

**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 74**

**Held at :**

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

Thursday, November 30, 2006

**Tenue à:**

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

Jeudi, le 30 novembre 2006

**Appearances/Comparutions**

Me Simon Ruel Ms. Maya Hamou	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Actg.Det.Supt.Colleen McQuade Ms. Suzanne Costom Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose Mr. Joe Neuberger Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm Mr. Robert Duncan	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Claude Marleau	Mr. Claude Marleau

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1 --- Upon commencing at 9:33 a.m./

2 L'audience débute à 9h33

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 presiding.

8 Please be seated. Veuillez vous asseoir.

9 **LE COMMISSAIRE:** Bonjour.

10 **Me RUEL:** Bonjour, Monsieur le Commissaire.

11 **CLAUDE MARLEAU, Resumed/Sous affirmation solennelle:**

12 **Me RUEL:** Bonjour, Monsieur Marleau.

13 **M. MARLEAU:** Bonjour.

14 **Me RUEL:** Quelques -- A few -- I'll speak to  
15 you in English for those housekeeping issues. I canvassed  
16 the parties for the order ---

17 **THE COMMISSIONER:** Yes.

18 **MR. RUEL:** --- of cross-examination and the  
19 length of cross-examination. So the order, as I understand  
20 it, and the parties have agreed to this order, is the CCR  
21 first. They would be for approximately an hour. Then the  
22 Victims Group for approximately half an hour; counsel for  
23 Jacques Leduc, 10 minutes; then counsel for the Diocese  
24 approximately, 20 minutes.

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

1                   **MR. RUEL:** Counsel for the Attorney General,  
2                   approximately one hour; the Cornwall Police Service,  
3                   approximately five minutes; and then the OPPA and the OPP  
4                   would go last and I'm told that together they would be  
5                   approximately two hours.

6                   **THE COMMISSIONER:** All right. So some  
7                   reasonable opportunity of completing today.

8                   **MR. RUEL:** It appears so.

9                   **THE COMMISSIONER:** We'll see.

10                  **MR. RUEL:** Another point, the cross-  
11                  examination, I spoke to Mr. Marleau and I gather that  
12                  counsel here, our Anglophone friends will ask questions in  
13                  English. The witness understands English, so he will take  
14                  the questions in English but answer in French.

15                  **LE COMMISSAIRE:** Bon, o.k.

16                  Avant de commencer, je voudrais simplement  
17                  m'assurer, Maître Marleau, que vous comprenez qu'avec la  
18                  technologie qu'on a aujourd'hui, que vous pouvez répondre  
19                  en français, en anglais. Vous pouvez avoir les questions  
20                  traduites et puis ce qui m'importe le plus, c'est que vous  
21                  vous sentez confortable et que vous vous exprimez de la  
22                  façon que vous voulez. Est-ce que c'est clair?

23                  **M. MARLEAU:** C'est clair. Je demanderai des  
24                  précisions s'il y a des choses que je ne comprends pas.

25                  **LE COMMISSAIRE:** Exactement. Merci.

1        --- EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR Me  
2        RUEL (Cont'd/suite):

3                    **Me RUEL:** Monsieur Marleau, il me reste deux  
4        questions à couvrir avec vous. La première qu'on a abordée  
5        hier, en fin d'après-midi, je voulais savoir si vous  
6        souhaitiez partager avec le Commissaire et la Commission  
7        les impacts que les événements des années '60 et '70 ont  
8        eus sur vous au cours des années?

9                    **M. MARLEAU:** Je pense que le plus gros des  
10       impacts sur ma vie, et je pense que je ne vois pas pourquoi  
11       ce serait différent pour les autres victimes, c'est que  
12       quand on sort de la période des abus, on en sort à la fin  
13       de notre adolescence, en tout cas, en ce qui me concerne  
14       moi, et le plus gros impact, et c'est celui qui souvent  
15       amène tous les autres impacts, c'est celui de la perte de  
16       l'estime de soi.

17                    Ça se répercute dans les études. Ça se  
18       répercute dans -- c'est-à-dire que l'impact des abus sur  
19       les études et sur le développement normal d'un adolescent  
20       se répercute sur l'estime de soi et le fait de ne pas être  
21       capable de parler des abus répercute dans le milieu  
22       familial et dans le milieu scolaire et dans une  
23       incompréhension des gens qui fait que -- mais surtout à  
24       l'époque des années '60 où probablement que la psychologie  
25       était pas ce qu'elle est aujourd'hui -- on te taxe d'être

1 paresseux. On te taxe -- en tout cas, on vient qu'on a une  
2 réputation à l'effet qu'on n'ira nulle part dans la vie.  
3 Et c'est là qu'entre l'estime de soi. Et ça, on le traîne  
4 longtemps parce qu'on a également la culpabilité d'avoir  
5 participé aux actes parce qu'on ne comprend pas en temps  
6 que jeune homme cette culpabilité.

7 Je pense que j'en ai parlé un peu l'autre jour.

8           Donc, il y a le côté scolaire mais il y a le  
9 côté de la formation humaine qu'on va chercher dans un  
10 développement normal quand on est adolescent. Et ça c'est  
11 des bases que malheureusement, avec le temps, on n'arrive  
12 jamais à rattraper.

13           Moi, je suis chanceux; j'ai réussi à faire  
14 un rattrapage scolaire, j'ai quand même fini par arriver, à  
15 reprendre une certaine estime de moi-même mais ce n'est pas  
16 vrai pour toutes les victimes.

17           Et quand on sort des griffes de ces gens-là,  
18 on n'a plus de points de repère. Puis ces points de  
19 repère-là, généralement, je pense en tout cas, qu'on les  
20 acquiert de par un développement normal dans sa famille,  
21 dans notre entourage culturel et social qui est celle d'un  
22 adolescent peu importe la période. Et quand on en sort, on  
23 n'a pas ces repères-là. Et on doit les rebâtir et rebâtir  
24 ces repères-là au jeune âge adulte avec les préoccupations  
25 d'un jeune adulte, c'est difficile et c'est épouvantable à la

1 fois.

2 D'abord on se lance dans une quête effrénée  
3 de vouloir se convaincre qu'on est hétérosexuel parce que,  
4 vous savez, avant de réaliser que homosexualité et  
5 pédophilie sont deux choses très différentes, ça prend du  
6 temps. Donc tu vis avec cette peur-là jusque dans la jeune  
7 trentaine, en tout cas, en ce qui me concerne moi. Peut-  
8 être qu'il y en a que c'est plus long. Et ça explique en  
9 sorte les dénonciations tardives, je pense, dans les cas  
10 similaires.

11 Vous savez, je vous ai parlé l'autre jour du  
12 mécanisme de défense du tiroir. Quand on ferme ce tiroir-  
13 là, on s'en rend pas compte mais on ne ferme pas juste le  
14 mauvais qu'on a subi ; on ferme tout pour être sûr que ces  
15 démons-là reviennent pas. On ferme tout sur notre  
16 adolescence, le mauvais et le bon.

17 Donc, imaginez-vous privés de vos souvenirs  
18 d'adolescence, de choses anodines qui nous reviennent à  
19 l'esprit quand on est adulte. Et ça je m'en suis rendu  
20 compte il y a quelques années. Aujourd'hui commencent à  
21 revenir les bons souvenirs. Je suis capable de départager  
22 le mauvais du -- donc on passe toute notre époque de jeune  
23 adulte sans ces souvenirs.

24 Un autre démon avec lequel on vit pendant  
25 cette période-là c'est de ne jamais avoir la certitude

1 qu'on fait des choix bien conditionnés et qui ne sont pas  
2 guidés par les abus qu'on a reçus en mécanisme de défense  
3 ou en -- et un des plus importants, je pense, parce que je  
4 ne vous entraînez pas la dessus tout l'avant-midi -- mais  
5 un des plus importants, je pense, c'est que, encore  
6 aujourd'hui, j'arriverai jamais à savoir si le fait de ne  
7 pas avoir eu d'enfants est une cause directe de ça ou si ça  
8 été mon libre arbitre. Et on ne peut pas défaire ce qui a  
9 été fait. Ça, je pense que cette question-là, j'arriverai  
10 jamais à la résoudre.

11 Une autre chose qui est importante aussi  
12 c'est que du fait des abus, il ne faut pas tomber dans le  
13 piège de blâmer tout sur les abus. Parce qu'il reste qu'on  
14 a notre personnalité et nos faiblesses comme tout le monde,  
15 mais les abus viennent te mêler dans le départage de ça.  
16 C'est difficile à vivre ça. Je crois que sur les impacts  
17 personnels, c'est ce que j'aurais eu à dire.

18 Maintenant j'aimerais vous parler des  
19 impacts du passage dans le système judiciaire.

20 **LE COMMISSAIRE:** Oui.

21 **M. MARLEAU:** D'abord, notre système  
22 judiciaire est -- c'est un système qui est adapté à  
23 défendre une thèse contre une autre. Je l'ai touché un peu  
24 hier. Je pense qu'il n'est pas adapté à des dossiers où la  
25 preuve est historique en ce sens que il y a une énorme

1           différence entre un crime historique et, par exemple, un  
2           meurtre qui est arrivé il y a deux mois et que déjà  
3           l'enquête est bâclée.

4                        Donc, dans la crédibilité des témoins, on  
5           devrait pas avoir le même type d'interrogatoire, le même --  
6           et malheureusement, et je m'adresse à la défense, le  
7           procédé d'interrogatoire qui est propice à d'autres types  
8           de crimes pour tester la crédibilité devrait être  
9           différent. Il faudrait tenir compte -- c'est probablement  
10          là où la preuve d'expert entre en jeu -- de la façon que la  
11          mémoire fonctionne pour quelqu'un qui a refoulé pendant  
12          tant d'années.

13                      Parce que j'ai pas fait beaucoup de droit  
14          pénal, mais j'entendais souvent parler du phénomène de la  
15          jeune femme violée qui ressort du "box" en se sentant comme  
16          si c'était elle qui était accusée. Bien, dans les dossiers  
17          comme lesquels j'ai été impliqué, j'ai compris au plus  
18          profond de moi-même ce que ressentait une femme qui était  
19          passée par là.

20                      Vous savez, à travers toutes les épisodes  
21          d'enquêtes préliminaires et des procès subséquents, on  
22          entend la communauté en général parler et puis un message  
23          que j'aimerais envoyer aujourd'hui c'est que, cessez de  
24          douter du pourquoi que quelqu'un s'ouvre après 20 ou 30  
25          ans. Essayez de penser à ce que cette personne-là a pu

1 vivre et essayez de comprendre que l'atteinte d'abus  
2 pareils change le processus mental de la victime, ce qui  
3 fait que ça prend un age mature et certains n'y arriveront  
4 pas, j'en suis sûr. Je vous l'ai dit, moi, si ça n'avait  
5 pas été de l'ampleur de l'enquête avec tous les préjugés  
6 que je pouvais avoir, de penser que ça pouvait avoir un  
7 impact sur ma carrière, que ça pouvait -- c'est difficile  
8 de sourire. Et ça seul vient expliquer la tardivité dans  
9 ces dossiers-là.

10                   Donc, je pense qu'il faut chercher,  
11 contrairement à ce que m'a dit un des juges dans mon  
12 dossier, qu'il faudrait peut-être regarder vers une  
13 prescription plus courte sur des allégations du genre. Je  
14 pense qu'ici au Canada on a été les pionniers à enlever la  
15 peine de mort. On a toujours eu un système qui, malgré les  
16 ratées, est reconnu comme un bon système à travers le  
17 monde. Je pense que ça serait un erreur d'aller dans ce  
18 sens-là parce que pour condamner à vie des victimes à vivre  
19 avec leur secret le reste de leurs jours, si de garder un  
20 système ouvert en sauve quelques unes, déjà c'est -- on  
21 aura fait notre job.

22                   Donc, je crois que la société en général  
23 doit faire son bout de chemin et arrêter de juger les gens  
24 qui s'ouvrent.

25                   Les fausses victimes, il va toujours en

1           avoir. Ça c'est sûr. Le système est là pour démêler ça.  
2           Le système devra s'ajuster, je pense, à sortir du carcan  
3           actuel de la preuve et contre preuve pour s'ajuster à  
4           l'humanité de ce type de -- sans perdre de vue que oui, il  
5           peut y avoir des autres victimes et que les innocents  
6           doivent être protégés et que oui, il y a des difficultés  
7           dans la re-normalisation des événements et oui, les  
8           enquêtes, je crois avec recul, peuvent prendre plus de  
9           temps à cause de ça.

10                        Mais le problème c'est que présentement on a  
11           un système qui n'est pas adapté et on l'a vu dans plusieurs  
12           dossiers où ça profite aux accusés. Je m'explique en ce  
13           sens que dans le but d'être juste envers les accusés et  
14           d'avoir une justice qui prend son cours, on a vu plusieurs  
15           dossiers qui ont été rejetés sur des techniqualités et dans  
16           lesquels on s'est jamais rendu au fond des choses.  
17           Imaginez-vous comment se sentent les victimes.

18                        Donc, Monsieur le Commissaire, je suis  
19           content que c'est vous qui avez la tâche de démêler tout  
20           ça.

21                        Il existe dans la société cornwallienne et  
22           dans l'esprit de tous ceux qui ont pu suivre de près et de  
23           loin l'enquête Project Truth et la présente Commission --  
24           il existe dans leur esprit, et c'était présent pendant que  
25           l'administration de la justice n'a pas été ce qu'elle

1           devait être. Vous avez les outils nécessaires pour  
2           fouiller ça à tous les niveaux de la chaîne, de toutes les  
3           institutions publiques qui ont été impliquées. De grâce,  
4           ne vous gênez pas pour les utiliser.

5                           C'est ce que j'aurais à dire.

6                           **Me RUEL:** Je vous remercie, Monsieur  
7           Marleau.

8                           Je comprends que ce que vous venez de dire  
9           comprenait aussi un volet recommandation. Je ne sais pas  
10          si vous avez d'autres points à ajouter?

11                          **M. MARLEAU:** Non, ça serait -- je crois que  
12          j'en ai assez dit pour deux jours.

13                          **Me RUEL:** Je vous remercie beaucoup,  
14          Monsieur Marleau.

15                          Ce sont mes questions pour le témoin.

16                          **LE COMMISSAIRE:** Merci.

17                          **M. MARLEAU:** Merci.

18                          **THE COMMISSIONER:** Mr. Wardle.

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

20          **WARDLE:**

21                          **MR. WARDLE:** Good morning, Mr. Marleau.

22                          **M. MARLEAU:** Bonjour.

23                          **MR. WARDLE:** My name is Peter Wardle. I'm  
24          counsel for Citizens for Community Renewal.

25                          You're going to have to excuse me because I

1 have an echo in my ears. So I will be asking my questions  
2 in English and you're free to respond in French, if that's  
3 agreeable to you.

4 **M. MARLEAU:** Agreeable. Dites moi qu'est-ce  
5 que le comité que vous représentez?

6 **MR. WARDLE:** It's Citizens for Community  
7 Renewal. It's a group of community members from the  
8 Cornwall area who have standing at the Inquiry.

9 **M. MARLEAU:** Et il y a des victimes là-  
10 dedans?

11 **MR. WARDLE:** No, it does not. Mr. Lee, who  
12 is sitting right here at the front will follow me and he  
13 represents the victims.

14 **M. MARLEAU:** C'est bien. C'était juste pour  
15 ma compréhension. Merci.

16 **MR. WARDLE:** Okay.

17 **THE COMMISSIONER:** To your knowledge, you  
18 don't represent any victims.

19 **MR. WARDLE:** That's correct.

20 Mr. Marleau, I want to begin on behalf of my  
21 client for thanking you for coming this week, particularly  
22 given what you've been through in the three trials, endless  
23 preliminary inquiries, a trial in Quebec, an appeal in  
24 Quebec, and all you've told us about your past. I think it  
25 demonstrates real courage for you to come forward this week

1 and tell us what you've told us again, having told it all  
2 so many times already.

3 **M. MARLEAU:** Merci.

4 **MR. WARDLE:** I want to ask some questions,  
5 first of all, about the group of men who abused you. First  
6 of all, there's no doubt from your testimony that there was  
7 a group of men who -- would you describe them as a ring?

8 **M. MARLEAU:** À vrai dire, je ne connais pas  
9 la définition de ce qu'est un "ring" légalement ou  
10 autrement, mais c'était définitivement un groupe qui se  
11 connaissait et qui m'ont passé l'un à l'autre.

12 **MR. WARDLE:** Well, let's take that as a  
13 jumping off point, if I can, because as I understand the  
14 chronology, we start with Mr. Landry?

15 **M. MARLEAU:** C'est bien ça.

16 **MR. WARDLE:** Mr. Landry introduces you to  
17 Father Lapierre?

18 **M. MARLEAU:** Exact.

19 **MR. WARDLE:** And Father Lapierre, in turn,  
20 introduces you to Father Scott ---

21 **M. MARLEAU:** C'est bien ça.

22 **MR. WARDLE:** --- Father Hollis Lapierre ---

23 **M. MARLEAU:** Conjointement avec Monsieur  
24 Scott.

25 **MR. WARDLE:** --- Sandy Lawrence ---

1 M. MARLEAU: Oui.

2 MR. WARDLE: --- the unnamed priest ---

3 M. MARLEAU: Également.

4 MR. WARDLE: --- and Father Martin?

5 M. MARLEAU: Oui.

6 MR. WARDLE: And Sandy Lawrence introduces  
7 you to Dr. Peachey?

8 M. MARLEAU: C'est exact.

9 MR. WARDLE: And the last perpetrator, Mr.  
10 Benoit, was someone who came to you independently but knew  
11 Mr. Landry and knew something of your experience with Mr.  
12 Landry?

13 M. MARLEAU: Oui, on travaillait tous les  
14 deux pour lui. Il y avait un lien de patron/employé.

15 MR. WARDLE: So almost all of these men had  
16 Father Paul Lapierre in common?

17 M. MARLEAU: On pourrait dire ça.

18 MR. WARDLE: So, if I put it this way, that  
19 he was at the centre of the wheel, would you agree with  
20 that?

21 M. MARLEAU: De ma roue à moi, oui.

22 MR. WARDLE: And he's the one that you had  
23 the closest relationship with, as I understand it?

24 M. MARLEAU: Exact.

25 MR. WARDLE: And he's the one who, many

1 years later, when you became an adult, when you're now in  
2 your forties, I think, and you're beginning to confront  
3 this, he's the one that you went back to try to talk to?

4 M. MARLEAU: C'est exact.

5 MR. WARDLE: And I think, as you said to us  
6 yesterday and the day before that it was clear to you at  
7 the time, as you were being passed from one individual to  
8 the other, that there had been some communication about  
9 you?

10 M. MARLEAU: C'est clair dans mon esprit ça.

11 MR. WARDLE: For example, your first  
12 encounter with Father Lapierre, he obviously knew something  
13 about what had happened with Mr. Landry?

14 M. MARLEAU: C'est sûr.

15 MR. WARDLE: And the same with Father Scott?

16 M. MARLEAU: Également.

17 MR. WARDLE: In fact, in your initial  
18 statement to the Ontario Provincial Police, you described  
19 it as like a gift?

20 M. MARLEAU: Oui.

21 MR. WARDLE: So we have a group of men who  
22 are clearly communicating with each other; correct?

23 M. MARLEAU: Oui.

24 MR. WARDLE: They obviously have talked  
25 about you, at least with Paul Lapierre in most cases?

1                   **M. MARLEAU:** Il est sûr qu'à chaque fois que  
2                   j'ai été passé d'un abuseur à l'autre, l'abuseur que  
3                   j'allais rencontrer avait sûrement une connaissance; on lui  
4                   avait parlé.

5                   **MR. WARDLE:** All right.

6                   Now, I want to just talk a little bit about  
7                   your relationship with Paul Lapierre, if I may. First of  
8                   all, we know he was a priest, but as I understand it from  
9                   your evidence, he was not just any priest?

10                  **M. MARLEAU:** On pourrait dire ça.

11                  **MR. WARDLE:** He ran a retreat in Alexandria?

12                  **M. MARLEAU:** Oui.

13                  **MR. WARDLE:** This is the Villa Fatima. Do  
14                  you remember that name?

15                  **M. MARLEAU:** Je crois que c'est le nom qui  
16                  est ressorti à l'enquête, oui.

17                  **MR. WARDLE:** And he was a radio broadcaster?

18                  **M. MARLEAU:** Également. Il a été également  
19                  narrateur de la messe le dimanche à Radio-Canada Montréal.

20                  **MR. WARDLE:** Right. And that was a program  
21                  on the Radio-Canada network?

22                  **M. MARLEAU:** Exactement.

23                  **MR. WARDLE:** And you described him as being  
24                  somewhat like a Rex Humbard figure in one of your  
25                  statements.

1                   **M. MARLEAU:** C'est une expression dont je me  
2 suis servi pour démontrer que c'était une personne très  
3 extravertie et qui était de la trempe des "preachers" qu'on  
4 connaît -- "preacher", évangélistes et autres qu'on  
5 connaissait. C'est la meilleure -- c'est l'image qui me  
6 vient à la tête quand je pense à ça.

7                   **MR. WARDLE:** And he was well known in this  
8 community?

9                   **M. MARLEAU:** Oui, il était très bien connu  
10 ici.

11                   **MR. WARDLE:** And beyond this community,  
12 obviously.

13                   **M. MARLEAU:** Oui, parce qu'il était connu  
14 dans la région de Montréal également.

15                   **MR. WARDLE:** And as you've told us  
16 yesterday, he had a close relationship, at least he told  
17 you he had a close relationship with the Bishop here?

18                   **M. MARLEAU:** Oui.

19                   **MR. WARDLE:** And is it correct that he was a  
20 charismatic individual?

21                   **M. MARLEAU:** De la plus haute tenure, oui.

22                   **MR. WARDLE:** He was also the type of person  
23 that your parents would have held in high regard?

24                   **M. MARLEAU:** D'ailleurs, mes parents avaient  
25 beaucoup d'estime pour lui.

1                   **MR. WARDLE:** And you spent a lot of time  
2 alone with him and your parents didn't worry about that  
3 because of how they viewed him?

4                   **M. MARLEAU:** C'est ça.

5                   **MR. WARDLE:** And without getting into the  
6 details, Mr. Marleau, it's clear, I think, that you had a  
7 very difficult life at home; correct?

8                   **M. MARLEAU:** J'étais un enfant curieux.  
9 J'étais un enfant agité, agité dans le sens de plein  
10 d'énergie et je dirais qu'aller jusqu'à la fin de ma  
11 cinquième année, j'étais un enfant normal. J'étais normal,  
12 quoi. J'ai commencé à devenir un enfant difficile après  
13 que les abus ont commencé. Donc, la période difficile dans  
14 ma famille a commencé là.

15                   **MR. WARDLE:** All right.

16                   And so you're really referring to the period  
17 involving Mr. Landry?

18                   **M. MARLEAU:** Exactement.

19                   **MR. WARDLE:** And, of course, your  
20 difficulties with your family were accentuated at the time  
21 that you met Father Lapierre?

22                   **M. MARLEAU:** Oui, on peut dire ça.

23                   **M. MARLEAU:** And as I understand it, he and  
24 his colleagues became, in a way -- and I stress in a way --  
25 like an alternate family for you?

1                   **M. MARLEAU:** C'est exactement le sentiment  
2                   que j'ai.

3                   **MR. WARDLE:** All right.  
4                   You've described in some of your statements  
5                   that he gave you emotional support?

6                   **M. MARLEAU:** Exactement.

7                   **MR. WARDLE:** Would it be true that you  
8                   regarded him as a parental figure?

9                   **M. MARLEAU:** Oui.

10                  **MR. WARDLE:** And you haven't said very much  
11                  about this, but in the 1960s in this community, I take it  
12                  any priest would be a figure of authority?

13                  **M. MARLEAU:** Oui, surtout qu'on sait que les  
14                  années '50 et '60 ont été des années charnières dans la  
15                  séparation du pouvoir et de l'état -- c'est-à-dire de  
16                  l'Église et de l'état.

17                  **MR. WARDLE:** So a person like Father  
18                  Lapierre would be given automatically in this community a  
19                  certain degree of authority and respect. Is that fair?

20                  **M. MARLEAU:** Oui.

21                  **MR. WARDLE:** Now, I know you've been  
22                  following the Inquiry; correct?

23                  **M. MARLEAU:** Pas à temps complet, mais de  
24                  temps à autre, j'ai suivi un peu à partir du moment où les  
25                  procureurs -- c'est-à-dire l'enquêteur de la Commission m'a

1       appelé la première fois, qui serait au mois de mars l'an  
2       passé.

3                   **MR. WARDLE:** And you know that we had expert  
4       evidence in February, including expert from several --  
5       sorry, including evidence from several psychologists?

6                   **M. MARLEAU:** Oui.

7                   **MR. WARDLE:** And have you read any of that  
8       evidence?

9                   **M. MARLEAU:** Je peux pas dire que je l'ai  
10      toute lue. J'ai vu quelques transcrits, mais je n'en ai lu  
11      aucun. Je voulais juste voir plus le concept qui se  
12      dégageait.

13                   **MR. WARDLE:** I want to take you through a  
14      little bit of some of that evidence and relate it to your  
15      own situation.

16                   **M. MARLEAU:** O.k.

17                   **MR. WARDLE:** Okay? And you stop me if you  
18      feel uncomfortable.

19                   **M. MARLEAU:** M'hm.

20                   **MR. WARDLE:** We heard in February that  
21      children of a certain age can be curious in a sexual way.  
22      That was the evidence given by Dr. Wolfe. And you gave  
23      evidence, I think, when you testified this week that you  
24      were curious at the beginning of your relationship with Mr.  
25      Landry?

1 M. MARLEAU: Effectivement.

2 MR. WARDLE: And as I understand it, there  
3 was an element, at least initially, of this being something  
4 exciting. You and your friends were doing something that  
5 was a secret?

6 M. MARLEAU: C'est sûr.

7 MR. WARDLE: And there was also an element  
8 of inducement in that alcohol was involved; correct?

9 M. MARLEAU: Oui. On pourrait dire que  
10 c'était de la curiosité par rapport à l'alcool également.

11 MR. WARDLE: And you were, at this point, 11  
12 or 12?

13 M. MARLEAU: C'est exact.

14 MR. WARDLE: And then suddenly, I suggest,  
15 you had crossed a certain line, probably a line you weren't  
16 even aware of at the time?

17 M. MARLEAU: C'est une bonne façon de le  
18 dire.

19 MR. WARDLE: And once that line had been  
20 crossed, Mr. Landry had what we would say in English was a  
21 hold over you?

22 M. MARLEAU: En tout cas, on partageait un  
23 secret qui commençait à être important, je pense.

24 MR. WARDLE: That's right.

25 And Mr. Landry was known to your parents?

1                   **M. MARLEAU:** Il était le mari de la  
2                   secrétaire au bureau de mon père et il était celui qui  
3                   était en charge du travail que je devais faire à la  
4                   boucherie de son frère.

5                   **MR. WARDLE:** And you were at an age where  
6                   children are really just at discovering their own  
7                   sexuality; correct?

8                   **M. MARLEAU:** Cela a été mes premières  
9                   expériences, oui.

10                  **MR. WARDLE:** And there were also other  
11                  individuals, friends of yours, involved at least initially?

12                  **M. MARLEAU:** Oui.

13                  **MR. WARDLE:** So all of these factors, I  
14                  suggest, would have made it very difficult for you to want  
15                  to tell?

16                  **M. MARLEAU:** Oui, c'est sûr.

17                  **MR. WARDLE:** And then after a certain period  
18                  of time, you are moved on -- I'm going to use that word --  
19                  to Father Lapierre?

20                  **M. MARLEAU:** C'est exact.

21                  **MR. WARDLE:** And very quickly he develops  
22                  this sort of father-like relationship with you?

23                  **M. MARLEAU:** Oui, et surtout que là mes  
24                  déboires à la maison commençaient, donc je cherchais des  
25                  réponses.

1                   **MR. WARDLE:** And he also introduces you to  
2 several others priests?

3                   **M. MARLEAU:** Exactement.

4                   **MR. WARDLE:** And in certain ways, they were  
5 not unkind to you; correct?

6                   **M. MARLEAU:** C'est correct. Oui, c'est bien  
7 ça.

8                   **MR. WARDLE:** And you had been taught respect  
9 for any member of the clergy?

10                  **M. MARLEAU:** Any adult, n'importe quel  
11 adulte.

12                  **MR. WARDLE:** So my suggestion is that once  
13 you were at this stage in the relationship with Paul  
14 Lapierre and being introduced to these others, it would  
15 have been virtually impossible for you to escape it, to  
16 tell?

17                  **M. MARLEAU:** C'est ma conviction.

18                  **MR. WARDLE:** Now, I'm just going to put to  
19 you some evidence that was given in February by Dr. Wolfe,  
20 and this is, for the record, starting at page 155 of the  
21 transcript of the first day of his evidence.

22                  **THE REGISTRAR:** What's the date?

23                  **MR. WARDLE:** I think it's the first week of  
24 February. It's the first day of Dr. Wolfe. I'm not sure  
25 we need the transcript up on the screen.

1                   And this was quoting from an article that  
2           Dr. Wolfe had used in his testimony, and I'm just going to  
3           read to you a couple of extracts and see if you agree with  
4           them. The first quote is this:

5                                "Adults and children tend to trust  
6                                certain individuals because of those  
7                                individuals' positions and expertise  
8                                within a respected institution."

9                   Do you agree with that statement?

10           **M. MARLEAU:** Oui.

11           **MR. WARDLE:** And would that apply to your  
12           relationship with Father Lapierre and the other priests?

13           **M. MARLEAU:** Oui.

14           **MR. WARDLE:** Okay. And the second statement  
15           I'm going to put to you is:

16                                "Such implicit trust carries added risk  
17                                because parents are less likely to  
18                                scrutinize the activities of such well-  
19                                respected individuals and children are  
20                                more likely to do as they are told."

21                   And would you agree again that that also  
22           applies to your relationship with these individuals?

23           **M. MARLEAU:** Oui, dans le sens que mes  
24           parents ne s'en doutaient pas.

25           **MR. WARDLE:** And then I put this question to

1 Dr. Wolfe at page 157 of the transcript, that:

2 "The relationship between the abuser  
3 and the abused and the institutional  
4 context also affects the ability of the  
5 victim or their willingness to disclose  
6 the abuse at the time."

7 And would you agree that in your case, the  
8 relationship with these priests, their involvement with a  
9 respected local institution, had a huge impact in your  
10 ability or willingness to disclose?

11 **M. MARLEAU:** Oui, parce que ma mémoire de  
12 l'Église à l'époque c'est qu'elle était dans la vie  
13 quotidienne de tout le monde.

14 **MR. WARDLE:** And then finally, one question  
15 that I put to Mr. Wolfe was that the institutional setting  
16 of the abuser can also have an impact or an effect on the  
17 long-term ramifications of the abuse for the victim. And  
18 just thinking about that, sir, I couldn't help but note  
19 yesterday afternoon that many, many years later, 30 years  
20 later, you're still angry with the Church. Is that fair?

21 **M. MARLEAU:** I have no use for the Church.

22 **MR. WARDLE:** Okay. And Dr. Wolfe also spoke  
23 to us about the fact that a child often doesn't understand  
24 that it's not their fault. And I took it from what you've  
25 said to us over the last several days that, that was an

1 element here with you in your situation. You felt it was  
2 your fault.

3 M. MARLEAU: J'ai commencé à réaliser que ce  
4 n'était pas de ma faute en '97, une trentaine d'années plus  
5 tard.

6 MR. WARDLE: Now, I want to ask you some  
7 questions, if I may, about your disclosure to the Ontario  
8 Provincial Police. We have established already that these  
9 events happened in the 1960s, when you were between 11 and  
10 17. Correct?

11 M. MARLEAU: C'est bien cela.

12 MR. WARDLE: You came forward to the OPP in  
13 1997, 30 years later. Right?

14 M. MARLEAU: C'est bien cela.

15 MR. WARDLE: I understand that you may have  
16 discussed elements of this with only one or two people  
17 prior to that?

18 MR. MARLEAU: Only one.

19 MR. WARDLE: Only one. Otherwise, as you've  
20 told us, you had put these memories away; they were in a  
21 drawer, to use your phrase.

22 M. MARLEAU: C'est bien cela.

23 MR. WARDLE: So do I take it that the --  
24 reading the article in the paper, finding out a little bit  
25 of what was going on in the community at the time and

1 making the decision to make that phone call was a very  
2 important event in your life?

3 **M. MARLEAU:** Probablement un des événements  
4 majeurs de ma vie.

5 **MR. WARDLE:** I am going to suggest that your  
6 story, as you disclosed it, is a very complex story in  
7 certain ways. Let me be more specific. It involves a  
8 total of eight individuals. Correct?

9 **M. MARLEAU:** Oui.

10 **MR. WARDLE:** Abuse that happened over a  
11 lengthy period of time. Correct?

12 **M. MARLEAU:** Oui.

13 **MR. WARDLE:** In a city that you haven't  
14 lived in for many years.

15 **M. MARLEAU:** C'est exact. À une ville que  
16 j'ai fuie.

17 **MR. WARDLE:** And the story you had to tell  
18 about the existence of a group or ring of individuals would  
19 have been an important story for Project Truth, the OPP  
20 investigation, to hear.

21 **M. MARLEAU:** J'ai cru que ça pouvait  
22 apporter quelque chose, oui.

23 **MR. WARDLE:** And as I understand it with Mr.  
24 Landry, you had a friend who also came forward but with  
25 respect to all the others, you're on your own. You're

1 alone.

2 M. MARLEAU: C'est bien cela.

3 MR. WARDLE: Okay. Is it fair to say that  
4 when you first came in to Project Trust and you were  
5 interviewed, you probably didn't realize at that point the  
6 significance that the timing of the events would later  
7 play?

8 M. MARLEAU: Ça c'est une certitude.

9 MR. WARDLE: Before getting into the details  
10 of a couple of the interviews, I just want to go back and  
11 establish some of the dates. This was done with my friend,  
12 Mr. Ruel, yesterday.

13 M. MARLEAU: Okay.

14 MR. WARDLE: First of all, you had a four-  
15 hour interview with Constable Génier on July 31, 1997?

16 M. MARLEAU: C'est cela.

17 MR. WARDLE: And that was audiotaped?

18 M. MARLEAU: C'est exact.

19 MR. WARDLE: As I understand it, it was just  
20 you and him. Is that right?

21 M. MARLEAU: C'est exact.

22 MR. WARDLE: And that is the interview where  
23 you lay out the entire story from beginning to end?

24 M. MARLEAU: J'en ai oublié des bouts, mais  
25 disons que j'avais l'impression de l'avoir ouvert au

1 complet.

2 MR. WARDLE: And then there are several  
3 shorter interviews, and I'm not going to go through those,  
4 one is in September of 1997 that deals with the trip to  
5 Montreal with Father Lapierre. Correct?

6 M. MARLEAU: C'est exact.

7 MR. WARDLE: And there is then a second  
8 interview in February of 1998, in which you are asked some  
9 questions about your initial interview?

10 M. MARLEAU: C'est exact.

11 MR. WARDLE: And then, as Mr. Ruel went  
12 through yesterday, you had several telephone conversations  
13 with Constable Génier in approximately May of 1998 about  
14 the issue of consent.

15 M. MARLEAU: C'est cela.

16 MR. WARDLE: And then at certain points in  
17 1998, there were short interviews, one about the name of  
18 Hollis Lapierre. Correct?

19 M. MARLEAU: Oui, c'est bien ça.

20 MR. WARDLE: One about the identification of  
21 this priest, who we are not going to name here.

22 M. MARLEAU: C'est cela.

23 MR. WARDLE: Okay. And eventually, you  
24 participate in a photo line-up. Correct?

25 M. MARLEAU: Oui.

1                   **MR. WARDLE:** Then, finally, we have notes of  
2 a meeting with the Crown in the spring of 1999, the Crown  
3 and the police, where there is another discussion about  
4 consent and the age of consent.

5                   **M. MARLEAU:** C'est exact.

6                   **MR. WARDLE:** And it is only at that point,  
7 as I understand it, that you go and obtain the school  
8 records?

9                   **M. MARLEAU:** Oui.

10                  **MR. WARDLE:** No one from the OPP has asked  
11 about the school records up to that point. Correct?

12                  **M. MARLEAU:** C'est correct, oui.

13                  **MR. WARDLE:** And did they ask you to go and  
14 get them or did you think of that on your own?

15                  **M. MARLEAU:** C'est mon ami qui, lui, était  
16 impliqué dans le dossier de Landry et dans un autre dossier  
17 d'un autre abuseur subséquent à lui, qui m'a parlé. Il m'a  
18 dit -- vous savez, moi, j'étais dans ma pratique  
19 journalière et je ne mettais pas tout mon temps à cela,  
20 mais là, je savais qu'il fallait que je commence à me  
21 préparer pour l'enquête préliminaire et, en parlant avec  
22 mon ami, il m'a dit qu'il était allé chercher ses notes  
23 scolaires et puis ça l'avait aidé grandement à se resituer  
24 dans le temps. Donc, je l'ai suggéré à la police  
25 provinciale et je l'ai fait.

1                   **MR. WARDLE:** Now, I think that covers the  
2                   sequence more or less of your interviews by the police.

3                   **M. MARLEAU:** Oui, je le crois.

4                   **MR. WARDLE:** I want to go back now and look  
5                   a little bit at the first interview, and that's Exhibit  
6                   137, if I may.

7                   **M. MARLEAU:** Oui.

8                   **MR. WARDLE:** Now, first of all, you told us  
9                   that you called a phone number and, as I understand it, got  
10                  directed to the Lancaster OPP and eventually spoke to  
11                  Constable Séguin. Is that correct?

12                  **M. MARLEAU:** Je ne me souviens pas si c'est  
13                  Séguin ou Génier, mais c'est un des deux.

14                  **MR. WARDLE:** All right. Do you know if you  
15                  gave any details to the person you talked to before you  
16                  came in and gave the statement?

17                  **M. MARLEAU:** À ma souvenance, j'aurais  
18                  mentionné que moi et un de mes amis avions été abusés dans  
19                  la période qui intéressait Project Truth et je ne pense pas  
20                  avoir donné plus de détails que cela.

21                  **MR. WARDLE:** So Detective Constable Génier,  
22                  when he met with you on July 31st, wouldn't have had any  
23                  idea what to expect. Is that fair?

24                  **M. MARLEAU:** Je le croirais, oui.

25                  **MR. WARDLE:** And you told us on Tuesday, I

1 think, that before the interview, you and your friend drove  
2 around the area. Is that right?

3 M. MARLEAU: Oui, c'est vrai.

4 MR. WARDLE: And I take it that was to try  
5 to help bring some of the events back into your mind.

6 M. MARLEAU: C'est exact.

7 MR. WARDLE: Did you ever have any officer  
8 from the Ontario Provincial Police take you to any of the  
9 locations where the abuse had taken place?

10 M. MARLEAU: Seulement qu'une.

11 MR. WARDLE: And when was that?

12 M. MARLEAU: Après la déclaration initiale.  
13 Je ne pourrais pas vous la situer dans le temps, mais lors  
14 d'une autre rencontre ici avec le Constable Génier, je suis  
15 allé faire l'identification de la maison de retraite à  
16 Alexandria. Ah, il y en a une autre; je suis allé aussi  
17 faire l'identification -- ça devait être dans la même  
18 journée -- de la propriété de Lawrence sur la rue Pitt.

19 MR. WARDLE: Is that the only occasion you  
20 can recall?

21 M. MARLEAU: Oui.

22 MR. WARDLE: And I think you've told us  
23 already, you don't know what background Constable Génier  
24 had?

25 M. MARLEAU: Non.

1                   **MR. WARDLE:** And you don't know, for  
2                   example, if he was trained in sexual abuse investigations?

3                   **M. MARLEAU:** Non.

4                   **MR. WARDLE:** And you don't know whether he  
5                   had any experience at all with historical sexual abuse  
6                   investigations?

7                   **M. MARLEAU:** Non.

8                   **MR. WARDLE:** I take it from what you told us  
9                   the other day that you don't know what kind of interview  
10                  technique Constable Génier was trained in, but you have  
11                  some concerns about the way in which he conducted this  
12                  interview.

13                  **M. MARLEAU:** Oui, je crois que ça pourrait  
14                  être exprimé comme cela.

15                  **MR. WARDLE:** Now, we've heard evidence  
16                  already from a woman whose name is Heather Kewley, who is  
17                  the Regional Abuse Issues Coordinator, or was, for the OPP,  
18                  at this time. And her testimony was that there are certain  
19                  interviewing techniques that may be useful in assisting in  
20                  recovering memory for adults who are coming forward with  
21                  allegations of sexual abuse that took place in the past. I  
22                  take it you have no idea whether this officer, Officer  
23                  Génier, had any knowledge of those techniques?

24                  **M. MARLEAU:** Non. Je suis content  
25                  d'apprendre que ça existe, par exemple.

1                   **MR. WARDLE:** Am I right, looking at this  
2 interview, that this was really the first time you'd ever  
3 attempted, for a third party, to describe from beginning to  
4 end what took place over the six-year period?

5                   **M. MARLEAU:** Ce serait juste, oui.

6                   **MR. WARDLE:** Were you expecting to go  
7 through the whole story at one time?

8                   **M. MARLEAU:** Non.

9                   **MR. WARDLE:** So how did it happen that way?

10                  **M. MARLEAU:** Je suis arrivé à Lancaster avec  
11 mon copain. On nous a rencontré dans la réception du  
12 détachement. On nous a dit que j'allais faire une entrevue  
13 avec monsieur Génier et on a dit à mon copain qu'il le  
14 ferait avec monsieur Séguin. On nous a séparé.

15                   On est arrivé dans une chambre où il y avait  
16 une caméra avec le cigle du OPP, deux petites chaise puis  
17 c'est là que c'est parti. À vrai dire, je m'attendais  
18 peut-être que la première fois que j'irais là c'est que ça  
19 serait pour discuter en général de tout ça et voir si ça  
20 s'appliquait dans l'enquête de Project Truth. Je  
21 m'attendais vraiment pas à faire une déposition cette  
22 journée-là.

23                  **MR. WARDLE:** So is it fair to say that you  
24 weren't mentally prepared in the sense you hadn't gone back  
25 and tried to collect all the details of the six-year

1 period?

2 M. MARLEAU: C'est sûr.

3 MR. WARDLE: But all of it was covered  
4 during the interview?

5 M. MARLEAU: Tout ce que j'ai pu sortir a  
6 été -- oui, en sorte, je me suis rendu du premier abuseur  
7 au dernier. J'ai oublié des épisodes, mais oui, je pense  
8 qu'on peut dire que j'ai couvert toute le période.

9 MR. WARDLE: And as we know now, you made a  
10 mistake with respect to the dates that had an impact in the  
11 later proceeding?

12 M. MARLEAU: C'est sûr.

13 MR. WARDLE: And I'm just going to take you  
14 to that quickly. In the interview at -- it's page -- I am  
15 looking off a different copy, so at the bottom page, it's  
16 page 14 of 186.

17 THE REGISTRAR: Do you have the Bates page  
18 number?

19 MR. WARDLE: The Bates page number would be  
20 different from my copy.

21 MR. MARLEAU: The document is 186?

22 THE COMMISSIONER: No, the document is  
23 Exhibit 137.

24 M. MARLEAU: Okay.

25 LE COMMISSAIRE: C'est à la page -- you're

1 saying what?

2 **MR. WARDLE:** It's Bates page 7014931.

3 **THE COMMISSIONER:** And that would be what  
4 page of the transcript? Okay. It's okay. Pardon me?

5 **THE REGISTRAR:** Page 14.

6 **MR. WARDLE:** Page 14 of the transcript.  
7 Page 14 of 186.

8 **M. MARLEAU:** C'est beau, je l'ai. I have  
9 it.

10 **THE COMMISSIONER:** Okay.

11 **MR. WARDLE:** And at the bottom of this page,  
12 you'll see it says:

13 "Officer Génier asks 'How would you  
14 have gotten to know him then?'"

15 And you then say:

16 "I got to know him through my friend.  
17 I knew -- I knew his wife for going  
18 into the office and I was in Grade 7 or  
19 in Grade 8, I guess. We were leaving  
20 up in -- on Sunnyside Avenue."

21 And just stopping there, you hadn't had, at  
22 that point, an opportunity to put all of these events back  
23 in a sort of chronological perspective, correct?

24 **M. MARLEAU:** No, correct.

25 **MR. WARDLE:** And this little sentence and

1           this mistake turned out to be something that was put to you  
2           every time you were in court; correct?

3                   **M. MARLEAU:** C'est devenu un cauchemar.

4                   **MR. WARDLE:** Between July of '97 and the  
5           spring of '99 when you had the meeting with the Crown, was  
6           there ever any occasion where the OPP attempted to provide  
7           more clarity with respect to the dates that you'd given in  
8           this initial statement?

9                   **M. MARLEAU:** À part les autres déclarations,  
10          il n'y a pas eu d'autres contacts avec la Police  
11          provinciale.

12                   **MR. WARDLE:** Okay. And then I'm going to go  
13          forward in the document, if I may, to page 35 of 186 which  
14          is Bate page number ---

15                   **THE REGISTRAR:** I found it.

16                   **MR. WARDLE:** You found it?

17                   Sorry, I think for you, Mr. Marleau, for the  
18          context, we should go back one page.

19                   **M. MARLEAU:** M'hm. To 34?

20                   **MR. WARDLE:** You'll see that Officer Génier  
21          asks you, and it's in the context of Mr. Landry, about two  
22          thirds down the way of the page "How do you recall it  
23          ending?" Do you see that?

24                   **M. MARLEAU:** On est sur la page 34?

25                   **LE COMMISSAIRE:** Oui, à peu près, un, deux,

1           trois, quatre, cinq ---

2                   **MR. WARDLE:** Yes.

3                   **LE COMMISSAIRE:** Cinq réponses. Ça dit

4           "Génier: How do you recall ---

5                   **M. MARLEAU:** O.k. Je l'ai.

6                   **LE COMMISSAIRE:** Vous l'avez?

7                   **M. MARLEAU:** Oui, je l'ai vu. O.k.

8                   **MR. WARDLE:** Then following over the page  
9           you say that it's a secret and you'll see you say:

10                                "You know, it would be easy for me to  
11                                say it was induced by Roch or it was  
12                                induced by the others. Sort of, you  
13                                feel like -- you feel like you're not  
14                                doing something right."

15                                You see that?

16                   **M. MARLEAU:** C'est exact.

17                   **MR. WARDLE:** One of the recurring themes  
18           that seems to come up in this interview is that you are  
19           attempting to almost explain or justify your involvement in  
20           these acts. Do you remember having that feeling?

21                   **M. MARLEAU:** Oui, et c'est un sentiment que  
22           j'ai eu pendant 30 ans.

23                   **MR. WARDLE:** Now, I want to go forward a  
24           little bit in the transcript to page 76 and 77.

25                   **M. MARLEAU:** Okay.

1                   **MR. WARDLE:** I am sorry; I am going to get  
2                   the right page, it's not 76 or 77. It's page 52 of 186.  
3                   And you'll see in this page, in the middle, there is a  
4                   question "Was there any other abuse with Mr. Landry?" and  
5                   then you begin to explain your involvement with Paul  
6                   Lapierre. Do you see that?

7                   **M. MARLEAU:** M'hm. Oui.

8                   **MR. WARDLE:** And the fact that he arranged a  
9                   meeting with him.

10                  **M. MARLEAU:** Oui.

11                  **MR. WARDLE:** Now then, going over a couple  
12                  of pages, page 54 of 186, you begin to explain Father  
13                  Lapierre's role in the Church. Do you see that?

14                  **M. MARLEAU:** Oui.

15                  **MR. WARDLE:** And one of the things I notice  
16                  is there's very little in this interview about your  
17                  relationship with him.

18                  **M. MARLEAU:** Oui.

19                  **MR. WARDLE:** If we go forward to page 103 --  
20                  sorry page 61.

21                  **M. MARLEAU:** M'hm.

22                  **MR. WARDLE:** Towards the bottom of that  
23                  page, you'll see you volunteer some information about  
24                  Father Lapierre giving you pocket money and trying to boost  
25                  you in a very moral way. Do you see that?

1 M. MARLEAU: M'hm.

2 MR. WARDLE: And telling you that he was in  
3 love with you, being very affectionate and over the next  
4 page, and then this feeling about guilt.

5 M. MARLEAU: Oui.

6 MR. WARDLE: And what I am trying to get at  
7 is do you think the officer appreciated any of this and the  
8 significance of it for you?

9 M. MARLEAU: Non, quoiqu'il était  
10 sympathique mais, non.

11 MR. WARDLE: And a little further on, now at  
12 page 67, this is now -- you're now being questioned about  
13 your first abuse by Father Lapierre at the retreat house in  
14 Alexandria.

15 M. MARLEAU: Oui.

16 MR. WARDLE: And one of the things Officer  
17 Génier asks you, he says "Was there much conversation after  
18 you left the Alexandria building?" You see that?

19 M. MARLEAU: M'hm.

20 MR. WARDLE: And then you'll see you come  
21 back to:

22 "He would talk to me about my studies,  
23 he would always try to motivate my ego  
24 ..."

25 And you began to sort of elaborate. And over on the top of

1 the next page:

2 "It was manipulation you know but it  
3 would work well because I needed that  
4 back then."

5 And then the officer says:

6 "Yeah, he knew which buttons to push."

7 **M. MARLEAU:** M'hm.

8 **MR. WARDLE:** And I guess what I'm trying to  
9 find out from you is did you feel that the officer who  
10 conducted this interview was really interested in exploring  
11 that issue, your relationship with Father Lapierre?

12 **M. MARLEAU:** Avec recul, non, je pense qu'il  
13 voulait les faits.

14 **MR. WARDLE:** And I notice in the follow-up  
15 interviews, and we'll come to this, but there is much  
16 discussion with you over the phone about the issue of  
17 consent, but consent in a very narrow sense; correct?

18 **M. MARLEAU:** Je crois que c'est une bonne  
19 façon de le dire, oui.

20 **MR. WARDLE:** Now, I want to go forward a  
21 little bit to page 106. And now we are dealing with the  
22 second priest, Father Scott, and there's a comment in the  
23 middle of the page you make:

24 "Don Scott was a manipulative person  
25 too, you know."

1 And then you elaborate by saying:

2 "He worked with people who had like  
3 problems in school..."

4 Do you see that?

5 **M. MARLEAU:** M'hm.

6 **MR. WARDLE:** And again, that issue is not  
7 pursued by Officer Génier.

8 **M. MARLEAU:** Correct.

9 **MR. WARDLE:** And a few pages over, at page  
10 109, you'll see at the top of that page:

11 "When you say he was manipulative, in  
12 what sense?"

13 And then you start to elaborate. And I think what you were  
14 starting to say was that they were really working on your  
15 relationship at home and sort of inserting themselves as  
16 having a parental authority. Is that fair?

17 **M. MARLEAU:** Oui, on pourrait dire ça, mais  
18 je vais chercher à remplacer ce manque.

19 **MR. WARDLE:** And you'll see, if you follow  
20 down this page, the officer says:

21 "But was there anything specific you  
22 remember being manipulation when it  
23 came to the sex -- the sex act?"

24 The sense I have from reading it is that's  
25 what he is looking for. He is looking for something

1 specific in relation to a specific act of abuse.

2 M. MARLEAU: "He", étant qui, l'agent?

3 MR. WARDLE: He being the officer, in his  
4 questioning.

5 M. MARLEAU: On pourrait dire ça, oui.

6 (SHORT PAUSE/COURTE PAUSE)

7 MR. WARDLE: And then I want to go back, if  
8 I may, just for one minute to page 108, towards the bottom  
9 of that page. This is again dealing with Father Scott, and  
10 Officer Génier says:

11 "Do you recall what invitation or..."

12 And you say:

13 "It was like -- you know, I started  
14 excluded my friends and stuff back  
15 then. You know, that -- it's like a  
16 new family for me."

17 And after the discussion we've had this  
18 morning I think that fits because they became like a  
19 substitute family for you at one point.

20 M. MARLEAU: C'est clair dans mon esprit.

21 MR. WARDLE: And then at the very bottom you  
22 say:

23 "I don't know how to explain that, you  
24 know. It was like (Pause) consenting  
25 and not consenting."

1                   And that's a phrase that also came back to  
2                   haunt you in the criminal process, didn't it?

3                   **M. MARLEAU:** Comme un cauchemar.

4                   **MR. WARDLE:** Now, from the OPP's vantage  
5                   point, obviously you were coming to them with this very  
6                   long, detailed story. And what I'm wondering about is if  
7                   you recall there ever being any attempt to follow up on  
8                   this issue of your relationship with Father Lapierre and  
9                   the other priests?

10                  **M. MARLEAU:** No.

11                  **MR. WARDLE:** And then I'd like to take you  
12                  briefly to Exhibits 140 and 141. Exhibit 140 first,  
13                  please. So I have for Exhibit 140 that it's a page of  
14                  handwritten notes with the date May 13, 1998 at the top.

15                  So first of all, I think we know from the  
16                  context -- yesterday you were shown an opinion from the  
17                  Crown which is dated just prior to this raising some issues  
18                  about consent in the context of several of the prosecutions  
19                  and suggesting that the OPP should talk to you about the  
20                  issue.

21                  **M. MARLEAU:** C'est exact.

22                  **MR. WARDLE:** So now we have Officer Génier -  
23                  - and is it fair to say up to this point almost all your  
24                  communications are with the two junior guys, Génier and  
25                  Séguin?

1 M. MARLEAU: C'est exact.

2 MR. WARDLE: And it's only much later that  
3 you meet Pat Hall; correct?

4 M. MARLEAU: Je l'avais peut-être rencontré  
5 informellement en visitant les autres officiers, mais  
6 j'avais -- à part de savoir qu'il était en charge de  
7 l'enquête, j'avais pas eu affaire avec lui.

8 MR. WARDLE: And all of your interviews are  
9 conducted by Génier or Séguin; correct?

10 M. MARLEAU: C'est exact.

11 MR. WARDLE: So these notes, as I understand  
12 it, this is a six-minute phone call. You're presumably at  
13 your office in Quebec?

14 M. MARLEAU: Oui, je travaillais cette  
15 journée-là.

16 MR. WARDLE: And the notes simply say:  
17 "Asked about issue of consent. He  
18 advised in all situations it was  
19 influenced consent, the way it's  
20 brought upon you. With the stuff  
21 you're given, it's like you're lured  
22 into it because of the stuff and  
23 treatment you get there that you don't  
24 get at home."

25 Have I read the note correctly?

1 M. MARLEAU: Oui.

2 MR. WARDLE: There doesn't appear to be any  
3 follow-up. There's no follow-up questions. There's  
4 nothing about your relationship with these priests.

5 M. MARLEAU: Du tout.

6 MR. WARDLE: And then if we go to Exhibit 41  
7 (sic).

8 LE COMMISSAIRE: One-forty-one (141)?

9 MR. WARDLE: One-forty-one (141), I'm sorry.  
10 The date I have on these notes is -- the first page starts  
11 May 15, 1998 and we're looking at an entry on May the 19<sup>th</sup>.  
12 So these are Officer Seguin's notes, and you'll see over on  
13 the second page that he has a call from you, and he's  
14 recorded the questions and the answers, and again this is a  
15 phone call that lasts about 17 minutes. You have to go  
16 through to the end to see that, but it starts at 13:55 and  
17 ends at 14:12.

18 M. MARLEAU: Okay.

19 MR. WARDLE: So no one is asking you to come  
20 in for a formal interview at this point. This is being  
21 done over the phone?

22 M. MARLEAU: C'est exact.

23 MR. WARDLE: And the questions -- and I'm  
24 not going to take you through all of them, but the  
25 questions are basically, "With respect to Dr. Peachey, did

1       you ever consent to any sexual act with him?" and questions  
2       about "Who instigated the sexual activity?"

3                   **M. MARLEAU:** C'est bien ça.

4                   **MR. WARDLE:** So these are not questions  
5       about whether Dr. Peachey was in a position of influence or  
6       control over you?

7                   **M. MARLEAU:** Non.

8                   **MR. WARDLE:** And similarly, going over the  
9       page to the fourth page of the notes, you will see about a  
10      third of the way down the question:

11                           "Did you ever object to any sexual  
12                           encounter with Ken Martin?"

13      And you answer:

14                           "It was the same as Peachey, the same  
15                           pattern. I didn't want to lose the  
16                           benefits I was getting."

17                   So I take it from this call that the officer  
18      at that point is interested in consent in a very narrow  
19      technical sense and that he's not really looking at the  
20      sort of broader relationship between you and these  
21      individuals. Is that fair?

22                   **M. MARLEAU:** Oui, ça serait ---

23                   **MR. WARDLE:** And then, as I understand it,  
24      the issue of consent comes up one more time, and that is in  
25      the spring of 1999, and I'll just find the exhibit. It's

1 Exhibit 147. And as I understand it, March of 1999 is just  
2 prior to your evidence at the preliminary inquiries; is  
3 that right?

4 **M. MARLEAU:** It's the first date that was  
5 cancelled, yes.

6 **MR. WARDLE:** So let's look now at the third  
7 page of the notes, March 5, 1999, meeting at the Best  
8 Western, Detective Sergeant Hall's room with Claude Marleau  
9 and Crown Godin. And you've already told us that you often  
10 stayed at the Best Western and had meetings there with  
11 these individuals?

12 **M. MARLEAU:** C'est exact.

13 **MR. WARDLE:** Okay. And is it at this time  
14 that you're told that the age of consent is 14 and that  
15 that's an important issue in the case?

16 **M. MARLEAU:** Je le crois, oui.

17 **MR. WARDLE:** And it's at this point, as I  
18 understand these notes, if we go down towards the bottom of  
19 the page, the police show you some title information on  
20 your father's house on Sunnyside showing that it had been  
21 purchased on a specific date in 1964; correct?

22 **M. MARLEAU:** C'est bien.

23 **MR. WARDLE:** And that leads to a discussion  
24 about when the activity with Roch Landry had started and  
25 you realize, as I understand it, for the first time that it

1 had actually started prior to you moving to the Sunnyside  
2 address?

3 **M. MARLEAU:** C'est exact.

4 **MR. WARDLE:** And that's what leads you to go  
5 to get your school records?

6 **M. MARLEAU:** Je crois que ça s'est tout  
7 passé dans le même temps. Si je me souviens bien, je suis  
8 allé les chercher la même après-midi. Mon souvenir est un  
9 peu vague, mais ça s'est fait dans le même voyage ici à  
10 Cornwall, mais mon idée d'aller les chercher était déjà  
11 faite avant qu'on me montre ça.

12 **MR. WARDLE:** I guess what I'm surprised  
13 about, in looking back at this, is you've come in in the  
14 summer of 1997 and you've never talked to anybody about  
15 this. You're not expecting a detailed interview. You're  
16 brought into a room and you have a long videotaped  
17 interview with an officer in which you go through, as best  
18 you can, the events from beginning to end; correct?

19 **M. MARLEAU:** C'est bien ça.

20 **MR. WARDLE:** And then there's really no  
21 detailed follow-up interview either with respect to the  
22 dates or with respect to the issue of trust and authority  
23 over the next two years until we're at this point, and  
24 suddenly the issue is coming up in discussions with the  
25 Crown.

1                   **M. MARLEAU:** C'est bien ça.

2                   **THE COMMISSIONER:** Mr. Wardle, I don't know  
3                   about you, but it might be time for a morning break at this  
4                   point.

5                   **MR. WARDLE:** It's a good point.

6                   **THE COMMISSIONER:** Thank you very much, sir.

7                   **MR. WARDLE:** Thank you.

8                   **THE COMMISSIONER:** We'll take the morning  
9                   break now.

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

12                  The hearing will resume at 11:15.

13                  --- Upon recessing at 11:02 a.m./

14                  L'audience est suspendue à 11h02

15                  --- Upon resuming at 11:25 a.m./

16                  L'audience est reprise à 11h25

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

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

22                  **THE COMMISSIONER:** Mr. Wardle.

23                  **CLAUDE MARLEAU, Resumed/Sous affirmation solennelle:**

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

25                  **WARDLE (cont'd/suite):**

1                   **MR. WARDLE:** Mr. Marleau, the charges  
2                   against Father Lapierre and Father Martin were laid in July  
3                   of 1998, as I understand it?

4                   **M. MARLEAU:** C'est correct, oui.

5                   **MR. WARDLE:** And do you know when the charge  
6                   was laid against Father Lapierre in Quebec?

7                   **M. MARLEAU:** À ma connaissance, c'est après  
8                   l'enquête préliminaire de l'Ontario.

9                   **MR. WARDLE:** So that would be some time in  
10                  1999?

11                  **M. MARLEAU:** Je crois que c'était à la fin  
12                  de '99. Il y avait eu une première rencontre avec la  
13                  Couronne au Québec et la Couronne du Québec avait décidé  
14                  d'attendre de voir comment s'était passée l'enquête  
15                  préliminaire.

16                  **MR. WARDLE:** Similarly, the charge against  
17                  the priest that we are not naming here was laid at the same  
18                  time in Quebec; correct?

19                  **M. MARLEAU:** C'est exact.

20                  **MR. WARDLE:** I want to take you to an  
21                  exhibit that's already been marked. It's part of Exhibit  
22                  P-58.

23                  **M. MARLEAU:** Je ne l'ai pas, je pense pas.

24                  **MR. WARDLE:** During the Diocese corporate  
25                  presentation.

1                   **LE COMMISSAIRE:** Vous allez le voir sur  
2                   l'écran.

3                   **M. MARLEAU:** Sur l'écran.

4                   **LE COMMISSAIRE:** D'ici peu.

5                   **MR. WARDLE:** P-58.

6                   **(SHORT PAUSE/COURTE PAUSE)**

7                   **MR. WARDLE:** Tab 31.

8                   Now, sir, is this a document you've seen  
9                   before?

10                  **M. MARLEAU:** No.

11                  **MR. WARDLE:** If we scroll down to the  
12                  bottom, you will see there's a date on the document. It is  
13                  dated June 21<sup>st</sup>, 1995.

14                  **M. MARLEAU:** Oui, je vois ça.

15                  **MR. WARDLE:** So if you look at the top,  
16                  you'll see this is a set of diocesan guidelines on sexual  
17                  abuse by priests, deacons, seminarians, and pastoral  
18                  assistants.

19                  **M. MARLEAU:** Oui.

20                  **MR. WARDLE:** And the evidence has been to  
21                  date that this came into effect around this time, June of  
22                  1995.

23                  **M. MARLEAU:** O.k.

24                  **MR. WARDLE:** And this is the guidelines that  
25                  were in effect at the time the charges were laid against

1 Father Lapierre, Father Martin and the third priest who we  
2 can't name, both in Ontario and Quebec.

3 M. MARLEAU: Oui.

4 MR. WARDLE: First of all, as I understand  
5 it from what you told us yesterday or the day before, to  
6 your knowledge, none of these three individuals was removed  
7 from pastoral duties at the time they were charged. Is  
8 that correct?

9 M. MARLEAU: C'est la connaissance que moi  
10 j'en ai, oui.

11 MR. WARDLE: Okay. Let me just make sure  
12 how you know that. I take it at least in the case of  
13 Father Lapierre, you were present when he testified in the  
14 Ontario case.

15 M. MARLEAU: Oui.

16 MR. WARDLE: Is that where you got the  
17 information about what he was doing and during the period  
18 after charges were laid or did you get that in some other  
19 fashion?

20 M. MARLEAU: J'ai toujours cru qu'ils  
21 n'avaient jamais été démis de leurs fonctions et au moment  
22 des procès de chacun ici, en Ontario, au moment du procès,  
23 ils étaient en poste.

24 MR. WARDLE: But you're not sure how you  
25 know that. You just know that to be the case.

1                   **M. MARLEAU:** Bien, je peux vous dire avec  
2                   certitude qu'au moment des procès de Martin et de Lapierre,  
3                   ils ont témoigné à l'effet qu'ils étaient en poste.

4                   **MR. WARDLE:** And if you look at the document  
5                   we're looking at now under Phase IV, "Decision of the  
6                   Bishop", you will see it says in the second sentence:

7                                    "If the situation warrants it..."

8                   And then in brackets,

9                                    "...(because there is a risk to the  
10                                   alleged aggressor, or the possibility  
11                                   of a risk to other members of the  
12                                   community, because the events have  
13                                   become public, because charges will be  
14                                   laid, because a trial will take place)  
15                                   the Bishop removes the suspected  
16                                   aggressor from church duties."

17                   Do you see that?

18                   **M. MARLEAU:** Oui. Je comprends cela.

19                   **MR. WARDLE:** And certainly, in this case,  
20                   the charges against these three priests were laid and those  
21                   were matters that were in the public domain; correct?

22                   **M. MARLEAU:** Oui, je crois qu'on peut dire  
23                   cela.

24                   **MR. WARDLE:** And to your knowledge, none of  
25                   them were removed from church duties?

1                   **M. MARLEAU:** C'est ce que je comprends de la  
2 situation.

3                   **MR. WARDLE:** Now, Father Lapierre is  
4 acquitted in Ontario in September of 1999; correct?

5                   **M. MARLEAU:** C'est ça.

6                   **MR. WARDLE:** While his charges are still  
7 pending in the Province of Quebec or do you recall?

8                   **M. MARLEAU:** Je crois qu'il a pu y avoir un  
9 mois environ avant que les -- il faudrait vérifier les  
10 dossiers, mais un mois avant qu'il soit ré-arrêté au Québec  
11 en même temps que celui qu'on ne puisse pas -- dont on ne  
12 peut pas parler ici, à Cornwall. Ça se peut qu'il y ait  
13 une période là où les charges étaient inexistantes.

14                   **MR. WARDLE:** I handed up copies of a loose  
15 exhibit, Mr. Commissioner. This is a document for which  
16 notice was not given, but I've provided a copy of it to my  
17 friend, Mr. Sherriff-Scott, and I understand that he has no  
18 objection to me introducing it through this witness.

19                   **THE COMMISSIONER:** Okay.

20                   **MR. RUEL:** Mr. Commissioner, without raising  
21 a formal objection, we have strict rules with respect to  
22 provision of notice. Objections are being made. I guess  
23 there doesn't seem to be prejudice in this case because the  
24 parties were consulted and seem to be in agreement, but we  
25 should make sure that this doesn't come to a usual practice

1 in the sense that a flood of documents come in the day of  
2 the hearing and that parties are not given proper notice in  
3 advance. So I would raise that as a point of order.

4 I don't know if any other counsel have  
5 comments.

6 **THE COMMISSIONER:** Thank you.

7 Any other comments?

8 Mr. Sherriff-Scott.

9 **MR. SHERRIFF-SCOTT:** I just have one  
10 comment, Commissioner. It purports to be a letter issued  
11 by a press release by the Bishop, and it appears to be in  
12 response to matters relating to Father Lapierre and  
13 possibly in connection with Mr. Marleau's trial  
14 circumstances. The letter will obviously be characterized  
15 in a critical way, and the evidence will be what it is.  
16 The only thing I should caution in terms of fairness here  
17 is that it should be pointed out through Mr. Wardle that  
18 the letter came out after the acquittal and before a  
19 conviction in another province. Thank you.

20 **THE COMMISSIONER:** Now, what about copies of  
21 that? I think one of the reasons why we have -- one of the  
22 concerns is the logistics to have the copies available and  
23 to be able to put them up on the screen. So do we have  
24 copies for everyone?

25 **MR. WARDLE:** I have provided eight copies to

1 your staff.

2 **THE COMMISSIONER:** Okay.

3 **MR. WARDLE:** And I have provided some  
4 copies, not one for every counsel, but we have got five or  
5 six copies circulating amongst the room.

6 **THE COMMISSIONER:** Okay. Do we have it on  
7 the screen? Okay. I'm sorry?

8 **MR. WARDLE:** No, it's not a confidential  
9 exhibit.

10 **THE COMMISSIONER:** So you want it entered as  
11 an exhibit now? So, Madam Clerk?

12 **THE REGISTRAR:** It should be 181.

13 **THE COMMISSIONER:** So Exhibit 181 is a two-  
14 page document, which is a covering letter or an email from  
15 Monseigneur LaRocque to the Ottawa Citizen, dated September  
16 26, 2001, and I see that Mr. Manderville -- then there is a  
17 letter to, and then inside the second page is the letter  
18 effectively dated September 26th to the Editor. All right.  
19 So that is done, and the Clerk is circulating the Exhibit.  
20 All right.

21 **MR. WARDLE:** Thank you sir. So that is  
22 Exhibit 182?

23 **THE COMMISSIONER:** One eighty one (181).  
24 She has marked it 181, so I don't know.

25 **MR. WARDLE:** I have just been handed up a

1 list, which says we already have a 181.

2 THE COMMISSIONER: Yes, we do. So it should  
3 be 182, Madam Clerk.

4 --- EXHIBIT NO./PIÈCE NO. P-182:

5 Letter from Bishop Eugène P. LaRocque to the  
6 Editor - September 26, 2001

7 MR. WARDLE: So, Mr. Marleau, do you have  
8 Exhibit 182 in front of you?

9 M. MARLEAU: Yes.

10 MR. WARDLE: And I would ask you to turn to  
11 the letter ---

12 M. MARLEAU: May I come back on one of your  
13 questions?

14 MR. WARDLE: Of course.

15 M. MARLEAU: Je crois que j'ai peut-être  
16 fait une erreur tantôt en vous disant qu'il y avait une  
17 période-là. Votre question était, une fois qu'il avait été  
18 acquitté ici et je me souviens que les charges au Québec  
19 ont été faites après l'enquête préliminaire et non après le  
20 procès. Donc, la réponse aurait dû être, oui, il était  
21 chargé au Québec au moment qu'il était acquitté ici.

22 MR. WARDLE: Thank you. That is helpful.

23 So there was never a period of time after  
24 the first charges were laid when there were no outstanding  
25 charges?

1                   **M. MARLEAU:** C'est exact. Mon erreur vient  
2 d'avoir dit que c'était après le procès et non après  
3 l'enquête préliminaire.

4                   **LE COMMISSAIRE:** Est-ce qu'on peut arrêter  
5 là?

6                   At this point, Mr. Sherriff-Scott rose and  
7 indicated that it should be admitted on the proviso that a  
8 certain set of facts existed, but ---

9                   **MR. WARDLE:** I am coming to that.

10                  **THE COMMISSIONER:** Okay.

11                  **MR. WARDLE:** I'm going to come to that right  
12 now.

13                  **THE COMMISSIONER:** That's fine.

14                  **MR. WARDLE:** Looking at Exhibit 182, the  
15 second page, this is a letter written by the then Bishop to  
16 the Editor of a newspaper on September 26, 2001. Do you  
17 see that?

18                  **M. MARLEAU:** I see that.

19                  **MR. WARDLE:** As I understand it, at that  
20 time, Father Lapierre had just been acquitted in Ontario;  
21 correct?

22                  **M. MARLEAU:** Oui.

23                  **MR. WARDLE:** But the charges were still --  
24 I'm sorry, the charge was still outstanding against him in  
25 the Province of Quebec.

1                   **M. MARLEAU:** Les charges, il y en avait  
2                   deux.

3                   **MR. WARDLE:** Okay. First of all, just  
4                   looking at this letter, it says in the second sentence:

5                                 "You should know that Father Lapierre  
6                                 has been absent from the Diocese prior  
7                                 to my arrival in 1974."

8                   Do you know where Father Lapierre was in the  
9                   time period of the charges, where he was working?

10                   **M. MARLEAU:** De son témoignage, il  
11                   travaillait -- vous voulez dire au moment -- en '98 -- au  
12                   moment des charges en '99?

13                   **MR. WARDLE:** Correct.

14                   **M. MARLEAU:** Bien, selon son témoignage au  
15                   procès, il faisait du travail dans des centres avec  
16                   personnes âgées et des funérailles, des choses comme cela  
17                   dans la région de Montréal.

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1  
2 Une des indications que j'ai à part ça c'est que quand la  
3 Police de l'Ontario sont aller servir les subpoenas,  
4 c'était dans un endroit de culte où ils ont été obligés  
5 d'attendre qu'ils terminent une célébration quelconque.

6 **MR. WARDLE:** Now, it goes on to say in the  
7 next sentence:

8 "I can assure you and your readers that  
9 the Diocese, as the Lord Jesus commands  
10 us, is most serious to avoid "the  
11 scandal of little ones"."

12 Did you ever see any evidence of that?

13 **M. MARLEAU:** Je comprends pas très bien  
14 l'utilisation de l'expression "the scandal of little ones".

15 **MR. WARDLE:** Did you ever see any effort  
16 made by the Diocese in connection with your allegations,  
17 the charges that were brought and the ultimate conviction  
18 of Father Lapierre, any effort on behalf of the Diocese to  
19 reach out in any way to protect the vulnerable?

20 **M. MARLEAU:** En aucun temps pendant les  
21 procès et en aucun temps aller jusqu'à aujourd'hui.

22 **MR. WARDLE:** And the document we looked at a  
23 few minutes ago, the 1995 Guidelines have a section called  
24 "Offering to Help". And I'll just quote from it. It says:  
25 "Depending on the circumstances, help

1 and support is offered to the alleged  
2 victim and his family."

3 And I take it no support was ever offered to  
4 you?

5 **M. MARLEAU:** Il faut croire que j'entraîs  
6 pas dans les circonstances.

7 **MR. WARDLE:** And I take it you've never  
8 received an apology from the Diocese?

9 **M. MARLEAU:** Non. Comme je vous ai dit  
10 hier, tout ce que j'ai reçu du Diocèse a été ce que je  
11 considérais de l'intimidation.

12 **MR. WARDLE:** And given what you've told us  
13 about the abuse that took place involving, if I recall it,  
14 a total of five priests over a lengthy period of time in  
15 your adolescence, is an apology something that would be  
16 meaningful to you?

17 **M. MARLEAU:** Ça l'aurait peut-être été à un  
18 moment donné, mais je crois qu'aujourd'hui ça serait  
19 inutile.

20 **MR. WARDLE:** Thank you, sir.

21 Now, Father Lapierre was convicted in the  
22 Province of Quebec in 2002; is that correct?

23 **M. MARLEAU:** C'est bien ça.

24 **MR. WARDLE:** And his appeal was dismissed by  
25 the Quebec Court of Appeal in July or August of 2006. Do I

1 have that right?

2 M. MARLEAU: Oui, après être monté deux fois  
3 à la Cour d'appel sur des moyens préliminaires.

4 MR. WARDLE: And I take it that since his  
5 appeal was dismissed, no one from the Diocese has contacted  
6 you?

7 M. MARLEAU: Personne.

8 MR. WARDLE: Those are all my questions.  
9 Thank you, sir.

10 THE COMMISSIONER: Thank you.

11 M. MARLEAU: Merci.

12 MR. LEE: Good morning, Mr. Commissioner.

13 THE COMMISSIONER: Good morning, sir.

14 --- CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. LEE:

15 MR. LEE: Good morning, Mr. Marleau.

16 M. MARLEAU: Good morning.

17 MR. LEE: My name is Dallas Lee. I'm  
18 counsel for the Victims Group here at the Inquiry.

19 I would like to take just a moment to  
20 explain to you exactly what the Victims Group is. My firm  
21 was retained by a group of individuals who specifically  
22 came forward to seek representation by us. I haven't been  
23 given a mandate at this Inquiry to represent all victims  
24 generally or to purport that any time somebody comes here  
25 as a victim of abuse, that I represent them. Instead, it's

1 a specific group of people.

2 That being said, as part of my role here,  
3 I'm interested in helping this Commission to understand the  
4 nature of child abuse, how it affects victims, why victims  
5 sometimes behave how they do, respond how they do and act  
6 as they do, and I would like to explore some of those  
7 issues with you today.

8 I unfortunately am going to require French  
9 translation as we go. So you'll notice that after you give  
10 an answer, there's a little bit of a delay before I get  
11 back to you, and I would ask you to bear with me on that.

12 The first issue that I would like to  
13 consider with you is your decision to come forward in 1997.  
14 I understand that you first complained to the OPP in July  
15 of 1997; is that correct?

16 **M. MARLEAU:** C'est bien ça.

17 **MR. LEE:** And by that point it had been  
18 decades since you were last sexually abused by anybody. Is  
19 that correct?

20 **M. MARLEAU:** C'est bien ça.

21 **MR. LEE:** And you've told us earlier and you  
22 reconfirmed with Mr. Wardle today that during those  
23 decades, the only person that you spoke to was your friend  
24 who you've discussed with us a little bit. Is that  
25 correct?

1                   **M. MARLEAU:** C'est bien ça.

2                   **MR. LEE:** You never discussed this with your  
3 wife?

4                   **M. MARLEAU:** Jamais. Mon épouse l'a appris  
5 au moment où j'ai pris la décision de porter plainte.

6                   **MR. LEE:** And you've told us that you made  
7 that decision to lodge a complaint after reading a  
8 newspaper article about -- from my understanding of what  
9 you've told us, and please let me know if I'm wrong, the  
10 newspaper article discussed Project Truth?

11                   **M. MARLEAU:** Oui.

12                   **MR. LEE:** It discussed what was going on in  
13 relation to Charles MacDonald?

14                   **M. MARLEAU:** Oui.

15                   **MR. LEE:** And it discussed, to some extent,  
16 Perry Dunlop. Is that correct?

17                   **M. MARLEAU:** Oui. Je dirais que l'affaire  
18 MacDonald était amenée à travers l'affaire Dunlop dans  
19 l'article parce que si je me souviens bien, Monsieur Dunlop  
20 venait de gagner son arbitrage pour être réintégré à la  
21 Police municipale.

22                   **MR. LEE:** And you've told us that the day  
23 after reading that newspaper, you called your friend, and  
24 by your friend you mean the person who you knew to be a  
25 victim of abuse and who you would talk to your own abuse

1 about. Is that correct?

2 **M. MARLEAU:** Qui avait été une victime  
3 commune de Monsieur Landry avec moi.

4 **MR. LEE:** And when you called that friend,  
5 he had already seen that same newspaper article; is that  
6 correct?

7 **M. MARLEAU:** Oui, les lignes se sont  
8 croisées. Il tentait de m'appeler comme j'étais en train  
9 de l'appeler.

10 **LE COMMISSAIRE:** Est-ce qu'on peut arrêter  
11 pour une seconde. Je pense qu'on a mentionné le nom de  
12 quelqu'un que je pense qu'on ne voulait pas mentionner?

13 **M. MARLEAU:** Est-ce qu'on l'a mentionné?

14 **LE COMMISSAIRE:** Oui. Juste pour régler ça,  
15 est-ce qu'on peut rayer le nom qu'on vient de -- qui est  
16 sur une ordonnance de non publication? Un instant.

17 Am I right there?

18 **MR. LEE:** Sorry, I missed the exchange. I  
19 was trying to get the exhibit ---

20 **THE COMMISSIONER:** No, it's not your client,  
21 but I'm sure you're concerned with the privacy rights, I'm  
22 sure, of everyone.

23 **MR. LEE:** I have to admit I'm trying to  
24 juggle hearing the French and turning it off, so I don't  
25 hear my own echo. I didn't hear a name.

1                   **M. MARLEAU:**  Moi non plus.

2                   **THE COURT REPORTER:**  I didn't hear anything.

3                   **THE COMMISSIONER:**  I guess I'm hearing  
4 things.  Okay.

5                   **MR. LEE:**  Do you need a break, Mr.  
6 Commissioner.

7   **( LAUGHTER/RIRES )**

8                   **THE COMMISSIONER:**  Easy, Mr. Lee.  Easy, Mr.  
9 Lee.

10                   **MR. LEE:**  I figured the territory I'm in  
11 now, I can ---

12                   **THE COMMISSIONER:**  All right.

13                   **MR. LEE:**  So you were telling us that not  
14 only had your friend read that same article, but the lines  
15 were crossed.  Can you explain what you mean by that?

16                   **M. MARLEAU:**  J'étais assis à mon bureau avec  
17 le désir de rejoindre mon ami et comme je signalais son  
18 numéro, ma réceptionniste est venue me voir pour me dire  
19 qu'il était sur l'autre ligne, qu'elle l'avait en ligne sur  
20 l'autre ligne.

21                   **MR. LEE:**  Can you explain to us exactly what  
22 it was about that article that made you decide to come  
23 forward?

24                   **M. MARLEAU:**  Dans l'article on disait que ça  
25 faisait depuis les années '50 qu'il y avait de la

1           pédophilie à Cornwall et que ça continuait. Mon réflexe  
2           était de dire, "Merde, ça continue. Il faut faire quelque  
3           chose." On parlait qu'il y avait encore des cas récents.

4                   **MR. LEE:** So you and your friends certainly  
5           weren't the only ones?

6                   **M. MARLEAU:** C'est là qu'on a réalisé qu'on  
7           était pas seul, alors que pendant 30 ans j'ai vécu avec le  
8           sentiment que j'étais seul ou à peu près seul.

9                   **MR. LEE:** If you had not seen that article  
10          in the newspaper on that morning, would you have come  
11          forward when you did?

12                   **M. MARLEAU:** Je peux pas prédire ce que la  
13          vie avait sur son chemin pour moi, mais je pense que non.  
14          Je pense que c'est la taille de l'enquête qui a fait qu'on  
15          allait pas se sentir seul.

16                   **MR. LEE:** That article triggered you coming  
17          forward. Is that correct?

18                   **M. MARLEAU:** Oui.

19                   **MR. LEE:** You've told us that you complained  
20          to the Ontario Provincial Police of abuse by five priests.  
21          You've told us that you were abused by -- you complained of  
22          abuse, rather, by Paul Lapierre ---

23                   **M. MARLEAU:** Oui.

24                   **MR. LEE:** --- by a priest who is a client of  
25          Mr. Sherriff-Scott who we aren't naming here.

1 M. MARLEAU: M'hm.

2 MR. LEE: By Don Scott.

3 M. MARLEAU: Exact.

4 MR. LEE: By Hollis Lapierre.

5 M. MARLEAU: Également.

6 MR. LEE: And by Kenneth Martin.

7 M. MARLEAU: Oui.

8 MR. LEE: My understanding is that you  
9 alleged in total to the OPP abuse by nine men, five of whom  
10 were priests. Is that correct?

11 M. MARLEAU: C'est bien ça.

12 MR. LEE: And you also alleged to the OPP  
13 that these men knew each other and, to use your language,  
14 that you were passed around among them. Is that correct?

15 M. MARLEAU: C'est exact.

16 MR. LEE: You've discussed a little bit in  
17 the last couple of days that your belief that other people  
18 inside the Diocese knew what was going on. For example,  
19 you told us that you believe that Father Lapierre was  
20 friends with Bishop Brodeur and that the Bishop must have  
21 known what was going on. Is that correct?

22 M. MARLEAU: C'est mon plus profond  
23 sentiment, oui.

24 MR. LEE: And you told us at one point that  
25 Hollis Lapierre, I believe, had a housekeeper who you think

1 must have known what was going on. Is that correct?

2 **M. MARLEAU:** Avec recul, je pense que ça ne  
3 peut être que de l'aveuglement volontaire si elle ne le  
4 sait pas.

5 **MR. LEE:** And was she an employee of the  
6 Diocese, as far as you understand?

7 **M. MARLEAU:** Je connais pas comment  
8 fonctionne l'hierarchie du Diocèse, mais elle était  
9 sûrement une employée du presbytère dans lequel j'étais  
10 reçu pour les abus.

11 **MR. LEE:** Is there anybody else that you say  
12 within the Diocese knew what was going on or should have  
13 known what was going on?

14 **M. MARLEAU:** Je pourrais pas affirmer ça,  
15 non.

16 **MR. LEE:** Did any of your abuse take place  
17 on property owned by the Diocese?

18 **M. MARLEAU:** Oui.

19 **MR. LEE:** Were you -- how did you come to --  
20 I guess, how did you get onto the property of the Diocese?  
21 Was it in secret? Was it under cover of darkness or  
22 anything like that? Was it secretive when you would go to  
23 these places?

24 **M. MARLEAU:** Non.

25 **MR. LEE:** And yet nobody ever said anything

1 to you at all?

2 M. MARLEAU: Non.

3 MR. LEE: Nobody ever came forward to you to  
4 ask if you were being abused, if you were in trouble or  
5 anything along those lines?

6 M. MARLEAU: Non.

7 MR. LEE: I noticed in your evidence,  
8 yesterday in particular, that when you were referring to  
9 the lawyer for an accused person, for example, the lawyer  
10 for Father Lapierre, you don't refer to those people as  
11 Father Lapierre's lawyer. You tend to refer to them as the  
12 Church lawyer or the Diocese lawyer.

13 Can you tell me why that is?

14 M. MARLEAU: They're being paid by the  
15 Diocese.

16 MR. LEE: And how do you know that?

17 M. MARLEAU: En tout cas, c'est mon  
18 impression.

19 MR. LEE: Did it appear to you during the  
20 conduct of these trials and the prosecutions generally that  
21 these men that you accused had been cut loose by the  
22 Diocese, so to speak?

23 M. MARLEAU: Je ne comprends pas le sens de  
24 votre question.

25 MR. LEE: Did it appear to you that once

1           these men were charged as a result of complaints that you  
2           made that they were left to fend for themselves and the  
3           Diocese said, "Okay, hold on a second, you're on your own  
4           now".

5                       **M. MARLEAU:** Non, c'est pas le sentiment que  
6           j'avais.

7                       **MR. LEE:** And what effect did that fact have  
8           on you during the process?

9                       **M. MARLEAU:** Vous voulez dire du fait que  
10          j'avais le sentiment qu'ils étaient appuyés par le Diocèse?

11                      **MR. LEE:** Yes.

12                      **M. MARLEAU:** Bien, je pense que j'ai touché  
13          cela un peu hier dans mon témoignage. J'ai l'impression  
14          que l'Église n'a à cœur que de sauver ses membres -- ses  
15          membres prêtres et que les victimes ou les membres laïques  
16          de leur Église les importent peu.

17                      **MR. LEE:** Thank you. One of the -- an issue  
18          I suppose of great concern to my clients is grooming and  
19          you've discussed that a lot and that's something that I am  
20          interested in discussing with you now. You've told us that  
21          you were first sexually abused at around 11 years old; is  
22          that correct?

23                      **M. MARLEAU:** C'est bien cela.

24                      **MR. LEE:** And Mr. Wardle touched on this a  
25          little bit today, but can you tell us what experience you

1 had with sex or with sexuality at that point? If we took  
2 you a day before the first time you were ever abused, what  
3 would your experience at that point have been?

4 **M. MARLEAU:** Aucune.

5 **MR. LEE:** You weren't dating at that point?

6 **M. MARLEAU:** Non.

7 **MR. LEE:** You weren't -- there had never  
8 been any kind of sexual contact with anybody your age or  
9 anything along those lines?

10 **M. MARLEAU:** Non.

11 **MR. LEE:** So your very first sexual contact  
12 was with Roch Landry, is that correct?

13 **M. MARLEAU:** C'est exact.

14 **MR. LEE:** Would you agree with me and that -  
15 - I suppose I use the term kind of loosely here -- that  
16 your first -- you were becoming sexually active earlier  
17 than you would have otherwise as a result of this?

18 **M. MARLEAU:** Je ne connais pas comment la  
19 vie aurait été si ce n'était pas arrivé, mais je pense que  
20 dans la famille et l'esprit du temps, oui, on peut dire ça  
21 que ce serait peut-être arrivé plus tard.

22 **MR. LEE:** And when it did occur, it was not  
23 with someone your own age, it was with a grown man, is that  
24 correct?

25 **M. MARLEAU:** C'est ça.

1                   **MR. LEE:** So what you were experiencing at  
2 that time, in your opinion, was that normal?

3                   **M. MARLEAU:** Non.

4                   **MR. LEE:** Do you believe that these early  
5 experiences and the way you were introduced to sex skewed  
6 your outlook on sex and sexuality?

7                   **M. MARLEAU:** Bien sûr.

8                   **MR. LEE:** Your sexual development was  
9 affected?

10                  **M. MARLEAU:** Bien sûr.

11                  **MR. LEE:** You've told us that Roch Landry  
12 eventually introduced you to Paul Lapierre and that you  
13 were sexually abused by Lapierre at that point, is that  
14 correct?

15                  **M. MARLEAU:** Oui.

16                  **MR. LEE:** So you've got another adult, a man  
17 abusing you at that point?

18                  **M. MARLEAU:** Oui.

19                  **MR. LEE:** And you're still under 14 years  
20 old at this point, is that correct?

21                  **M. MARLEAU:** Oui.

22                  **MR. LEE:** And you've told us today and  
23 you've gone into it a little bit in the sense of the  
24 prosecutions and the issue of consent, and you've told us  
25 and your understanding now is that, at the time these

1 abuses were occurring, that the age of consent was 14 years  
2 old. Is that correct?

3 **M. MARLEAU:** Oui, c'est ce que j'en  
4 comprends.

5 **MR. LEE:** So the law at that time said that  
6 if you were under 14, you could not consent.

7 **M. MARLEAU:** C'est ce que j'en comprends.

8 **MR. LEE:** And so, as a result, I take it you  
9 would agree with me that any act that occurred before you  
10 were 14, under the law by any definition, was non  
11 consensual; is that right?

12 **M. MARLEAU:** Sous la loi, et avec recul, mon  
13 consentement était sûrement vicié.

14 **MR. LEE:** Would you agree with me then that  
15 everyone of these acts prior to your 14<sup>th</sup> birthday at the  
16 very least was illegal?

17 **M. MARLEAU:** Je crois que si on se fie à la  
18 définition de la loi, vous avez raison.

19 **MR. LEE:** Is this situation part of what  
20 you've been discussing with us over the last couple of days  
21 as the grooming process that you went through?

22 **M. MARLEAU:** J'ai pas compris votre  
23 question.

24 **MR. LEE:** What happened to you before you  
25 were 14 years old when the law said there was an absence of

1 consent starting when you were 11, all of those experiences  
2 were part of what you described as grooming. Is that  
3 correct?

4 **M. MARLEAU:** Oui, c'est sûr.

5 **MR. LEE:** And everything you knew at the  
6 time about sex came from these men; is that correct?

7 **M. MARLEAU:** Absolument.

8 **MR. LEE:** And what these men did was they  
9 groomed you into the person that they wanted you to be.  
10 Would you agree with that?

11 **M. MARLEAU:** Oui, je crois qu'on peut  
12 l'expliquer comme ça.

13 **MR. LEE:** They taught you the things that  
14 they wanted to teach you about sex.

15 **M. MARLEAU:** On m'a enseigné ce que je  
16 savais.

17 **MR. LEE:** And this started when you were 11  
18 years old, and it continued for a few years and then  
19 suddenly you turned 14 years old.

20 **M. MARLEAU:** C'est exact.

21 **MR. LEE:** And the abuse continues after you  
22 turn 14, is that correct?

23 **M. MARLEAU:** C'est exact.

24 **MR. LEE:** On your 14th birthday, was there  
25 any kind of revelation, did everything you'd learned before

1 14 suddenly fall by the way side or were you still being  
2 influenced by what had happened in the three years before  
3 that?

4 M. MARLEAU: Je pense que poser la question,  
5 c'est y répondre. C'est pas parce que je suis tombé dans  
6 un âge chronologique de 14 ans que je suis devenu  
7 consentant.

8 MR. LEE: And you've told us already in your  
9 testimony that you feel that way. Is that correct?

10 M. MARLEAU: C'est exact.

11 MR. LEE: Mr. Wardle touched on it a little  
12 bit with you earlier and you've mentioned it as well that  
13 these men who were abusing you were, at the same time,  
14 providing you with certain things that you weren't  
15 receiving elsewhere. Is that correct?

16 M. MARLEAU: Oui.

17 MR. LEE: You were having some trouble at  
18 home and Paul Lapierre, as an example, was providing you  
19 with emotional support that you weren't getting anywhere  
20 else.

21 M. MARLEAU: Oui.

22 MR. LEE: Roch Landry dictated to some  
23 extent the work you would get through his brother's butcher  
24 shop. Is that correct?

25 M. MARLEAU: Oui.

1                   **MR. LEE:** Do you believe that those things,  
2                   the support you were getting, the money you were making  
3                   from job, being able to drive a car, things like that,  
4                   you've told us about, were those part of the grooming  
5                   process as well?

6                   **M. MARLEAU:** Ça me semble évident.

7                   **MR. LEE:** Do you believe that that's part of  
8                   how these men attracted you to them?

9                   **M. MARLEAU:** Bien sûr.

10                  **MR. LEE:** And do you believe that it was in  
11                  some part how they kept you around long enough to groom  
12                  you?

13                  **M. MARLEAU:** Oui.

14                  **MR. LEE:** All of this was part of that  
15                  process. Would you agree with me?

16                  **M. MARLEAU:** Oui.

17                  **MR. LEE:** Mr. Marleau, did you, at some  
18                  point, come to identify the abuse with these things that  
19                  you were receiving, these rewards?

20                  **M. MARLEAU:** Oui, probablement que rendu à  
21                  l'âge de 16, 17 ans, je me rendais bien compte qu'il y  
22                  avait de quoi qui ne marchait pas. Et c'est là que j'ai  
23                  commencé à vouloir m'éloigner de tout ça.

24                  **MR. LEE:** And you ended up doing that. You  
25                  moved out of Cornwall. Is that correct?

1                   **M. MARLEAU:** J'ai fui.

2                   **MR. LEE:** You've described in the past that  
3 you felt like you were a beer being passed around. Do you  
4 remember saying that?

5                   **M. MARLEAU:** Un quoi?

6                   **MR. LEE:** Like a beer that was being passed  
7 around. Do you recall saying that at any point?

8                   **M. MARLEAU:** Je ne me souviens pas d'avoir  
9 dit ça, mais un jouet ou un cadeau, oui, je me souviens  
10 d'avoir dit ça.

11                   **MR. LEE:** You felt like a thing,  
12 essentially, that was being passed around?

13                   **M. MARLEAU:** Oui, je pourrais m'exprimer  
14 ainsi aujourd'hui, un jouet de leur plaisir quoi.

15                   **MR. LEE:** And that was part of the grooming  
16 process as well to have you think that way. Do you agree  
17 with that?

18                   **M. MARLEAU:** Que je me sente comme ça était  
19 le résultat du "grooming" je pense.

20                   **MR. LEE:** When you went and complained to  
21 the OPP of the abuses you had suffered, you told them that  
22 the abuse continued past your 14<sup>th</sup> birthday up until the  
23 time you were 16 or 17 years old. Is that correct?

24                   **M. MARLEAU:** Oui, je crois que la  
25 chronologie des événements le démontrait de toute façon.

1                   **MR. LEE:** During those later years, after  
2 your 14<sup>th</sup> birthday, do you believe, given what had happened  
3 to you before that you had the capacity to consent to any  
4 of those acts?

5                   **M. MARLEAU:** Vous -- votre question est en  
6 ce temps contemporain ou à quelle époque?

7                   **MR. LEE:** Looking back on it today, now that  
8 you -- you told us that you didn't come to understand that  
9 a lot of this wasn't your fault until later in life.  
10 You've told us that, I believe, it was the Crown attorney,  
11 Mr. Godin, that explained to you the grooming process.  
12 You've been through criminal trials, you've read, you've  
13 put dawn to this. Your thoughts today, looking back on the  
14 time when you were 16 or 17 years old, were you able to  
15 give consent?

16                   **M. MARLEAU:** Je crois que n'importe quel  
17 adolescent placé dans la même situation est pas capable de  
18 consentir. Donc, je crois que mon consentement était --  
19 s'il y avait consentement, était vicié.

20                   **MR. LEE:** Do you feel that you were given a  
21 full opportunity to explain all of these facts, to fully  
22 explain the grooming process and what happened to you  
23 during any of these criminal trials?

24                   **M. MARLEAU:** Je crois qu'on ne m'a pas donné  
25 les outils pour comprendre ce qui s'était passé. Parce que

1 -- ce n'est parce que je me suis ouvert en '97 que je  
2 comprenais tout. Mais si j'avais eu des outils plus  
3 propices à ce type d'événements, peut-être que j'aurais  
4 réussi à l'exprimer mieux, je ne sais pas.

5 **MR. LEE:** Do you think had you been given  
6 those tools and had you been given the opportunity to  
7 express yourself better that that might have made a  
8 difference in those prosecutions?

9 **M. MARLEAU:** Compte tenu que les juges m'ont  
10 cru, oui, je pense que cela aurait fait une différence.

11 **MR. LEE:** Are you aware that part of the  
12 situation in Cornwall that gave rise to this Inquiry are  
13 that there were allegations in this community that there  
14 were a clan of pedophiles operating?

15 **M. MARLEAU:** J'ai vu cette expression-là  
16 pour la première fois dans les grands titres concernant mes  
17 dossiers à moi où on qualifiait de ce qui m'était arrivé  
18 aux mains d'un clan de pédophiles. C'est là où j'ai pris  
19 connaissance de cela au départ.

20 **MR. LEE:** So at the time you came forward to  
21 the OPP in 1997, you had no idea that any of that was  
22 alleged in Cornwall?

23 **M. MARLEAU:** Tout ce que je savais de  
24 l'article c'est qu'il y avait un policier de Cornwall qui  
25 avait été mis à la porte pour avoir fait une dénonciation à

1 la Protection de la jeunesse, qu'il avait eu des batailles  
2 juridiques en arbitrage, qu'on l'avait réinstallé et que  
3 l'OPP ouvrait une enquête concernant un dénommé Charles  
4 MacDonald.

5 **MR. LEE:** As you sit here today, sir, are  
6 you now aware that those allegations were out there and  
7 that that is part of what brought this Inquiry on?

8 **M. MARLEAU:** Moi, je sais qu'on parle  
9 beaucoup de clans. Maintenant, je ne suis vraiment pas  
10 capable de vous dire que Project Truth a été formé pour ça.

11 **MR. LEE:** At various times, you alleged to  
12 the OPP in total by the end of it that you had been abused  
13 by nine different men; is that correct?

14 **M. MARLEAU:** C'est bien ça.

15 **MR. LEE:** And you alleged that all of those  
16 men had ties to Cornwall; is that correct?

17 **M. MARLEAU:** À Cornwall et entre eux, oui.

18 **MR. LEE:** Right, the Cornwall area.

19 **M. MARLEAU:** M'hm.

20 **MR. LEE:** Your allegations essentially were  
21 then, and I'd like to know if I'm correct on this, that  
22 there were nine men with connections to the Cornwall area,  
23 eight of whom abused you in the Cornwall area while you  
24 were a child.

25 Is that correct?

1 M. MARLEAU: Oui.

2 MR. LEE: And the reason I say eight of them  
3 is because you alleged abuse by one person who we are not  
4 naming in Montreal.

5 M. MARLEAU: Oui, oui.

6 MR. LEE: You were never abused by that  
7 person in Cornwall?

8 M. MARLEAU: No.

9 MR. LEE: But that person you alleged had  
10 connections to Cornwall.

11 Given your allegations and what you have  
12 told the police and what you alleged, what do you make of  
13 the conclusions reached by various institutions that there  
14 was no evidence of a clan of pedophiles operating in  
15 Cornwall?

16 M. MARLEAU: Si on n'arrive pas à qualifier  
17 la bande qui m'ont abusé de clan, je sais pas ce que ça  
18 prend.

19 MR. LEE: Mr. Marleau, those are all my  
20 questions.

21 In conclusion, I would like on behalf of my  
22 clients to thank you very much for coming here and for your  
23 evidence and I can tell you that we found it tremendously  
24 helpful and I think it's going to help this Commission  
25 greatly. Thank you, sir.

1                   **M. MARLEAU:** Merci.

2                   **LE COMMISSAIRE:** Au lieu de commencer un  
3 autre interrogatoire, nous allons prendre la pause jusqu'à  
4 1h45 et puis on reprendra à ce moment-là. Merci.

5                   **M. MARLEAU:** Merci, monsieur le commissaire.

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

8 --- Upon recessing at 12:13 p.m./

9                   L'audience est suspendue à 12h13

10 --- Upon resuming at 1:55 p.m./

11                   L'audience est reprise à 13h55

12                   **THE REGISTRAR:** This hearing of the Cornwall  
13 Public Inquiry is now in session.

14                   Please be seated. Veuillez vous asseoir.

15                   **THE COMMISSIONER:** Thank you. A couple of  
16 comments before we continue.

17                   The first one is that, Mr. Marleau, you did  
18 not name someone that was part of a publication ban this  
19 morning, and so it was my "blanc de mémoire", I suppose,  
20 that caused that to happen, but better safe than sorry.

21                   Of more general interest, I have been  
22 advised -- to recap, you will recall that I issued a ruling  
23 vis-à-vis an application brought by Mr. Sherriff-Scott's  
24 client that there be a publication ban on his name. I  
25 declined to give -- I'm starting to think in French now --

1 "gain de cause" -- I dismissed the application, and Mr.  
2 Sherriff-Scott indicated that he received instructions from  
3 his client to seek a judicial review at Divisional Court.

4 Part of that process means that I wanted to  
5 afford in fairness to Mr. Sherriff-Scott's client some time  
6 for him to apply for a stay, which means that the  
7 Divisional Court would have to decide whether or not to  
8 prolong the stay that I had granted until Thursday, today,  
9 until five o'clock.

10 That hearing was held this morning and one  
11 of the Superior Court Judges sitting as the Divisional  
12 Court Judge decided to recuse himself from hearing the stay  
13 application on the basis that he may or may not have been  
14 involved in matters that were peripheral but affecting some  
15 historical parts of the Inquiry. That happens on occasion  
16 where judges have to declare a conflict and he did so.

17 So my understanding is the matter has been  
18 adjourned to next Thursday, December 7<sup>th</sup>, and there may be a  
19 combination of the argument, that being not only the stay  
20 but the full hearing on the substantive matter as to  
21 whether or not my decision stands false.

22 Accordingly, what I have done -- what I will  
23 do now is I am going to extend the stay that I have granted  
24 to Friday, December 8<sup>th</sup> at 2:00 p.m. or until such time as  
25 Divisional Court has dealt with the matter on a final

1 basis.

2 Mr. Sherriff-Scott, is that a fair  
3 rendition? I don't know if you are aware of ---

4 **MR. SHERRIFF-SCOTT:** That's the detail I  
5 have which is sketchy, but it sounds to me okay.

6 **THE COMMISSIONER:** All right. So in any  
7 event, bottom line is things are moving as they should and  
8 in any event, I have taken the precautions I thought we  
9 needed to protect the stay for the appeal purposes and then  
10 we will deal with the matter as it comes up.

11 All right. Maître Ruel, est-ce qu'on peut -  
12 - non, où en étions-nous?

13 Mr. Lee, you had finished?

14 **MR. LEE:** I have.

15 **THE COMMISSIONER:** Okay. So next is?  
16 Pardon?

17 Mr. Chisholm.

18 **CLAUDE MARLEAU, Resumed/Sous le même serment:**

19 **MR. CHISHOLM:** Good afternoon, Mr.  
20 Commissioner.

21 **THE COMMISSIONER:** You have returned!

22 **MR. CHISHOLM:** I have.

23 Good afternoon, Mr. Marleau. My name is  
24 Peter Chisholm. I am counsel for the CAS United Counties  
25 of Stormont, Dundas and Glengarry.

1                   **LE COMMISSAIRE:** L'aide à l'enfance,  
2                   protection de l'enfance.

3                   **M. MARLEAU:** O.k.

4                   **MR. CHISHOLM:** Pardonnez-moi. I have no  
5                   questions. Merci.

6                   **M. MARLEAU:** Merci.

7                   **THE COMMISSIONER:** Thank you.

8                   Mr. Rose?

9                   **MR. ROSE:** No questions, sir.

10                  **THE COMMISSIONER:** Thank you.

11                  **Mr. Kloeze,** I'm sorry, I forget what the  
12                  order was. Is it your turn now?

13                  **MR. KLOEZE:** I believe I'm going after the  
14                  counsel for Mr. Leduc.

15                  **THE COMMISSIONER:** Maître Ruel, help me out.  
16                  Who is next?

17                  **MR. RUEL:** The next person is counsel for  
18                  Mr. Leduc.

19                  **THE COMMISSIONER:** All right.

20                  Ms. Makepeace?

21                  --- **CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MS.**

22                  **MAKEPEACE:**

23                  **MS. MAKEPEACE:** Yes, thank you, Mr.

24                  Commissioner.

25                  Good afternoon, Mr. Marleau. My name is

1 Jill Makepeace. I am counsel for Jacques Leduc And I want  
2 to ask you a few questions about Perry Dunlop.

3 I take it you never asked Mr. Bourgeois to  
4 have Perry Dunlop call you?

5 M. MARLEAU: Non.

6 MS. MAKEPEACE: But he did call you?

7 M. MARLEAU: He did.

8 MS. MAKEPEACE: And he offered to send you  
9 some items and documents, and other things?

10 M. MARLEAU: Oui

11 MS. MAKEPEACE: He sent you some newspaper  
12 articles?

13 M. MARLEAU: Oui.

14 MS. MAKEPEACE: He sent you a copy of the  
15 Fifth Estate program?

16 M. MARLEAU: Oui.

17 MS. MAKEPEACE: And as I understand it he  
18 also sent you a copy of the Statement of Claim?

19 M. MARLEAU: Oui.

20 MS. MAKEPEACE: All right. These were  
21 couriered to you?

22 M. MARLEAU: Oui.

23 MS. MAKEPEACE: Then you sent off a cheque  
24 made out to Perry Dunlop for \$80?

25 M. MARLEAU: Oui.

1                   **MS. MAKEPEACE:** Then as I understand it  
2                   there was no further contact with Perry Dunlop for quite  
3                   some time?

4                   **M. MARLEAU:** C'est exact.

5                   **MS. MAKEPEACE:** Then about a year later, in  
6                   1998, the OPP asked you to prepare a statement about your  
7                   contact with Perry Dunlop. Is that right?

8                   **M. MARLEAU:** Oui.

9                   **MS. MAKEPEACE:** You were aware that the OPP  
10                  were  
11                  concerned or had some concerns about Perry Dunlop involving  
12                  himself in your case?

13                  **M. MARLEAU:** Oui.

14                  **MS. MAKEPEACE:** And they told you not to  
15                  talk to him.

16                  **M. MARLEAU:** C'est exact.

17                  **MS. MAKEPEACE:** And you didn't?

18                  **M. MARLEAU:** C'est exact.

19                  **MS. MAKEPEACE:** And then Perry Dunlop calls  
20                  you again.

21                  **M. MARLEAU:** Oui.

22                  **MS. MAKEPEACE:** And I am going to show you a  
23                  document, if I could, sir. It's document number 730979.  
24                  It has not yet been marked as an exhibit, but I would ask  
25                  that it be marked.

1                   And I will tell you what that is. This is  
2                   not a document you have seen before, I don't expect. It's  
3                   a transcript of a pre-trial motion in the proceedings  
4                   relating to Father MacDonald, and you were not involved as  
5                   a witness or a complainant in that matter. But Pat Hall of  
6                   the OPP who, I believe you understood, was in charge of the  
7                   investigation.

8                   **M. MARLEAU:** Oui.

9                   **MS. MAKEPEACE:** Testified about a series of  
10                  phone calls that occurred on November the 16<sup>th</sup> of 1998,  
11                  including two that were made to you.

12                  I am just going to read a few portions of  
13                  that, if I could.

14                  **THE COMMISSIONER:** Can you hold on for a  
15                  second?

16                  **THE REGISTRAR:** Seven-three-zero (730)?

17                  **MS. MAKEPEACE:** It's 730979.

18                  **THE COMMISSIONER:** All right. This is going  
19                  to be Exhibit No. 183.

20                  **M. MARLEAU:** Merci.

21                  **LE COMMISSAIRE:** C'est bien cela, Madame la  
22                  greffière?

23                  **LA GREFFIÈRE:** Oui.

24                  --- **EXHIBIT NO./PIÈCE NO. P-183:**

25   R. against Charles MacDonald -

1 April 29, 2002 (730979)

2 THE COMMISSIONER: All right. Is there  
3 anything in here that is subject matter of -- okay, so  
4 there is a non publication order.

5 MS. MAKEPEACE: There is in relation to the  
6 name of the complainants, as I understand it, and I'm not  
7 going to be referring, in the portions that I'm reading, to  
8 any of those.

9 THE COMMISSIONER: All right. So where  
10 would you like to take us?

11 MS. MAKEPEACE: I was going to take you to  
12 page 115 of that transcript.

13 THE COMMISSIONER: One-one-five (115)?

14 MS. MAKEPEACE: That's right.

15 And I am going to be beginning at line 11 on  
16 that page.

17 THE COMMISSIONER: We will wait for the ---

18 MS. MAKEPEACE: Okay.

19 And I will give Madam Registrar a Bates  
20 number. It is probably quicker, 7121912.

21 THE COMMISSIONER: Yes.

22 MS. MAKEPEACE: We got it. Thank you.

23 THE COMMISSIONER: Scroll down a little bit.  
24 There, that's good.

25 MS. MAKEPEACE: Okay. So beginning at line

1 11.

2 "Mr. McConnery: Question: Sir, I'm  
3 going to ask you now to go to a series  
4 of events and again you are going to  
5 have to explain the background a little  
6 bit to us. Around the 16<sup>th</sup> of November  
7 1998, when you attempted to call  
8 Officer Dunlop, this relates to name  
9 that you mentioned earlier, and that  
10 was the name of Claude Marleau. You  
11 told us that Mr. Marleau had called the  
12 OPP and was referred to Project Truth  
13 in the summer of '97."

14 (Answer)

15 "That's correct."

16 (Question)

17 "Okay. What was the purpose of your  
18 calling Dunlop about Claude Marleau?"

19 (Answer)

20 "The purpose of the call on the 16<sup>th</sup> of  
21 November '98 was to ascertain if there  
22 was any notes on contact with Claude  
23 Marleau."

24 And I am going to jump to the next page, if  
25 I could, right at the top of the page. That's not it. Oh,

1           sorry, I am going to jump two pages. Pardon me. That's  
2           right.

3                       **THE COMMISSIONER:** Page 118?

4                       **MS. MAKEPEACE:** That's right -- oh, 117.

5                       **THE COMMISSIONER:** One seventeen (117);

6           okay.

7                       **MS. MAKEPEACE:** (Question)

8                               "Take us through the events of that  
9           day."                       (Answer)

10                               "Okay, 16th of November at 1005 hrs, I  
11                               called Perry Dunlop at work. He was, I  
12                               was told he was on nights. I called  
13                               the Dunlop residence and spoke to Helen  
14                               Dunlop. She said Perry was sleeping  
15                               and would be up around 3:30 to 4:00  
16                               o'clock. I advised her I needed to  
17                               know if she had any notes on dealings  
18                               with Claude Marleau. At first, she  
19                               didn't reply. I said we have a copy of  
20                               a letter that she sent to Marleau dated  
21                               October 3rd '97. She said she probably  
22                               had a copy somewhere. I asked her to  
23                               check with Perry if he had any notes on  
24                               Marleau's contact with him. I advised  
25                               her the reason was the Crown attorney

1 was trying to address Defence counsel's  
2 request. I told ---"

3 (Question)

4 "Okay. Now this -- so it's clear, this  
5 is a request for disclosure?"

6 (Answer)

7 "That's right."

8 And I am just going to jump down three  
9 lines.

10 (Answer)

11 "I told her I would call back. Within  
12 five minutes, I instructed Constable  
13 Dupuis to call Marleau about any notes  
14 he may have. Dupuis placed a call and  
15 during the conversation, Marleau  
16 mentioned that he had just received a  
17 call from Perry Dunlop who asked him to  
18 fax to Dunlop the information that we  
19 have requested."

20 Okay. So I just want to ask you, do you  
21 recall receiving a phone call from Perry Dunlop somewhere  
22 around that time?

23 **MR. MARLEAU:** Yes.

24 **MS. MAKEPEACE:** Okay. And he wanted you to  
25 fax him any notes that you had. Is that right? Do you

1 recall that?

2 MR. MARLEAU: I don't recall that.

3 MS. MAKEPEACE: Okay. And after you end  
4 your conversation with Perry Dunlop, Constable Dupuis calls  
5 you. Do you recall that?

6 MR. MARLEAU: I don't remember.

7 MS. MAKEPEACE: All right.

8 LE COMMISSAIRE: Excusez-moi. Est-ce que  
9 vous vous souvenez ou non?

10 M. MARLEAU: Non, je m'en souviens pas.

11 LE COMMISSAIRE: O.k.

12 MS. MAKEPEACE: After your phone call then  
13 with Perry Dunlop, that being the second call, the next  
14 time the Dunlops initiate contact with you, as I understand  
15 it, was at the courthouse when you were testifying in the  
16 proceedings. Is that right?

17 M. MARLEAU: C'est bien cela.

18 MS. MAKEPEACE: Okay. I would like to refer  
19 you to one other document, sir, and that's already been  
20 entered. That is Exhibit 152 at page 31, which is 1061920.

21 M. MARLEAU: One five two (152)?

22 LE COMMISSAIRE: La Pièce 152, what page?

23 MS. MAKEPEACE: Page 31 of the transcript.

24 LE COMMISSAIRE: L'avez-vous, Monsieur  
25 Marleau?

1 M. MARLEAU: Oui.

2 LE COMMISSAIRE: Parfait.

3 M. MARLEAU: À quelle page?

4 LE COMMISSAIRE: Page 32.

5 M. MARLEAU: Merci.

6 MS. MAKEPEACE: Okay. Sir, this is the  
7 transcript of your evidence at the preliminary inquiry of  
8 Roch Landry.

9 M. MARLEAU: M'hm.

10 MS. MAKEPEACE: May the 18<sup>th</sup> of 1999.

11 I am going to be beginning at line 23.

12 (Question)

13 "Have you aside from the telephone  
14 conversation with Mr. Dunlop's wife,  
15 have you had any other conversations  
16 with her?"

17 (Interpreter)

18 "À l'exception de la conversation  
19 téléphonique que vous avez eue avec  
20 l'épouse de M. Perry Dunlop, est-ce que  
21 vous avez eu d'autres conversations  
22 avec elle à part cela?"

23 (Answer)

24 "Coming out of the court this morning,  
25 she was at the door. She shook my hand

1 and told me I was courageous and that  
2 was the last time I talked to her."

3 (Question)

4 "Do you -- an individual by the name of  
5 Carson Chisholm?"

6 (Interpreter)

7 "Connaissez-vous un nom, un monsieur du  
8 nom de Carson Chisholm, Me Marleau?"

9 (Answer)

10 "I met him this morning at the same --  
11 when I came out. He came and presented  
12 himself to me and that's it. I gather  
13 that he is a brother-in-law or  
14 something."

15 So as you were coming out of court, Helen  
16 Dunlop was waiting for you at the door, as I understand it.

17 **M. MARLEAU:** That's right.

18 **MS. MAKEPEACE:** And she shakes your hand and  
19 she says some things to you?

20 **M. MARLEAU:** Oui.

21 **MS. MAKEPEACE:** And Carson Chisholm is with  
22 her?

23 **M. MARLEAU:** Oui.

24 **MS. MAKEPEACE:** And he takes the step of  
25 introducing himself to you?

1 M. MARLEAU: Oui.

2 MS. MAKEPEACE: And you understand him to be  
3 Perry Dunlop's brother-in-law?

4 M. MARLEAU: Oui.

5 MS. MAKEPEACE: Okay. Now, on Tuesday, as I  
6 understood your evidence, you thought maybe that Perry  
7 Dunlop might have been testifying in the proceedings on  
8 that same day and that that may have explained why his wife  
9 and his brother-in-law were there.

10 Is that a fair characterization of what your  
11 evidence is?

12 M. MARLEAU: Oui.

13 MS. MAKEPEACE: Okay. And we are turning  
14 now -- oh, pardon me. If I suggested to you, sir that  
15 Perry Dunlop did in fact testify at proceedings in relation  
16 to your complaints but that it was actually at the Lapierre  
17 trial in 2001, and he actually testified right before you.

18 Would you agree with that suggestion if I  
19 put that to you that that's possible?

20 M. MARLEAU: Oui, c'est possible.

21 MS. MAKEPEACE: Okay. And I take it, sir,  
22 that returning now to the Landry prelim in 1999, you didn't  
23 tell Perry Dunlop or anyone in his family that you'd be  
24 testifying that day; is that correct?

25 M. MARLEAU: Non, j'avais aucun -- j'avais

1           aucun -- non, j'avais aucune relation avec ces gens-là.

2                   **MS. MAKEPEACE:** Thank you very much. I have  
3 no further questions.

4                   **THE COMMISSIONER:** Thank you.  
5                   Maintenant, c'est -- Maître Ruel, c'est qui  
6 maintenant?

7                   **Me RUEL:** Je pense que c'est -- pardon,  
8 c'est Me Sherriff-Scott. M. Sherriff-Scott le prochain.

9                   **LE COMMISSAIRE:** O.k., merci.

10           **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

11           **SHERRIFF-SCOTT:**

12                   **MR. SHERRIFF-SCOTT:** Good afternoon, Mr.  
13 Marleau.

14                   **M. MARLEAU:** Bonjour.

15                   **MR. SHERRIFF-SCOTT:** My name is David  
16 Sherriff-Scott. I act for the Diocese.

17                   I just have a few brief questions for you.  
18 I'll probably be five minutes or 10 minutes, something like  
19 that.

20                   **M. MARLEAU:** Prenez le temps qu'il vous  
21 faut.

22                   **MR. SHERRIFF-SCOTT:** Well, the lawyers are  
23 notoriously bad on their estimates of time, but I'll do my  
24 best to be short.

25                   Now, yesterday you testified -- I'm just

1 going to focus on the area of discussion that you had with  
2 Commission counsel on the subject of the response of the  
3 Diocese.

4 **M. MARLEAU:** O.k.

5 **MR. SHERRIFF-SCOTT:** And as I understood  
6 your testimony, one of the things that you asserted in your  
7 testimony was the belief that you have, that Bishop Brodeur  
8 was aware of the activities of Paul Lapierre involving you.

9 **M. MARLEAU:** C'est exact.

10 **MR. SHERRIFF-SCOTT:** And that there were  
11 sort of three things that you identified that led you to  
12 hold that belief and which you characterized this morning.  
13 And they were, if I can just list them for you to see if  
14 we're on the same page, the first was the location of Mr.  
15 Lapierre's residence in proximity to the Bishop's and the  
16 comments that Mr. Lapierre made to you concerning the  
17 Bishop and whether you should worry about that. That was  
18 one?

19 **M. MARLEAU:** M'hm.

20 **MR. SHERRIFF-SCOTT:** The second was the  
21 alleged close relationship with the Bishop, of Mr.  
22 Lapierre. You described -- what you said there was a close  
23 relationship between the two individuals, correct?

24 **M. MARLEAU:** Oui.

25 **MR. SHERRIFF-SCOTT:** One of the things that

1 you cited as an illustration of that was the Curriculum  
2 Vitae of Paul Lapierre filed at the trial.

3 **M. MARLEAU:** Le curriculum ou le curriculum  
4 que lui nous a donné en -- le curriculum écrit, je sais pas  
5 s'il y en a eu un, mais son curriculum comment il s'est  
6 décrit à la cour à l'époque.

7 **MR. SHERRIFF-SCOTT:** Okay. The oral  
8 descriptor of his role in the Diocese during his testimony  
9 in the Ontario trial?

10 **M. MARLEAU:** C'est bien ça.

11 **MR. SHERRIFF-SCOTT:** Okay. And the third  
12 thing as I understood was the question of the testimony  
13 under cross-examination in the Ontario trial of Paul  
14 Lapierre where he referred to discussions with Bishop  
15 Brodeur.

16 **M. MARLEAU:** Oui.

17 **MR. SHERRIFF-SCOTT:** Okay. I just want to  
18 take those three things and talk about them briefly one at  
19 a time. Let's start with the Bishop's residence and the  
20 retreat house.

21 As I understand it from your original  
22 statement, your evidence was that you identified that abuse  
23 happened at this retreat house in which Paul Lapierre had  
24 his residence.

25 **M. MARLEAU:** Oui.

1                   **MR. SHERRIFF-SCOTT:** And that was a separate  
2 building from the Bishop's residence but very close to it.

3                   **M. MARLEAU:** De l'évêché, oui.

4                   **MR. SHERRIFF-SCOTT:** Yes. And the proximity  
5 of those two buildings and Paul Lapierre's comment to you  
6 that you did not have to worry about the Bishop when you  
7 looked out the window is one of the things you based your  
8 belief on that the Bishop knew ---

9                   **M. MARLEAU:** Je me souviens pas d'avoir ---

10                  **MR. SHERRIFF-SCOTT:** I'm sorry?

11                  **M. MARLEAU:** Je me souviens pas d'avoir  
12 parlé d'avoir regardé à travers une fenêtre.

13                  **MR. SHERRIFF-SCOTT:** Okay. You made an  
14 observation in testimony yesterday that the proximity of  
15 the Bishop's residence was the subject of a comment to you  
16 -- to Mr. Lapierre to which he responded, "You don't have  
17 to worry about the Bishop" or words to that effect.

18                  **M. MARLEAU:** Oui, mais je n'ai pas parlé  
19 d'une fenêtre.

20                  **MR. SHERRIFF-SCOTT:** Okay. Fair enough. I  
21 wanted just to be clear that the comment was made and that  
22 that was one of the things that led you to your belief.

23                               Now, when you were at Paul Lapierre's  
24 residence, you did not see the Bishop?

25                  **M. MARLEAU:** Non.

1                   **MR. SHERRIFF-SCOTT:** May I suggest you never  
2 saw the Bishop at any situation of abuse which took place  
3 either with Paul Lapierre or anyone else?

4                   **M. MARLEAU:** Non, sans ça je vous l'aurais  
5 dit.

6                   **MR. SHERRIFF-SCOTT:** That's correct?

7                   **THE COMMISSIONER:** He said "Yes".

8                   **MR. SHERRIFF-SCOTT:** Yes. I'm trying to  
9 hear the ---

10                   **THE COMMISSIONER:** Yes, I know.

11                   **MR. SHERRIFF-SCOTT:** I have an echo and it's  
12 difficult.

13                   **THE COMMISSIONER:** I know, and I'm trying to  
14 ---

15                   **MR. SHERRIFF-SCOTT:** And sir, if I could  
16 call up Exhibit 137 at page 55 of 186 or the stamp of  
17 00146?

18                   **M. MARLEAU:** Quelle page?

19                   **MR. SHERRIFF-SCOTT:** Do you see the stamps  
20 on the page at the upper right?

21                   **THE COMMISSIONER:** Yes.

22                   **MR. SHERRIFF-SCOTT:** Zero-zero-one-four-six  
23 (00146).

24                   **LE COMMISSAIRE:** O.k.

25                   **M. MARLEAU:** Merci.

1 (SHORT PAUSE/SHORT PAUSE)

2 MR. SHERRIFF-SCOTT: I'm sorry, 147, the  
3 next page, Mr. Marleau.

4 M. MARLEAU: Oui.

5 MR. SHERRIFF-SCOTT: If we could just  
6 enlarge that?

7 Towards the middle of the page, there is a  
8 question by Génier, "Okay", he says and then you respond,  
9 "All I can remember is that there were no retreats going on  
10 there".

11 M. MARLEAU: Oui.

12 MR. SHERRIFF-SCOTT: And that would have  
13 been referring to the time you were present at Mr.  
14 Lapierre's residence?

15 M. MARLEAU: Oui.

16 MR. SHERRIFF-SCOTT: And he says to reaffirm  
17 your statement, "There was no retreats going on?" And your  
18 answer, "No. I don't know why I have feeling. Like it was  
19 an Easter weekend or something. I can't be sure but it was  
20 like an Easter weekend or something because -- or some type  
21 of weekend because there was no other priests there."

22 Correct?

23 M. MARLEAU: Oui, c'est bien ça.

24 MR. SHERRIFF-SCOTT: Okay. So there was no  
25 one else there from the clergy or the Diocese that you

1 identified?

2 M. MARLEAU: Y'avait que moi et Paul  
3 Lapierre.

4 MR. SHERRIFF-SCOTT: Okay. Thank you, sir.  
5 So can we be clear that the circumstances of  
6 your abuse on whenever it took place never resulted in a  
7 physical proximity of the Bishop such that he could observe  
8 you in relation to Mr. Lapierre?

9 M. MARLEAU: Oui, on pourrait dire ça.

10 MR. SHERRIFF-SCOTT: And the statement that  
11 he made to you that you described in your evidence that you  
12 don't have to worry about the Bishop or the words to that  
13 effect, I think you testified, and you correct me if I'm  
14 wrong, that you didn't inquire further as to the meaning of  
15 that statement? In other words, you took it at face value?

16 M. MARLEAU: Bien, j'ai compris que la  
17 relation qu'il avait avec l'évêque était telle que j'avais  
18 pas à m'en faire.

19 MR. SHERRIFF-SCOTT: The testimony you gave  
20 was that, "You don't have to worry about the Bishop".  
21 Correct?

22 M. MARLEAU: Oui.

23 MR. SHERRIFF-SCOTT: And you testified that  
24 there was no further description or discussion, as I  
25 understood it, on that point?

1                   **M. MARLEAU:** Pas que je me souviens.

2                   **MR. SHERRIFF-SCOTT:** So you took the  
3 statement at face value and drew your own conclusions. Is  
4 that fair?

5                   **M. MARLEAU:** Bien, oui, c'est ma conclusion,  
6 oui.

7                   **MR. SHERRIFF-SCOTT:** Thank you.

8                   The question of your description of a close  
9 relationship between the Bishop and Mr. Lapierre, I take it  
10 Mr. Lapierre never discussed the details of his personal  
11 relationship with the Bishop with you?

12                   **M. MARLEAU:** Non.

13                   **MR. SHERRIFF-SCOTT:** He didn't tell you, for  
14 example, that the Bishop knew of the abuse that he was  
15 perpetrating?

16                   **M. MARLEAU:** Sûrement pas, non.

17                   **MR. SHERRIFF-SCOTT:** It was his theory at  
18 trial it never happened?

19                   **M. MARLEAU:** Oui, mais c'est arrivé.

20                   **MR. SHERRIFF-SCOTT:** I'm not here to contest  
21 that. I'm just talking about what the Bishop may or may  
22 not have known.

23                   And you say ---

24                   **M. MARLEAU:** Bien, votre question était si  
25 Paul -- si c'était la théorie de Lapierre que c'était pas

1 arrivé ou celle de l'évêque?

2 **MR. SHERRIFF-SCOTT:** No, Lapierre.

3 **M. MARLEAU:** O.k.

4 **MR. SHERRIFF-SCOTT:** His trial theory was  
5 that it never happened. That's the theory he advanced at  
6 your trial.

7 **M. MARLEAU:** Que l'abus n'est pas arrivé,  
8 c'est ça.

9 **MR. SHERRIFF-SCOTT:** Correct. Now, I just  
10 want to talk about the bio or the biography of Paul  
11 Lapierre that was orally testified to in the trial that you  
12 described.

13 I think you said yesterday, and you correct  
14 me if I'm wrong, that you didn't know what the various  
15 titles or descriptions or posts that he held meant.

16 **M. MARLEAU:** J'ai dit que j'étais pas  
17 familier avec les postes de l'Église, mais à ma souvenance,  
18 ce qui s'est dit à l'enquête c'est qu'il y avait des postes  
19 qui étaient des postes de conseil à l'évêque. Ça c'est ma  
20 souvenance.

21 **MR. SHERRIFF-SCOTT:** Do you have a specific  
22 memory of what those were?

23 **M. MARLEAU:** Non. Je vous dis les postes je  
24 ne les connais pas, mais c'était des postes qui me  
25 frappaient comme étant conseil. La meilleure façon ça

1           serait de sortir le c.v. je pense.

2                       **MR. SHERRIFF-SCOTT:** It wasn't explored in  
3 testimony at the trial what the extent of those  
4 responsibilities were, what positions those positions were  
5 or involved?

6                       **M. MARLEAU:** Bien, vous savez, Monsieur  
7 Lapierre a une façon de s'exprimer qui mettait de l'emphase  
8 là-dessus.

9                       **MR. SHERRIFF-SCOTT:** He may have puffed up  
10 his CV. Is that the idea?

11                      **M. MARLEAU:** Prenez-le comme vous voudrez,  
12 maître.

13                      **MR. SHERRIFF-SCOTT:** Okay. When you met Mr.  
14 Lapierre, he had no parish functions? In other words, he  
15 was not in charge of any parish to your knowledge?

16                      **M. MARLEAU:** À ma connaissance, non, mais  
17 encore là ---

18                      **MR. SHERRIFF-SCOTT:** I only want to talk  
19 about your knowledge.

20                      **M. MARLEAU:** O.k.

21                      **MR. SHERRIFF-SCOTT:** And to your knowledge,  
22 he was spending a very significant amount of time in  
23 Montreal as well?

24                      **M. MARLEAU:** Pas au début, non.

25                      **MR. SHERRIFF-SCOTT:** At least at some point

1 throughout the abuse that you allege was perpetrated?

2 M. MARLEAU: Je savais qu'il allait à  
3 Montréal, mais il revenait toujours dans la région.

4 MR. SHERRIFF-SCOTT: Right. He ultimately  
5 moved to Montreal.

6 M. MARLEAU: Oui.

7 MR. SHERRIFF-SCOTT: Okay. Now, the third  
8 thing that you discussed in terms of the question of fixing  
9 knowledge with Bishop Brodeur was the Exhibit 163, page 108  
10 of the trial transcript of the Lapierre trial when he was  
11 being cross-examined by the Crown, and the subject of his  
12 interaction with Bishop Brodeur came up?

13 M. MARLEAU: Which ---

14 MR. SHERRIFF-SCOTT: It's Exhibit 163, sir,  
15 page 108.

16 M. MARLEAU: Est-ce que vous voulez me  
17 donner le temps, je vais ---

18 MR. SHERRIFF-SCOTT: Yes. I don't know if  
19 you have a copy of that.

20 THE REGISTRAR: What page is this on?

21 MR. SHERRIFF-SCOTT: I think it's 108.

22 LE COMMISSAIRE: Donc, Pièce 163.

23 Quelle page encore?

24 MR. SHERRIFF-SCOTT: One-zero-eight (108).

25 (SHORT PAUSE/SHORT PAUSE)

1 M. MARLEAU: À quelle page, maître?

2 MR. SHERRIFF-SCOTT: One-zero-eight (108),  
3 sir.

4 And if we can scroll down, this is the  
5 exchange and I'm sure you've read it before between the  
6 Crown and ---

7 M. MARLEAU: Donnez-moi le temps de le  
8 relire.

9 MR. SHERRIFF-SCOTT: I'm sorry?

10 M. MARLEAU: Pouvez-vous me donner le temps  
11 de le relire? Ça se peut que je l'ai déjà lu mais ---

12 MR. SHERRIFF-SCOTT: Sure, yes.

13 M. MARLEAU: Oui.

14 MR. SHERRIFF-SCOTT: Are you familiar with  
15 that exchange in the transcript? Have you read that  
16 before? And if you haven't, please take a moment and read  
17 that page or the page and a half.

18 M. MARLEAU: M'hm.

19 (SHORT PAUSE/SHORT PAUSE)

20 M. MARLEAU: Oui.

21 MR. SHERRIFF-SCOTT: First of all, Paul  
22 Lapierre never told you what he said to the Bishop. Your  
23 information is extracted from the transcript as I  
24 understand it?

25 M. MARLEAU: C'est bien ça, oui.

1                   **MR. SHERRIFF-SCOTT:** Okay. And what we have  
2 here is in relation, as I understand it or as you  
3 understood it, you were present during this testimony?

4                   **M. MARLEAU:** Oui.

5                   **MR. SHERRIFF-SCOTT:** With reference to  
6 Hollis Lapierre?

7                   **M. MARLEAU:** Oui.

8                   **MR. SHERRIFF-SCOTT:** Okay. And it's not  
9 exactly clear what ---

10                   **M. MARLEAU:** Et Don Scott.

11                   **LE COMMISSAIRE:** Pardon?

12                   **M. MARLEAU:** Et Don Scott.

13                   **MR. SHERRIFF-SCOTT:** And Don Scott, yes.  
14 The question of what Paul Lapierre was told by Don Scott  
15 which he may have relayed to the Bishop about Hollis  
16 Lapierre?

17                   **M. MARLEAU:** Oui.

18                   **MR. SHERRIFF-SCOTT:** Is that your  
19 understanding?

20                   **M. MARLEAU:** M'hm.

21                   **MR. SHERRIFF-SCOTT:** Okay. First, sir, it's  
22 not clear that what Paul Lapierre told the Bishop because,  
23 as we know, the Crown didn't pursue it in detail. In other  
24 words, we don't know exactly what he said to the Bishop  
25 about Hollis Lapierre.

1                   **M. MARLEAU:** Bien, je pense que si on  
2 regarde -- si on ne s'en tient pas juste à cette partie-là  
3 du témoignage, je pense qu'on va trouver ailleurs qu'il a  
4 déclaré qu'il était au courant des abus que j'avais subis  
5 avec Hollis Lapierre et qu'il en avait parlé au -- aidez-  
6 moi à trouver les passages, mais je pense que c'est ça. À  
7 moins que j'ai mal compris votre question.

8                   **MR. SHERRIFF-SCOTT:** I am not aware of any  
9 other passages. My understanding was there was this  
10 exchange between the cross-examiner, the Crown which was  
11 not pursued, and that the suggestion was there may have  
12 been some exchange between Paul Lapierre and Bishop Brodeur  
13 relating to the activities of Hollis Lapierre involving you  
14 which Paul Lapierre had obtained in terms of information  
15 from Don Scott.

16                   **M. MARLEAU:** Ma réponse à ça c'est qu'il y a  
17 une discussion plus grande dans ce document concernant la  
18 connaissance de Paul Lapierre, la présumée connaissance de  
19 Paul Lapierre qui lui avait été donnée par Don Scott. Et  
20 c'est de ça qu'il nous a parlé qu'il avait partagé avec  
21 l'évêque.

22                   **MR. SHERRIFF-SCOTT:** All right.  
23 Well, the transcript will speak for itself,  
24 I am not aware of another exchange, but the details -- in  
25 other words, it's not -- the transcript does not disclose,

1 does it, sir, precise details about what abuse happened,  
2 when, where, et cetera?

3 **M. MARLEAU:** Vous avez raison.

4 **MR. SHERRIFF-SCOTT:** And the Crown did not  
5 pursue this cross-examination which was a concern you had?

6 **M. MARLEAU:** Vous avez raison.

7 **MR. SHERRIFF-SCOTT:** And Mr. Lapierre  
8 certainly didn't confide in the Bishop, at least not so  
9 much as we can tell, that he perpetrated abuse because he  
10 advanced the position at trial under oath that he did not  
11 do so.

12 **M. MARLEAU:** Phrasé comme vous le dites,  
13 vous avez raison, oui.

14 **MR. SHERRIFF-SCOTT:** One of Mr. Lapierre's -  
15 - the way he sort of came at you in his defence was an  
16 aggressive theory which painted you in a very negative way,  
17 correct?

18 **M. MARLEAU:** Vous avez raison et c'est de la  
19 pure menterie.

20 **MR. SHERRIFF-SCOTT:** I am not debating the  
21 merits of the thing. I am just trying to get at the  
22 question of the theory he advanced and to deal with this  
23 issue of the potential knowledge of the Bishop. As I  
24 understand it, he advanced this theory which was  
25 unflattering, to say the least, about you personally, about

1 your history and proclivity and so forth. He used that to  
2 deflect criticism and blame in the allegations. I am  
3 trying to situate this discussion about Lapierre.

4 **M. MARLEAU:** Okay.

5 **MR. SHERRIFF-SCOTT:** Okay. That's one of  
6 the defence theories that was advanced by Mr. Lapierre,  
7 correct?

8 **M. MARLEAU:** Oui.

9 **MR. SHERRIFF-SCOTT:** And the issue of Hollis  
10 Lapierre -- did you not understand that Mr. Paul Lapierre  
11 was effectively advancing, as part this negative theory of  
12 you, interaction between yourself and Hollis Lapierre as an  
13 illustration of that?

14 **M. MARLEAU:** Vous voulez savoir si ça c'est  
15 ma compréhension de son témoignage?

16 **MR. SHERRIFF-SCOTT:** Yes. What I am  
17 suggesting is that's the sort of theory that he pursued.

18 **M. MARLEAU:** Oui, je crois qu'il s'est servi  
19 des deux prêtres morts pour essayer de se blanchir, oui.

20 **MR. SHERRIFF-SCOTT:** Thank you.

21 Now, the acquittal in Ontario of Paul  
22 Lapierre, which is at Exhibit 165, if we could turn that  
23 up, at page 58 when it comes up.

24 **THE REGISTRAR:** Do you know the Bates page?

25 **MR. SHERRIFF-SCOTT:** I don't know the Bates

1 page number, sorry.

2 **THE COMMISSIONER:** Which one is that? Is  
3 that the ---

4 **MR. SHERRIFF-SCOTT:** That's the decision of  
5 ---

6 **THE COMMISSIONER:** No, I understand that.  
7 But what's the Bates page? Is that the one on the left-  
8 hand side of the document, 1131116?

9 **MR. SHERRIFF-SCOTT:** So if we could find  
10 page 58. Sorry, mine searches by page numbers so it's a  
11 lot easier. I didn't realize you had to click through  
12 everything.

13 Now, you testified in-chief yesterday at  
14 some length about the issue of consent and grooming and the  
15 importance of the narrative of events of the abuse of you  
16 at the hands of Mr. Lapierre and how that was important to  
17 finding or not finding of consent after the age of 14.

18 **M. MARLEAU:** Oui.

19 **MR. SHERRIFF-SCOTT:** Just to situate you  
20 contextually. One of the things that may not have been  
21 clear when the Commission lawyer sat down and what's clear  
22 from this passage -- and I'll just put it to you so you can  
23 affirm it -- that the judgment essentially was not based on  
24 the question of consent because the court found that you  
25 were too young to give it in any event and also, that he

1 was in a position of power and authority, thus consent was  
2 not the issue. The question that he adjudicated was  
3 whether the events happened on a question of a standard of  
4 beyond a reasonable doubt. Is that fair?

5 **M. MARLEAU:** Oui, le consentement n'était  
6 pas requis selon le juge et d'ailleurs c'est ce que les  
7 tribunaux au Québec ont retenu pour la même période.

8 **MR. SHERRIFF-SCOTT:** Yes. And my client is  
9 the subject of the publication ban. His acquittal was not  
10 related to a consent issue, correct?

11 **M. MARLEAU:** Oui, je suppose qu'on peut dire  
12 ça.

13 **MR. SHERRIFF-SCOTT:** While, as you just  
14 said, all of that narrative evidence about Paul Lapierre  
15 was in fact available to the Quebec Trial Court and it  
16 adjudicated on it?

17 **M. MARLEAU:** Cela a été disponible mais non  
18 sans plusieurs objections de vos confrères qui  
19 représentaient à Montréal parce qu'on voulait pas qu'on  
20 parle du tout, du tout de Cornwall dans le dossier de  
21 Montréal.

22 **MR. SHERRIFF-SCOTT:** I am really just trying  
23 to get at the basis of the acquittal of my client. It was  
24 not related to consent issues and the concerns that you had  
25 about the narrative of the history of your abuse was in

1 fact entertained by the Trial Court in Quebec and upheld as  
2 a valid thing to consider by the Court of Appeal; correct?

3 **M. MARLEAU:** Vous avez raison.

4 **MR. SHERRIFF-SCOTT:** Thank you.

5 Now, if we could turn to Exhibit P-58, Tab  
6 31, which is the Diocesan Protocol that Mr. Wardle referred  
7 you to. That may have to come up on the screen. If you  
8 can just fade back a bit and scroll up? That's fine.

9 One of the many criticisms that you have of  
10 the Diocese that I heard yesterday was that there was no  
11 independent investigation conducted by it in connection  
12 with the allegations of the various people who perpetrated  
13 abuse against you. And did you know that the Diocese had  
14 entered into a protocol at the request of the police  
15 locally, the OPP and the CAS and pursuant to which they  
16 were asked not to conduct any such investigation?

17 **M. MARLEAU:** Pour corriger la première  
18 prémisse de votre question, ce que j'ai témoigné hier c'est  
19 à l'effet que, moi, on m'avait pas contacté.

20 **MR. SHERRIFF-SCOTT:** That's fine, sir.

21 **M. MARLEAU:** Maintenant, répétez-moi le  
22 reste de votre question parce que je l'ai perdue.

23 **MR. SHERRIFF-SCOTT:** My concern was -- my  
24 interpretation of your evidence yesterday was that there  
25 was a criticism of the Diocese stemming from the suggestion

1 that was put to you by some in cross-examination and by Mr.  
2 Ruel that the Diocese did not conduct an investigation when  
3 the allegations came out.

4 **M. MARLEAU:** Oui, j'ai répondu à ça. À ma  
5 connaissance, non.

6 **MR. SHERRIFF-SCOTT:** I am sorry, I don't  
7 understand your answer.

8 **M. MARLEAU:** C'est peut-être parce que j'ai  
9 eu du mal à comprendre votre question.

10 **MR. SHERRIFF-SCOTT:** I am losing a lot in  
11 translation; I am sorry.

12 **M. MARLEAU:** Si vous voulez, on va  
13 recommencer, Maître.

14 **MR. SHERRIFF-SCOTT:** My question is -- I  
15 understood your evidence yesterday to include a criticism  
16 of the Diocese for not having conducted an investigation of  
17 these individuals when the allegations came out.

18 **M. MARLEAU:** Les questions qui m'ont été  
19 posées hier et la façon que j'ai répondu c'est que, moi, je  
20 n'avais pas été contacté dans une enquête, pas que je sache  
21 ou que je ne sache pas qu'il y avait eu une enquête de  
22 faite. Je veux juste être clair là-dessus. Je n'essaie  
23 pas d'éluder vos questions, mais je ne veux pas que vous me  
24 mettiez des mots dans la bouche non plus.

25 **MR. SHERRIFF-SCOTT:** Absolutely, no. I was

1 concerned that that was the tenor or thrust of your  
2 evidence, and if that wasn't so, I am content with that,  
3 sir.

4 **M. MARLEAU:** C'est bien.

5 **MR. SHERRIFF-SCOTT:** You testified yesterday  
6 about what you described as church lawyers or Diocese  
7 lawyers at the criminal trials of various priests, and I  
8 suggest to you, sir, that no one as a lawyer for an accused  
9 person turned up and identified themselves as acting on  
10 behalf of the Diocese.

11 **M. MARLEAU:** Le Diocèse n'était pas  
12 l'accusé. En ce sens-là, vous avez raison.

13 **MR. SHERRIFF-SCOTT:** You have no knowledge  
14 that the Diocese was giving any instructions to these  
15 lawyers or directing the course of the defence?

16 **M. MARLEAU:** Non.

17 **MR. SHERRIFF-SCOTT:** Thank you.

18 One last thing before I sit down. Last  
19 night, you testified about your uncle, and now I had not  
20 heard this before. It was not in the summary of  
21 anticipated evidence, so I needed some time to look at the  
22 question. The allegation, I understood yesterday, was that  
23 your uncle had obtained your school records unbeknownst to  
24 you in or around the time you described.

25 **M. MARLEAU:** C'est bien ça.

1                   **MR. SHERRIFF-SCOTT:** And I am not sure  
2 whether you made the allegation or it was implicit that  
3 there was a suggestion that he was motivated by someone  
4 connected with my client to access those records.

5                   **M. MARLEAU:** C'est le sentiment que j'ai.

6                   **MR. SHERRIFF-SCOTT:** I am sorry, I didn't  
7 hear your answer.

8                   **M. MARLEAU:** C'est le sentiment que j'ai,  
9 oui.

10                   **MR. SHERRIFF-SCOTT:** We made contact with  
11 your uncle last night, sir, and he denied both of those  
12 things verbally. Does that cause you to reflect on your  
13 evidence in any way?

14                   **M. MARLEAU:** Il a nié quoi?

15                   **MR. SHERRIFF-SCOTT:** That he obtained your  
16 school records and that he was asked by anyone associated  
17 with my client to do so.

18                   **M. MARLEAU:** Oui, je maintiens ma version  
19 des faits. J'ai eu des discussions à l'époque avec ma mère  
20 à cet effet-là.

21                   **MR. SHERRIFF-SCOTT:** That's not what I heard  
22 yesterday, but are you suggesting, sir, that your uncle  
23 told you that he was requested by my client to secure those  
24 records?

25                   **M. MARLEAU:** Non, ce que je vous dis c'est

1 qu'il m'a déclaré qu'il les avait en sa possession et je  
2 suspecte que c'est dans le but d'aider la défense parce  
3 qu'il n'y avait pas aucune autre raison d'avoir mes notes.

4 **MR. SHERRIFF-SCOTT:** Thank you, sir. Those  
5 are my questions.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Sherriff-Scott?

8 **M. MARLEAU:** Et Maître, j'aimerais rajouter  
9 là-dessus que mon oncle, durant l'enquête, m'a parlé des  
10 honoraires que le Diocèse payait pour les prêtres. C'est  
11 suite à votre question sur les honoraires.

12 **MR. SHERRIFF-SCOTT:** Are you suggesting that  
13 because there may have been payment of lawyers, the Diocese  
14 was controlling the defense of these people, sir?

15 **M. MARLEAU:** C'est pas ça que je dis. Je  
16 parle du paiement des honoraires. Et c'est de ça que j'ai  
17 parlé ---

18 **MR. SHERRIFF-SCOTT:** I got the factual  
19 assertion, and you're not suggesting they controlled the  
20 defense or directed or dictated it in any way?

21 **M. MARLEAU:** J'ai pas cette connaissance-là.  
22 Je dis pas que ça se peut pas, mais j'ai pas cette  
23 connaissance-là.

24 **MR. SHERRIFF-SCOTT:** Thank you.

25 **M. MARLEAU:** Merci.

1                   **THE COMMISSIONER:** Mr. Kloeze.

2                   **MR. KLOEZE:** Thank you, Mr. Commissioner.

3                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

4                   **KLOEZE:**

5                   **MR. KLOEZE:** Mr. Marleau, my name is Darrell  
6 Kloeze. I'm counsel for the Ministry of the Attorney  
7 General, and our Ministry in Ontario, of course, is  
8 responsible for the Crown Attorneys that conduct  
9 prosecutions in this Province.

10                   I just wanted to ask you some questions  
11 about your evidence over the last two days. One of the  
12 things that you mentioned about the two Crown Attorneys --  
13 and they were Shelley Hallett and Alain Godin -- you gave  
14 the evidence that you had the impression that the two did  
15 not get along, and I just wanted to explore that a bit. I  
16 think you also testified that they had different working  
17 styles and different approaches to the way they handled  
18 their files. That was your evidence over the last two  
19 days?

20                   **M. MARLEAU:** Oui, je crois que ça le résume  
21 bien, oui.

22                   **MR. KLOEZE:** Now, I also understand that you  
23 were privy -- you were there when they had some vigorous  
24 discussions or vigorous debates about their approach to  
25 these cases and about points of law.

1 Do you remember what these debates were  
2 about?

3 **M. MARLEAU:** Bien, c'était souvent sur  
4 l'utilisation de certaines jurisprudences, de la manière  
5 d'amener le dossier à la cour.

6 **MR. KLOEZE:** Okay. Do you remember whether  
7 they talked about admissibility of medical records, for  
8 example, or psychiatric records, whether they had debates  
9 about those issues?

10 **M. MARLEAU:** Pas que je me souviene, non.

11 **MR. KLOEZE:** Now, did they make any comments  
12 to you, either one of them, about their relationship with  
13 each other?

14 **M. MARLEAU:** De la part de Monsieur Godin,  
15 oui.

16 **MR. KLOEZE:** What kind of comments did  
17 Monsieur Godin make?

18 **M. MARLEAU:** C'était des commentaires qui  
19 pouvaient être reliés aux différences d'opinion que peuvent  
20 avoir les avocats qui sont dans le champ et ceux qui sont  
21 vus comme étant ceux du ministère, une espèce de -- se  
22 relatant au style de l'un et de l'autre.

23 **LE COMMISSAIRE:** Si vous vous souvenez d'une  
24 expression, tout simplement nous le dire.

25 **M. MARLEAU:** Bien, c'est pas toujours

1 flatteur.

2 LE COMMISSAIRE: Oui, mais on est ici pour  
3 entendre ces choses-là.

4 M. MARLEAU: Oui. Monsieur Godin avait --  
5 ne mâchait pas ses mots pour décrire Maître Hallett comme  
6 étant une empêcheuse de tourner en rond.

7 LE COMMISSAIRE: Et puis qu'est-ce que vous  
8 voulez dire par ça, empêcheuse de tourner en rond?

9 M. MARLEAU: Bien, que c'est pas parce  
10 qu'ils viennent de Bay Street qu'ils vont venir nous  
11 montrer comment faire les choses. J'utilise Bay Street.  
12 Je suis pas sûr que c'est Bay Street.

13 MR. KLOEZE: So the comments that Monsieur  
14 Godin was making were about the different approaches that  
15 they had to the files?

16 M. MARLEAU: Oui.

17 MR. KLOEZE: And are you aware of -- there's  
18 a maxim or a saying that we have in English that if you  
19 have two lawyers in the room, you're sure to have three  
20 opinions?

21 M. MARLEAU: Je peux comprendre ça, oui.

22 MR. KLOEZE: And I also take it that your  
23 impression of their differences was that they had a  
24 different professional style. It wasn't a personal  
25 difference between them?

1                   **M. MARLEAU:** Je pense qu'il y avait un peu  
2 des deux.

3                   **MR. KLOEZE:** And when you had these  
4 conversations with Monsieur Godin, can you tell me when you  
5 had these conversations, where they took place?

6                   **M. MARLEAU:** Là c'était soit dans les  
7 antichambres du tribunal lors de l'enquête préliminaire ou  
8 quand on se rencontrait pour d'autres préparations au  
9 bureau de la police ou au Parkway.

10                  **MR. KLOEZE:** Did Ms. Hallett have any  
11 conversations with you about their professional differences  
12 in dealing with these cases?

13                  **M. MARLEAU:** Non, elle avait une démarche un  
14 peu plus professionnelle, je crois.

15                  **MR. KLOEZE:** I wanted to talk to you as well  
16 about your own relationship with the Crowns and how you got  
17 along with them. I understand that before the preliminary  
18 inquiry, you did meet with the Crown several times to  
19 prepare. You described at least three meetings.

20                  **M. MARLEAU:** Oui.

21                  **MR. KLOEZE:** One was an initial meeting.  
22 You believe that Ms. Hallett was there?

23                  **M. MARLEAU:** Oui.

24                  **MR. KLOEZE:** And then there were two other  
25 meetings that we've heard evidence about over the last two

1 days that were before the preliminary inquiries?

2 M. MARLEAU: Oui.

3 MR. KLOEZE: And where did these meetings  
4 take place?

5 M. MARLEAU: Ce que je viens de vous dire,  
6 des fois c'était dans l'antichambre des tribunaux ici à  
7 Cornwall ou dans les chambres au Parkway ou dans les  
8 différents -- surtout Long Sault dans les postes de police.

9 MR. KLOEZE: And at all of these meetings  
10 were there police officers present as well?

11 M. MARLEAU: Je crois que oui.

12 MR. KLOEZE: Now, after the preliminary  
13 inquiry, did you have any other meetings with Shelley  
14 Hallett?

15 M. MARLEAU: Non.

16 MR. KLOEZE: So after the preliminary  
17 inquiry all your meetings were with Alain Godin?

18 M. MARLEAU: Oui.

19 MR. KLOEZE: And about how many meetings  
20 would you say you had with Monsieur Godin after the  
21 preliminary inquiry?

22 M. MARLEAU: Sûrement quatre ou cinq.

23 MR. KLOEZE: And those were all for  
24 preparation for trial?

25 M. MARLEAU: Oui.

1                   **MR. KLOEZE:** Now, would you say that  
2                   Monsieur Godin was helpful to you in preparation for trial?  
3                   Did he explain to you what was going to happen at trial?

4                   **M. MARLEAU:** Oui, il faisait son possible.  
5                   Il nous expliquait ce qui allait se passer, oui.

6                   **MR. KLOEZE:** And the two of them had also  
7                   met with you before the preliminary inquiry to explain to  
8                   you what was going to happen there?

9                   **M. MARLEAU:** Oui, je pense qu'on en a vu une  
10                  partie dans les documents ces derniers jours.

11                  **MR. KLOEZE:** And the other question I had is  
12                  after the trial, are you aware that Monsieur Godin went to  
13                  Montreal to meet with the Crown Attorney in Montreal to  
14                  discuss the Lapierre trial that he had conducted?

15                  **M. MARLEAU:** Oui, je suis au courant de ça.

16                  **MR. KLOEZE:** Were you present at the time  
17                  that Monsieur Godin went to Montreal?

18                  **M. MARLEAU:** Je ne crois pas, non.

19                  **MR. KLOEZE:** Now, I want to ask you some  
20                  questions about your broad understanding of the whole  
21                  criminal process, starting at the time that you made your  
22                  complaint in 1997 until 2001, when the trials were held in  
23                  Ontario. And I know you've testified that you're not a  
24                  criminal lawyer, and so you're not an expert in criminal  
25                  procedure, but what I want to know ---

1                   **M. MARLEAU:** Je suis loin d'être un expert.

2                   **MR. KLOEZE:** I understand that. I'm a civil  
3 lawyer as well, so criminal procedure is sometimes foreign  
4 to me as well, and I understand sometimes it can appear a  
5 little murky.

6                   But what I'd like to know is how much of the  
7 process was familiar to you already because of your own  
8 training as a lawyer? You're a bit of a unique witness in  
9 a criminal prosecution as a victim because you have some  
10 legal training yourself, so you might know some of the  
11 legal principles that were being applied, but because  
12 you're not a criminal lawyer, you might not know those.

13                   **M. MARLEAU:** No.

14                   **MR. KLOEZE:** So I want to know, as I'm  
15 asking these questions, of these concepts you already knew  
16 yourself, which of them had been explained to you by the  
17 Crowns as the process was going on or perhaps even the  
18 police and which ones you just simply were not aware of at  
19 the time but may be aware of now.

20                   And the first questions I had were about the  
21 charges that were laid. Now, I understand you finished law  
22 school in 1983?

23                   **M. MARLEAU:** Oui.

24                   **MR. KLOEZE:** Now, at the time of the  
25 Criminal Code, the charges relating to sexual offences, as

1 I understand it, were the charges that were laid against  
2 the people against whom you alleged abuse, and those were  
3 indecent assault and gross indecency?

4 M. MARLEAU: Je pourrais pas vous dire si  
5 c'était le droit au moment où j'ai fait mes examens du  
6 barreau.

7 MR. KLOEZE: Okay. So you ---

8 M. MARLEAU: Si vous me le dites, je le  
9 prends pour du cash.

10 MR. KLOEZE: I guess the first thing I  
11 should ask you is whether or not you're aware of what  
12 charges were actually laid against the five people against  
13 whom charges were laid? Perhaps that's the first question  
14 I should ask you.

15 Are you aware that the only charges that  
16 were laid against the five of them were a combination of  
17 charges of indecent assault and gross indecency?

18 M. MARLEAU: Oui, ça, je sais ça.

19 MR. KLOEZE: And there were no other charges  
20 laid against the five of them?

21 M. MARLEAU: Non.

22 MR. KLOEZE: Now, by 1997, when you had made  
23 the complaints and decided to go to the police to make the  
24 complaints, were you aware at the time of a change in the  
25 Criminal Code such that there was an offence provision in

1 the Criminal Code called sexual exploitation?

2 M. MARLEAU: Non.

3 MR. KLOEZE: You weren't aware of that at  
4 the time?

5 M. MARLEAU: Non.

6 MR. KLOEZE: Okay. Now, at the time, in  
7 1997 or 1998, did anybody discuss with you the offence of  
8 sexual exploitation?

9 M. MARLEAU: Non.

10 MR. KLOEZE: Okay. So when you found out in  
11 1998 that the charges were laid against these five  
12 individuals, you weren't surprised at the kind of charges  
13 that were being laid. It was indecent assault ---

14 M. MARLEAU: Du tout. C'était eux les  
15 experts. Comme je vous ai dit, c'est tellement loin de moi  
16 ce domaine du droit que j'ai pas fait cette analyse-là,  
17 c'est sûr.

18 MR. KLOEZE: Are you now aware of an offence  
19 called sexual exploitation? And let me describe the  
20 offence and maybe the description of it will help jog your  
21 memory. And that's an offence in which a person in a  
22 relationship of trust and authority has sexual relations or  
23 invites to sexual touch or some sort of sexual contact with  
24 a person who is under 18, between the ages of 14 and 18.  
25 Are you aware of that offence at all?

1                   **M. MARLEAU:** J'ai la connaissance que les  
2                   âges de consentement ont changé, mais je ne serais pas  
3                   capable de l'expliquer comme vous venez de me l'expliquer.

4                   **MR. KLOEZE:** Okay. That's fine. Thank you  
5                   for that.

6                   **LE COMMISSAIRE:** Maître Ruel.

7                   **Me RUEL:** Just a point maybe I didn't  
8                   understand. I wasn't sure if the question was put as to  
9                   whether this offence was in force when the events happened.

10                  **THE COMMISSIONER:** No.

11                  **MR. KLOEZE:** What I'm simply trying to get  
12                  at is this witness' understanding of what offences were in  
13                  force at the time.

14                  Now, I understand you also had some  
15                  conversations with the Crown Attorney. I guess in the  
16                  first meeting that you had -- or the second meeting you had  
17                  that involved both of them -- that's Maître Godin and Ms.  
18                  Hallett -- and if I can turn to Exhibit 147.

19                  And these are the notes of Constable Séguin  
20                  from March 4<sup>th</sup>, 1999 that recounts a meeting between you,  
21                  Mr. Godin, Ms. Hallett and Mr. Séguin. And I think you  
22                  testified earlier today that that was in preparation for  
23                  the first preliminary inquiry that was postponed until May?

24                  **M. MARLEAU:** C'est bien.

25                  **MR. KLOEZE:** Now, at that meeting, if we go

1 three lines down -- well, we'll start at the top:

2 "In room with Claude Marleau and Crowns  
3 Godin and Hallett. Difference between  
4 civil and criminal law. Civil is  
5 balance of probabilities. Criminal  
6 law, beyond a reasonable doubt."

7 And I'll stop there for the moment.

8 So do you agree that the two Crowns  
9 explained to you at the time that there was a difference in  
10 the "fardeau de la preuve", the proof that was needed in a  
11 criminal matter as opposed to a civil matter?

12 **M. MARLEAU:** J'ai pas la souvenance qu'on en  
13 ait parlé, mais ça, je l'ai bien retenu de mes cours de  
14 droit.

15 **MR. KLOEZE:** Okay. So that is something  
16 that you remember from law school?

17 **M. MARLEAU:** Oui.

18 **MR. KLOEZE:** Now, did you know how sometimes  
19 the courts have to appreciate evidence or go through an  
20 appreciation of evidence to decide whether or not they have  
21 a reasonable doubt at the end of the day?

22 **M. MARLEAU:** Bien sûr.

23 **MR. KLOEZE:** That they have to look at the  
24 balance -- at all of the evidence and sometimes even if  
25 they believe a judge or a trier of fact believes the

1 evidence of the victim, they can still have a reasonable  
2 doubt as to whether or not those particular offences  
3 occurred or a reasonable doubt as to whether or not a  
4 defence might apply.

5 M. MARLEAU: Bien sûr.

6 MR. KLOEZE: You understood that?

7 M. MARLEAU: Oui.

8 MR. KLOEZE: And the Crowns explained that  
9 to you at that time as well?

10 M. MARLEAU: Je me souviens pas de la  
11 tenure, mais ça se peut bien que je leur ai dit, "Oui, je  
12 comprends ça."

13 MR. KLOEZE: Now, do you remember -- I don't  
14 know if you do any civil litigation work.

15 M. MARLEAU: Oui.

16 MR. KLOEZE: You do?

17 M. MARLEAU: Oui.

18 MR. KLOEZE: Okay. Are you aware that the  
19 evidentiary rules in criminal matters are sometimes a lot  
20 more strict than the evidentiary rules in civil matters?

21 M. MARLEAU: Je comprends pas pourquoi vous  
22 me parlez de strict. Elles sont totalement différentes.

23 MR. KLOEZE: Well, you understand that in  
24 any matter, the best evidence is evidence that is coming  
25 from a witness and that that witness can be subject to

1 cross-examination?

2 M. MARLEAU: C'est le cas en civil aussi.

3 MR. KLOEZE: In both civil and criminal  
4 matters, that's correct.

5 Are you aware that the admissibility rules  
6 at criminal trials as to admissibility of evidence, they  
7 are sometimes more strict, and I will go into the example,  
8 for example, of expert evidence, that sometimes in  
9 situations where expert evidence is admitted in civil  
10 courts, criminal courts will not admit that same kind of  
11 evidence? Are you aware of that now?

12 M. MARLEAU: Je connais pas la procédure.  
13 Je la connais en civil. Je sais comment amener un  
14 témoignage d'expert, mais les techniqualités en droit  
15 criminel, je ne les connais pas.

16 MR. KLOEZE: Okay. Now ---

17 M. MARLEAU: La meilleure façon d'exprimer  
18 ça c'est que la cuisine du droit pénal, je ne la connais  
19 pas.

20 MR. KLOEZE: Okay. I will get into that in  
21 a second, but the other thing I wanted to ask you that  
22 comes from this Exhibit 147, before we leave it, is just a  
23 few lines further down from where we left, do you see where  
24 it says "Prelim"?

25 M. MARLEAU: Oui.

1                   **MR. KLOEZE:** It says:  
2                                    "Prelim to see if enough evidence to go  
3                                    to trial."

4                   **M. MARLEAU:** Oui, c'est le principe de  
5                   l'enquête préliminaire.

6                   **MR. KLOEZE:** Yes.

7                   **M. MARLEAU:** Et le *prima facie*, oui.

8                   **MR. KLOEZE:** And they told you what the  
9                   purpose of the preliminary ---

10                  **M. MARLEAU:** Ça aussi je comprenais ça.

11                  **MR. KLOEZE:** And you understood that as  
12                  well?

13                  **M. MARLEAU:** Oui.

14                  **MR. KLOEZE:** You had understood that from  
15                  law school?

16                  **M. MARLEAU:** Oui.

17                  **MR. KLOEZE:** So what you understood is that  
18                  the purpose of a preliminary inquiry is for the judge who  
19                  is conducting the preliminary inquiry to make a  
20                  determination that there is enough evidence, relevant  
21                  evidence, to commit the accused to trial?

22                  **M. MARLEAU:** Je fais la relation en droit  
23                  civil avec la preuve *prima facie* à l'ouverture d'une  
24                  injonction.

25                  **MR. KLOEZE:** Okay. That's fair.

1 Now, there might be a different ---

2 **M. MARLEAU:** Il y a différentes façons de  
3 l'amener probablement pour des raisons différentes, mais  
4 c'est ce que je comprends.

5 **MR. KLOEZE:** Are you also aware that at a  
6 preliminary inquiry the judge doesn't make any findings or  
7 rulings as to the admissibility of evidence? So there  
8 might be evidence that the Crowns or the police have that  
9 will go to establish the guilt of the accused that  
10 subsequently at a trial may not be declared admissible.  
11 Maybe the evidence was obtained in an illegal manner.  
12 Maybe the evidence doesn't fit within the rules, the  
13 criminal rules of procedure. Maybe it's something along  
14 the lines of similar fact evidence where there has to be an  
15 application made.

16 **THE COMMISSIONER:** Wait a minute now. Are  
17 you saying that a judge at the preliminary inquiry lets  
18 everything in?

19 **MR. KLOEZE:** I'm saying that the judge at  
20 the preliminary inquiry doesn't make findings as to the  
21 admissibility.

22 **THE COMMISSIONER:** Well, I beg to differ.

23 **MR. KLOEZE:** Sometimes when there are  
24 Charter violations ---

25 **THE COMMISSIONER:** Well, Charter violations,

1 no, because that's the trier of fact.

2 MR. KLOEZE: That's right.

3 THE COMMISSIONER: But did we not agree that  
4 at a preliminary inquiry the barn door isn't open in the  
5 sense that hearsay comes in, and the judge still has, at  
6 the preliminary inquiry, to rule on the admissibility of  
7 evidence for the preliminary inquiry.

8 MR. KLOEZE: But what I'm trying to get at  
9 then, and perhaps I can restrict it, is that the Rules of  
10 Evidence and the rules of what is admitted at the  
11 preliminary inquiry are a lot less strict than at a trial,  
12 that objections can be made at trial ---

13 THE COMMISSIONER: No, I don't agree.

14 MR. KLOEZE: Okay. Well, I don't want to --  
15 -

16 THE COMMISSIONER: With respect to Charter  
17 arguments, a judge at the preliminary inquiry will leave  
18 that to the trier of fact, but with respect to the  
19 admissibility of evidence, you still have to go through the  
20 same kind of rules.

21 MR. KLOEZE: Yes. Or perhaps what I can get  
22 at ---

23 M. MARLEAU: Ce n'est pas très facile pour  
24 nous les civilistes.

25 MR. KLOEZE: It's true, yes.

1                   What I can also perhaps ask you is whether  
2                   or not you're aware that a judge at a preliminary inquiry  
3                   doesn't necessarily make findings of credibility?

4                   **M. MARLEAU:** J'ai l'impression que dans mon  
5                   dossier il y en a eu.

6                   **THE COMMISSIONER:** A judge does not make  
7                   findings of ---

8                   **MR. KLOEZE:** Sorry, does not make findings  
9                   of credibility. Thank you, Mr. Commissioner.

10                   Are you aware of that?

11                   **M. MARLEAU:** Bien, j'aurais cru que  
12                   crédibilité doit être utilisée dans un autre sens que celui  
13                   que je pense.

14                   **MR. KLOEZE:** I want you to think back to the  
15                   preliminary inquiry, and if I could tell you or describe it  
16                   to you in this way, that actually the preliminary inquiry  
17                   were, even though there were five accused, it was more like  
18                   two separate inquiries that were held side by side, back to  
19                   back. There was first a preliminary inquiry with respect  
20                   to Monsieur Landry.

21                   **M. MARLEAU:** M'hm.

22                   **MR. KLOEZE:** That lasted about three days.  
23                   And then subsequent to that, there was a preliminary  
24                   inquiry that started to be an inquiry into Lapierre, but  
25                   eventually it turned into an inquiry involving all four

1 accused.

2 M. MARLEAU: Oui, je sais que cette semaine  
3 j'ai dit que c'était, tant qu'à moi, une enquête commune,  
4 mais c'est peut-être le fait que ça s'est tout déroulé dans  
5 le même espace de temps qui m'a laissé cette impression-là,  
6 mais maintenant que vous m'en parlez, probablement que  
7 c'est vous qui avez raison.

8 MR. KLOEZE: And both of those inquiries  
9 were held before the same judge?

10 M. MARLEAU: Oui.

11 MR. KLOEZE: Who is Monsieur le juge Renaud?

12 M. MARLEAU: Renaud, oui.

13 MR. KLOEZE: And so at the end of the day --  
14 well, first, Landry was committed for trial after the first  
15 three days for his inquiry, and then at the end of the  
16 subsequent block of time, the four others were committed to  
17 trial?

18 M. MARLEAU: Oui, je crois que c'est comme  
19 ça que ça s'est passé, oui.

20 MR. KLOEZE: So at the time that the judge  
21 committed all five of them to trial, or certainly the last  
22 four, he had had all the evidence of all the instances of  
23 abuse?

24 M. MARLEAU: Sûrement, oui.

25 MR. KLOEZE: Now, one difference, I guess,

1 just in the way that the trial happened differently from  
2 the preliminary inquiry is that the trials were separated.

3 M. MARLEAU: Oui.

4 MR. KLOEZE: Sorry?

5 M. MARLEAU: Oui.

6 MR. KLOEZE: Okay. So when you had the  
7 trial of Lapierre, for example, it was just the evidence --  
8 he was the only one there giving evidence in his own  
9 defence?

10 M. MARLEAU: Oui, je ne crois pas qu'il y a  
11 eu d'autres témoins dans son dossier. Je ne crois pas  
12 qu'il y a eu d'autres témoins dans son dossier.

13 MR. KLOEZE: Would you also agree that by  
14 the time that Mr. Lapierre was at trial, that Monsieur  
15 Landry had died?

16 M. MARLEAU: C'est exact.

17 MR. KLOEZE: And so any evidence that was  
18 related to Monsieur Landry, I guess you could testify as to  
19 circumstances of abuse that Monsieur Landry had committed,  
20 but there was no way of testing that with Monsieur Landry.  
21 He wasn't there to defend himself.

22 M. MARLEAU: C'est sûr.

23 MR. KLOEZE: And would you also agree that  
24 by the time you had the trials against Monsieur Martin and  
25 Mr. Lawrence, that Mr. Lapierre had already been acquitted?

1 M. MARLEAU: Oui.

2 MR. KLOEZE: I just want to go back to the  
3 question I raised earlier about expert evidence, and one of  
4 your criticisms of the Crown Attorneys, as I understand it,  
5 is that you had raised the possibility with them of  
6 bringing some sort of expert evidence, and at the end of  
7 the day, they did not, or Monsieur Godin did not bring any  
8 expert evidence at the trials.

9 M. MARLEAU: Oui.

10 MR. KLOEZE: Now, I wasn't very clear when  
11 you testified the other day as to what kind of evidence you  
12 thought that they could bring, but I think you mentioned as  
13 one example evidence on the context of the historical -- of  
14 cases of historical sexual abuse, such that this Commission  
15 has heard.

16 M. MARLEAU: Oui.

17 MR. KLOEZE: And you thought that might be  
18 useful?

19 M. MARLEAU: Oui.

20 MR. KLOEZE: Are you aware that in general,  
21 at a criminal trial, context evidence -- context expert  
22 evidence is not generally admitted at a criminal trial?

23 M. MARLEAU: Non.

24 MR. KLOEZE: Did Monsieur Godin explain that  
25 to you at any point?

1 M. MARLEAU: Non.

2 MR. KLOEZE: You also thought that maybe  
3 some evidence on the historical memory of events might be  
4 useful to help the trier of fact understand, for example,  
5 why you waited so long to disclose these events to the  
6 police or why some of the details of your memory might not  
7 be as clear?

8 M. MARLEAU: Le début de votre question,  
9 vous parlez de Monsieur Godin ou de moi?

10 MR. KLOEZE: I'm asking you about -- sorry,  
11 about you. What I'm trying to get at is the evidence that  
12 you've given us that you thought expert evidence might be  
13 useful, and I'm trying to get the kinds of evidence that  
14 you thought might have been brought, and that's one of the  
15 kinds that you thought might be useful on the historical  
16 nature -- sorry, questions about historical memory.

17 M. MARLEAU: Oui.

18 MR. KLOEZE: And also questions about the  
19 lapse of time. It took you some time to make the  
20 complaints.

21 M. MARLEAU: Oui.

22 MR. KLOEZE: And are you aware that the  
23 Crowns may have discussed this issue? I think you said  
24 yesterday or the day before that that was one of the things  
25 that the Crowns might have discussed between themselves as

1 to whether or not they should be bringing this kind of  
2 expert evidence?

3 **M. MARLEAU:** J'ai pris connaissance du mémo  
4 la semaine passée, le mémo qu'on a vu passer sur l'affaire  
5 du consentement. Il me semble qu'il s'est passé de quoi  
6 sur Shelley Hallett, qui demandait dans le dossier de  
7 Peachey d'avoir un expert.

8 **MR. KLOEZE:** Okay. Perhaps I can turn to a  
9 document that -- I'll ask if you've seen it or not. It has  
10 not yet been made an exhibit and it's Document Number  
11 111799, and it's something that I gave notice of last week.  
12 It's entitled "Pre-trial Conference".

13 **THE COMMISSIONER:** Exhibit Number?

14 **THE REGISTRAR:** Exhibit 184.

15 **THE COMMISSIONER:** Is there anything in  
16 there that is of concern with respect to confidentiality,  
17 Mr. Kloeze?

18 **MR. KLOEZE:** There is not, Mr. Commissioner.

19 **THE COMMISSIONER:** Thank you. So 184 is a  
20 public document.

21 **--- EXHIBIT NO./PIÈCE NO. P-184:**

22 (111799) Claude Marleau - Pre-Trial  
23 Conference - October 20, 1998

24 **MR. KLOEZE:** Mr. Marleau, this is a  
25 conference -- or a report that Crown Attorneys and defense

1 lawyers as well submit before -- sometimes before a  
2 preliminary inquiry, as this one was done, sometimes before  
3 a trial. This is the report that Shelley Hallett submitted  
4 before the preliminary inquiry of Dr. Peachey.

5 Have you ever seen this document before?

6 **M. MARLEAU:** Non.

7 **MR. KLOEZE:** This is not the document you  
8 were referring to that you ---

9 **M. MARLEAU:** Non.

10 **MR. KLOEZE:** I would just like you to turn  
11 to page 4 of the document, please. And under the heading  
12 "Expert Evidence", paragraph 8, it says:

13 "At trial the Crown anticipates calling  
14 expert evidence in relation to the  
15 following issues: 1) delayed  
16 disclosure; 2) youth at risk of sexual  
17 exploitation on the street; 3) medical  
18 standards of practice."

19 Now, the third one, obviously, would be  
20 relevant only to Dr. Peachey's case because the first  
21 incident of abuse you complained of occurred while you were  
22 attending his office for medical examination. Is that  
23 correct?

24 **M. MARLEAU:** What is correct?

25 **MR. KLOEZE:** Sorry, you just nodded your

1 head and I said that the third element that she wanted to  
2 bring expert evidence on, medical standards of practice,  
3 would only be relevant to the charges against Dr. Peachey.

4 **M. MARLEAU:** Yes, I understand.

5 **MR. KLOEZE:** The first one about delayed  
6 disclosure would be relevant to all three -- all five of  
7 the cases that you were involved in?

8 **M. MARLEAU:** Yes. Oui.

9 **MR. KLOEZE:** Did Shelley Hallett explain to  
10 you at the time? Now, this report was made in October  
11 1998. Do you remember any explanation by Ms. Hallett as to  
12 the fact that she was considering bringing this kind of  
13 expert evidence?

14 **M. MARLEAU:** En aucun temps, mais elle était  
15 en charge du dossier du Docteur Peachey.

16 **LE COMMISSAIRE:** Ce document ici, c'est le  
17 Docteur Peachey?

18 **M. MARLEAU:** Oui, c'est ça.

19 **LE COMMISSAIRE:** C'est ça.

20 **M. MARLEAU:** Non, c'est parce qu'on m'a dit,  
21 il y a deux secondes, que ça s'appliquait à tous les

22 **LE COMMISSAIRE:** Ah, je n'ai pas ---

23 **M. MARLEAU:** Vous m'avez dit tantôt que les  
24 deux premiers items pouvaient s'appliquer à tous les  
25 accusés.

1                   **MR. KLOEZE:** Yes, I understand. You are  
2 quite right. This document only applies to the preliminary  
3 inquiry for Doctor Peachey, and I guess my question just  
4 was whether Ms. Hallett had talked to you about her  
5 intention at the time, in October 1998 ---

6                   **M. MARLEAU:** Non.

7                   **MR. KLOEZE:** --- to bring some sort of  
8 expert evidence on these issues.

9                   **M. MARLEAU:** Pas que je me souviene.

10                  **MR. KLOEZE:** And did she tell you, at any  
11 point, or explain to you at any point after that time,  
12 whether or not that was her continued intention to bring  
13 this kind of expert evidence or whether she had changed her  
14 mind about bringing this kind of expert evidence?

15                  **M. MARLEAU:** Pas que je me souviene.

16                  **MR. KLOEZE:** So you're not aware, around the  
17 same time, or nobody explained to you in October 1998,  
18 around the same time that she gave this report, that there  
19 was decision from the Ontario Court of Appeal, in this  
20 province, limiting the use of expert evidence in criminal  
21 trials, especially as it relates to cases of memory recall.  
22 Nobody explained that to you at the time?

23                  **M. MARLEAU:** Non.

24                  **MR. KLOEZE:** Okay, thank you.

25                               The other question I had, Mr. Marleau, about

1 expert evidence, is whether or not in Quebec, in the Quebec  
2 file against Father Lapierre, whether the Crown Attorney,  
3 in that case, brought any expert evidence or any expert  
4 witnesses?

5 **M. MARLEAU:** Non.

6 **MR. KLOEZE:** Thank you.

7 I just want to turn to one more matter, and  
8 that's the issue of consent and the evidence of consent  
9 that was or was not raised at the criminal trials. Mr. Lee  
10 had asked you the questions earlier today, in terms of the  
11 charges that were laid against these five individuals that,  
12 if it had been proven that you were under the age of 14 at  
13 the time of any of these sexual activities, that consent  
14 would not have been an issue.

15 The indecent assault would have been proven,  
16 because you were not capable, under the age of 14 to  
17 provide your consent to these activities.

18 **M. MARLEAU:** C'est ce que je comprends, oui.

19 **MR. KLOEZE:** And you understood that at the  
20 time, as well?

21 **M. MARLEAU:** Oui.

22 **MR. KLOEZE:** Now, did you always know that  
23 the age of consent for sexual activity was 14 years old or  
24 is that something that was explained to you by the police  
25 or by the Crown?

1                   **M. MARLEAU:** J'ai dû savoir ça que c'était -  
2                   - qu'il y avait un point où le consentement n'était pas  
3                   permis et j'ai dû savoir à cette époque-là aussi qu'il y  
4                   avait une différence entre en autorité, pas en autorité,  
5                   passé cet âge-là.

6                   **MR. KLOEZE:** Sorry, the last comments you  
7                   made about being -- whether or not you were in a position  
8                   of authority, can you explain that a bit please?

9                   **M. MARLEAU:** Bien, il me semble qu'il y a  
10                  concept qui dit que même si tu as 14 ans, que l'adulte est  
11                  en position d'autorité et que cette règle-là change.

12                  **MR. KLOEZE:** Okay, that was a question I had  
13                  asked you earlier, whether or not you were aware of that  
14                  concept. And let me just explore that a bit with you. You  
15                  were aware at the time, in 1997, that there was this  
16                  concept of somebody who was in a position of authority, the  
17                  age of consent might be slightly different?

18                  **M. MARLEAU:** Oui.

19                  **MR. KLOEZE:** Okay, you were aware of that in  
20                  1997?

21                  **M. MARLEAU:** Mon impression était ça, oui.

22                  **MR. KLOEZE:** Okay, and are you aware that  
23                  that concept is actually contained in the provision of the  
24                  Criminal Code called Sexual Exploitation?

25                  **M. MARLEAU:** J'ai toujours pensé que c'était

1 dans le Code criminel.

2 MR. KLOEZE: You thought it was always in  
3 the Criminal Code?

4 M. MARLEAU: Yes.

5 MR. KLOEZE: So, you're not aware that that  
6 concept, in terms of being codified in the Criminal Code,  
7 did not actually get there until 1988?

8 M. MARLEAU: Non, j'ignorais ce détail-là.  
9 Généralement quand on codifie, c'est qu'il y a déjà de la  
10 jurisprudence à cet effet-là. Je peux me tromper, mais  
11 j'ai toujours pensé que ce principe-là existait.

12 MR. KLOEZE: Okay, thank you.

13 Now, as to your own evidence of consent or  
14 sexual consent, I take it that your evidence has never been  
15 that, at any time, you said "no", expressly said "no" to  
16 any of these five individuals, who abused you?

17 M. MARLEAU: Oui.

18 MR. KLOEZE: And your evidence has never  
19 been that you were the object of violence or physical  
20 constraints?

21 M. MARLEAU: Effectivement.

22 MR. KLOEZE: But your evidence has been,  
23 over the last two days and even this morning, that if there  
24 had been consent, that it had been over the age of 14. We  
25 understand that consent under 14, you're not capable of

1 giving. But if there had been consent over the age of 14,  
2 that that consent was vitiated or nullified by the  
3 conditioning or the grooming?

4 **M. MARLEAU:** C'est ça.

5 **MR. KLOEZE:** And is it your understanding,  
6 as well, that that consent could have been vitiated by the  
7 position of authority that these individuals had over you?

8 **M. MARLEAU:** Oui, j'ai toujours cru que ça  
9 aurait été le cas, sauf que le principe du "grooming" m'a  
10 été inculqué par la Couronne et c'est avec ça qu'on est  
11 parti quand on est parti au procès. Pour moi, un  
12 équivalait à l'autre.

13 **MR. KLOEZE:** Okay, so you actually saw the  
14 two of them more or less as the same or as some sort of  
15 connection with each other.

16 **M. MARLEAU:** Oui, les deux étaient une  
17 exception à la règle du 14 ans pour moi.

18 **MR. KLOEZE:** And do you remember during the  
19 criminal trials that, in fact, I guess both of those  
20 branches of the theory of grooming or conditioning, we'll  
21 call as one branch of the argument to vitiate consent and  
22 the position of trust and authority as the other branch of  
23 that argument, that both of them were advanced at trial?

24 **M. MARLEAU:** J'ai pas la souvenance de ça.

25 **MR. KLOEZE:** You don't have that memory?

1 M. MARLEAU: Non.

2 MR. KLOEZE: If I can just turn to ---

3 THE COMMISSIONER: I suppose if we could get  
4 some idea of how much time you're going to need; it might  
5 be time for a break now.

6 MR. KLOEZE: I'll actually be only about ten  
7 more minutes.

8 THE COMMISSIONER: Okay.  
9 Go ahead.

10 MR. KLOEZE: So the document we've just  
11 entered as an Exhibit, Document 184, and I know you've not  
12 seen this document before, but if you can turn to page 3.

13 I'm just looking at paragraph (c) of that  
14 document, or sub-heading (c) "Indecent Assault Vitiating of  
15 Consent" and paragraph 7, and the heading of that:

16 "Did the complainant provide true and  
17 informed consent to sexual acts with  
18 Dr. Peachey?"

19 And the last paragraph of that page is:

20 "These circumstances suggest that the  
21 complainant's consent was not genuine  
22 for the purposes of the law, by virtue  
23 of: (1) the exploitation by the  
24 doctor, the power and balance inherent  
25 in doctor/patient relationship; (2) the

1 exploitation by the doctor of the power  
2 and balance arising from the  
3 differential in age, knowledge,  
4 education and experience, status in  
5 society and material advantages enjoyed  
6 by the doctor, relative to the teenage  
7 complainant."

8 Have you had a chance to read that, Mr. Marleau?

9 **M. MARLEAU:** Oui, je l'ai lu avec vous.

10 **MR. KLOEZE:** And, what Ms. Hallett is  
11 talking about there, is that she's going to be bringing  
12 evidence about the material inducements that Doctor Peachey  
13 gave you; the gifts that he gave you; the trip to Ottawa,  
14 for example, to the Ballet or the Opera. The fact that he  
15 was of a higher status than you in society and the fact  
16 that he had these material inducements and that that  
17 position of authority over you, in effect, would vitiate  
18 the consent. Now, did Ms. Hallett explain that to you at  
19 any point before the preliminary inquiry?

20 **M. MARLEAU:** Pas que je me souviens, non.

21 **MR. KLOEZE:** And do you remember having any  
22 discussions with Mr. Godin, at any time before the  
23 preliminary inquiry or before trial that he was going to be  
24 raising a very similar argument about vitiation of consent  
25 for the other four, at the time of trial, the three

1 accused?

2 **M. MARLEAU:** Ce que Monsieur Godin nous  
3 disait, c'était qu'il allait utiliser l'argument du  
4 "grooming".

5 **MR. KLOEZE:** And the argument of grooming,  
6 as you've discussed, is an argument where you had been  
7 passed and introduced from one abuser to the next abuser,  
8 who then abused you and then, your allegation is that that  
9 person then introduced you to a third?

10 **M. MARLEAU:** C'est ce que m'avait dit Maître  
11 Godin, oui.

12 **MR. KLOEZE:** And you don't recall having any  
13 discussions with Maître Godin about the other branch of  
14 this kind of argument ---

15 **M. MARLEAU:** Pas ---

16 **MR. KLOEZE:** --- that we're talking about,  
17 where the people who abused you were actually in positions  
18 of trust and authority over you?

19 **M. MARLEAU:** Pas que je me souviene, non.

20 **MR. KLOEZE:** One final document I want to  
21 bring your attention to, and this is something that I only  
22 gave notice of two days ago, so I've provided copies.

23 **THE COMMISSIONER:** Thank you and that would  
24 be Exhibit number?

25 **MR. KLOEZE:** There are actually two

1 documents. The first is a cover letter that just encloses  
2 submissions; and the second -- they are separate document  
3 numbers and they can be entered as the same document, if it  
4 makes more sense. The second is the submissions that are  
5 enclosed.

6 **THE COMMISSIONER:** So, Exhibit 185, is it?

7 **--- EXHIBIT NO./PIÈCE NO. P-185:**

8 Letter from W. Graeme Cameron to  
9 Alain Godin - November 2, 2001

10 **THE REGISTRAR:** they are both as one  
11 exhibit?

12 **THE COMMISSIONER:** Yes, both as one exhibit  
13 and then we will identify them.

14 **MR. KLOEZE:** The document number is 185.  
15 Sorry, the document number is -- the first is 105956 and  
16 the second, which will be part of the same exhibit, is  
17 105957.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. KLOEZE:** Mr. Marleau, have you ever seen  
20 -- I'm actually looking at the second page, now the  
21 submissions themselves. Have you ever seen a copy of these  
22 submissions?

23 **M. MARLEAU:** Non.

24 **THE COMMISSIONER:** You know, actually in  
25 retrospect, Mr. Kloeze, I think we should have two

1 different exhibits.

2 Exhibit 185 will be the letter addressed to  
3 Mr. Alain Godin and dated November 2<sup>nd</sup>, 2001; and Exhibit  
4 No. 186 will be the cover letter to Mr. Justice Paul  
5 Lalonde, dated September 28<sup>th</sup>, 2001, with the written  
6 submissions from Mr. Godin.

7 --- **EXHIBIT NO./PIÈCE NO. P-186:**

8 (105956) Letter from Alain Godin to  
9 The Honorable Justice Paul Lalonde -  
10 September 28, 2001

11 **THE COMMISSIONER:** Mr. Kloeze, I think that  
12 we should take a break.

13 **MR. KLOEZE:** Okay.

14 **THE COMMISSIONER:** It's a bit warm in here  
15 and, I think we are deserving of a break at this point.  
16 Thank you.

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

19 The hearing will resume at 3:40 p.m.

20 --- Upon recessing at 3:23 p.m./

21 L'audience est suspendue à 15h23

22 --- Upon resuming at 3:46 p.m./

23 L'audience est reprise à 15h46

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

1                   This hearing of the Cornwall Public Inquiry  
2           is now in session.

3                   Please be seated.   Veuillez vous asseoir.

4                   **THE COMMISSIONER:** Les amis, je dois vous  
5           aviser que nous ne pourrons siéger plus tard que disons  
6           4h30. Je pense que je commence à avoir la grippe qui passe  
7           et puis ce serait peut-être un peu trop long pour continuer  
8           avec les deux heures et demie de contre-interrogatoire  
9           qu'on a encore.

10                   Donc, Maître Marleau, je m'excuse, mais on  
11           doit vous garder une autre journée -- une autre soirée.

12                   **M. MARLEAU:** C'est bien.

13                   **LE COMMISSAIRE:** Merci.

14           **CLAUDE MARLEAU, Resumed/Sous le même serment:**

15           **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

16           **KLOEZE (cont'd/suite):**

17                   **MR. KLOEZE:** Mr. Commissioner, I should  
18           advise you that Exhibit number 185 does have a name that is  
19           subject to a publication ban on page 3 of the document.

20                   **THE COMMISSIONER:** That would be ---

21                   **MR. KLOEZE:** Sorry?

22                   **THE COMMISSIONER:** One-eighty-six (186).

23                   **MR. KLOEZE:** It's 186? Okay, sorry, I  
24           misheard you. I thought ---

25                   **THE COMMISSIONER:** No, 186 is the covering

1 letter to Mr. Justice Paul Lalonde with the submissions on  
2 the issue of consent. Right? Is that the one you are  
3 saying there's a problem with?

4 **MR. KLOEZE:** No, it's the other one.

5 **THE COMMISSIONER:** The letter to Mr. Alain  
6 Godin from Mr. Graham Cameron?

7 **MR. KLOEZE:** Sorry, no, that's not.

8 **THE COMMISSIONER:** Well, sir, I'm sorry, but  
9 Exhibit 185, when I read it out, it said it was a letter to  
10 Mr. Alain Godin dated November 2, 2001, unless I'm losing  
11 my mind, which may well be.

12 **MR. KLOEZE:** So let me just clarify. Does  
13 that letter in your exhibit contain the submissions  
14 themselves?

15 **THE COMMISSIONER:** No, 186 is a covering  
16 letter to Mr. Justice Paul Lalonde with the submissions.

17 **MR. KLOEZE:** Okay.

18 **THE COMMISSIONER:** That's 186; 185 is the  
19 letter to Mr. Alain Godin saying they are not going to  
20 appeal.

21 **MR. KLOEZE:** Okay. That's fine. That's a  
22 letter that I believe my friend Ms. Lahaie wants to  
23 introduce during her cross-examination. That is not a  
24 letter that I was intending to introduce.

25 **THE COMMISSIONER:** Okay. So now what is it?

1 You say there is a problem with Exhibit 186?

2 MR. KLOEZE: There is a problem with Exhibit  
3 186.

4 THE COMMISSIONER: All right.

5 MR. KLOEZE: And that's the cover letter  
6 dated September 28, 2001 and the enclosed submissions.

7 THE COMMISSIONER: Yes.

8 MR. KLOEZE: And on page 3 of the  
9 submissions ---

10 THE COMMISSIONER: Yes.

11 MR. KLOEZE: --- just after "Facts as it  
12 relates to the law of consent" ---

13 THE COMMISSIONER: M'hm.

14 MR. KLOEZE: --- there is the name of  
15 another victim of Mr. Martin.

16 THE COMMISSIONER: And that's a subject  
17 matter of an existing ---

18 MR. KLOEZE: I believe that's one of the  
19 names that we identified at the beginning ---

20 THE COMMISSIONER: Is that correct, Me Ruel?

21 MR. RUEL: Yes, that's one of the names.

22 THE COMMISSIONER: All right. So very well.

23 Thank you very much.

24 Which is the subject matter of a publication  
25 ban?

1                   **MR. KLOEZE:** That's correct.

2                   **THE COMMISSIONER:** What we will do is we'll  
3 stamp this document as being subject to a publication ban.

4                   **MR. KLOEZE:** Yes.

5                   **THE COMMISSIONER:** Not the whole document,  
6 just the name that has been identified.

7                   **MR. KLOEZE:** Exactly.

8                   **THE COMMISSIONER:** And it will be up to the  
9 medias to determine that. Okay.

10                   **MR. KLOEZE:** Mr. Marleau, if you can turn to  
11 Exhibit 186, and I'm just looking at the submissions which  
12 start at the second page of that document. And if, in  
13 fact, you go to the third page of the submissions, under  
14 the paragraph "Facts as it relates to law of consent" --  
15 let me clarify again. You have never seen this document  
16 before, Mr. Marleau?

17                   **M. MARLEAU:** No.

18                   **MR. KLOEZE:** And Mr. Godin didn't advise you  
19 at any point that he was making the submissions to the  
20 Court for the case of Martin, the case against Martin?

21                   **M. MARLEAU:** No.

22                   **MR. KLOEZE:** We can read through a bit of  
23 the first paragraph there under the "Facts as it relates to  
24 law of consent":

25                                   "Mr. Martin recognized in cross-

1 examination that he was entrusted with  
2 the care of Mr. Marleau and somebody  
3 else, another boy, on these planned ski  
4 trips. Both boys had been dropped off  
5 at the place where he was staying and  
6 were to sleep over until the next day  
7 when the ski trip was to occur. Mr.  
8 Martin was to supply transportation for  
9 the young men as well as be responsible  
10 for them on the trip."

11 The next sentence doesn't relate to you.

12 The sentence after that:

13 "Mr. Marleau indicates that a Mr.  
14 Lapierre, a friend of Mr. Martin, had  
15 introduced him to Mr. Martin. The  
16 trips planned by the parties were out  
17 of province and that even  
18 transportation was provided by Mr.  
19 Martin."

20 The next paragraph:

21 "We would submit on these facts alone,  
22 there was a position of trust between  
23 Mr. Martin and the two complainants.  
24 In this relationship, there was a  
25 substantial imbalance of power and one

1 involving a high degree of trust. Mr.  
2 Marleau had the extra baggage of having  
3 been abused in the past by Mr. Lapierre  
4 and, as a result of this, he was  
5 introduced to Mr. Martin, which  
6 resulted in further abuse. Mr. Marleau  
7 described the relationship with his  
8 abusers as one of almost family. If  
9 this is accepted, then the relationship  
10 between Mr. Martin and Mr. Marleau goes  
11 one step further in this substantial  
12 imbalance of power and the high degree  
13 of trust."

14 So Mr. Godin did talk to you about the  
15 grooming part of these submissions where you were  
16 introduced to Mr. Martin by Mr. Lapierre?

17 **M. MARLEAU:** Yes.

18 **MR. KLOEZE:** But you don't remember him  
19 talking to you about the other part of this relationship.

20 **M. MARLEAU:** No.

21 **MR. KLOEZE:** A relationship of trust and  
22 authority.

23 **M. MARLEAU:** No.

24 **MR. KLOEZE:** Okay. Thank you.

25 Now, these were submissions for the case

1 against Mr. Martin. Do you recall that in the reasons for  
2 judgment, Mr. Justice Cusson did decide that there was a  
3 relationship of trust between Mr. Martin and you but not a  
4 relationship of authority? Do you remember those comments?

5 M. MARLEAU: I think we read that yesterday,  
6 yes.

7 MR. KLOEZE: Yes.

8 So these submissions were only partly  
9 accepted in some sense by Mr. Justice Cusson?

10 M. MARLEAU: It would seem to be.

11 MR. KLOEZE: Are you aware that similar  
12 submissions were made in the Lapierre trial?

13 M. MARLEAU: No.

14 MR. KLOEZE: I am only going to turn up one  
15 page of the submissions in the Lapierre trial. They were  
16 oral submissions. They are at Exhibit 164, and the Bates  
17 page number I would like to go to is 1131077.

18 That is Exhibit 164, and I'm looking at page  
19 103. Have you found that, Mr. Marleau?

20 M. MARLEAU: One-zero-three (103)?

21 MR. KLOEZE: Yes.

22 M. MARLEAU: M'hm.

23 MR. KLOEZE: I'm just looking at the very  
24 top of the page. It is where Mr. Godin starts his  
25 submissions on consent.

1 M. MARLEAU: M'hm.

2 MR. KLOEZE: And at the very top of the  
3 page:

4 "But should you decide to address the  
5 consent issue, Your Honour, the  
6 *Matheson* case does a very, very good  
7 analysis of how the law of consent and  
8 the power of imbalance has developed."

9 Then he goes on at great length -- I'm not  
10 going to take you through everything that he says, but his  
11 submissions go on at great length. And I will ask you to  
12 turn to page 113. And the first full paragraph of that  
13 page:

14 "We can look at what Monsieur Marleau  
15 had to say about the relationship  
16 between the two parties. 'He was  
17 filling voids I didn't have at home'.  
18 This is an adult dealing with a young  
19 man while 13, 14, 15. If Your Honour  
20 finds he was 14 or 15, then you can  
21 look at this. You have to decide  
22 whether, in fact, there was a power  
23 imbalance between the two, keeping in  
24 mind what had occurred with Monsieur  
25 Landry, the discussion that was had

1                                   between them and when he was introduced  
2                                   to Monsieur Lapierre."

3                                   I'm just pointing that out as some of the  
4                                   evidence that Mr. Godin was raising in his oral  
5                                   submissions.

6                                   Now, this was the last day of the trial  
7                                   against Monsieur Lapierre. Were you present on that day?

8                                   **M. MARLEAU:** Yes.

9                                   **MR. KLOEZE:** And do you remember Mr. Godin  
10                                   making these submissions?

11                                   **M. MARLEAU:** No.

12                                   **MR. KLOEZE:** Okay. And the last thing I do  
13                                   want to take you to is at Exhibit 165, just the next  
14                                   exhibit, and those are the Reasons for Judgment of Mr.  
15                                   Justice Lalonde. Mr. Sherriff-Scott has already taken you  
16                                   to this page and this paragraph at page 58 -- sorry, Bates  
17                                   number 1131175.

18                                   We also looked at this paragraph yesterday,  
19                                   I believe. This is the paragraph in the judgment against  
20                                   Lapierre where Mr. Justice Lalonde finds that if he does  
21                                   believe that these incidents occurred, the he goes on to  
22                                   find that there was no consent. You did not provide your  
23                                   consent to these incidents. Firstly, because some of them  
24                                   actually did happen when you were below the age of 14, so  
25                                   consent is not an issue.

1                   Secondly, he says -- well, he says  
2           "thirdly". I am looking at two-thirds of the way down  
3           paragraph 47.

4                   **M. MARLEAU:** O.k.

5                   **MR. KLOEZE:** You'll find it:

6                                 "Thirdly, should I be wrong..."

7                   Have you found that, Mr. Marleau?

8                   **M. MARLEAU:** M'hm.

9                   **MR. KLOEZE:**

10                                "Thirdly, should I be wrong concerning  
11                                the time when the alleged sexual  
12                                assaults took place, I accept Crown  
13                                counsel's submission that Paul Lapierre  
14                                represented an authoritative figure and  
15                                that there was an imbalance of power  
16                                present in that relationship between a  
17                                man who is a priest with a high profile  
18                                in the community and a young boy in his  
19                                early teens. The Ontario Court of  
20                                Appeal decision cited by Crown counsel  
21                                *The Queen v. Matheson* is authority for  
22                                the proposition that there would be no  
23                                consent if the sexual acts complained  
24                                of continued beyond the date Mr.  
25                                Marleau became 14 years of age, if Mr.

1 Lاپierre had deliberately groomed and  
2 manipulated Mr. Marleau for his own  
3 sexual pleasure knowing that this would  
4 harm Mr. Marleau. Consent would have  
5 been vitiated through undue influence  
6 that began before Mr. Marleau was 14  
7 years of age."

8 Were you there at the time that Mr. Justice  
9 Lalonde read his decision?

10 **M. MARLEAU:** Part of it, yes.

11 **MR. KLOEZE:** Part of it. You said you left  
12 at some point.

13 **M. MARLEAU:** That's right.

14 **MR. KLOEZE:** Were you still there at this  
15 point, when he was reading his decision or had you left by  
16 this point?

17 **M. MARLEAU:** I couldn't tell you.

18 **MR. KLOEZE:** Would you agree with me that  
19 Mr. Justice Lalonde does make a finding there that if he  
20 did believe that the events occurred, there would be no  
21 consent?

22 **M. MARLEAU:** It seems that that's the way  
23 they see it.

24 **MR. KLOEZE:** And that conclusion was based  
25 on the submissions of Crown counsel. Both branches of the

1 submissions, I would suggest to you, and if you would look  
2 at them, first there was grooming. Mr. Justice Lalonde  
3 accepts that there was a grooming behaviour and also that  
4 there was a position of trust and authority. And for both  
5 of those reasons, your consent to any sexual acts would  
6 have been vitiated had he believed, beyond a reasonable  
7 doubt, that those sexual acts had occurred.

8 M. MARLEAU: C'est une bonne analyse, oui.

9 MR. KLOEZE: And you would agree with me  
10 that the reason that Mr. Justice -- sorry, the reason that  
11 Father Lapierre was acquitted in that case is that the  
12 judge still had a reasonable doubt that even though he  
13 believed you and believed your evidence, he still had a  
14 reasonable doubt that the acts that you complained of  
15 didn't occur or occurred in a different way.

16 M. MARLEAU: Ça semble être son  
17 raisonnement, oui.

18 MR. KLOEZE: Now, as you said or Mr.  
19 Sherriff-Scott has said, the Court in Quebec, at least with  
20 respect to Monsieur Lapierre, the Court in Quebec did not  
21 have that reasonable doubt. The Court of Quebec decided in  
22 the case that you brought against Monsieur Lapierre there,  
23 decided that Monsieur Lapierre was guilty.

24 M. MARLEAU: Oui.

25 MR. KLOEZE: And you would agree with me

1 that Mr. Lapierre did not testify at that ---

2 M. MARLEAU: Oui.

3 MR. KLOEZE: And that the Court of Quebec,  
4 in that case, found that your evidence was uncontradicted  
5 because Monsieur Lapierre had not testified?

6 M. MARLEAU: Ça va de soi.

7 MR. KLOEZE: Mr. Marleau, I thank you for  
8 your patience with me and those are my questions.

9 THE COMMISSIONER: Thank you.

10 M. MARLEAU: Thank you.

11 MR. RUEL: I think it is now the turn of Mr.  
12 Manderville.

13 THE COMMISSIONER: Thank you.

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

15 MANDERVILLE:

16 MR. MANDERVILLE: Good afternoon, Mr.  
17 Commissioner. Good afternoon, Mr. Marleau.

18 My name is Peter Manderville. I am counsel  
19 for the Cornwall Police.

20 Preliminarily, do you feel you have an  
21 understanding of what the mandate of this Commission is?

22 M. MARLEAU: What I understand is that  
23 looking into the response of "les institutions publiques".

24 MR. MANDERVILLE: That's right. It's not  
25 just about who did what to whom. It's about whether the

1 various institutions involved, a number of which are  
2 represented here, responded appropriately to allegations of  
3 historical sexual abuse of young persons and to search for  
4 ways of methods by which these institutions could respond,  
5 better in the future.

6 Does that accord with generally what your  
7 understanding of this Inquiry is about?

8 **M. MARLEAU:** Je crois que oui.

9 **MR. MANDERVILLE:** And I take it, aside from  
10 your friend that you referred to, you didn't tell anyone  
11 about the events that happened to you until you came  
12 forward in July 1997?

13 **M. MARLEAU:** C'est juste.

14 **MR. MANDERVILLE:** And I take it that, coming  
15 forward to make those complaints was something that was not  
16 easy for you to do?

17 **M. MARLEAU:** Vous avez raison.

18 **MR. MANDERVILLE:** It was rather difficult?

19 **M. MARLEAU:** Oui.

20 **MR. MANDERVILLE:** You were outing yourself  
21 concerning events which you had long since, to use your  
22 expression, locked away in a drawer for many years?

23 **M. MARLEAU:** Oui.

24 **MR. MANDERVILLE:** And I take it, for some  
25 period of time, you wrongly had this sense of shame or

1           guilt over what had happened to you?

2                   **M. MARLEAU:** Oui.

3                   **MR. MANDERVILLE:** As well, I take it that  
4           leaving the Cornwall area, for you, assisted you in putting  
5           your memory of these events in that drawer and locking it  
6           up?

7                   **M. MARLEAU:** Oui, on pourrait dire ça.

8                   **MR. MANDERVILLE:** Or at least, it assisted  
9           you to some degree in rehabilitating yourself?

10                  **M. MARLEAU:** Je ne comprends pas le sens de  
11           réhabiliter.

12                  **LE COMMISSAIRE:** Ça a un sens différent en  
13           anglais.

14                  **MR. MANDERVILLE:** Okay. I'll use a  
15           different expression. Fair enough.

16                            It assisted you in putting those events  
17           behind you, to a degree?

18                  **M. MARLEAU:** Disons que ça m'a éloigné de  
19           mes abuseurs et ça m'empêchait de les voir.

20                  **MR. MANDERVILLE:** And you decided to come  
21           forward in 1997, upon learning about the article in Le  
22           Soleil?

23                  **M. MARLEAU:** Oui.

24                  **MR. MANDERVILLE:** And I think you told my  
25           friend Mr. Lee that was the first time you considered

1 coming forward?

2 M. MARLEAU: Oui.

3 MR. MANDERVILLE: Would it be fair to say  
4 that, prior to that time, you were not ready to come  
5 forward?

6 M. MARLEAU: Non, je pense qu'on pourrait  
7 pas dire ça. Ça m'a donné l'opportunité, mais je pense que  
8 ça faisait quelque temps que je me disais qu'il faudrait  
9 bien faire quelque chose avec ça et, si vous vous souvenez,  
10 dans mon témoignage l'autre jour, je vous parlais que deux  
11 semaines avant cet événement-là, j'étais assis sur le bout  
12 d'un quai en me disant, "Tu pars pour le Costa Rica sans  
13 jamais avoir réglé ça." Donc, je suis pas prêt à dire oui  
14 à votre proposition, mais je ne suis pas capable de vous  
15 situer dans le temps où j'ai commencé à penser qu'il  
16 faudrait régler ça un jour.

17 MR. MANDERVILLE: You left Cornwall in 1970;  
18 is that right?

19 M. MARLEAU: Aux alentours de ça, oui.

20 MR. MANDERVILLE: As best you can recall,  
21 would there have been a period of time, after leaving  
22 Cornwall and before 1997, where you would have felt unable  
23 to come forward?

24 M. MARLEAU: Oui.

25 MR. MANDERVILLE: Are you able to

1 guesstimate how long a period that might have been?

2 M. MARLEAU: Je pense que j'avais de la  
3 misère avec tout ça au niveau de l'estime de moi-même, au  
4 niveau d'être capable de -- pas en parler, mais de  
5 commencer à comprendre; je devais avoir 40 ans.

6 MR. MANDERVILLE: Would I be correct in  
7 presuming that you had to get past at least a portion of  
8 the misplaced shame or guilt you had?

9 M. MARLEAU: Oui, c'est un tout, et l'estime  
10 de soi.

11 MR. MANDERVILLE: And you told us yesterday  
12 that coming forward has been cathartic for you. To use  
13 your expression, it has freed you.

14 M. MARLEAU: Je suis libéré de souvent y  
15 penser, oui.

16 MR. MANDERVILLE: And I believe you said  
17 earlier this week that you would urge other victims to come  
18 forward?

19 M. MARLEAU: C'est sûr. C'est sûr parce que  
20 ---

21 MR. MANDERVILLE: And I take it you would  
22 agree ---

23 M. MARLEAU: --- le bien fait de ça et la  
24 difficulté à venir en parler n'est rien à comparer à la  
25 difficulté de le garder caché.

1                   **MR. MANDERVILLE:** I take it you would agree  
2 with me that one cannot really come forward until he or she  
3 feels ready to do so?

4                   **M. MARLEAU:** Oui, je serais d'accord avec  
5 ça.

6                   **MR. MANDERVILLE:** Ready in an emotional  
7 sense?

8                   **M. MARLEAU:** Voilà.

9                   **MR. MANDERVILLE:** And as you just said, it's  
10 natural for the victim to be afraid?

11                   **M. MARLEAU:** Bien, je connais mon cas et ça  
12 a été mon cas, mais je présume que ça s'applique à d'autres  
13 victimes.

14                   **MR. MANDERVILLE:** And I can tell you we've  
15 heard from other victims who have told us they had this  
16 sense -- a misplaced sense of shame or embarrassment over  
17 what had happened to them. And that would not surprise  
18 you, would it?

19                   **M. MARLEAU:** Non.

20                   **MR. MANDERVILLE:** Now, in your case, you  
21 came forward about 30 years or so after the events in  
22 question; correct?

23                   **M. MARLEAU:** Oui.

24                   **MR. MANDERVILLE:** And you told us that at  
25 the time, in July 1997, you had just opened the drawer and

1 begun to unpack the contents.

2 M. MARLEAU: Oui.

3 MR. MANDERVILLE: The various memories that  
4 you kept in that drawer, to use your analogy.

5 M. MARLEAU: Oui.

6 MR. MANDERVILLE: And you like me and some  
7 others in this room, think or thought you had a good,  
8 strong memory of events?

9 M. MARLEAU: Oui.

10 MR. MANDERVILLE: And I think you told us  
11 you were somewhat surprised to find out that, aside from  
12 the incidents of abuse, your recollection of the  
13 surrounding details of dates and locations, your  
14 recollection was not as strong as you had felt it would be?

15 M. MARLEAU: Je me souviens pas d'avoir dit  
16 ça, quant aux endroits. Je pense qu'il y avait deux  
17 parties dans votre question. Il y avait des dates et les  
18 endroits. Les endroits, je m'en souvenais pas mal. Les  
19 dates, on a vu qu'il y a des erreurs dans les dates.

20 MR. MANDERVILLE: So to correct myself, is  
21 it fair to say you were surprised that your recollection of  
22 dates was not as strong as you had anticipated it would be?

23 M. MARLEAU: Je ne dirais pas que j'étais  
24 surpris. Quand je me suis aperçu des erreurs, j'étais pas  
25 surpris; j'étais pas étonné que ça puisse arriver.

1                   **MR. MANDERVILLE:** I take it then you would  
2 agree with everyone it's inevitable that your memory fades  
3 over time?

4                   **M. MARLEAU:** C'est sûrement physiologique.

5                   **MR. MANDERVILLE:** And while certain  
6 significant events are forever burned in your memory, other  
7 lesser details surrounding them, tend to fade from your  
8 memory?

9                   **THE COMMISSIONER:** Some would argue that  
10 that is an incorrect proposition in any event, Mr.  
11 Manderville.

12                   **MR. MANDERVILLE:** Sorry?

13                   **THE COMMISSIONER:** Some people would argue  
14 that that's not a correct perception in any event, that  
15 certain things are forever burnt into your memory.

16                   **MR. MANDERVILLE:** You may be quite right,  
17 Mr. Commissioner. That was not the point of my question.  
18 I will repeat it.

19                   Mr. Marleau, I take it you would agree that  
20 with most people, their recollection of certain events  
21 fades over time?

22                   **M. MARLEAU:** Oui, je pense que c'est un  
23 concept général qui est vrai.

24                   **MR. MANDERVILLE:** And I believe you have  
25 told us that your inability to recall certain details, like

1 dates, was something you were challenged on by the defence  
2 counsel in the trials that took place?

3 **M. MARLEAU:** Si je comprends bien votre  
4 question c'est que le fait que je me sois trompé a été  
5 l'objet d'interrogatoires intenses aux procès; c'est ça  
6 votre question?

7 **MR. MANDERVILLE:** Yes, that was my  
8 understanding, that those were things you were challenged  
9 on?

10 **M. MARLEAU:** Oui.

11 **MR. MANDERVILLE:** And we've, at the Inquiry  
12 -- and I'm sure you were not privy to this, but we've heard  
13 expert evidence from Dr. Bala and Ms. Leaver to the effect  
14 that investigating and prosecuting historical sexual  
15 assaults or historical sexual abuse is a task made more  
16 complicated or difficult by several things, but one of them  
17 is the passage of time and the effects of the passage of  
18 time. And I take it that would not surprise you?

19 **M. MARLEAU:** Sûrement pas, non.

20 **MR. MANDERVILLE:** And indeed, Ms. Leaver  
21 told us that the passage of time affects -- can affect the  
22 scene of the crime. It may no longer exist. For example,  
23 you told us that ---

24 **M. MARLEAU:** L'église brûlée, oui. L'église  
25 brûlée n'existe plus.

1                   **MR. MANDERVILLE:** An excellent example. The  
2                   hypothetical I was going to give you is that you told us  
3                   that Mr. Lawrence had a shed behind his house. For all we  
4                   know, that shed may have long ceased to exist; correct?

5                   **M. MARLEAU:** Elle existe toujours. J'ai eu  
6                   l'occasion de la voir avec la Police provinciale.

7                   **MR. MANDERVILLE:** What an excellent example  
8                   I just cited. I won't cite another one.

9                   Ms. Leaver also told us that the memories of  
10                  the victims can fade and the memories of possible witnesses  
11                  also fade over time. And you would accept that, I suggest?

12                  **M. MARLEAU:** Sûrement; rien n'est parfait.

13                  **MR. MANDERVILLE:** And I take it then you  
14                  would agree with me that, while there may have a been a  
15                  number of factors which contributed to the difficulties  
16                  encountered in pursuing your abusers, one of the factors  
17                  that made things more difficult, was your faded memory for  
18                  certain dates?

19                  **THE COMMISSIONER:** I don't know if that's  
20                  fair. Sorry, I don't want to use that word, but what he  
21                  said was, at the beginning when he first gave his  
22                  declaration to the police, that there were some dates and  
23                  then, when he got the school records, he was able to put  
24                  them back in order. And so I don't think that -- once he  
25                  got them in order, I don't think there was any problems

1 with his memory with respect to the rest.

2 M. MARLEAU: Si je peux ---

3 MR. MANDERVILLE: I'll try it a different  
4 way.

5 M. MARLEAU: Si je peux répondre?

6 LE COMMISSAIRE: Oui.

7 M. MARLEAU: Je ne suis pas d'accord avec la  
8 façon d'utiliser le mot "fade", parce que les erreurs de  
9 dates, elles étaient parce que ça sortait tout d'un coup,  
10 mais dès que j'ai pu me trouver des repères, ma mémoire  
11 était exacte. La première déclaration a été faite sans  
12 aucun repère.

13 MR. MANDERVILLE: So you told me earlier and  
14 you told us that the defence counsel at the trials, the  
15 criminal trials, challenged you fairly extensively on the  
16 changes in dates. Is that correct?

17 M. MARLEAU: Oui.

18 MR. MANDERVILLE: And that was, I suggest,  
19 quite a live issue that the defence had in those trials,  
20 was it not?

21 M. MARLEAU: C'est sûr que ça leur donnait  
22 plein de munition.

23 MR. MANDERVILLE: And my suggestion was that  
24 while there may have been several factors that contributed  
25 to the difficulties encountered in pursuing your abusers,

1 one of those factors was your initial inability to recall  
2 dates. Is that fair?

3 M. MARLEAU: Oui, mais je pourrais vous dire  
4 que si j'avais attendu d'aller voir mes notes et de me  
5 préparer pour cet -- on n'aurait pas eu cette difficulté  
6 parce que la première déclaration aurait été exacte.

7 MR. MANDERVILLE: I'm going to suggest to  
8 you that historical assault or sexual abuse cases can pose  
9 a little bit of a conundrum for the agencies that are  
10 charged with investigating them.

11 M. MARLEAU: Je ne comprends pas le sens de  
12 "conundrum" ou de ---

13 MR. MANDERVILLE: Dilemma or -- dilemma.

14 M. MARLEAU: M'hm.

15 MR. MANDERVILLE: In that the victims, as  
16 you have agreed with me, really can't come forward until  
17 they are emotionally ready to do so, and that might take  
18 one year or 30 years; correct?

19 M. MARLEAU: Oui.

20 MR. MANDERVILLE: Yet, with each passing  
21 year, as you've agreed with me, one's ability to accurately  
22 recall past events tends to fade or tends to lessen.

23 M. MARLEAU: Okay.

24 MR. MANDERVILLE: And you'd agree with that?

25 M. MARLEAU: Dans le sens que si on se met à

1 en parler à froid, oui, mais je pense qu'avec un travail de  
2 mémoire autre que celle que moi j'ai vécu quand j'ai donné  
3 ma -- il y a moyen d'arriver à des résultats autrement et  
4 que le dilemme que vous me décrivez pour l'institution  
5 publique serait pas là.

6 Pour vous donner un exemple, si la rencontre  
7 avait été informelle avec les policiers cette journée-là en  
8 juillet '97 et qu'on avait eu des gens qui étaient habitués  
9 de recevoir des choses comme ça, on aurait pu nous dire,  
10 "Regarde, fais un effort de mémoire. Fais une première  
11 recherche, puis après ça on prendra un 'statement'". Je  
12 sais pas. Il me semble que ça, ça aurait été logique et on  
13 aurait eu des dates plus justes d'abord et on aurait pas eu  
14 cette -- je vous soumetts ça comme suggestion.

15 **MR. MANDERVILLE:** Mr. Kloeze earlier talked  
16 to you about quite a bit of case law, and I don't propose  
17 to do so here, but do you accept as a proposition that  
18 police agencies who receive statements are duty-bound to  
19 turn them over to the defence once charges are laid?

20 **M. MARLEAU:** Oui, je crois que je comprends  
21 bien ce principe-là, oui.

22 **MR. MANDERVILLE:** And do you then accept  
23 that that would pose perhaps a problem in giving an  
24 informal -- having an informal chat, as you say?

25 **M. MARLEAU:** Je ne vois pas pourquoi, dans

1 la mesure que ce qui serait donné c'est des instructions à  
2 dire, "Écoutez, faites le tour de la question comme il faut  
3 et après ça on va parler." Je ne vois pas ce que ça  
4 changerait au niveau du procès, que de faire un  
5 "disclosure" de ça.

6 **MR. MANDERVILLE:** Okay. Now, I know that  
7 you are learned in law but not so much in criminal matters,  
8 although you may have learned about criminal matters  
9 recently.

10 **M. MARLEAU:** Disons que j'en comprends plus  
11 qu'en '97.

12 **MR. MANDERVILLE:** I've just spilled Mr.  
13 Ruel's hidden coffee.

14 (LAUGHTER/RIRES)

15 **MR. MANDERVILLE:** Forgive me, Commissioner.

16 **THE COMMISSIONER:** Tomorrow morning Mr.  
17 Manderville pays coffee for everyone. It might boost  
18 attendance.

19 (LAUGHTER/RIRES)

20 **MR. MANDERVILLE:** Sorry, Mr. Marleau. I  
21 know you are learned in the law but not so much in criminal  
22 matters or in other fields of endeavour. Aside from  
23 providing training programs to police who are investigating  
24 historical sexual assaults, training programs or  
25 interviewing techniques to be used with victims of

1 historical sexual abuse, are you able to suggest any other  
2 steps that investigating authorities, like police should  
3 pursue to enhance their ability to investigate these types  
4 of crimes?

5 **M. MARLEAU:** Non, je crois que  
6 l'entraînement que vous suggérez devrait inclure des  
7 méthodes d'entrevue et de pré-entrevue du genre, vu qu'on  
8 traite justement de mémoire historique.

9 Je ne suis pas un spécialiste en la matière,  
10 mais je ne veux pas me cacher derrière le fait que je ne  
11 suis pas -- mais je pense que ça devrait exister, quitte à  
12 ce que les législateurs s'ajustent en conséquence. Je  
13 comprends les dilemmes dont vous me parlez, mais peut-être  
14 que la Commission est là pour faire des suggestions. Peut-  
15 être que c'est -- peut-être que je suis dans le champ  
16 gauche aussi, mais ---

17 **MR. MANDERVILLE:** You should know that your  
18 recommendations will be as well received as anyone else's.

19 **M. MARLEAU:** Oui, je comprends.

20 **MR. MANDERVILLE:** So aside from the training  
21 programs you spoke of, that would be all that comes to mind  
22 in terms of what these investigative agencies should be  
23 looking towards?

24 **M. MARLEAU:** Oui, qu'ils aient une  
25 compréhension totale de ce que sont les abus à caractère

1 historique, parce que j'ai le sentiment que le corps de  
2 police qui a fait l'investigation dans mes dossiers ne  
3 l'avait pas.

4 **MR. MANDERVILLE:** Thank you very much, Mr.  
5 Marleau. I'd like to join those of my colleagues that have  
6 questioned you so far and thank you for coming.

7 **M. MARLEAU:** Merci, Monsieur Manderville.

8 **LE COMMISSAIRE:** Et voilà, 4h25, Maître  
9 Ruel. Donc, nous allons prendre -- lever la séance et puis  
10 revenir à 10h00 demain matin. D'accord?

11 **Me RUEL:** Merci.

12 --- Upon adjourning at 4:24 p.m./L'audience est ajournée  
13 à 16h24

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sean Prouse, CVR-CM