these church
17 bulletins; of knowledge he alleges to have had that
18 questioned the date of the church renovation. How do you
19 feel about the fact that that information was not
20 questioned by police, or Crown, prior to your taking the
21 stand?

22 C-6: It's changed my -- the way I think
23 about the police and the way they handled the situation 360
24 degrees. Less than a couple -- three weeks ago when we
25 met, I had put down a list of what I thought of each

1 department, how everybody handled themselves, and I gave
2 Cornwall and the OPP a ten out of ten.

3 But today after seeing some of this, and
4 during the week seeing some of this information that was
5 there since '97, I can't put it that high anymore.

6 It's got to be three or four, because I also
7 see the information was also available in a book on St.
8 Columban's Church. It talks about the renovation in there
9 too.

10 I have tried to go back to the church to
11 look at the box at the front, but I couldn't get myself to
12 go there. I did have opportunity to go there in the last
13 three weeks for a funeral, and I checked and the boxes
14 weren't there. I knew they were there, and I wanted to
15 check. I keep dreaming about the basement and a box, and
16 the chute, and I wanted to affirm myself that it was there
17 and it wasn't. And now, I see documentation showing that
18 it was there in 1971. It's when the renovation took place
19 prior.

20 So it means the information was there and no
21 one noticed it. And if I were there that day right from
22 the beginning, I would have been able to get my timeframe
23 from four years down to one year.

24 **MS. HARREMAN:** Thank you.

25 **THE COMMISSIONER:** Mr. Engelmann.

1 **---RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:**

2 **MR. ENGELMANN:** I just want to make sure I
3 understand what you were just talking about when you say
4 information. Are you talking about information about some
5 of those markers you talked about earlier?

6 **C-6:** Pointers, yes.

7 **MR. ENGELMANN:** All right.

8 Like when the renos were done?

9 **C-6:** If there was a break-in at the church
10 around that time.

11 **MR. ENGELMANN:** All right.

12 And Ms. Harreman asked you questions and
13 suggested there were three visits to Marcel Lalonde's home.

14 **C-6:** Yes.

15 **MR. ENGELMANN:** I understood, and maybe I'm
16 mistaken, I thought there were many more than that. There
17 were the two incidents where you alleged ---

18 **C-6:** There were three, three incidents out
19 of all the courts here.

20 **MR. ENGELMANN:** Okay.

21 **C-6:** It's not to say I hadn't -- I didn't
22 stop over with a bunch of other kids where nothing was ---

23 **THE COMMISSIONER:** Right.

24 **C-6:** There was no incidences.

25 **MR. ENGELMANN:** Okay. I just want to ---

1 C-6: There were a couple other ones before
2 that.

3 MR. ENGELMANN: So there were several times
4 you were there ---

5 C-6: Yeah.

6 MR. ENGELMANN: --- drinking with other
7 kids. Is that fair?

8 C-6: Specifically drinking at Marcel's?

9 MR. ENGELMANN: Yes.

10 C-6: Just once before that; there was a
11 group of us drinking at that house. And then I went there
12 again, and no one was there, and I was there with him
13 alone.

14 MR. ENGELMANN: All right.

15 Mr. Carroll for the OPPA asked you a
16 question about your mother and how that was followed up.
17 Were you aware back then that the police had gone to see
18 your mother?

19 C-6: Yes, I was.

20 MR. ENGELMANN: And did you have any
21 discussion with your mother about the details of what she
22 talked to the police about?

23 C-6: No, I was told I couldn't talk to my
24 mother about that.

25 MR. ENGELMANN: So were you aware of the

1 dates that your mother had given the police for when you
2 were an altar boy?

3 **C-6:** No. The conversation I had with my
4 mother when I was looking for two more markers, and one was
5 when I was the altar boy for the wedding, my grade six, and
6 when my oldest brother lived in Alexandria. So I was
7 asking her for two markers where I could put myself in the
8 right date.

9 **MR. ENGELMANN:** Sir, you were asked some
10 questions from Mr. Scharbach from the Crown Attorney's
11 office or from the Ministry of the Attorney General about
12 meetings you had with prosecutors. I just want to ask you
13 about recollection.

14 We have the document that records a meeting
15 on January 13th, 1998 with Claudette Wilhelm, which is the
16 day before your preliminary inquiry.

17 **C-6:** Correct.

18 **MR. ENGELMANN:** Okay. We don't have a
19 document that records another meeting with her. I'm
20 wondering if you have any recollection of a second meeting
21 with her?

22 **C-6:** We met a couple of times.

23 **THE COMMISSIONER:** So more than once?

24 **C-6:** Yeah, more than once.

25 **THE COMMISSIONER:** Okay.

1 C-6: I think a couple of times we met.

2 MR. ENGELMANN: Okay. You actually remember
3 her; you just don't know when the second meeting was?

4 C-6: Right, or what room.

5 MR. ENGELMANN: Do you have any idea what
6 was discussed the second time?

7 C-6: I can't recall right now.

8 MR. ENGELMANN: All right.

9 We have a police officer's note about a
10 meeting with Mr. Pelletier on February 23rd, 1999, which is
11 about a month before your preliminary inquiry in the
12 MacDonald case. Do you have any knowledge of any other
13 meeting with him?

14 C-6: In Ottawa, no.

15 MR. ENGELMANN: All right. Or anywhere
16 before?

17 C-6: No.

18 MR. ENGELMANN: We have one recorded meeting
19 between you and Shelley Hallett on October 20th, 1999. I'm
20 not aware of any other notes of any other meetings with
21 her, but you seemed -- you answered to Mr. Scharbach that
22 you thought there was another meeting with her or possibly
23 two other meetings with her?

24 C-6: M'hm.

25 MR. ENGELMANN: Do you have any idea when

1 they would have been?

2 **C-6:** No.

3 **MR. ENGELMANN:** Do you have any idea what
4 would have been discussed at those other two meetings?

5 **C-6:** Not right now.

6 **MR. ENGELMANN:** Okay. Just curious because
7 we don't have a note and I'm just wondering if you had any
8 specific recollection.

9 Thank you very much, sir, for attending and
10 for spending the day with us and answering the questions to
11 the best of your ability. Thank you again.

12 **C-6:** You're welcome.

13 **THE COMMISSIONER:** Hark! I hear footsteps.

14 **MS. COSTOM:** I'm not sure, Mr. Commissioner,
15 if you would permit me one or two questions following the
16 re-examination by the witness' counsel.

17 **THE COMMISSIONER:** Any objections?

18 Mr. Engelmann, would that do?

19 **MR. ENGELMANN:** The normal procedure would
20 be I would be asked to do this, but given the hour, I'm
21 quite happy to have Ms. Costom do it.

22 **THE COMMISSIONER:** Well, we'll let you ask
23 the questions. We'll see where it goes.

24 **MS. COSTOM:** Thank you.

25 So as I told you before my name is Suzanne

1 Costom and I am one of the lawyers for the Ontario
2 Provincial Police.

3 I was saddened to hear that your -- well,
4 first, I'll say that I was glad that initially your
5 experience with the Ontario Provincial Police and with the
6 other police service was so good, so that just as recently
7 as three years ago, you would have given them a 10 out of
8 10. I'm saddened to hear that that opinion has changed so
9 radically over the past few weeks.

10 And I wanted to offer the opportunity, if
11 you so wish, to contact people within the police service
12 and then discuss those things that have bothered you
13 because I know that there is always open ears, certainly in
14 our police service. So I wanted to make that offer to you
15 and if you'd like to avail yourself of it you can come see
16 me after the hearings.

17 **C-6:** Okay.

18 **MS. COSTOM:** Thank you.

19 **THE COMMISSIONER:** Thank you.

20 So that really wasn't a question.

21 All right. So it ends our day, sir. I want
22 to thank you for coming forward and discussing these
23 matters with me. You can rest assured that I will
24 seriously consider your recommendations and the evidence
25 that you gave here today.

1 C-6: Thank you.

2 THE COMMISSIONER: Thank you very much.

3 MR. ENGELMANN: Sir, we're ---

4 THE COMMISSIONER: We need to ---

5 MR. ENGELMANN: On Monday, we will be back
6 with the evidence of Jeannette Antoine.

7 THE COMMISSIONER: Right.

8 MR. ENGELMANN: Then we have other witnesses
9 lined up as well.

10 THE COMMISSIONER: That will be for Monday,
11 Tuesday and Wednesday.

12 MR. ENGELMANN: That's right.

13 THE COMMISSIONER: Thank you.

14 MR. MANSON: Excuse me, the time for Monday?

15 THE COMMISSIONER: Two o'clock.

16 MR. MANSON: Okay. Thank you.

17 THE COMMISSIONER: Thank you.

18 THE REGISTRAR: Order. All rise. À
19 l'ordre. Veuillez vous lever.

20 This hearing is adjourned.

21 --- Upon adjourning at 6:03 p.m./

22 L'audience est ajournée à 18h03

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24

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM