

**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 338

Held at :

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

Tuesday, January 20, 2009

Tenue à:

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

Mardi, le 20 janvier 2009

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
Ms. Maya Hamou	Commission Counsel
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Darrell Kloeze Mr. Christopher Thompson	Attorney General for Ontario
Ms. Helen Daley	Citizens for Community Renewal
Mr. Michael Neville	The estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. William Trudell Ms. Brydie Bethell	Wm Trudell Professional Corp. Simcoe Chambers
Ms. Shelley Hallett	

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

2 L'audience débute à 9h36

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning,
10 Mr. Engelmann.

11 **MR. ENGELMANN:** Good morning,
12 Mr. Commissioner.

13 **SHELLEY HALLETT, Resumed/Sous le même serment:**

14 **MR. ENGELMANN:** Good morning, Ms. Hallett.

15 **MS. HALLETT:** Good morning, Mr. Engelmann.

16 **MR. ENGELMANN:** I understand it was a late
17 night at the Weave Shed last night.

18 **THE COMMISSIONER:** That's why Mr. Carroll is
19 going to take notes today, because I noted that he was
20 absent from the night session.

21 **MR. ENGELMANN:** He left before 9:30 p.m.

22 **THE COMMISSIONER:** I think you left at 4:30,
23 Mr. Carroll.

24 **MR. CARROLL:** You have a wonderful presence
25 on television.

1 THE COMMISSIONER: Touché, touché!

2 (LAUGHTER/RIRES)

3 MR. ENGELMANN: I'm sure he watched every
4 minute.

5 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE IN-CHEF PAR

6 MR. ENGELMANN (cont'd/suite):

7 MR. ENGELMANN: Ms. Hallett, when we left
8 off yesterday we were discussing some of the clergy briefs
9 ---

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: --- if I can call them that,
12 and your work on them. And I'm wondering -- we talked
13 about the various requests that Mr. Hall might have made of
14 you ---

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: --- with respect to when he
17 might receive these briefs.

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: Did you ever, to your
20 knowledge, have requests from managers at the Ministry of
21 the Attorney General, someone who might be in a superior
22 position such as Mr. Segal, Mr. Stewart, Mr. Corelli,
23 anyone like that, of you with respect to these briefs?

24 MS. HALLETT: No. No, none of them made a
25 request and I -- but I certainly would not fault them. I

1 was a senior enough Crown that I didn't need supervision.

2 MR. ENGELMANN: I didn't mean it in that
3 term though. What I meant was ---

4 MS. HALLETT: Right.

5 MR. ENGELMANN: --- did they ever impress
6 upon you that the OPP needed these briefs or that there was
7 some urgency?

8 MS. HALLETT: No. In fact, it was my
9 understanding that there was not urgency to -- looking at
10 these briefs, considering their age and considering the
11 importance of doing a good job on them. So, no, none of my
12 managers did convey to me that it was, you know, time to
13 look at these briefs, although I was always acutely aware,
14 frankly, of the time; the clock ticking with respect to
15 these briefs. But it became apparent to me at a certain
16 point that it was an enormous task.

17 MR. ENGELMANN: All right. Well, given
18 that, and presumably that might have occurred to you after
19 you got the nine-volume conspiracy brief ---

20 MS. HALLETT: Yes. Yes, it definitely did.

21 MR. ENGELMANN: --- in the summer of 2000.

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: Given that and given
24 everything you had on your plate, because you talked to us
25 about ---

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: --- some of your workload --

3 -

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: --- did you make a request
6 perhaps of anybody to say, "Can someone take this work off
7 my plate? I just can't get to it." Did you do that or did
8 you consider that?

9 MS. HALLETT: No, I didn't, Mr. Engelmann,
10 and I realize in retrospect that I should have, and I'm
11 trying to -- I've been trying to identify the various
12 considerations that I was making at that time in terms of
13 why I didn't simply ask for assistance or send these
14 matters back to Mr. Stewart to be reassigned to someone
15 else. Just if I -- these were the countervailing factors
16 that I was weighing against -- I believe that I was
17 weighing against asking for help.

18 I had made a commitment. I had made a
19 commitment to Sergeant Hall to review these briefs and I
20 think like any lawyer I was reluctant to renege on that
21 commitment, to renege on that undertaking. I didn't think
22 that I really had anyone else in my office to turn to. I
23 had been the one to make the commitment and, of course, all
24 of the other counsel in my office are very busy with the
25 work that we do and which is very deadline-driven in our

1 office. There hadn't been a deadline set for the review of
2 these briefs.

3 Yesterday, for example, you showed me a
4 memorandum in which I had declined to take on a further
5 appeal because I was feeling a deadline pressure with
6 respect to a young offender matter, and Justice Rosenberg
7 was -- I was aware of the deadlines in the Court of Appeal
8 and Justice Rosenberg being in court and ordering that this
9 matter be expedited, and so I am sensitive to deadlines but
10 there wasn't one in this particular assignment, in this
11 task.

12 I at that point, certainly by the summer of
13 2000, was probably more familiar than anyone else, whether
14 in my office or in the trial system, with the issues
15 involved in terms of the allegations -- the personalities,
16 the individuals, the police officers, the victim issues --
17 and so I believe that I felt more of a duty to retain the
18 briefs for the purpose of reviewing them than simply
19 handing them off.

20 But as I say, in retrospect, I should have
21 said, "This is too much. I can't do it", and simply asked
22 Mr. Stewart to reassign the files.

23 **MR. ENGELMANN:** All right. Well, just to
24 follow up on a couple of other things then on this.

25 If we go back to Exhibit 2807, and this is

1 Mr. Hall's will-say statement from York Regional and a
2 summary of some of the contacts with you from his notes,
3 I'm just wondering -- it's Bates page ---

4 **THE COMMISSIONER:** Hold on now.

5 **MR. ENGELMANN:** --- 1145590 and it's just
6 one brief reference. Maybe we could look at it on the
7 screen, Ms. Hallett. It might be easier.

8 **MS. HALLETT:** Okay.

9 **MR. ENGELMANN:** It's the third paragraph
10 from the bottom, Madam Clerk. It appears on the first day
11 of the Leduc trial.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** Then Detective Inspector
14 Hall says he spoke to you about the legal opinions and he
15 records that you said something like you didn't want to
16 even think about them until the trial was completed. Do
17 you recall this?

18 **MS. HALLETT:** I do.

19 **MR. ENGELMANN:** All right.

20 **MS. HALLETT:** I do. Certainly on that day,
21 the 15th of January, the day that that Leduc trial was
22 starting, I wasn't in a position to review those briefs and
23 hand them over. My task that day as the Crown was to help
24 select a jury and deal with all of the issues involved in
25 starting that trial.

1 Sergeant Hall, of course, and I, we're on
2 the same team, and he certainly had his duties in terms of
3 trying to ensure that those briefs were reviewed in a
4 timely way and that decisions were made.

5 Without faulting Sergeant Hall, I do think
6 that there were times that perhaps he wasn't as alive to my
7 duties as a Crown and what I was having to do in terms of
8 not only those briefs but the other project work and the
9 other work from my office that needed to be completed.

10 But I certainly understand why Sergeant Hall
11 was asking me for these briefs, but on this particular day
12 I thought he might have had a better understanding of what
13 I had on my plate.

14 **MR. ENGELMANN:** Would it be fair to say you
15 actually recall him speaking to you about this and you
16 telling him that ---

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** --- you weren't even going
19 to think about this until after Leduc was done?

20 **MS. HALLETT:** I couldn't.

21 **MR. ENGELMANN:** All right.

22 **MS. HALLETT:** How could I?

23 **MR. ENGELMANN:** All right.

24 So he's also told us that in or around the
25 8th of March, so about a week after the stay was granted ---

1 **MS. HALLETT:** Right.

2 **MR. ENGELMANN:** --- he would have met with
3 James Stewart ---

4 **MS. HALLETT:** Okay.

5 **MR. ENGELMANN:** --- to have another Crown
6 assigned for these briefs.

7 **MS. HALLETT:** Okay.

8 **MR. ENGELMANN:** And I understand,
9 Ms. Hallett, that sometime during the month of March of
10 2001 you would have had some discussions with Mr. Stewart
11 and these matters would have been reassigned -- these
12 briefs.

13 **MS. HALLETT:** Yes. I think I still wanted
14 to attempt to review ---

15 **MR. ENGELMANN:** Okay.

16 **MS. HALLETT:** --- them, or some of them, or
17 get started on them. I certainly wasn't doing any more
18 trial work at that time in March.

19 And, again, I think what was kicking into my
20 thinking was my commitment, following through on the
21 commitment, and it wasn't really until I later spoke with
22 John Pearson that he -- it was later on after my meeting
23 with James Stewart that he said, "You just have to send
24 them on. Don't worry about it. Don't worry about doing
25 these briefs, reviewing them all."

1 **MR. ENGELMANN:** All right. We'll come back
2 to some correspondence ---

3 **MS. HALLETT:** Okay then.

4 **MR. ENGELMANN:** --- about when this might
5 have happened and dates, but it was sometime in the spring
6 ---

7 **MS. HALLETT:** Right.

8 **MR. ENGELMANN:** --- of 2001. Is that fair?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** All right.

11 And just a couple of other matters about
12 briefs, if we can.

13 You've indicated to us some of the work you
14 had started on some of these briefs, and I wanted to ask
15 you about a particular brief, and this would have involved
16 allegations actually against Ron Leroux; in other words,
17 Ron Leroux as an alleged perpetrator.

18 **MS. HALLETT:** M'hm.

19 **MR. ENGELMANN:** And apparently, on or about
20 the 14th of January, you requested a copy of an opinion
21 written, I believe, by a colleague named Paul Vesa.

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** And, as I understand it, he
24 had written some kind of an opinion on the allegations
25 against Ron Leroux.

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** I'm just wondering if you
3 recall making that request and why it was you would have
4 been seeking that information.

5 **MS. HALLETT:** I think it was at Detective
6 Sergeant Hall's request because he hadn't obtained a
7 written decision yet with respect to Mr. Vesa, and I -- Mr.
8 Vesa's opinion, and I think that he was understandably
9 wanting to obtain it.

10 **MR. ENGELMANN:** And just to complete the
11 record on that if, Madam Clerk, Ms. Hallett could be shown
12 Document Number 701817.

13 I mean, at this time, Ms. Hallett, you had a
14 number of briefs were Mr. Leroux was the complainant.

15 **MS. HALLETT:** That's right.

16 **MR. ENGELMANN:** So presumably some of the
17 material from Mr. Vesa may have been relevant to your
18 review of those matters, or is that a consideration?

19 **MS. HALLETT:** Well, yes, it would have been
20 in terms of his credibility, I suppose. But on the other
21 hand, it's not unusual for many perpetrators to have
22 themselves been sexually abused in their youth and
23 childhood.

24 **MR. ENGELMANN:** Yes. All right.

25 **THE COMMISSIONER:** Thank you. Exhibit

1 Number 3168 is a letter dated the 14th of January 2000 in
2 pen. Mr. Paul Vesa from Shelley Hallett. Exhibit 3168.

3 --- EXHIBIT NO./PIÈCE NO. P-3168:

4 (701817) - Letter from Shelley Hallett to
5 Paul Vesa re: Ron Leroux dated 14 Jan 00

6 MR. ENGELMANN: This would have -- this is
7 apparently the request you would have made of him?

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: All right.

10 Now, after the stay in the Leduc matter on
11 March 1st, my understanding is you would have sent some of
12 these briefs to a fellow by the name of Terrance Cooper,
13 and could you just tell us who that is; Terrance Cooper?

14 MS. HALLETT: Terry Cooper is or was, well,
15 an assistant Crown, and I believe at that point in time he
16 was counsel in the office of James Stewart, Jim Stewart,
17 the Regional Director of Crown Operations for East Region.

18 MR. ENGELMANN: So he was here in the East
19 Region?

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: All right. And I just want
22 to show you a couple of letters ---

23 MS. HALLETT: Sure.

24 MR. ENGELMANN: --- Ms. Hallett, if I may.
25 Madam Clerk, 103020.

1 Mr. Commissioner, it's a letter from Shelley
2 Hallett to Mr. Cooper, dated May 17th, 2001.

3 **THE COMMISSIONER:** Thank you. That will be
4 Exhibit Number 3169.

5 --- **EXHIBIT NO./PIÈCE NO. P-3169:**

6 (103020) - Letter from Shelley Hallett to
7 Terrance Cooper re: R. v. Donald McDougald
8 dated 17 May 01

9 **MS. HALLETT:** Thank you.

10 **MR. ENGELMANN:** And there's one other
11 similar to this, and perhaps we could just enter this now
12 and I'll ask you a couple of questions if I may. The next
13 one is Document Number 103349. It is also a letter dated
14 May 17th, 2001 from Ms. Hallett to Mr. Cooper.

15 **THE COMMISSIONER:** Thank you. That will be
16 Exhibit Number 3170.

17 --- **EXHIBIT NO./PIÈCE NO. P-3170:**

18 (103349) - Letter from Shelley Hallett to
19 Terrance Cooper re: R. v. Bernard Cameron
20 dated 17 May 01

21 **MS. HALLETT:** Thank you.

22 **MR. ENGELMANN:** Ms. Hallett, 3169 and 3170
23 are essentially identical letters ---

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

25 **MR. ENGELMANN:** --- referring to your

1 forwarding two briefs.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: One, the brief in R. v.
4 McDougald, and the other one the brief in R. v. Cameron.
5 These are two of the five individual clergy briefs you had
6 at the time?

7 MS. HALLETT: Right.

8 MR. ENGELMANN: And do you recall some
9 discussion with a manager about this issue before you would
10 have forwarded these two briefs to Mr. Cooper?

11 MS. HALLETT: Other than my discussion with
12 Jim Stewart earlier ---

13 MR. ENGELMANN: Yes.

14 MS. HALLETT: --- I can't recall about much
15 else.

16 MR. ENGELMANN: Right, and this is a
17 discussion that -- you know, something along the lines of,
18 "Shelley, please get these briefs to me. I'll have someone
19 else work on them," that type of thing.

20 MS. HALLETT: Yes, yes.

21 MR. ENGELMANN: All right. And in these
22 letters, Ms. Hallett, I note that you're sending the briefs
23 -- sorry, the two-volume set in both that you had received.
24 Is that correct?

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** But you're also suggesting
2 in both ---

3 **MS. HALLETT:** Right.

4 **MR. ENGELMANN:** --- that, "My opinion upon
5 reviewing the brief will arrive under separate cover."

6 **MS. HALLETT:** Yes. I was still hoping that
7 I could follow through. I really was. That was a mistake.
8 I had had a copy made of them ---

9 **MR. ENGELMANN:** All right.

10 **MS. HALLETT:** --- so that I -- I actually
11 still thought that I could, but that was too much for me --
12 -

13 **MR. ENGELMANN:** All right.

14 **MS. HALLETT:** --- to have conducted at that
15 time.

16 **MR. ENGELMANN:** We know from the Brief Log
17 of the OPP that Mr. McConnery and I believe a colleague of
18 his by the name of Kevin Phillips ---

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** --- worked on these.

21 **MS. HALLETT:** M'hm. I didn't know at that
22 time -- I don't think I knew at that time who it was going
23 to be assigned to.

24 **MR. ENGELMANN:** No, fair enough. That's a
25 bit later.

1 MS. HALLETT: M'hm.

2 MR. ENGELMANN: But that they got -- they
3 get these briefs done in or around the middle of August ---

4 MS. HALLETT: Okay.

5 MR. ENGELMANN: --- of 2001.

6 MS. HALLETT: M'hm.

7 MR. ENGELMANN: You did not prepare any ---

8 MS. HALLETT: No.

9 MR. ENGELMANN: --- any draft opinion on
10 these?

11 MS. HALLETT: No, I didn't, unfortunately.

12 MR. ENGELMANN: All right.

13 MS. HALLETT: I felt very badly about that.

14 MR. ENGELMANN: All right.

15 Then I understand that around the end of May
16 you were asked by Mr. Stewart to send the conspiracy brief
17 to Mr. McConnery ---

18 MS. HALLETT: M'hm.

19 MR. ENGELMANN: --- for his review.

20 MS. HALLETT: M'hm.

21 MR. ENGELMANN: And I'm wondering if you
22 have any discussion with Mr. McConnery relating to the
23 transfer of the brief, or that you can recall.

24 MS. HALLETT: I can't, I'm sorry.

25 MR. ENGELMANN: All right. There are some

1 notes he had ---

2 MS. HALLETT: Okay then.

3 MR. ENGELMANN: --- and he's testified here,
4 just about discussions he had with arranging the pick-up of
5 materials. This was in late May, early June.

6 MS. HALLETT: Yes, but I thought those were
7 with respect to the Father MacDonald brief. I thought that
8 that would have been the priority in terms of handing them
9 over, simply because of the original trial date, but ---

10 MR. ENGELMANN: It's about both,
11 Ms. Hallett.

12 MS. HALLETT: Okay then.

13 MR. ENGELMANN: He clearly picks up, I
14 think, about eight boxes of materials from you on Father
15 MacDonald from your office in Toronto in early June.

16 MS. HALLETT: Right.

17 MR. ENGELMANN: But there's also some
18 discussion about the clergy opinions and getting them to
19 him.

20 MS. HALLETT: Okay.

21 MR. ENGELMANN: And again I just want to
22 show you a couple of letters, if I may, which may help just
23 situate some of this.

24 Exhibit 3045, if that could be shown to the
25 witness. Counsel, the Document Number is 109243.

1 **THE COMMISSIONER:** You better check. I
2 don't have a 3045 in mine. Is it there? Okay, I'll take
3 it on the screen.

4 **MR. ENGELMANN:** This is a letter
5 Mr. McConnery writes to you in July, but I think it sets
6 out some of what happens before then.

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

8 **MR. ENGELMANN:** I just want to confirm with
9 you that you don't take any issue with it. He's saying:
10 "I'm nearing the end of the first phase
11 of my assignment in the Project Truth
12 investigation. Wish to ensure and
13 confirm what briefs and material you
14 have forwarded me, whether there's any
15 material still forthcoming."

16 He talks about what he's received: Number
17 1, eight bankers boxes of material in R. v. MacDonald. He
18 says:

19 "I received these boxes on June 4th,
20 2001."

21 And he had some notes that say that he
22 arranged to attend at your office in Toronto and pick them
23 up.

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** Does that confirm with your

1 recollection ---

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: --- approximately?

4 MS. HALLETT: M'hm.

5 MR. ENGELMANN: He also says that on June
6 25th, 2001 he received a nine-volume brief on the conspiracy
7 to obstruct and that this was sent to him by courier. He
8 also says on May 29th he received briefs from Terry Cooper,
9 and we saw your letters on two of them.

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: But if you flip the page,
12 apparently Mr. Cooper had all five.

13 MS. HALLETT: M'hm.

14 MR. ENGELMANN: So those were probably sent
15 under separate cover to him.

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: So he's acknowledged the
18 turn-over of a number of materials.

19 MS. HALLETT: M'hm.

20 MR. ENGELMANN: But he's still saying that
21 if there are any outstanding materials he'd like you to
22 give him a call so he can determine if he needs them.

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: All right?

25 MS. HALLETT: M'hm.

1 **MR. ENGELMANN:** Do you take any issue with
2 this at all?

3 **MS. HALLETT:** No.

4 **MR. ENGELMANN:** Okay. And, in fact, I
5 understand you sent some materials to him on June 22nd, and
6 if the witness could be shown Document Number 109242?

7 This is a letter from Shelley Hallett to
8 Lorne McConnery dated June 22, 2001.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit 3171.

11 **---EXHIBIT NO./PIÈCE NO. P-3171:**

12 (109242) - Letter from Shelley Hallett to
13 Lorne McConnery re: OPP Project Truth
14 Conspiracy Investigation dated June 22, 2001

15 **MS. HALLETT:** Thank you.

16 **MR. ENGELMANN:** Ms. Hallett, he acknowledged
17 receiving the conspiracy brief on the 25th. This just
18 appears to be you sending it to him by courier on the 22nd.
19 Fair enough?

20 **MS. HALLETT:** Fair enough, yes.

21 **MR. ENGELMANN:** And do you know, after June
22 22nd and prior to his submitting his written opinion on this
23 brief in mid-August of 2001, did you have any contact with
24 either him or Mr. Phillips about the opinion they were
25 going to render on this matter?

1 **MS. HALLETT:** No. No.

2 **MR. ENGELMANN:** All right.

3 **MS. HALLETT:** But that ---

4 **MR. ENGELMANN:** They didn't ask for your
5 input on the opinion or ---

6 **MS. HALLETT:** No. No, not -- it had been
7 reassigned at that point and I assumed that they -- they're
8 both extremely competent and respected Crowns, and so I had
9 no concerns that the matter was not in good hands.

10 **MR. ENGELMANN:** All right. And were you
11 advised or did you become aware of their opinion that was
12 rendered in mid-August, 2001?

13 **MS. HALLETT:** I eventually did, yes.

14 **MR. ENGELMANN:** All right.

15 **MS. HALLETT:** I must say that part of what I
16 was -- what was on my mind at this point-in-time,
17 Mr. Englemann -- and perhaps you're going to ask me
18 questions about it -- I had just been advised on April 23rd
19 that I was under criminal investigation, and so from that
20 point on I suppose my -- I was somewhat distracted from the
21 Project Truth matters, in terms of retaining counsel, and
22 pulling together materials that would help me in that
23 criminal investigation.

24 **MR. ENGELMANN:** And this was an
25 investigation conducted by the York Regional Police ---

1 MS. HALLETT: That's right.

2 MR. ENGELMANN: --- during the spring and
3 summer of 2001?

4 MS. HALLETT: That's correct.

5 MR. ENGELMANN: All right.

6 MS. HALLETT: Yes, you've -- I think you
7 raised yesterday that I -- my interview with the two lead
8 investigators from York Regional Police was on June 15th ---

9 MR. ENGELMANN: Yes.

10 MS. HALLETT: --- of 2001. So I was very,
11 very distracted, of course, with that particular matter,
12 motivated of course by my own self-interests ---

13 MR. ENGELMANN: Sure.

14 MS. HALLETT: --- survival, and so I -- that
15 may have accounted for why I had to, sort of, send these
16 materials to Mr. McConnery piecemeal.

17 MR. ENGELMANN: All right. So we'll get to
18 that, Ms. Hallett.

19 I think what I'd like to do though is take
20 you through the Leduc matter until then ---

21 MS. HALLETT: Okay, then.

22 MR. ENGELMANN: --- and then we'll get
23 there.

24 MS. HALLETT: Okay.

25 MR. ENGELMANN: So let's go there right now.

1 **MS. HALLETT:** Sure, m'hm.

2 **MR. ENGELMANN:** We know that you were
3 assigned the Leduc prosecution on July 7th, 1998.

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And we know that charges had
6 already be laid against Mr. Leduc on June 22nd, 1998 with
7 respect to the allegations of C-16 and C-17.

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

9 **MR. ENGELMANN:** And I just want you to have
10 a look at the moniker binder so that you know which is
11 which.

12 **MS. HALLETT:** Okay, then.

13 **MR. ENGELMANN:** Because you're aware that
14 there were two initial complainants in the Leduc matter ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- and then a third
17 complainant came forward?

18 **MS. HALLETT:** That's right.

19 Okay. Is it possible to keep that in front
20 of me?

21 **THE COMMISSIONER:** Yes. No, no ---

22 **MS. HALLETT:** The three of them? I'm just
23 afraid with -- when we get into three, I'm going to mix the
24 numbers up, sir.

25 **THE COMMISSIONER:** Just a minute.

1 **MR. ENGELMANN:** I have a sheet that is --
2 has the monikers that deal with Ms. Hallett on it.

3 **THE COMMISSIONER:** Oh, perfect.

4 **MR. ENGELMANN:** Is that okay if I give that
5 to her?

6 **THE COMMISSIONER:** Yes, yes.

7 **MR. ENGELMANN:** We can show it to counsel if
8 anybody wants to look at it, but it just -- it has the
9 monikers for the Leduc matter and the Father Charles
10 MacDonald matter. Or maybe I could just hand it out.

11 **THE COMMISSIONER:** Certainly.

12 The reason why we seem to be cloaking this
13 in secrecy is that a lot of the witnesses are not court
14 officers or officers of the court -- you are. So I don't
15 see any problem in Ms. Hallett seeing all of them, but if
16 we can do it that way, that'll be fine.

17 **MS. HALLETT:** Thank you, sir. Oh, thank
18 you, yes.

19 **MR. ENGELMANN:** All right? If I'm referring
20 to a family member, I may say something like "C-16's
21 mother" and you'll know who I'm referring to then.

22 **MS. HALLETT:** I'll do my best.

23 **MR. ENGELMANN:** All right.

24 So when you start the file, there is an
25 information already that's been sworn ---

1 MS. HALLETT: That's right.

2 MR. ENGELMANN: --- dealing with Mr. Leduc?

3 MS. HALLETT: M'hm.

4 MR. ENGELMANN: If the witness could be
5 shown Document Number 103669?

6 This is the original information, sir. It
7 will require a publication ban stamp.

8 THE COMMISSIONER: Certainly. Thank you.

9 Exhibit 3172 is the information, *The Queen*
10 *v. Leduc*, and it's sworn on the 27th(sic) day of June, 1998.

11 --- EXHIBIT NO./PIÈCE NO. P-3172:

12 (103669) Information of charges on Jacques
13 Leduc dated June 22, 1998

14 MR. ENGELMANN: So, Ms. Hallett, this was
15 the original information. This would have existed prior to
16 your getting assigned to this matter?

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: I understand that the
19 charges were amended on July 17th, 1998?

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: And that you would have had
22 some input in that?

23 MS. HALLETT: Yes, m'hm.

24 MR. ENGELMANN: All right.

25 And just on that note, if the witness could

1 be shown, sir, Document Number 705188?

2 It's a document entitled "R. v. Leduc,
3 Recommended Rewording of the Charges on the information."

4 **THE COMMISSIONER:** Yes.

5 **MR. ENGELMANN:** A publication ban stamp,
6 please?

7 **THE COMMISSIONER:** Thank you.

8 **MS. HALLETT:** Thank you.

9 **THE COMMISSIONER:** Exhibit 3173 is the
10 Recommended -- a document called "*Regina v. Leduc*,
11 Recommended Rewording of the Charges on the Information."

12 **---EXHIBIT NO./PIÈCE NO. P-3173:**

13 (705188) Recommended rewording of the
14 charges on the information re: *R. v. Jacques*
15 *Leduc* dated July 15, 1998

16 **MR. ENGELMANN:** Ms. Hallett, is this a
17 document you would have prepared, the "Recommended
18 Rewording of the Charges on the information"?

19 **MS. HALLETT:** Yes, this is.

20 **MR. ENGELMANN:** And you would have prepared
21 that for the Project Truth officers?

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** And, Ms. Hallett, the
24 highlighted portions that we see on Bates page 9425, for
25 example, would that have been your rationale or your

1 justification to the officers as to why you're making the
2 recommendations you are?

3 **MS. HALLETT:** That's correct. That was my
4 commentary with respect to why I thought the wording of the
5 charges should take this particular form, bearing in mind
6 the issues with respect of -- to consent, with respect to
7 the different ways in which the offence of sexual
8 exploitation can be committed.

9 And bearing in mind, of course, the
10 possibility that this may be a jury trial, and wanting to
11 make sure that if the jury entertains some reasonable doubt
12 with respect to one issue -- for example, the issue of
13 consent -- that they wouldn't -- it wouldn't flow into
14 their consideration of an offence for which consent wasn't
15 an issue, for example.

16 So it was in order to -- just bearing in
17 mind the possibilities, the future possibilities, in terms
18 of who was going to be the trier of fact here.

19 **MR. ENGELMANN:** All right. And then as a
20 result of your recommendation, Ms. Hallett, I understand
21 that the charges were, in fact, amended by the police?

22 **MS. HALLETT:** I believe they were, yes.

23 **MR. ENGELMANN:** And if the witness could be
24 shown Document Number 103770.

25 It appears to be an information, Mr.

1 Commissioner, that is sworn on the 17th of July, 1998.

2 THE COMMISSIONER: For which a publication
3 ban stamp will be put on ---

4 MR. ENGELMANN: Yes.

5 THE COMMISSIONER: --- and will be noted as
6 Exhibit Number 3174.

7 ---EXHIBIT NO./PIÈCE NO. P-3174:

8 (103770) Information of charges on Jacques
9 Leduc dated July 17, 1998

10 MS. HALLETT: Thank you.

11 MR. ENGELMANN: So it appears within a
12 couple of days of your recommendation, OPP Project Truth
13 officers are acting on this matter?

14 MS. HALLETT: It would appear so, yes.

15 MR. ENGELMANN: And making some or all of
16 the suggested changes ---

17 MS. HALLETT: That's correct.

18 MR. ENGELMANN: --- you had recommended?

19 MS. HALLETT: Right.

20 I also recommended an additional charge
21 under Section 212.4 of the *Criminal Code*, the offence of
22 obtaining sexual services from a youth under 18, for
23 consideration.

24 MR. ENGELMANN: All right, and these were
25 sent that day to Mr. Edelson who was counsel for Mr. Leduc?

1 **MS. HALLETT:** I'll have to take your word
2 for that.

3 **MR. ENGELMANN:** With the very last page of
4 the exhibit is a fax transmission sheet.

5 **MS. HALLETT:** Oh, is that right. Okay,
6 thank you.

7 **MR. ENGELMANN:** It appears that ---

8 **MS. HALLETT:** Oh yes, I see. M'hm.

9 **MR. ENGELMANN:** --- they're being sent to
10 him forthwith.

11 **MS. HALLETT:** Okay.

12 **MR. ENGELMANN:** Is that correct?

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** All right.

15 Now, it appears -- Mr. Hall or Detective
16 Inspector Hall has testified here and his notes indicate
17 receiving a call from you on July 15th, 1998 to where you
18 discussed the proposed rewording for the information?

19 **MS. HALLETT:** M'hm.

20 **MR. ENGELMANN:** And apparently you also make
21 a request of them to make another attempt to interview a
22 third complainant and that person would be C-22?

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** All right. And his note
25 suggested "Request we make another attempt to interview C-

1 22". Do you recall perhaps asking them fairly early on in
2 this matter, in your involvement, to attempt to speak to C-
3 22 again?

4 **MS. HALLETT:** It was certainly a concern of
5 mine. I didn't realize I had expressed it so soon ---

6 **MR. ENGELMANN:** All right.

7 **MS. HALLETT:** --- to the officer, but it was
8 certainly something that I wanted to see done, given what I
9 had read in the brief.

10 **MR. ENGELMANN:** All right. We'd heard there
11 was an attempt by Officers Dupuis and Seguin to interview
12 him back on June 2nd, 1998.

13 **MS. HALLETT:** Yes, m'hm.

14 **MR. ENGELMANN:** You would have been made
15 aware of a previous attempt to interview him?

16 **MS. HALLETT:** I believe there was
17 information in Volume 1 of the brief about that.

18 **MR. ENGELMANN:** And at that particular
19 point-in-time, it's my understanding he was not willing to
20 give a statement?

21 **MS. HALLETT:** No.

22 **MR. ENGELMANN:** Back in June?

23 **MS. HALLETT:** But he wasn't denying that
24 anything had occurred.

25 **MR. ENGELMANN:** No, fair enough. He just

1 didn't want to ---

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: --- make a formal statement?

4 MS. HALLETT: That's right.

5 MR. ENGELMANN: And we've heard that they
6 made another attempt to interview him on July 30th, 1998 and
7 at that point he was still not willing to become a formal
8 complainant, if I can use that term?

9 MS. HALLETT: That's right but I do -- I'm
10 not sure exactly what was said on that particular date as
11 opposed to other days, but it seemed as I was reading it,
12 it seemed that he was conceding that something had occurred
13 in terms of some sexual misconduct by Mr. Leduc but he
14 wasn't comfortable coming forward at that point.

15 MR. ENGELMANN: All right.

16 Now, we've heard from officers and seen
17 their notes and, again, this is Officers Dupuis and Seguin.

18 MS. HALLETT: M'hm.

19 MR. ENGELMANN: That at some point he was
20 actually told by officers Dupuis and Seguin that he could
21 be subpoenaed to be involved?

22 MS. HALLETT: Yes, he could have been, yes.

23 MR. ENGELMANN: And do you know -- were you
24 aware of the fact that this would have been communicated to
25 C-22 by the officers?

1 **MS. HALLETT:** I can't say whether I was or
2 not at that point. I just cannot recall.

3 **MR. ENGELMANN:** Would that have been at your
4 direction or suggestion that they bring up the issue of a
5 possible subpoena for him?

6 **MS. HALLETT:** I -- I don't think that would
7 have been my approach, frankly. That's why I, myself,
8 wished to speak with the complainant before going that
9 route. That's a rather stressful and intimidating kind of
10 approach to a witness who might have very relevant evidence
11 to give.

12 **MR. ENGELMANN:** I understand that he did
13 eventually provide an interview statement?

14 **MS. HALLETT:** He did, m'hm.

15 **MR. ENGELMANN:** And that was on November
16 24th, 1998?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And I understand from the
19 testimony of Officers Dupuis and Seguin and their notes
20 that you actually accompanied them to the residence of C-
21 22?

22 **MS. HALLETT:** I did.

23 **MR. ENGELMANN:** And you would have spoken to
24 him about providing a statement?

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** And he agreed to do so?

2 **MS. HALLETT:** That's right.

3 **MR. ENGELMANN:** Why did you accompany them?

4 **MS. HALLETT:** Well, as I mentioned earlier,
5 the approach of sort of telling a witness, well you know,
6 you've got relevant evidence to give and we're going to
7 slap a subpoena on you, in my estimation wasn't the most,
8 how should I say, delicate way of going about obtaining
9 relevant evidence.

10 I had read the brief at that point and was
11 very concerned about what one of the other witnesses had to
12 say and that was C-23. C-23 had been the son ---

13 **THE COMMISSIONER:** All right, Ms ---

14 **MS. HALLETT:** Yes, I'd better -- I have to
15 watch myself here.

16 **MR. ENGELMANN:** C-23 ---

17 **MS. HALLETT:** C-23 had been a person in a
18 position of trust. I would have thought vis-à-vis Mr.
19 Leduc ---

20 **MR. ENGELMANN:** Yes.

21 **MS. HALLETT:** A young man at the time.

22 **MR. ENGELMANN:** Mr. Leduc would have been in
23 a position of trust?

24 **MS. HALLETT:** Trust, vis-à-vis this young
25 man.

1 **MR. ENGELMANN:** Yes, okay.

2 **MS. HALLETT:** Given the circumstances in Mr.
3 Leduc's ---

4 **THE COMMISSIONER:** Life, home.

5 **MS. HALLETT:** --- life, home at that time.

6 And he had been interviewed by the police
7 and he had some very, I thought, relevant evidence to give
8 with respect to Mr. Leduc being involved with this other
9 young man, C-22, and that included the fact that this other
10 young man had engaged in sexual activity with Mr. Leduc and
11 C- -- excuse me -- and C-23 at a time when C-22 was still
12 under the age of 18 and it appeared had, as I say, been in
13 a position of -- how should I say -- been in a position of
14 subordination or dependency vis-à-vis Mr. Leduc.

15 I'm watching myself here because I felt that
16 there was a lot of relevant information that had come from
17 this C-23, from which the only conclusion could be drawn
18 that this C-22 had been another victim of Mr. Leduc ---

19 **MR. ENGELMANN:** All right, and C- ---

20 **MS. HALLETT:** --- in terms of sexual
21 exploitation.

22 **MR. ENGELMANN:** And C-23 was not someone who
23 was a formal complainant like the other three?

24 **MS. HALLETT:** No.

25 **MR. ENGELMANN:** But that was someone, as I

1 understand it, that you were intending to call as a
2 witness?

3 **MS. HALLETT:** As a similar fact witness
4 based on what he had told the police and based on his -- a
5 number of factors. The fact that what had occurred with
6 him was prior to 1988 and the new sexual exploitation
7 regime.

8 **MR. ENGELMANN:** All right. So because of
9 what you knew of the anticipated evidence of C-23, you
10 thought it all that more important to try and get a
11 statement from C-22?

12 **MS. HALLETT:** Yes, to see at least whether
13 he might -- whether there might be an appeal to him to
14 understand why his evidence was important.

15 **MR. ENGELMANN:** All right.

16 Was this unusual for you to accompany the
17 police to attempt to encourage a complainant to make an
18 initial statement?

19 **MS. HALLETT:** It's unusual enough but it's
20 not inconsistent with the duties of a Crown Attorney under
21 the *Crown Attorneys Act* to cause further investigation and
22 -- by the police, and have evidence collected.

23 And Crown Attorneys are often in a position
24 of trying to persuade reluctant witnesses who are holding
25 the truth captive, as has been expressed by the Supreme

1 Court of Canada in *KGB* for example. Crown Attorneys are
2 often in a position of persuading those kind of reluctant
3 witnesses to be forthcoming with what they know about a
4 matter and to testify or give a truthful statement to the
5 police and to the court.

6 And so I -- although it was not something I
7 did frequently in the context of this kind of case, I had
8 often persuaded young people, to encourage them to testify
9 about what they knew in terms of child sexual abuse cases.
10 I had persuaded domestic assault victims to come forward
11 and tell the truth in court. I had conducted Section 92
12 applications with respect to various reluctant witnesses
13 who were holding the truth captive.

14 So this was consistent, I thought, with my
15 duties as a Crown in view of what I knew based on this
16 brief.

17 **MR. ENGELMANN:** All right. The reason I
18 asked you about whether it was unusual, Officer Dupuis,
19 when he testified, said that he thought it was, at least at
20 that stage in the investigation?

21 **MS. HALLETT:** Yes, he may have thought it
22 was unusual but he wasn't bound -- he's bound by the *Police*
23 *Act*; I'm bound by the *Crown Attorneys Act*.

24 **MR. ENGELMANN:** Fair enough.

25 So a statement is taken from C-22 on

1 November 24th, 1998 and as I understand it a new information
2 is sworn to include charges in respect of his allegations
3 on March 11th, 1999. Is that correct? I can help by
4 showing you that information.

5 **MS. HALLETT:** No, I'm sorry, okay. He gave
6 a statement to the police on March -- yes, okay, excuse me,
7 on November 24th.

8 He went with -- I'm not sure how much the
9 tribunal knows about the background here -- I went with the
10 officers and I spent only less than 15 minutes with the
11 officers in speaking with Mr. ---

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

13 **MS. HALLETT:** Yes, C-22.

14 **MR. ENGELMANN:** C-22.

15 **MS. HALLETT:** And I told the officers that
16 all I wanted to do was see whether he would agree to go
17 with the officers to give a videotaped interview.

18 **MR. ENGELMANN:** Okay, so you weren't present
19 for the actual interview?

20 **MS. HALLETT:** No, no, and I had no intention
21 of being present for that interview. There was nothing
22 substantive about his allegations which I discussed with
23 him on that date.

24 **MR. ENGELMANN:** All right.

25 **MS. HALLETT:** I -- simply I told the

1 officers ahead of time, I simply want to give it one last
2 shot. They had tried and not been successful. I would
3 like to have this opportunity to speak with him, and the
4 fact that he agreed to even speak with me and to make
5 himself available told me that it was worth making this
6 effort to see if he would go with the officers simply to
7 provide a videotaped statement.

8 MR. ENGELMANN: All right, so just to bring
9 that out then. On the 24th of November, 1998 ---

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: --- the three of you would
12 have attended at C-22's home?

13 MS. HALLETT: That's right.

14 MR. ENGELMANN: You would have had a brief
15 discussion with him. You would have been there no more
16 than 15 minutes?

17 MS. HALLETT: That's right.

18 MR. ENGELMANN: After which he agreed to
19 accompany the officers ---

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: --- to a police station ---

22 MS. HALLETT: To, I believe it was, the Long
23 Sault Detachment.

24 MR. ENGELMANN: Where they were to videotape
25 a statement?

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** And you were not present for
3 that?

4 **MS. HALLETT:** No.

5 **MR. ENGELMANN:** So just to retrace then.

6 Before we get to that information, there is
7 a letter you write to Detective Inspector Hall, March 9th,
8 1999 with respect to this matter?

9 **MS. HALLETT:** Right.

10 **MR. ENGELMANN:** I think where you enclose a
11 draft letter that you're going to send to Mr. Edelson,
12 who's counsel for Mr. Leduc?

13 **MS. HALLETT:** Yes, that's right.

14 I must say too that there was some delay in
15 the preparation of the transcription of that videotaped
16 interview of C-22 in that I didn't receive it until, I
17 believe, it was February 18th.

18 **MR. ENGELMANN:** Yes, we'll come to a letter
19 that sets that out. I do want to ask you about that delay.

20 **MS. HALLETT:** Yes, m'hm.

21 **MR. ENGELMANN:** Okay, so let's just look at
22 a couple of these letters first and then we'll go right to
23 some of those issues.

24 **MS. HALLETT:** Okay then.

25 **MR. ENGELMANN:** First documents -- and I

1 need to get a few of these documents into the record.

2 **MS. HALLETT:** Of course.

3 **MR. ENGELMANN:** Document Number 705481, this
4 is a letter from Shelley Hallett to Pat Hall. It's dated
5 March 9th, 1999.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 3175.

8 --- **EXHIBIT NO./PIÈCE NO. P-3175:**

9 (705481) Letter from Shelley Hallett to Pat
10 Hall re: *R. v. Jacques Leduc* dated March 9,
11 1999

12 **MR. ENGELMANN:** I apologize, I don't have
13 the attachment but there is a letter sent, I think the same
14 day, to Mr. Edelson. But this is just a letter where
15 you're setting out your proposed course of action with
16 Detective Sergeant Hall at the time?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And you're recommending that
19 new charges be added to an information which includes the
20 12 original counts so that there would be 16 altogether?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** And what is it you're
23 proposing by being "bound by recognizance", et cetera? I
24 understand there was a preliminary inquiry set to commence
25 sometime in April?

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** I believe on the 8th of
3 April?

4 **MS. HALLETT:** Yes. I just want to read this
5 one sentence to make sure I'm clear.

6 Yes, I was saying that Mr. Leduc will still
7 be bound by the recognizance upon which he was released on
8 the first 12 counts and will be bound by an undertaking to
9 an officer in charge on the new information, and that I
10 will attend to the matter of a single bail on all 16 counts
11 at the end of the Preliminary Inquiry, which was not
12 unusual.

13 **MR. ENGELMANN:** All right.

14 So that wouldn't require Mr. Leduc to make
15 another court appearance. He would just show up at the
16 preliminary inquiry?

17 **MS. HALLETT:** Yes, if that was satisfactory
18 with Mr. Edelson and with his client.

19 **MR. ENGELMANN:** All right.

20 **MS. HALLETT:** And that's what I'd proposed
21 in the letter that I sent I think on this same day.

22 **MR. ENGELMANN:** All right. So if you'll
23 just give me a moment. I just want to -- Mr. Commissioner,
24 I forgot I believe to ask for a publication ban stamp on
25 this letter. I missed the exhibit number as well, sir.

1 **THE COMMISSIONER:** It's 3175, and Madam
2 Clerk is ready with that stamp and is taking the lead on
3 that.

4 **MR. ENGELMANN:** All right. Many of these
5 mentione either C-16, C-17 or C-22.

6 And I understand that -- just give me a
7 moment, I'm sorry -- the information itself is Document
8 Number 705057.

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

10 **THE COMMISSIONER:** Thank you.
11 Exhibit 3176.

12 **THE REGISTRAR:** Thank you.

13 **--- EXHIBIT NO./PIÈCE NO. P-3176:**

14 (705057) Information of charges re:
15 Jacques Leduc dated March 11, 1999

16 **MR. ENGELMANN:** I'm sure it already has a
17 stamp and, Mr. Commissioner, I just wanted to note he was
18 sworn on the 11th of March.

19 **THE COMMISSIONER:** In 1999?

20 **MR. ENGELMANN:** In 1999.

21 And, Ms. Hallett, you wrote to Mr. Edelson
22 on March 9th, 1999. That is Document Number 700948.

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

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 3179. I'm sorry, 3177.

1 **MR. ENGELMANN:** And again with a stamp.

2 **--- EXHIBIT NO./PIÈCE NO. P-3177:**

3 (700948) Letter from Shelley Hallett to
4 Michael Edelson re: *R. v. Jacques Leduc*
5 dated March 9, 1999

6 **MR. ENGELMANN:** Ms. Hallett, is this in fact
7 the letter you would have sent following up on your letter
8 to Detective Sergeant Hall about this?

9 **MS. HALLETT:** That's correct. I'm advising
10 of the new counts that were laid following the receipt of
11 the formal videotaped interview, the transcription.

12 **MR. ENGELMANN:** And you indicate that C-22
13 had first been approached in May and June, was reluctant to
14 be formally interviewed?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And that you had some notes
17 of that contact in a brief that had already been provided?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** You also note that he
20 consented to a formal videotaped interview on November 24th,
21 '98?

22 **MS. HALLETT:** Yes, that's right.

23 **MR. ENGELMANN:** And you note that the
24 interview had now been transcribed and was received by you
25 on February 18th, 1999?

1 MS. HALLETT: That's right.

2 MR. ENGELMANN: And as a result of that
3 review, you then suggested that these additional charges be
4 laid?

5 MS. HALLETT: That's right.

6 MR. ENGELMANN: And you made arrangements
7 for Mr. Leduc to attend at the Long Sault Detachment to
8 meet with Detective Sergeant Pat Hall?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: To be charged, processed and
11 released?

12 MS. HALLETT: That's right.

13 MR. ENGELMANN: And that would be on the ---

14 MS. HALLETT: On the same day.

15 MR. ENGELMANN: --- basis of his previous
16 release?

17 MS. HALLETT: Yes, m'hm.

18 MR. ENGELMANN: And that you're proposing
19 that these matters go over to April 8th, which was the first
20 date you'd set for the preliminary inquiry?

21 MS. HALLETT: Yes, directly over to April
22 8th, that's right.

23 MR. ENGELMANN: All right.

24 MS. HALLETT: I did indicate the reason for
25 doing that. I felt that that would involve less publicity

1 in terms of an interim appearance in court, but I also did
2 indicate to Mr. Edelson that if those arrangements were
3 unsatisfactory, he was to advise me.

4 **MR. ENGELMANN:** All right. Now it appears
5 at this point-in-time that you're not forwarding to him the
6 actual statement or the videotape.

7 Am I correct, the third last paragraph?

8 **MS. HALLETT:** I believe that I say that I
9 will forward them under separate cover.

10 **MR. ENGELMANN:** Yes. All right, and that's
11 the transcript and the videotape?

12 **MS. HALLETT:** Yes, m'hm.

13 **MR. ENGELMANN:** And you also explain the ---

14 **MS. HALLETT:** I didn't have the videotape
15 myself at this point. I received the transcription only
16 from the officers on February 18th.

17 **MR. ENGELMANN:** All right. You had received
18 a copy of the videotape?

19 **MS. HALLETT:** No.

20 **MR. ENGELMANN:** Now, you also explain if
21 this is unsatisfactory, you're in Cornwall the week of the
22 22nd and he should get a hold of you?

23 **MS. HALLETT:** Yes. That's right.

24 **MR. ENGELMANN:** All right.

25 Now, you knew that these matters were set

1 for a preliminary inquiry on April 8th, 2000?

2 **MS. HALLETT:** Yes, that's right.

3 **MR. ENGELMANN:** And that it's an ongoing
4 duty to disclose documents that are relevant to the
5 Defence?

6 **MS. HALLETT:** Of course.

7 **MR. ENGELMANN:** And you must have been
8 concerned about the delay between November 24th, 1998, and
9 your receipt of the transcript on February 18th, 1999?

10 **MS. HALLETT:** I wasn't -- I didn't realize
11 how long it would take to transcribe that videotaped
12 interview. I -- it was a long enough interview, and I
13 believe -- and it took some time for it to be transcribed.

14 **THE COMMISSIONER:** You're very gracious, but
15 you must have been aware of the fact that Askov -- that the
16 clock is ticking.

17 **MS. HALLETT:** Yes.

18 **THE COMMISSIONER:** So did that come into
19 your -- into your mind, at this time, about Askov and the
20 way things were progressing?

21 **MS. HALLETT:** I, of course, was concerned
22 about further delay.

23 On the other hand, I was very concerned
24 about the seriousness of this complainant's allegations,
25 and I felt that -- at that time, that this was the way to

1 proceed. I thought that there was still about a month, at
2 this point, before the preliminary inquiry, during which
3 Mr. Edelson would have an opportunity to ---

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

5 **MS. HALLETT:** --- review this material.

6 **THE COMMISSIONER:** All right, but I'll go
7 back to you again ---

8 **MS. HALLETT:** Yes.

9 **THE COMMISSIONER:** --- I fully understand
10 the seriousness of the offence, or ---

11 **MS. HALLETT:** Right.

12 **MR. ENGELMANN:** --- how you were taking
13 this.

14 **MS. HALLETT:** M'hm?

15 **THE COMMISSIONER:** And I don't think anyone
16 will criticize the fact that -- that you thought this was
17 important.

18 **MS. HALLETT:** Yes.

19 **THE COMMISSIONER:** What I'm looking at is
20 bureaucratic, administrative time, right? In the sense
21 that if we're at the end -- if you're going to be
22 responsible or someone else is going to be responsible for
23 delay, and if you're going to look at cutting delay, you
24 have to look at the administrative parts. Those are the
25 places where it's not the seriousness of the case, it's the

1 time that it takes to get things done.

2 MS. HALLETT: Yes.

3 THE COMMISSIONER: So ---

4 MS. HALLETT: Well, as I say, I wasn't aware
5 of how long it would take to get the transcription. I
6 didn't see that we could proceed, frankly, without it. I
7 wasn't prepared to make a decision in terms of any further
8 charges without that.

9 THE COMMISSIONER: M'hm.

10 MS. HALLETT: We -- I could have made a
11 decision to proceed separately on those charges ---

12 THE COMMISSIONER: M'hm.

13 MS. HALLETT: --- in a separate Information,
14 separate proceedings.

15 THE COMMISSIONER: M'hm.

16 MS. HALLETT: And I -- at that point, I
17 still felt that we were early enough in the process that
18 there would not be a great deal of prejudice to the
19 accused.

20 THE COMMISSIONER: Okay.

21 MR. ENGELMANN: Do you know if you took any
22 steps to try and expedite the transcription of that
23 videotape or ---

24 MS. HALLETT: I didn't, no. That was
25 happening at the Project Truth offices. I wasn't equipped

1 to obtain that, and I knew that the -- Marion Burns, at
2 Project Truth, was extremely competent.

3 They're the best -- I read a lot of
4 transcripts, and a lot of transcript of statements, and she
5 was the best transcriber of statements that I've ever seen,
6 so I knew that it was in good hands. I just wasn't aware
7 of how long it might take.

8 **MR. ENGELMANN:** She was their sole admin.
9 support ---

10 **MS. HALLETT:** That's correct.

11 **MR. ENGELMANN:** --- as I understand it, as
12 well?

13 **MS. HALLETT:** That's correct.

14 **MR. ENGELMANN:** And then you had the
15 transcript from about the 18th of February until you contact
16 Mister -- Detective Sergeant Hall, on the 9th of March?

17 **MS. HALLETT:** Yes. And reviewing the matter
18 at that time.

19 **MR. ENGELMANN:** All right. I realize it's a
20 long statement, almost 80 pages ---

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

22 **MR. ENGELMANN:** --- but, again, concerns
23 about the clock ticking, and that Preliminary Inquiry, and
24 possibly a request for delay by defence counsel?

25 **MS. HALLETT:** Yes, there was that

1 possibility, of course, and -- but that isn't the only --
2 that wasn't the only consideration that I made at that
3 point. As I say, I was very concerned about the nature of
4 the allegation ---

5 MR. ENGELMANN: All right.

6 MS. HALLETT: --- and that was the
7 countervailing consideration there.

8 MR. ENGELMANN: All right. The same day you
9 write to Mr. Edelson, he writes back to you, on March the
10 9th.

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: Correct? And that's
13 Document Number 113280.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. ENGELMANN: And this is responding to
16 your letter of March 9th, which is Exhibit 3177, and
17 Document Number 700948.

18 So we are now looking at Document Number
19 113280, Mr. Edelson's response on March 9th, 1999. It will
20 require a publication ban stamp.

21 THE COMMISSIONER: Thank you. Exhibit
22 Number 3178.

23 ---EXHIBIT NO./PIÈCE NO P-3178:

24 (113280) - Letter from Michael Edelson to
25 Shelley Hallett re: R. v. Jacques Leduc

1 dated 09 Mar 99

2 **MS. HALLETT:** Thank you.

3 **MR. ENGELMANN:** This is a late document, it
4 would have been handed out loosely to counsel; 113280. You
5 should all have copies; they were provided in the hearing
6 room.

7 So, just to paraphrase, if I can, he's
8 expressing concern about the timeliness of this disclosure?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And he states, for example,
11 in the third paragraph, that the statement of C-22 was
12 taken the day before a judicial pre-trial.

13 **MS. HALLETT:** That's right.

14 **MR. ENGELMANN:** And I believe you correct
15 him in a later letter, which we'll look at soon ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- that, in fact, the
18 judicial pre-trial was the day prior to C-22 ---

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** --- giving his statement?

21 **MS. HALLETT:** Our conditional pre-trial was
22 November 23rd.

23 I'm not sure if I even knew on November 23rd
24 whether or not Mister -- I'm sorry, C-22, would even
25 consent to allow me to speak with him. I'm not sure quite

1 sure when I became aware that ---

2 **MR. ENGELMANN:** All right.

3 **MS. HALLETT:** --- he was going to make
4 himself available, and he -- and I wasn't even sure if he
5 would -- if it would be a no-show or not.

6 I just -- I thought this -- I'm going to
7 take a shot at this. I wasn't sure what the outcome would
8 be.

9 **MR. ENGELMANN:** All right. So that turns
10 out to be an error, about November 25th; the pre-trial was
11 actually November 23rd?

12 **MS. HALLETT:** That's right.

13 **MR. ENGELMANN:** And in the fourth paragraph,
14 he says:

15 "The lack of a transcript did not
16 prevent you from disclosing the video
17 statement of C-16, and yet you've held
18 onto this video for months before
19 disclosing it."

20 And, I think Ms. Hallett, you've explained
21 to us, you didn't have the video?

22 **MS. HALLETT:** No, I didn't.

23 **MR. ENGELMANN:** All right. He may not have
24 known that, but ---

25 **MS. HALLETT:** No. He's making an assumption

1 ----

2 MR. ENGELMANN: Right.

3 MS. HALLETT: --- about things that are not
4 absolutely correct here.

5 MR. ENGELMANN: All right.

6 THE COMMISSIONER: Well, it was in the hands
7 of the police.

8 MS. HALLETT: It was, yes.

9 THE COMMISSIONER: Hands of the police is
10 hands of the Crown.

11 MS. HALLETT: Well, that's correct, but, the
12 fact is, that I -- I, myself, didn't have it.

13 And I don't know whether we're going to
14 discuss the issue with respect to the undertaking that I
15 was asking for with respect to all of these videotapes, the
16 undertaking from counsel ---

17 THE COMMISSIONER: To?

18 MS. HALLETT: To the court, not --there was
19 ---

20 MR. ENGELMANN: Go ahead.

21 THE COMMISSIONER: The usual -- well, sorry,
22 go ahead.

23 MS. HALLETT: The undertaking with respect
24 to not disclosing to any other person such an intimate
25 videotape, not to make copies of it, not to allow it to be

1 seen by anyone else, other than someone working on that
2 particular file, and to return -- the undertaking to return
3 the videotape to me at the end of the case.

4 Mr. Edelson had been resistant to making
5 these undertakings back in the fall, and it wasn't until I
6 was able to get an order from Justice Belanger, on October
7 20th, that ---

8 **MR. ENGELMANN:** 1998?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** Yes.

11 **MS. HALLETT:** --- that Mr. Edelson finally
12 did provide the undertakings, with respect to the earlier
13 videotapes.

14 **MR. ENGELMANN:** All right.

15 **MS. HALLETT:** So there were a number of
16 factors that I was considering at that point.

17 **MR. ENGELMANN:** All right. Was there any
18 suggestion though that -- in the spring of 1999, that he
19 would not have signed the undertaking, if he had finally
20 signed undertakings in the fall?

21 **MS. HALLETT:** Well, he had, pursuant to an
22 Order, and I simply -- I did include it in a letter to him,
23 "Will you agree that Justice Belanger's Order does extend
24 to this videotape?"

25 **MR. ENGELMANN:** Okay.

1 **MS. HALLETT:** Okay.

2 **MR. ENGELMANN:** Now, this issue of
3 timeliness of disclosure was made an issue by Mr. Edelson -
4 --

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** --- to obtain an
7 adjournment, or to attempt to obtain an adjournment,
8 correct, of the preliminary inquiry?

9 **MS. HALLETT:** What was made the issue was
10 the fact that I had -- that he thought that I had somehow
11 spoken with Mister -- with C-22 myself, and had made myself
12 a witness in this matter.

13 **MR. ENGELMANN:** Well, that was one of the
14 issues he was raising, was it not?

15 **MS. HALLETT:** I thought that was the main
16 issue, frankly.

17 There's a chain of correspondence throughout
18 March and April of this year, and what I understood to be
19 the main issue in terms of getting an adjournment was the
20 fact that I supposedly might be a witness for the Defence
21 in this matter because of the way I went about obtaining
22 the evidence of C-22.

23 **MR. ENGELMANN:** All right. So we'll look at
24 some of this, but this not only becomes an issue for the
25 adjournment of the preliminary in April of 2000 -- sorry,

1 of 1999. Are you aware that this also becomes an issue in
2 2004 when the eventual stay is argued on timeliness?

3 **MS. HALLETT:** Yes, I know that it is made an
4 issue again in 2004. By the time we were starting this
5 trial it did not seem to be an issue. I felt that Mr.
6 Edelson and myself had more or less worked through all of
7 the disclosure issues, and certainly by the time it went on
8 to trial this was not made an issue again by even the
9 second set of counsel with whom I had long meetings -- a
10 long meeting before we started the trial.

11 **MR. ENGELMANN:** Yeah, so after that
12 adjournment of the April '99 ---

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** --- preliminary ---

15 **MS. HALLETT:** Right.

16 **MR. ENGELMANN:** --- you didn't think this
17 was an issue?

18 **MS. HALLETT:** I felt that by the end of
19 April we had resolved various outstanding disclosure issues
20 that he identified. I did not agree, and I think it's
21 clear in my correspondence -- I did not agree that some of
22 the issues that Mr. Edelson had identified as disclosure
23 issues were real, truly disclosure issues. I felt he was
24 making an issue, for example, about things that didn't --
25 hadn't appeared in Volume 1 of the brief or wasn't

1 available in Volume 1.

2 He had had some time to look over Volume 1
3 and to advise the Crown prior -- certainly prior to March
4 and April about his concerns about Volume 1, so -- and that
5 was -- that was part of what was contained in a schedule to
6 his assistant's Affidavit, these various issues.

7 **MR. ENGELMANN:** Which you received in very
8 late March?

9 **MS. HALLETT:** Yes, that's right.

10 **MR. ENGELMANN:** Just before he makes an
11 application for an adjournment on March 30th.

12 **MS. HALLETT:** That's right.

13 **MR. ENGELMANN:** All right. So we will come
14 to that but I just -- my point is that this later becomes
15 an issue even after you're off this file. I think it's
16 evident from a couple of documents I want to just show you
17 or put in the record -- or actually they're in the record.
18 Exhibit 2731. It's in the cross documents; I apologize.

19 **THE COMMISSIONER:** Twenty-seven thirty-one
20 (2731)?

21 **MR. ENGELMANN:** Yeah, or you have it -- it's
22 in evidence; 2731. Document Number, counsel, is 105551.
23 This is a memo from Lidia Narozniak and Christine Tier to
24 John Pearson, Paul Lindsay and Ken Campbell.

25 **THE COMMISSIONER:** I have it here, Madam

1 Clerk.

2 MR. ENGELMANN: It's dated October 8th, 2004.

3 MS. HALLETT: Yes. I'm sorry, could I have
4 a hard copy?

5 THE COMMISSIONER: Yes. Madam Clerk, could
6 you please give her 2731.

7 MR. ENGELMANN: Ms. Hallett, this memo also
8 had a timeline attached to it that I think you should have,
9 and that's Document Number 102995. That's again from the
10 cross documents.

11 MS. HALLETT: Right.

12 MR. ENGELMANN: One zero two nine nine five
13 (102995). Just so you know, this is a schedule of dates
14 with some descriptors that apparently was agreed to by both
15 Crown Narozniak and Mr. Leduc's counsel at the time -- at
16 or about the time the stay is argued in 2004.

17 MS. HALLETT: Yes.

18 THE COMMISSIONER: Thank you. Exhibit
19 Number 3179 is Document 102995.

20 --- EXHIBIT NO./PIÈCE NO. P-3179:

21 (102995) Timeline re: Jacques Leduc dated
22 from 22 Jun 98 to 04 Oct 04

23 MR. ENGELMANN: Again, it will require a
24 publication ban stamp.

25 THE COMMISSIONER: Yes.

1 **MS. HALLETT:** Let me just -- it's hard to
2 read all of this and sort of tell you or respond. I'm not
3 quite sure what you're asking me to respond to.

4 **MR. ENGELMANN:** I'm just going to direct you
5 to a couple of things.

6 **MS. HALLETT:** Okay, because ---

7 **MR. ENGELMANN:** That's all I'm going to do.

8 **MS. HALLETT:** --- there are some things that
9 I would disagree with here, but there are other things of
10 course that I agree with.

11 **MR. ENGELMANN:** All right. Well, I just --
12 I wanted to start with ---

13 **MS. HALLETT:** Okay.

14 **MR. ENGELMANN:** --- did you have any input
15 into either of these documents?

16 **MS. HALLETT:** No, I didn't. No.

17 **MR. ENGELMANN:** All right. Would you have
18 had any -- do you know if Ms. Narozniak or Ms. Tier, in the
19 preparation of either the memo or the timeline, would have
20 sought your advice or your input?

21 **MS. HALLETT:** No, I don't recall that they
22 did, but I -- these documents are new to me.

23 **MR. ENGELMANN:** So when did you first see
24 these documents?

25 **MS. HALLETT:** Over the weekend.

1 **MR. ENGELMANN:** All right, so just in the
2 preparation for your testimony here?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** All right. And they refer
5 to a number of things, Ms. Hallett.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** But just with respect to
8 this issue ---

9 **MS. HALLETT:** Right.

10 **MR. ENGELMANN:** --- a possible delay in --
11 from the time of the statement with C-22 until this
12 preliminary inquiry that had been set in April ---

13 **MS. HALLETT:** That's right.

14 **MR. ENGELMANN:** --- of '99, if we could just
15 look at that issue briefly.

16 **MS. HALLETT:** Okay then.

17 **MR. ENGELMANN:** And if you want an
18 opportunity to comment on this later ---

19 **MS. HALLETT:** Okay then.

20 **MR. ENGELMANN:** --- I'm sure this will be
21 covered by -- if it's not covered by me it will be covered
22 by others.

23 **MS. HALLETT:** Okay then.

24 **MR. ENGELMANN:** There's a reference, just in
25 the memo on the first page, and the memo being Exhibit

1 2731. There's a reference to Volume 2 of the Crown brief.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: "Crown received Volume 2
4 of the Crown brief on August 19th, 1998.
5 It contained a statement from [C-22]
6 dated July 30th, 1998 in which he
7 alleges sexual activity for the first
8 time but refuses to provide a
9 statement."

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: I think you referred to
12 earlier that there had been some acknowledgment of sexual
13 activity but he didn't want to file a statement.

14 MS. HALLETT: That's correct.

15 MR. ENGELMANN: And then:
16 "This volume also contained the
17 transcript of the third statement made
18 to the police by the complainant [C-16]
19 and contained the most serious
20 allegations."

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: And this is the incremental
23 disclosure she refers to.

24 MS. HALLETT: M'hm.

25 MR. ENGELMANN: And says that this is not

1 disclosed till October 27th, '98, a week after a judicial
2 pre-trial is held for the purpose of setting a date. Says
3 Volume 2 is not disclosed until March 15th, '99.

4 **MS. HALLETT:** I'm sorry, are you reading
5 from this letter -- this memo?

6 **MR. ENGELMANN:** Yes.

7 **MS. HALLETT:** Okay, and ---

8 **THE COMMISSIONER:** We're disjointed here a
9 little bit. Could you please make sure that what's on the
10 screen is what -- we're a little lost.

11 **MR. ENGELMANN:** I'm not sure what's on the
12 screen.

13 **MS. HALLETT:** Okay.

14 **MR. ENGELMANN:** I'm on the first page of
15 Exhibit 2731.

16 **THE COMMISSIONER:** Yeah, okay.

17 **MS. HALLETT:** Okay, so ---

18 **MR. ENGELMANN:** If that's not the first page
19 ---

20 **MS. HALLETT:** --- pre-preliminary hearing
21 and that's page 1, and so -- okay then, very well.

22 **THE COMMISSIONER:** So blow that up. All
23 right.

24 **MS. HALLETT:** Okay, thank you. Okay.

25 **THE COMMISSIONER:** Now where in there are

1 you reading, sir?

2 **MS. HALLETT:** "The Crown received Volume 2
3 of the Crown brief on August 19th."

4 **MR. ENGELMANN:** Yes.

5 **MS. HALLETT:** Is that it? Okay.

6 **MR. ENGELMANN:** Yeah, and then it says a
7 little later in the next paragraph:

8 "The Crown also received two
9 videotapes, the transcripts of which
10 are included in Volume 2."

11 **MS. HALLETT:** Right.

12 **MR. ENGELMANN:** Videotapes are not disclosed
13 till October 27th, '98.

14 **MS. HALLETT:** Yes. I do have a commentary
15 to make on that.

16 **MR. ENGELMANN:** All right. And then I just
17 wanted to note -- it says at the bottom Volume 2 is not
18 disclosed until March 15th, '99.

19 **MS. HALLETT:** Yes, I -- and I have ---

20 **MR. ENGELMANN:** Sure.

21 **MS. HALLETT:** --- a comment, a *mea culpa* to
22 make about that, too.

23 **MR. ENGELMANN:** All right.

24 **MS. HALLETT:** Is this the time?

25 **MR. ENGELMANN:** This is the time.

1 **MS. HALLETT:** Okay then.

2 I was concerned, of course, about making
3 disclosure of the C-22 materials that I received in
4 February from the police.

5 And I did write a letter saying I -- to Mr.
6 Edelson, "I will enclose these in a Volume 3 to be sent to
7 you."

8 **MR. ENGELMANN:** And that happens on March
9 15th, as I understand it.

10 **MS. HALLETT:** Thank you. Okay. At that
11 time I thought that Volume 2 had been disclosed, and it was
12 -- and that's why I only referred to Volume 3.

13 **MR. ENGELMANN:** All right.

14 **MS. HALLETT:** And it wasn't until I am going
15 through the file at this point and realizing that Volume 2
16 had not yet been disclosed. We had both gone through the
17 pre-trial conference, two of them, in the fall and neither
18 of us had had Volume 2. It had come in with a number of
19 inserts for Volume 1. That's the way I received it and so
20 I was thinking that these were updates only that I was
21 getting with respect to Volume 1. I didn't realize I was
22 also getting a Volume 2. When I did find out that that had
23 occurred, I enclosed it in a cover letter along with Volume
24 3.

25 **MR. ENGELMANN:** All right.

1 **MS. HALLETT:** And that was definitely a
2 failing on my part and I was very sorry about that.

3 **MR. ENGELMANN:** That's something you missed.

4 **MS. HALLETT:** That's something I missed. I
5 did.

6 **MR. ENGELMANN:** Fair enough.

7 **MS. HALLETT:** And when it came to my
8 attention I did send it. And I have to say that in the
9 correspondence later from Mr. Edelson I'm not sure that
10 that was that much of a concern because he was sending me a
11 letter, even after receiving both volumes, asking me for
12 the list of witnesses to be called at the preliminary
13 inquiry.

14 **MR. ENGELMANN:** All right.

15 **MS. HALLETT:** So I'm assuming at that point
16 he -- it was not perceived to be prejudicial to his client.

17 With respect to the two videotapes, as I
18 mentioned earlier and as I indicated on the pre-trial
19 conference report on the October 20th, 1998 pre-trial
20 conference, there was an issue with respect to Mr. Edelson
21 agreeing to providing this undertaking.

22 **MR. ENGELMANN:** The undertaking, yes.

23 **MS. HALLETT:** And so, as I result -- and I
24 indicate on the pre-trial conference report that that is an
25 unresolved issue, that there had been discussions with

1 counsel and that a resolution was not likely. And so that
2 is the reason why I was hanging onto those videotapes until
3 getting that undertaking, and that pursuant to the order
4 made by Justice Belanger on the 20th, following which those
5 videotapes were provided to Mr. Edelson on October 27th of
6 1998.

7 **MR. ENGELMANN:** All right. So you wanted to
8 have an express undertaking before turning them over?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And you went so far as to
11 get an Order from a judge?

12 **MS. HALLETT:** Yes, for the -- well, no, I
13 wanted one or the other.

14 **MR. ENGELMANN:** Yeah.

15 **MS. HALLETT:** The undertaking would have
16 been sufficient before the Order from Justice Belanger, but
17 Mr. Edelson wasn't agreeable to making it.

18 **MR. ENGELMANN:** All right. And some of this
19 is set out in Exhibit 3179, as you'll see particularly on
20 the second page in, which is Bates page 038, including the
21 reference to C-22 giving a videotaped statement on November
22 24th.

23 **MS. HALLETT:** I'm not quite sure where you
24 are right now, Mr. ---

25 **MR. ENGELMANN:** It's the second page ---

1 **THE COMMISSIONER:** Now he's on Exhibit 3179,
2 which is the newest exhibit that you've received, which is
3 the ---

4 **MS. HALLETT:** This one?

5 **MR. ENGELMANN:** Yes.

6 **MS. HALLETT:** Okay then.

7 **THE COMMISSIONER:** No, he's on page 2.

8 **MS. HALLETT:** Okay. This is -- I'm sorry, I
9 don't know that I even have seen this particular chart
10 before.

11 **MR. ENGELMANN:** It's a summary chart and I'm
12 not asking you to confirm its accuracy.

13 **MS. HALLETT:** Okay then.

14 **MR. ENGELMANN:** I just want to refer you to
15 small portions of it, if I can for now.

16 **MS. HALLETT:** Very well.

17 **MR. ENGELMANN:** It's the second page.

18 **MS. HALLETT:** Okay then.

19 **MR. ENGELMANN:** The date is from November
20 24th, '98, indicates the prelim is set the 25th.

21 **MS. HALLETT:** Right.

22 **MR. ENGELMANN:** Crown receiving Volume 3 on
23 the 19th, perhaps it was the 18th, of February, '99. The
24 letter to Mr. Edelson on the 9th of March. The further
25 letter with disclosure on 15th of March. Further disclosure

1 of the video statement and the actual video, I guess, on
2 the 19th.

3 MS. HALLETT: Yes, after I'd gotten, again,
4 the undertaking from him.

5 MR. ENGELMANN: Right.

6 MS. HALLETT: And I had sent it in a letter
7 to Mr. Edelson and was waiting to get it back.

8 MR. ENGELMANN: The transcript had actually
9 gone to him on the 15th with the other ---

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: --- disclosure you were
12 sending them, Volumes 2 and 3?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: Then there is further
15 disclosure you're receiving on the 29th and then there's the
16 application for an adjournment on the 30th.

17 MS. HALLETT: Okay. Now, on March 29th I am
18 -- there's correspondence in the file and all I can do is
19 summarize it.

20 MR. ENGELMANN: Well, let me take you to it
21 if I can ---

22 MS. HALLETT: Okay then.

23 MR. ENGELMANN: --- Ms. Hallett. Maybe
24 that's easier.

25 MS. HALLETT: Very well.

1 **MR. ENGELMANN:** First of all, Document
2 Number 103852. This is a new document. It was handed out
3 loose. One zero three eight five two (103852) is, I
4 believe, the cover letter you would have sent on March 15th,
5 1999 enclosing the disclosure that we've just referred to.

6 **THE COMMISSIONER:** Thank you. Exhibit
7 Number 3180.

8 **--- EXHIBIT NO./PIÈCE NO. P-3180:**

9 (103852) - Letter from Shelley Hallett to
10 Michael Edelson re: R. v. Jacques Leduc
11 dated 15 Mar 99

12 **MS. HALLETT:** Thank you.

13 **MR. ENGELMANN:** Not only do you enclose the
14 disclosure but you point out an error in his letter ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- about the second
17 judicial pre-trial and when it took place.

18 **MS. HALLETT:** That's correct.

19 **MR. ENGELMANN:** All right. And that you
20 weren't sure at that time that C-22 was going to be a
21 complainant?

22 **MS. HALLETT:** I didn't know what -- no,
23 whether or not he would have agreed or what the nature of
24 his evidence would have been.

25 **MR. ENGELMANN:** You point out when you

1 receive the video -- sorry, the transcription of his video.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And on the following page at
4 the top you tell Mr. Edelson you still haven't received the
5 actual video.

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: Correct?

8 MS. HALLETT: M'hm.

9 MR. ENGELMANN: And then you refer to this
10 disclosure agreement.

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: And you indicate to him
13 something in the last paragraph about how you thought your
14 method of proceeding would actually be of less
15 inconvenience to his client.

16 MS. HALLETT: Well, I felt that I had sent -
17 - said in an earlier letter that if he wasn't satisfied
18 with the procedure of putting this matter over to the
19 beginning -- the day of the preliminary inquiry that he,
20 you know, should inform me. And he hadn't done that
21 earlier so, you know, that had been sort of what I had
22 suggested. I suggested this and he was obviously not happy
23 with that.

24 MR. ENGELMANN: All right. Do you know why
25 you still didn't have that video? You got the

1 transcription on the 18th of February and you're writing to
2 Mr. Edelson on the 15th of March. You still don't have the
3 video.

4 **MS. HALLETT:** No, I'm sorry, I don't. I
5 don't. I know that the officer would have kept one copy,
6 which he did deliver himself to Mr. Edelson once we got the
7 undertaking. But I don't believe that I had a videotape
8 before Mr. Edelson did of C-22's statement.

9 **MR. ENGELMANN:** All right.

10 Ms. Hallett, I understand that the next
11 correspondence you would have received would be a letter
12 dated March 26th, 1999. You had told Mr. Edelson you'd be
13 in Cornwall the week of the 22nd, so presumably this is the
14 Friday of that week. The document is 103866. This is a
15 letter that he's sending to you by fax and by overnight
16 courier with an application for an adjournment enclosed.

17 **MS. HALLETT:** Okay.

18 **MR. ENGELMANN:** Do you recall receiving
19 that?

20 **MS. HALLETT:** Yes. Is that the next piece
21 of correspondence?

22 **MR. ENGELMANN:** That's my understanding.

23 **MS. HALLETT:** Okay.

24 **MR. ENGELMANN:** But I may have missed
25 something.

1 **MS. HALLETT:** Okay then.

2 **THE COMMISSIONER:** Thank you. Exhibit 3181
3 is a letter dated March 26th, 1999 addressed to Ms. Shelley
4 Hallett from Mr. Michael Edelson.

5 **--- EXHIBIT NO./PIÈCE NO. P-3181:**

6 (103866) - Letter from Michael Edelson to
7 Shelley Hallett re: R. v. Jacques Leduc
8 dated 26 Mar 99

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** All right. And just to
11 complete the record if we can, it would have enclosed a
12 Notice of Application, and then I believe that is Document
13 Number 103865.

14 **MS. HALLETT:** Yes. If I can just pause here
15 on this document, in the third paragraph of the letter Mr.
16 Edelson is stating:

17 >Your personal intervention in this
18 investigation and the continuing non-
19 disclosure apparent from the materials
20 provided to date will inevitably lead
21 to a subpoena being served."

22 So as I say, it was my understanding that it
23 was that he was focussing on, getting information around my
24 supposed personal intervention, which I did resist in terms
25 of that characterization. I didn't feel that that was an

1 appropriate characterization of how C-22 became a witness.

2 MR. ENGELMANN: You have to be really
3 careful about the monikered names, Ms. Hallett.

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: Court Reporter, make sure we
6 strike it from the record and I believe there was one
7 yesterday too.

8 THE COMMISSIONER: Yes.

9 So the court reporters will substitute the
10 "C" for -- and I don't want to say the number because then
11 ---

12 MR. ENGELMANN: Right. Okay.

13 Let's look at Exhibit -- sorry, it's
14 Document Number 103865, which I believe is the enclosure?

15 THE COMMISSIONER: It's a Notice of
16 Application. Yes, 3182.

17 --- EXHIBIT NO./PIÈCE NO. P-3182:

18 (103865) Notice of Application re: Jacques
19 Leduc dated March 26, 1999

20 MS. HALLETT: Yes, m'hm.

21 MR. ENGELMANN: And although clearly they
22 are raising the issue of the possibility of a summons for
23 you as a witness, one of the things that's being sought, as
24 you can see from the last full page of the document which
25 is Bates page 1023681, is an order cancelling the date set

1 for the preliminary inquiry and adjourning the matter until
2 there is full and complete disclosure?

3 **MS. HALLETT:** Yes, yes, that's correct.

4 **MR. ENGELMANN:** And this is being served
5 upon you at some point on Friday the 26th of March?

6 **MS. HALLETT:** That's right.

7 **MR. ENGELMANN:** And it's returnable Tuesday,
8 the 30th at 9:30?

9 **MS. HALLETT:** Yes, m'hm.

10 **MR. ENGELMANN:** All right, and you respond
11 on the Monday, the 29th?

12 **MS. HALLETT:** Yes. If I can just stop you
13 there.

14 Attached to this notice of application, or
15 in support of the application, was the Affidavit of Connie
16 d'Angelo?

17 **MR. ENGELMANN:** Yes.

18 **MS. HALLETT:** And attached to that, either
19 that or the notice of application, there was a schedule in
20 which all of these disclosure issues were set out by her.

21 **MR. ENGELMANN:** All right.

22 **MS. HALLETT:** And I did take issue with the
23 characterization of a number of those things as being
24 outstanding disclosure issues.

25 **MR. ENGELMANN:** And I think you refer to

1 those in your response ---

2 MS. HALLETT: Okay.

3 MR. ENGELMANN: --- at least in part, so
4 let's look at that.

5 MS. HALLETT: We're getting there, okay
6 then.

7 MR. ENGELMANN: It may refresh your memory.
8 And that is Document Number 103867. This is
9 a letter from you to Mr. Edelson dated March 29th, 1999.

10 MS. HALLETT: M'hm.

11 (SHORT PAUSE/COURTE PAUSE)

12 THE COMMISSIONER: Thank you.

13 Exhibit 3183 is a letter dated March 29th,
14 1999 addressed to Mr. Edelson from Shelley Hallett.

15 MR. ENGELMANN: Again, a publication ban
16 stamp, please.

17 THE COMMISSIONER: Yes.

18 --- EXHIBIT NO./PIÈCE NO. P-3183:

19 (103867) Letter from Shelley Hallett to
20 Michael Edelson re: *R. v. Jacques Leduc*
21 Sexual Assault dated March 29, 1999

22 MS. HALLETT: Now, there was an enclosure,
23 there was an attachment to this letter, and that has on it
24 Ms. d'Angelo's schedule in which I had circled some things
25 and put other things in boxes and other things side barred.

1 Those were provided and I was wondering if maybe the
2 complete document could be called up.

3 **MR. ENGELMANN:** All right. We'll try and
4 get it over the morning break, Ms. Hallett, if we have it,
5 and I'm hoping we do.

6 **THE COMMISSIONER:** Which is about now.

7 **MR. ENGELMANN:** I believe this was given as
8 late notice. Document Number 103868.

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

10 **MR. ENGELMANN:** I thank Mr. Kloeze.
11 Maybe we'll take the morning break right
12 after this, sir.

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** I just want to have her
15 confirm this in fact what she was referring to.

16 **THE COMMISSIONER:** Thank you.
17 Exhibit Number 3184 is a document entitled
18 "*R. v. Jacques Leduc*, Outstanding Disclosure Issues".

19 **MR. ENGELMANN:** And, again, sir, if that
20 could have a publication ban?

21 **THE COMMISSIONER:** It does.

22 **MR. ENGELMANN:** Okay.

23 --- **EXHIBIT NO./PIÈCE NO. P-3184:**
24 (103868) Outstanding Disclosure Issues dated
25 March 26, 1999

1 **THE COMMISSIONER:** All right, let's take the
2 morning break.

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

5 This hearing will resume at 11:15 a.m.

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

7 L'audience est suspendue à 11h02

8 --- Upon resuming at 11:21 a.m./

9 L'audience est reprise à 11h21

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

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

14 **SHELLEY HALLETT, Resumed/Sous le même serment:**

15 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
16 **ENGELMANN (cont'd/suite):**

17 **MR. ENGELMANN:** Mr. Commissioner, just as
18 the witness is approaching, given some historic events
19 happening in the world today at noon, I'm wondering if I
20 can make a request, at least on behalf of some counsel in
21 the room, to have the lunch break from 12:00 to 1:30 rather
22 than from 12:30 to 2:00.

23 **THE COMMISSIONER:** I don't see any problem
24 with that.

25 **MS. HALLETT:** No, of course not.

1 **THE COMMISSIONER:** Thank you. So be it.

2 **MR. ENGELMANN:** Thank you.

3 Ms. Hallett, when we took the break we were
4 looking at Exhibit 3183, which was your letter to Mr.
5 Edelson of March 29th, 1999?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** And also you advised us
8 about an attachment to that letter that's referred to in
9 paragraph 2?

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And that has now been marked
12 as Exhibit 3184, and this was a document that had been
13 entitled "Outstanding Disclosure Issues"?

14 **MS. HALLETT:** That's right.

15 **MR. ENGELMANN:** It had been part of an
16 affidavit filed by a member of Mr. Edelson's firm?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** In support of his
19 application for an adjournment of a preliminary inquiry and
20 disclosure issues.

21 And you had indicated to me that not only
22 were you responding to the issue of his that you should be
23 a witness, but also you were attempting to respond to some
24 of his disclosure issues?

25 **MS. HALLETT:** Yes, that's correct.

1 **MR. ENGELMANN:** And you, in fact, circled
2 portions of Exhibit 3184?

3 **MS. HALLETT:** Yes, that's right.

4 **MR. ENGELMANN:** And was there something in
5 particular you wanted to highlight from that?

6 **MS. HALLETT:** Yes, I was just wondering if I
7 could have that document. Oh, do I have them here?

8 **MR. ENGELMANN:** Yes, they're put in binders
9 very quickly, so they should be the last ---

10 **MS. HALLETT:** Oh, I see. I'm sorry.

11 **MR. ENGELMANN:** It should be the last two
12 documents in your binder.

13 **MS. HALLETT:** Thank you.

14 **MR. ENGELMANN:** So 3183 being your letter.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** And 3184 being the
17 attachment.

18 **MS. HALLETT:** Okay. If I could first go to
19 the notice of application.

20 **THE COMMISSIONER:** That should be two
21 exhibits back.

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

23 **MR. ENGELMANN:** I just want to find my copy,
24 sir. I'll just be a moment.

25 **THE COMMISSIONER:** So 3182.

1 **MS. HALLETT:** Right.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MS. HALLETT:** Well, first of all, in terms
4 of this notice of application, there were some inaccuracies
5 that I was concerned about, one of them being in paragraph
6 15 where the notice refers to the purported non-disclosure
7 of the videotaped statements of the existing complainants.

8 And I think that is a rather incorrect way
9 of stating what the situation was in terms of my simply
10 insisting on the undertaking.

11 **MR. ENGELMANN:** This was the undertaking or
12 the court order that we talked about?

13 **MS. HALLETT:** Yes. Okay, so I did disagree
14 with that characterization with respect to those videotapes
15 as non-disclosure.

16 Also though in this notice of application,
17 in paragraphs 21 and 22, first of all Mr. Edelson refers in
18 paragraph 21:

19 "There's additional disclosure material
20 outstanding which has not been provided
21 to the defence."

22 And this is what I considered to be what was
23 on the outstanding disclosure issues. That was ---

24 **MR. ENGELMANN:** Right.

25 **MS. HALLETT:** --- Exhibit "L" to the

1 d'Angelo Affidavit.

2 MR. ENGELMANN: This was their support for
3 that assertion?

4 MS. HALLETT: That's right.

5 MR. ENGELMANN: Okay.

6 MS. HALLETT: And I wanted to make some
7 comment about that.

8 And then in addition, in paragraph 22, Mr.
9 Edelson or -- yes, Mr. Edelson states:

10 "A review of the additional disclosure
11 material provided to the defence
12 suggests that Crown counsel with
13 carriage of this prosecution, Ms.
14 Hallett, is a potential witness in this
15 case, given the nature of her
16 involvement."

17 MR. ENGELMANN: Right.

18 MS. HALLETT: So I -- I had some -- I can't
19 say that I agreed with the content of either of those
20 paragraphs, paragraph 21 or 22.

21 And that would take me then to my letter of
22 March 29th, in which I do state -- in terms of the, you
23 know, additional disclosure that he is saying, the
24 outstanding disclosure issues, I say, you know:

25 "I have reviewed the three-page

1 document entitled, 'Outstanding
2 Disclosure Issues', which has been
3 appended as Exhibit 'L' to the d'Angelo
4 Affidavit, and copies of these pages
5 are attached. The items on those
6 pages, which are enclosed in a box, are
7 disclosure requests relating to
8 material that has been in the
9 possession of the defence since July,
10 1998, and yet less than two weeks
11 before the commencement of the
12 preliminary inquiry, are you making
13 these items an outstanding disclosure
14 issue to justify your application for
15 an adjournment?"

16 **MR. ENGELMANN:** It's clear from both that
17 paragraph and the paragraph before that you're ---

18 **MS. HALLETT:** Right.

19 **MR. ENGELMANN:** --- concerned about
20 inaccuracies?

21 **MS. HALLETT:** Well, yes. In fact, when you
22 do look, what I have said is that -- and then I turn to the
23 next document which is the alleged outstanding disclosure
24 issues.

25 **MR. ENGELMANN:** Yes.

1 **MS. HALLETT:** What I have in a square box
2 there throughout those three pages, relates to material
3 that had been in the possession since July of 1998, and yet
4 I have ---

5 **MR. ENGELMANN:** Possession of the defence?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** Okay.

8 **MS. HALLETT:** And yet this is the first time
9 that a request is being made to -- for follow-up
10 disclosure, based on what has been in his possession since
11 July of 1998.

12 What I circle on these three pages is what I
13 consider to be a request for items that aren't necessarily
14 required to be disclosed and that is, he is requesting
15 basically all information, okay?

16 "Disclosure request relating to
17 meetings by Crown counsel and witnesses
18 to be called by the Crown."

19 And what I'm saying to him in terms of
20 what's in these square outlines, such meetings were not
21 investigative interviews conducted by the police. The
22 Crown is entitled to have such meetings with witnesses for
23 the purpose of getting to know them and the nature of the
24 evidence they will give in court.

25 And, again, I state:

1 "You are making an outstanding
2 disclosure issue out of the fact that
3 the questions or comments made by Crown
4 counsel or the police officer
5 witnessing the meeting have not been
6 provided to the defence, purportedly
7 justifying your request for an
8 adjournment."

9 And then I do state:

10 "My understanding of the law is that
11 the Crown has an obligation to provide
12 to the defence any new information
13 arising out of these meetings with
14 witnesses."

15 So I -- so I'm, sort of, disputing again
16 whether or not this is an authentic disclosure issue in
17 terms of the content of the circles.

18 And then further on in the letter, I do say
19 that, you know, what is side-barred on these three pages of
20 this schedule is what I consider to be rather frivolous,
21 and yet he's making a disclosure issue out of it.

22 For example, he's getting an updated
23 criminal record ---

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

25 **MS. HALLETT:** --- of one of the ---

1 **THE COMMISSIONER:** Complainants.

2 **MS. HALLETT:** --- complainants, and yet he's
3 making that -- we are trying to provide the most up-to-date
4 document with respect to that individual and yet he is
5 making an issue out of that. I didn't consider that to be
6 a truly authentic disclosure issue. He had received an
7 earlier record with respect to that witness, and this was I
8 think something minor in terms of simply providing, wanting
9 to provide, the most updated version.

10 So when one -- when I, sort of, examine more
11 critically what Mr. Edelson was purporting as outstanding
12 disclosure issues, I did take issue with that, that
13 characterization.

14 And aside from these, there was the issue of
15 whether or not --- or the issue of his suggestion that I
16 had personally intervened in the investigation which I also
17 disputed, and so I just -- I wanted -- I want to make clear
18 that what I considered to be the reasons for the
19 adjournment at this point was not necessarily related to
20 the C-22 matter.

21 **MR. ENGELMANN:** All right.

22 Well, there's no question, and as lawyers we
23 see this all the time, that lawyers have different opinions
24 about motions and they fight them and ---

25 **MS. HALLETT:** Yes.

1 MR. ENGELMANN: --- clearly ---

2 MS. HALLETT: And they have -- they put
3 their own characterizations ---

4 MR. ENGELMANN: Yes.

5 MS. HALLETT: --- on things.

6 MR. ENGELMANN: So clearly you and Mr.
7 Edelson aren't seeing eye-to-eye on some of these issues --
8 -

9 MS. HALLETT: That's right.

10 MR. ENGELMANN: --- and you're expressing
11 concerns about inaccuracies; you're expressing concerns
12 about the disclosure issue; you're ---

13 MS. HALLETT: Right.

14 MR. ENGELMANN: --- expressing concerns
15 about why you don't think you should be a witness; you're
16 expressing concerns about this being dropped on you at the
17 last minute and not having sufficient time to respond?

18 MS. HALLETT: Right.

19 MR. ENGELMANN: There are a number of
20 things.

21 MS. HALLETT: Well, I ---

22 MR. ENGELMANN: But at the end of the day,
23 Ms. Hallett ---

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: --- at the end of the day he

1 brings it forward to March 30th from April 8th.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And it's my understanding,
4 at least from looking at one of these documents, that you
5 actually consent to the adjournment.

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: Is that true?

8 MS. HALLETT: I do.

9 MR. ENGELMANN: All right.

10 MS. HALLETT: I do.

11 MR. ENGELMANN: And why is that?

12 MS. HALLETT: Well, I disagreed that these
13 were outstanding disclosure issues ---

14 MR. ENGELMANN: All right.

15 MS. HALLETT: --- but I was trying to meet
16 the requests being made.

17 MR. ENGELMANN: All right.

18 MS. HALLETT: Okay? So when disclosure is
19 requested, the officers were -- I was asking the officers,
20 well, let's satisfy him to the extent that we can or
21 whatever these requests may be but, at the same time, they
22 seemed to be requests that in my opinion should have been
23 made earlier in time because they did relate to material
24 that had been in the defence possession for some period of
25 time. They did not relate to the matters which I admit

1 were disclosed later in time but, in fact, the requests for
2 disclosure were with respect to items that he'd had for
3 some time.

4 **MR. ENGELMANN:** All right. But at the end
5 of the day ---

6 **MS. HALLETT:** At the end of the day ----

7 **MR. ENGELMANN:** --- your consent ---

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** --- then leads to this
10 preliminary inquiry being postponed, and the possibility --
11 and we know later the actuality -- that some of this time
12 is used by defence counsel in a stay application several
13 years later?

14 **MS. HALLETT:** Yes, that's right, but I think
15 for the wrong reasons.

16 Counsel, several years later, are hanging
17 their hat on the matters involving C-22 ---

18 **MR. ENGELMANN:** Yes.

19 **MS. HALLETT:** --- when, in fact, that had
20 not been identified by Mr. Edelson at that time, as the
21 reason for seeking an adjournment.

22 **MR. ENGELMANN:** All right.

23 Well, the issue about the summons to testify
24 ---

25 **THE COMMISSIONER:** Mr. Engelmann?

1 **MR. ENGELMANN:** I'm sorry.

2 **MS. ROBITAILLE:** I rise at this point, Mr.
3 Commissioner, because I have a concern about the matters
4 that we're examining right now.

5 As you know, and you have the Justice
6 Plantana decision before you ---

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

8 **MS. ROBITAILLE:** --- the delay in the case
9 has been adjudicated. There has been findings of fact on
10 the delay, and there have been major concessions by Crown
11 counsel in that matter in 2004 as to whom the delay was
12 attributable.

13 **THE COMMISSIONER:** M'hm?

14 **MS. ROBITAILLE:** I understand that we're
15 questioning this witness because we're interested in
16 finding out how and why certain matters were delayed, but I
17 think that we should be very clear that we're not to go
18 behind judicial findings of fact.

19 **THE COMMISSIONER:** Thank you.

20 Is it your intention to go behind matters
21 that have been judicially decided, Mr. Engelmann?

22 **MR. ENGELMANN:** No, sir.

23 **THE COMMISSIONER:** Thank you.

24 **MR. ENGELMANN:** On the issue of your being a
25 witness, Ms. Hallett, were you ever summonsed?

1 MS. HALLETT: No.

2 MR. ENGELMANN: All right.

3 MS. HALLETT: Subpoenaed? No.

4 MR. ENGELMANN: All right. And I understand
5 that ---

6 MS. HALLETT: Just -- I think of a summons
7 as something that goes out to an accused party.

8 MR. ENGELMANN: Yes. Oh, a subpoena ---

9 MS. HALLETT: Okay.

10 MR. ENGELMANN: Okay.

11 MS. HALLETT: I'm a little sensitive about
12 that these days.

13 MR. ENGELMANN: All right, sorry.

14 You were never asked to testify as a witness
15 about the meeting you had with C-22 on November 24th ---

16 MS. HALLETT: No.

17 MR. ENGELMANN: --- 1998?

18 MS. HALLETT: No.

19 MR. ENGELMANN: All right.

20 Mr. Edelson, sort of -- that fell off the
21 table, so to speak? That was not pursued?

22 MS. HALLETT: That was not pursued and that
23 was the -- the Crown was advised of that by letter of -- in
24 March of the year 2000.

25 MR. ENGELMANN: All right.

1 **MS. HALLETT:** That was absolutely off the
2 table.

3 **MR. ENGELMANN:** All right.

4 And I understand that the preliminary
5 inquiry was then held much later that year, in or around
6 November and early December?

7 **MS. HALLETT:** Later in the year of 1999.
8 That's right.

9 **MR. ENGELMANN:** That's correct.

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

11 **MR. ENGELMANN:** And Mr. Leduc was committed
12 to stand trial at that time?

13 **MS. HALLETT:** That's right.

14 I just want to say this, Mr. Engelmann. It
15 was my belief and impression that certainly by the end of
16 April of 1999 our -- the team, the Crown team, Crown and
17 defence, had met all of the requests for disclosure that
18 had been made at that point by Mr. Edelson, and it was my
19 belief that Mr. Edelson was satisfied with the disclosure
20 that had been made.

21 We had responded to his letters in the month
22 of March and April, and we had done our best to satisfy the
23 requests and we believed that that had been done.

24 **MR. ENGELMANN:** Right.

25 **MS. HALLETT:** And I believed that

1 Mr. Edelson himself was satisfied.

2 MR. ENGELMANN: All right. And there were -
3 - I don't want to go back to it, but there's this brief log
4 that talks about when volumes of disclosure are made and,
5 as I understand it, there was some ongoing disclosure.

6 MS. HALLETT: Yes, and there is always
7 ongoing disclosure. That's the duty of the Crown. As it
8 becomes available, we make it available. We provide it. I
9 was doing the best I could. I think the police officers
10 were too. Disclosure is a human process.

11 MR. ENGELMANN: All right.

12 And, Ms. Hallett, Mr. Leduc was committed to
13 stand trial on not all of the counts, as I understand it,
14 but most of them?

15 MS. HALLETT: That's right.

16 MR. ENGELMANN: And if we want to look at
17 that, it's -- I believe it's Exhibit 2778 -- for a moment.
18 Bates page, Madam Clerk, 7007658.

19 Ms. Hallett, that is page 3 of 5 on the
20 appearance ---

21 MS. HALLETT: Can I have a blow-up of this,
22 please?

23 MR. ENGELMANN: Yes.

24 The first half of the page, Madam Clerk. I
25 apologize.

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** All right. So in the middle
3 -- well, in what appears to be the middle column, in the
4 second column, we have the 16 charges set out.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** And those were from the
7 amended information we looked at earlier.

8 **MS. HALLETT:** Okay then, yes.

9 **MR. ENGELMANN:** And it says at the bottom,
10 "Three discharged", and if we look a couple of columns over
11 it says when, so is it fair to say that of the 16 charges
12 he was only committed to stand trial on 13? Am I reading
13 it correctly?

14 **MS. HALLETT:** Yes. Yes, that's correct.
15 There were three counts on which there was a concern of the
16 preliminary inquiry judge ---

17 **MR. ENGELMANN:** All right.

18 **MS. HALLETT:** --- in terms of whether there
19 was sufficient evidence to commit.

20 **MR. ENGELMANN:** Right. And then I
21 understand that in preparing the indictment for the
22 Superior Court, you only prepared an indictment for eight
23 charges. Is that accurate?

24 **MS. HALLETT:** No, that's not true.

25 **MR. ENGELMANN:** Okay.

1 **MS. HALLETT:** I prepared an indictment that
2 contained all of these counts, and prior to the trial when
3 I realized or was of the understanding that it was to be a
4 jury trial ---

5 **MR. ENGELMANN:** Yes.

6 **MS. HALLETT:** --- I called out for the
7 indictment upon which the appellant -- or the accused --
8 was to be tried only those offences in relation to sexual
9 exploitation because I thought that a jury would find those
10 -- how shall I say -- would not have to consider the more
11 complex issues with respect to consent with respect to
12 those counts.

13 **MR. ENGELMANN:** All right.

14 **MS. HALLETT:** So that was done later in
15 time, but we did have an indictment, as I believe,
16 following committal for trial that contained all of the
17 counts on which he had been committed.

18 **MR. ENGELMANN:** Fair enough. The one I was
19 referring to was from January 15th of 2001.

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** I think that may have been a
22 second indictment then.

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** All right.

25 And just so we have that for the record,

1 103675 is an indictment that you sign, I believe, on the
2 first day of the trial, on January 15th, 2001. If that
3 could be the next exhibit, sir.

4 **MS. HALLETT:** Okay.

5 **MR. ENGELMANN:** Again, with a publication
6 ban stamp.

7 **THE COMMISSIONER:** Thank you.

8 That will be Exhibit Number 3185.

9 --- **EXHIBIT NO./PIÈCE NO. P-3185:**

10 (103675) Superior Court of Justice Criminal
11 Jury *R. v. Jacques Leduc* dated January 15,
12 2001

13 **MS. HALLETT:** Thank you.

14 **MR. ENGELMANN:** So this would have then been
15 the amended or the second indictment that you would have
16 been -- you would have had drawn up just on the -- at the
17 start of the trial?

18 **MS. HALLETT:** Yes. My intention at that
19 point given that it was, as I understand at that point, to
20 be a jury trial, I felt that the jury would have an easier
21 time understanding only those counts with respect to which
22 consent would not have been available as a defence.

23 **MR. ENGELMANN:** All right.

24 And if we look back to the appearance log,
25 which is Exhibit 2778 -- I don't know if you still have the

1 binder, Ms. Hallett -- the charges that you would have
2 withdrawn on January 15th, 2001 then, they're set out.

3 **MS. HALLETT:** I don't think I withdrew
4 those.

5 **MR. ENGELMANN:** Okay.

6 **MS. HALLETT:** It was simply a new indictment

7 ---

8 **MR. ENGELMANN:** All right.

9 **MS. HALLETT:** --- that had selected certain
10 of the counts on which the appellant -- or the accused --
11 was to be tried. The other indictment just was before the
12 court sort of in reserve and it was something that I would
13 have, at the end of the trial, likely withdrawn.

14 **MR. ENGELMANN:** Okay. The only reason I use
15 that term is that appears to be what the OPP have used in
16 this document, if you have a look at it.

17 **MS. HALLETT:** Okay.

18 **MR. ENGELMANN:** It's on the screen.

19 **MS. HALLETT:** Okay. I think that the other
20 indictment was still -- it was before the court and in
21 abeyance, and I'm not quite sure if we ever did in fact
22 withdraw that.

23 **MR. ENGELMANN:** Okay. So that may have
24 happened later in time?

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** All right, fair enough.

2 And it's referring to eight counts, stay of
3 proceedings. That would be the decision that issued on
4 March 1st, 2001?

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** All right.

7 And I understand you had a pre-trial
8 memorandum here as well, if I could just show you that
9 quickly, 109459 -- 109459. I believe this is a pre-trial
10 conference that takes place in early 2000, so this would
11 have been shortly after this preliminary inquiry?

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** But well in advance of the
14 actual trial.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** There was some delay there.

17 **MS. HALLETT:** Yes, that was to accommodate
18 Mr. Edelson.

19 **MR. ENGELMANN:** Okay, can you explain that?

20 **MS. HALLETT:** Yes. There were dates for
21 trial that were earlier in time, but Mr. Edelson requested
22 the date in January ---

23 **MR. ENGELMANN:** All right.

24 **MS. HALLETT:** --- of 2001 for his client's
25 trial, and he waived any 11(b) issue with respect to the

1 delay in the trial.

2 **THE COMMISSIONER:** So this exhibit is 3186,
3 the pre-trial conference on *R. v. Leduc*.

4 --- **EXHIBIT NO./PIÈCE NO. P-3186:**

5 (109459) Superior Court of Justice Pre-Trial
6 Conference re: *R. v. Jacques Leduc*, dated
7 February 15, 2000

8 **MS. HALLETT:** Now, at the time of the pre-
9 trial conference in February of 2000, Mr. Edelson still,
10 despite the fact that he has cross-examined C-22 fairly
11 vigorously at the preliminary inquiry and the evidence is
12 that I had no personal involvement in terms of bringing
13 that particular witness or complainant -- how should I say
14 -- I hadn't dealt improperly in any way with respect to how
15 that complainant came to be added to the case.

16 Despite all of that, Mr. Edelson was still
17 not advising me whether or not he wished to subpoena me as
18 a witness for the client and make a Charter argument based
19 on that and so that's why, even at the time of this pre-
20 trial conference in February of 2000, I have to state, it's
21 still an outstanding issue.

22 However, in a letter of the following month
23 -- I believe it was dated March 22nd of 2001 -- he finally
24 did advise that the Crown -- there wouldn't be a Charter
25 argument based on that issue and that the Crown would not

1 be subpoenaed as a witness for the defence.

2 MR. ENGELMANN: So you're setting out a
3 number of issues in your pre-trial conference brief.

4 MS. HALLETT: Right.

5 MR. ENGELMANN: And you have a number of
6 question marks under the issue of Charter issues?

7 MS. HALLETT: That's right, because I want
8 to know what is the position of the defence on all of
9 these? As I say, we finally did get his position in the
10 letter of March that year.

11 MR. ENGELMANN: Is it not the case, Ms.
12 Hallett, that during the course of a pre-trial conference,
13 the Defence does not have to set out its position?

14 MS. HALLETT: No. There's no requirement of
15 reciprocal disclosure by the Defence in Canada at this
16 point in time. And I must say that in all of the pre-trial
17 conference reports that I prepared in all of these cases,
18 there was never at any time any indication from any counsel
19 as to what the defence would be.

20 MR. ENGELMANN: All right. And you set out
21 a number of legal issues that you believe may be in play
22 starting ---

23 MS. HALLETT: Yes. I might say that -- just
24 to add to that -- I did find it interesting that on the
25 standard form that we were to use, which I followed, and

1 which was made available through the senior judge's office
2 in Ottawa, the East Region Senior Judge, there was always a
3 part of the form, the pre-trial conference report form, in
4 which there was a space to be left available for what the
5 defence was going to be. But again, I don't know why that
6 is included, frankly, on the form because it never seems to
7 be utilized.

8 **MR. ENGELMANN:** All right. So that's an
9 option they have but don't often exercise?

10 **MS. HALLETT:** That's right.

11 **MR. ENGELMANN:** Fair enough. And you set
12 out that -- a number of issues that you think are in play
13 from procedural to issues about the legal capacity to
14 consent ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- your view on the
17 vitiation of consent ---

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** --- sexual exploitation, et
20 cetera?

21 **MS. HALLETT:** Yes, m'hm.

22 **MR. ENGELMANN:** And there's still this issue
23 about expert evidence and this was an issue we looked at
24 with respect in, I believe, the Peachey prosecution?

25 **MS. HALLETT:** That's right.

1 **MR. ENGELMANN:** And there were other issues
2 here as well involving business records?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** Issues of that nature with
5 respect to alleged payments that had been made and things
6 of that nature?

7 **MS. HALLETT:** That's right, m'hm.

8 **MR. ENGELMANN:** All right.

9 **MS. HALLETT:** For the dental work to one of
10 the complainants.

11 **MR. ENGELMANN:** And there was the live issue
12 of whether or not you were going to be able to call the
13 similar fact evidence from C-23?

14 **MS. HALLETT:** That's correct.

15 **MR. ENGELMANN:** All right. And a minute ago
16 you mentioned that it was your view that there had been a
17 waiver given -- a waiver of 11(b) for a period of time
18 during the calendar year 2000 because of Defence counsel's
19 unavailability for trial?

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** It doesn't appear, if we
22 look at the timeline that was agreed to later by a
23 colleague of yours ---

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

25 **MR. ENGELMANN:** --- and subsequent counsel

1 for Mr. Leduc, that that issue is set out at all in the
2 timeline. The timeline is Exhibit 3179. It should be in
3 your binder. This is Document Number 102995 and I'm
4 looking at Bates page 039 which references -- so it's
5 1016039.

6 **MS. HALLETT:** M'hm.

7 **MR. ENGELMANN:** Which references the pre-
8 trial conference being held on February 16th, 2000 just
9 under the halfway mark on the page, and we've got the
10 Defence requesting adjournment.

11 **MS. HALLETT:** Okay then, okay.

12 **MR. ENGELMANN:** The Defence requesting an
13 adjournment to March 31st to set a trial date?

14 **MS. HALLETT:** Yes, and that was in order to
15 resolve this issue of whether the Crown was going to be
16 called as a witness.

17 **MR. ENGELMANN:** All right. So they asked
18 for a brief adjournment to resolve that issue?

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** They resolved the issue with
21 you?

22 **MS. HALLETT:** Mr. Edelson wanted more time
23 and then the letter came through, I believe it was March
24 22nd of 2000, in which Mr. Edelson is stating his position
25 with respect to these various outstanding issues.

1 **MR. ENGELMANN:** All right. And there's no
2 reference here at all to any waiver that's being made;
3 correct?

4 **THE COMMISSIONER:** Just a second.

5 **MS. ROBITAILLE:** An objection, Mr.
6 Commissioner.

7 **THE COMMISSIONER:** Okay.

8 **MS. ROBITAILLE:** I can advise, and I can go
9 to the documents, that the three month delay that is
10 attributable to Mr. Edelson's scheduling was waived for the
11 purposes of the 11(b) in 2004 by the Defence and was
12 acknowledged by the Crown. It's in both of their factums
13 and it appears also in Plantana J.'s judgement. So that
14 delay has been accounted for.

15 **THE COMMISSIONER:** And where, from February
16 to March and April; is that what you're saying?

17 **MS. ROBITAILLE:** It's the delay from the
18 first available trial date of the court to -- from the
19 point that Mr. Edelson was available.

20 **THE COMMISSIONER:** Is that what we're
21 talking about right now though?

22 **MR. ENGELMANN:** I'm not sure what we're
23 talking about. What I'm talking about -- whether it's done
24 or not, my question to Ms. Hallett is, is it not important
25 if you have an arrangement with Defence counsel on an 11(b)

1 waiver to have some documentation on it?

2 **MS. HALLETT:** Well, I stated on the record,
3 I get it stated on the record. I ordered the transcript.

4 **MR. ENGELMANN:** When would that have been,
5 Ms. Hallett?

6 **MS. HALLETT:** Well, I assume when the date
7 was set in March of 2000, when the date for the trial was
8 set. I believe that there was ---

9 **THE COMMISSIONER:** I see. I see. It says,
10 Defence unavailable from dates from September to November,
11 which is probably what Ms. Robitaille is talking, is three
12 months. So that's what they were talking about I think.

13 **MR. ENGELMANN:** Do you agree though, Ms.
14 Hallett, that if there is an adjournment requested or if
15 Defence counsel is unavailable for a certain period of
16 time, that, one, you should seek a waiver of section 11(b)
17 for that period of time and, two, that you should make
18 every effort to make sure that it's on the record, whether
19 formally or in writing.

20 **MS. HALLETT:** Well, certainly in a way that
21 you can prove it later.

22 **MR. ENGELMANN:** All right.

23 **MS. HALLETT:** Absolutely, and I thought that
24 that had been done and I believe that there was a
25 transcript that I ordered in which there was a specific

1 waiver by Mr. Edelson.

2 **MR. ENGELMANN:** All right. Now I understand
3 that you had, as you had done in the past, you had a
4 student do some research for you on some of the issues?

5 **MS. HALLETT:** Yes, I was blessed with very
6 good students for all of these cases.

7 **MR. ENGELMANN:** All right. I was going to
8 ask you on the record about whether they were retained but
9 I won't go there, the call back.

10 With respect to this particular case, you
11 had the assistance of a student by the name of Kerry
12 Benzakein? Or was that a lawyer?

13 **MS. HALLETT:** Ultimately for the trial but
14 there were some students before that. Yes, Kerry was our
15 student who assisted me in the January 2001 trial.

16 **MR. ENGELMANN:** All right. And an example
17 of a memo that would have been prepared for you is, again,
18 Document Number 103697.

19 **THE COMMISSIONER:** Thank you. Exhibit
20 Number 3187 is a memorandum to Shelley Hallett from Kerry
21 Benzakein, undated.

22 --- **EXHIBIT NO./PIÈCE No. P-3187:**

23 (103697) Memorandum from Kerry Benzakein
24 to Shelley Hallett undated

25 **MS. HALLETT:** Yes, I mentioned that to Kerry

1 after the fact. That's one of the things you learn as an
2 articling student.

3 **THE COMMISSIONER:** What's that?

4 **MS. HALLETT:** Putting a date on.

5 **THE COMMISSIONER:** M'hm, because they think
6 it's timeless.

7 **MR. ENGELMANN:** Ms. Hallett, one more if we
8 can. Document Number 103799.

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

10 **THE COMMISSIONER:** Thank you. Exhibit
11 Number 3188 is a memorandum to Sarah Hildebrand from
12 Shelley Hallett dated September 15th, 1998.

13 **--- EXHIBIT NO./PIÈCE No. P-3188:**

14 (103799) Memorandum from Shelley Hallett
15 to Sarah Hildebrand dated 15 Sep 98

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** Ms. Hallett, I don't want to
18 go into the substance, but again what you appear to be
19 doing is fairly early on, assuming that 3187 was at or
20 about the same time as 3188, you're having some legal
21 issues looked at in anticipation, possible arguments that
22 are going to arise?

23 **MS. HALLETT:** Yes, although 3188 is two
24 years ---

25 **MR. ENGELMANN:** The request -- sorry.

1 **MS. HALLETT:** --- is two years before the
2 decision on which my student is advising me in 3187. So
3 it's before and after the fact ---

4 **MR. ENGELMANN:** Fair enough.

5 **MS. HALLETT:** --- with respect to the
6 decision of the Supreme Court of Canada in DD.

7 **MR. ENGELMANN:** Right, and we've heard
8 already why -- which way that decision went?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And the fact that you did
11 not use expert evidence to deal with issues of incremental
12 disclosure, delayed disclosure, et cetera?

13 **MS. HALLETT:** Yes, based on that decision.

14 **MR. ENGELMANN:** All right. But these are
15 examples again of some work you're doing on legal issues
16 that you anticipate will be of importance?

17 **MS. HALLETT:** Yes, that's right.

18 **MR. ENGELMANN:** All right.

19 Now, I want to talk to you a little bit
20 about a fellow by the name of Richard Nadeau.

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** All right. And I understand
23 that quite aside from other issues you're dealing with,
24 this issue is brought to your attention about a fellow
25 who's a local website operator?

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

2 **MR. ENGELMANN:** And I believe this issue
3 arises sometime in the summer of 2000, and we have from
4 Inspector Hall -- he's provided us notes wherein Murray
5 MacDonald, the local Crown, raises concerns with him about
6 this website and about names on the website.

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And Detective Inspector Hall
9 has a note that he calls you to look at it ---

10 **MS. HALLETT:** Absolutely, yes.

11 **MR. ENGELMANN:** --- in late July of 2000.

12 **MS. HALLETT:** M'hm.

13 **MR. ENGELMANN:** And do you have some
14 recollection of being contacted about this website?

15 **MS. HALLETT:** Yes, I do. He was very
16 concerned; understandably.

17 **MR. ENGELMANN:** And I understand that a few
18 days later he has other notes where there's a further
19 discussion with you, and you tell him that you'll be
20 sending a letter to Mr. Nadeau's lawyer, and that was a guy
21 by the name of Howard Yegendorf. Again, I don't know if
22 you remember any of this and, if you'd like, I can take you
23 to a note, but this about August 1st.

24 **MS. HALLETT:** Okay.

25 **MR. ENGELMANN:** And perhaps I'll take you to

1 that note if I can.

2 **MS. HALLETT:** I'm content to agree. If
3 Detective Hall wrote that, that's fine.

4 **MR. ENGELMANN:** All right.

5 **MS. HALLETT:** That wasn't the route that I
6 did eventually follow.

7 **MR. ENGELMANN:** All right, fair enough. I
8 was going to ask if you actually went that way or what you
9 did.

10 **MS. HALLETT:** No, I didn't go that way.

11 **MR. ENGELMANN:** All right. We know that
12 there were a number of discussions between you and
13 Detective Hall during the month of September and we know as
14 well that there was a meeting ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- that took place on
17 September 13th about this issue.

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And perhaps I'll take you
20 there if I can.

21 **MS. HALLETT:** Very well.

22 **MR. ENGELMANN:** And this is a new document.
23 It's Document Number 109218. It's a new document. Madam
24 Clerk, if you could also pull 109220, which are some
25 handwritten notes.

1 **MS. HALLETT:** And also the memo from Kerry
2 Benzakein also with respect to some case law might be
3 helpful here. I think it's a trilogy of documents. No?

4 **MR. ENGELMANN:** I'm going to have to go with
5 two out of three for now.

6 **MS. HALLETT:** It doesn't matter. That's
7 fine.

8 **THE COMMISSIONER:** Thank you. Exhibit 3189

9 ---

10 **MR. ENGELMANN:** Is that Document Number
11 109218?

12 **THE COMMISSIONER:** Yeah. It's a document
13 entitled, "Prep for Meeting with Segal, Lindsay, Stewart,
14 September 13th, 2000."

15 --- **EXHIBIT NO./PIÈCE NO. P-3189:**

16 (109218) Notes on Project truth Website
17 dated 13 Sep 00

18 **THE COMMISSIONER:** And Exhibit 3190 are
19 notes from September 13th, 2000 meeting. That's Exhibit
20 3190.

21 --- **EXHIBIT NO./PIÈCE NO. P-3190:**

22 (109220) - Handwritten notes of Shelley
23 Hallett of meeting dated 13 Sep 00

24 **MR. ENGELMANN:** Okay, sir, 3189 will require
25 a publication ban stamp. It refers to one of our monikered

1 individuals.

2 THE COMMISSIONER: Sure.

3 MR. ENGELMANN: I think the other one is
4 fine, sir.

5 THE COMMISSIONER: All right.

6 MR. ENGELMANN: So Ms. Hallett, let me just
7 ask you this. The notes that we -- the handwritten notes
8 that we see on 3189, are those yours?

9 MS. HALLETT: Those are.

10 MR. ENGELMANN: And the notes that are 3190,
11 are those your notes?

12 MS. HALLETT: Oh, I'm sorry -- eight nine,
13 yes, and also nine zero, yes.

14 MR. ENGELMANN: All right. And were you in
15 attendance for a meeting to discuss the Project Truth
16 website on or about September 13th, 2000?

17 MS. HALLETT: Yes, I was.

18 MR. ENGELMANN: And Murray Segal was there?

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: Paul Lindsay?

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: And James Stewart?

23 MS. HALLETT: That's right.

24 MR. ENGELMANN: All right. And who called
25 the meeting?

1 **MS. HALLETT:** Well, I was following up on
2 Pat Hall's -- Detective Inspector Hall's concern about the
3 Project Truth website, and he had expressed a number of
4 concerns about the posting of statements of various
5 complainants in the Project Truth cases on this website,
6 and he was concerned about the confusion that would be
7 generated by the use of the ---

8 **MR. ENGELMANN:** Project Truth name.

9 **MS. HALLETT:** --- term "Project Truth" ---

10 **MR. ENGELMANN:** Yes.

11 **MS. HALLETT:** --- when in fact it was
12 somebody altogether different; nobody associated with the
13 police project. And he was concerned about persons who
14 were still subject to investigation being named, and whose
15 names were being put on the website, and there was the
16 potential for the reputation of the administration of
17 justice to be undermined by what was being posted on this
18 website, and the confusion because of the name.

19 **MR. ENGELMANN:** So he's bringing to you
20 concerns; one about some alleged victims ---

21 **MS. HALLETT:** Alleged -- yes.

22 **MR. ENGELMANN:** --- who have their
23 statements up there, and the concern that it might have an
24 impact on other victims who are out there, or alleged
25 victims?

1 **MS. HALLETT:** Yes, in two ways: the
2 possible tainting of witnesses' evidence, witness
3 collusion; that might arise. But also the fact that some
4 witnesses might be -- this would create a chill for
5 witnesses who hadn't yet been identified, in terms of
6 coming forward, because they couldn't be guaranteed
7 confidentiality.

8 **MR. ENGELMANN:** And he's also concerned, as
9 I understand it, about persons named as abusers on this
10 website, including of course a local Crown attorney.

11 **MS. HALLETT:** Yes, and people who are still
12 under investigation ---

13 **MR. ENGELMANN:** Right.

14 **MS. HALLETT:** --- and for which charges had
15 not yet been laid.

16 **MR. ENGELMANN:** And did you share Detective
17 Inspector Hall's concerns?

18 **MS. HALLETT:** Yes, I did, and that's why I
19 did prepare this document about the background to the
20 website and set out the various concerns that had been
21 articulated by Detective Sergeant Hall, as well as my own
22 concerns, and I set them all out and I set out what I was
23 proposing to do about it.

24 I had changed my plan from simply contacting
25 Mr. Yegendorf to bringing an application before -- for an

1 order before the Superior Court, before the Senior Regional
2 Judge, Justice Desmarais, for an order temporarily closing
3 down the website. And I thought that if we served this
4 notice of -- first of all, I felt that the Court had
5 plenary powers in terms of controlling its own process to
6 make this kind of order, and that's what I had asked my
7 student to do. I wanted to get some case law with respect
8 to that particular issue.

9 From my work at the Court Reform Taskforce I
10 knew that there was this jurisdiction. Whether or not this
11 was the way to go about was -- I needed some more case law
12 on. So I put together what I -- this proposal, I'm going
13 to call it, and I've set it all out here, and perhaps the -
14 --

15 **MR. ENGELMANN:** All right.

16 **MS. HALLETT:** --- Tribunal will want to read
17 it later. I thought that by bringing the application, even
18 if ultimately we didn't get the order or we didn't in the
19 end insist on the order, it would at least provide some
20 lines of communication with those persons who were posting
21 this information, that they would then understand how
22 harmful it was to the administration of justice and to
23 these prosecutions.

24 **MR. ENGELMANN:** All right. And the
25 backgrounder, if I can call it, for the meeting you

1 prepared ---

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: --- that's 3189.

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: Just to ensure that these
6 senior managers had some background information?

7 MS. HALLETT: Yes. This was my pitch. I
8 frankly was going to bring it just to -- it was going to be
9 my pitch to Jim Stewart when he was in town.

10 MR. ENGELMANN: All right.

11 MS. HALLETT: And he was going to be in town
12 on this occasion. He was the one who brought in Mr. Segal
13 and Mr. Lindsay.

14 MR. ENGELMANN: All right. And you set out
15 alongside -- well, in this background information that, in
16 the third paragraph:

17 "According to police inquiry, James
18 Bateman, resident of Kitchener,
19 established the website and is supplied
20 with information for posting by Richard
21 Nadeau, a sexual survivors activist who
22 has targeted the College Classique in
23 Cornwall as a source of historical
24 sexual abuse by Catholic priests in the
25 college."

1 MS. HALLETT: M'hm.

2 MR. ENGELMANN: And then you go into
3 associations with Perry Dunlop and some background on him.

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: And then the concerns that
6 we've talked about ---

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: --- with respect to victims
9 and alleged victims and also alleged abusers.

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: And the strategies -- you
12 set out concerns as to what's happening.

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: The confusion, the tainting
15 of witnesses, intrusive publicity suffered by victims, and
16 also concerns about possible jury selection.

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: And you make a proposal, and
19 that is to bring this application, and whether or not you
20 succeed, one of the comments you make -- if I can
21 paraphrase -- is that after reading these materials Messrs.
22 Bateman and/or Nadeau may be convinced to just shut it
23 down?

24 MS. HALLETT: Yes. I felt that we could
25 sort of get the best of both worlds; without getting any

1 order that might be characterized as a gag order, that we
2 could get an agreement from those individuals to close it
3 down.

4 **MR. ENGELMANN:** All right. And did you in
5 fact get some instructions at that meeting with respect to
6 taking court or other action?

7 **MS. HALLETT:** We discussed the matter. I
8 made my pitch, and there were other issues that were of
9 concern to Mr. Segal, Lindsay and Stewart, and the -- sort
10 of the other side of this issue, which is a very delicate
11 one in terms of freedom of expression, various Charter
12 rights. So the other side of the coin that they were
13 concerned about, I have set out here in this document.

14 **MR. ENGELMANN:** In your handwritten notes?

15 **MS. HALLETT:** In my handwritten notes,
16 because I was going to, in the end, have to advise
17 Detective Inspector Hall as to the outcome of this -- this
18 decision-making process.

19 **MR. ENGELMANN:** All right. And,
20 essentially, they did not want you to proceed with the
21 application?

22 **MS. HALLETT:** They had some concerns. They
23 felt that there were other ways of dealing with the issue
24 without going to this dramatic length of getting an order
25 closing down the website.

1 **MR. ENGELMANN:** All right. And you would
2 have communicated that decision back to Officer Hall?

3 **MS. HALLETT:** I did.

4 **MR. ENGELMANN:** And, as a consequence, do
5 you know if he tried other approaches and discussions with
6 some of the individuals involved?

7 **MS. HALLETT:** Well, certainly we had a
8 meeting with Mr. Nadeau in the course of the trial, because
9 that was one of the first issues that we had to deal with
10 on this trial, in Leduc. And Mr. Nadeau was brought in and
11 I did at that time, at the request of Justice MacKinnon,
12 have some discussion with Mr. Nadeau.

13 **MR. ENGELMANN:** All right. I was going to
14 come to that in a minute.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** But just a couple of
17 questions before, if we may? Well, just a moment -- well,
18 the Leduc trial started on January 15th ---

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** --- 2001. At that time you
21 began calling evidence in support of the allegations of the
22 three complainants?

23 **MS. HALLETT:** That's right.

24 **MR. ENGELMANN:** And on the next day, I
25 believe, on the 16th did you ask Justice MacKinnon for a

1 publication ban order on the identity of the alleged
2 victims?

3 **MS. HALLETT:** Yes. I don't want to state
4 anything inaccurate here, Mr. Engelmann, but I don't
5 believe I did start with evidence on the 15th.

6 **MR. ENGELMANN:** All right.

7 **MS. HALLETT:** I could be wrong, but I -- we
8 were into a jury selection issue, and challenge for cause,
9 and whether or not there would be jury trials.

10 **MR. ENGELMANN:** Fair enough, okay. The case
11 started on the 15th?

12 **MS. HALLETT:** But very early on, yes, I
13 sought a publication ban with ---

14 **MR. ENGELMANN:** And this ban was to cover
15 the internet ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- presumably?

18 **MS. HALLETT:** M'hm.

19 **MR. ENGELMANN:** Because you were aware of
20 the website issue?

21 **MS. HALLETT:** Yes; all forms in which that
22 information might be published.

23 **MR. ENGELMANN:** All right. And I understand
24 that shortly after matters started, on or about the 17th of
25 January, Defence counsel informed the judge in question,

1 Justice MacKinnon, that Mr. Nadeau had placed some
2 information on his website about the previous day's
3 proceeding?

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And there was the suggestion
6 or re-election for trial by judge alone as a consequence?

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** Were you also aware that on
9 or about the 22nd of January, that Mr. Nadeau was cited in
10 contempt of court for continuing to publish information on
11 his website?

12 **MS. HALLETT:** That's right.

13 **MR. ENGELMANN:** And I understand he was
14 ordered to return to court on the 29th of January? And on
15 that day he was told to remove the material from the
16 website; that it breached the publication ban?

17 **MS. HALLETT:** I'm taking your word in terms
18 of ---

19 **MR. ENGELMANN:** Well, the date ---

20 **MS. HALLETT:** --- those dates. That's
21 generally as I recall, yes.

22 **MR. ENGELMANN:** All right. I'll just be a
23 moment. I'm sorry, sir. I note the time, and I -- I've
24 gone over. Might we take the noon break and be back
25 at 1:40?

1 **THE COMMISSIONER:** All right, with
2 Mr. Engelmann accepting responsibility for the delay in
3 this matter.

4 **MR. ENGELMANN:** *Mea culpa.*

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

7 This hearing will resume at 1:40 p.m.

8 --- Upon recessing at 12:08 p.m. /

9 L'audience est suspendue à 12h08

10 --- Upon resuming at 1:44 p.m. /

11 L'audience est reprise à 13h44

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

14 This hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 --- **SHELLEY HALLETT, Resumed/sous le même serment:**

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

18 **MR. ENGELMANN (cont'd/suite):**

19 **THE COMMISSIONER:** Thank you. Good
20 afternoon, all.

21 **MR. ENGELMANN:** Good afternoon.

22 **MR. TRUDEL:** Mr. Commissioner, on behalf of
23 everyone, I wanted to thank you for adjusting your schedule
24 so we could all watch history in the making.

25 **THE COMMISSIONER:** Perfect.

1 **MR. TRUDEL:** We all appreciate it.

2 **THE COMMISSIONER:** Thank you. There we go.

3 **MR. ENGELMANN:** Mr. Trudel was not on our
4 server.

5 **(LAUGHTER/RIRES)**

6 **THE COMMISSIONER:** All right.

7 **MR. ENGELMANN:** And I'm happy to hear that.

8 **THE COMMISSIONER:** Okay.

9 **MR. ENGELMANN:** Ms. Hallett, when we broke
10 before -- and good afternoon -- I'm sorry.

11 **MS. HALLETT:** Good afternoon, Mr. Engelmann.

12 **MR. ENGELMANN:** And good afternoon,
13 Mr. Commissioner.

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

15 **MR. ENGELMANN:** Before we broke this
16 morning, you mentioned the fact that one of your students -
17 - and I'm going to mispronounce her last name, but her
18 first name is Kerry?

19 **MS. HALLETT:** Kerry Benzakein.

20 **MR. ENGELMANN:** Right. Would have produced
21 a memo for you, just before you went into this meeting with
22 Mr. Segal, Mr. Lindsay and Mr. Stewart ---

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** --- about the whole Nadeau
25 issue and what, if anything, the Attorney General could do

1 and ---

2 MS. HALLETT: Yes, well, the power of the
3 Superior Court to control its own process ---

4 MR. ENGELMANN: Right, and ---

5 MS. HALLETT: --- in order to ensure a fair
6 trial.

7 MR. ENGELMANN: --- I believe we were able
8 to find a note to that effect.

9 MS. HALLETT: Right.

10 MR. ENGELMANN: Madam Clerk, it's Document
11 Number 109219.

12 Counsel, you would have been provided with
13 loose copies. Obviously, it's a late disclosure.

14 THE COMMISSIONER: Exhibit 3191 is a memo
15 dated September 13th, 2000 to Shelley Hallett from Kerry
16 Benzakein.

17 ---EXHIBIT NO./PIÈCE NO P-3191:

18 (109219) - Memo from Kerry Benzakein to
19 Shelley Hallett re: Jurisdiction of
20 Superior Courts - Power to control their own
21 process dated 13 Sep 00

22 MR. ENGELMANN: Is this the memo you were
23 referring to?

24 MS. HALLETT: Yes, this is.

25 MR. ENGELMANN: All right.

1 So let's go back to the Leduc trial. During
2 the month of January and into early February, I understand
3 you were leading evidence in support of the allegations ---

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** --- and you had three
6 complainants.

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

8 **MR. ENGELMANN:** You had three groups of
9 witnesses, a group of witnesses with respect to each of the
10 complainants?

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

12 **MR. ENGELMANN:** And, as I understand it, on
13 February 7th, C-16's mother is on the witness stand, she's
14 being cross-examined by one of the Defence counsel, and she
15 testifies about having two contacts with Officer Perry
16 Dunlop?

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

18 **MR. ENGELMANN:** One on or about May the 8th
19 of 1998 and the other on June 15th, 1998; correct?

20 **MS. HALLETT:** Yes, but I'm not sure that she
21 stated those dates, but I ---

22 **MR. ENGELMANN:** Okay.

23 **MS. HALLETT:** --- know that that ---

24 **MR. ENGELMANN:** That she'd had a couple of
25 contacts?

1 **MS. HALLETT:** There were a couple of
2 contacts and that those were identified, ultimately, as the
3 dates.

4 **MR. ENGELMANN:** All right. And, further,
5 that the second contact with Mr. Dunlop -- or Constable
6 Dunlop, that Constable Dupuis was aware of the second
7 contact because he was present at her home, I believe, when
8 the phone call came in.

9 **MS. HALLETT:** That's correct.

10 **MR. ENGELMANN:** All right. What was your
11 reaction to this evidence when it came in at the time?

12 **MS. HALLETT:** I was astonished. This was
13 the first that I had ever heard of any contact by Constable
14 Dunlop with any of the witnesses in the Leduc matter, in
15 the Leduc trial.

16 **MR. ENGELMANN:** Did you have a sense that
17 others were aware of this or not at the time?

18 **MS. HALLETT:** That other people were aware
19 of this? Well, the investigators would have been aware of
20 it, because of the fact that there had been some scolding
21 of Constable Dunlop in the summer of July -- or the summer
22 of 1998, about his having contact with -- particularly with
23 the mother of this particular complainant.

24 **MR. ENGELMANN:** All right. Was there ---
25 but at the time did they appear to be surprised by this

1 news as well or can you recall?

2 MS. HALLETT: I think that the officers were
3 surprised too. I wasn't alive to any contact between
4 Constable Dunlop and this witness but I don't think the
5 officers were either. I believe that the contact had
6 occurred so early in time in terms of the Leduc charges
7 being laid that they simply forgot to include any reference
8 to this in their notes and in the brief.

9 MR. ENGELMANN: All right. Was there
10 somewhat of a break or a postponement at that point for a
11 short time?

12 MS. HALLETT: Well, there was a break during
13 the lunch time on that day, of course, and during that
14 lunch break I met in the company of Detective Sergeant Hall
15 with defence counsel for Mr. Leduc.

16 MR. ENGELMANN: All right.

17 Just before that, we know from evidence
18 we've heard from OPP officers here, that Officer Dupuis
19 contacted Officer Hall.

20 MS. HALLETT: Yes.

21 MR. ENGELMANN: To advise him what had
22 happened ---

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: --- during C-16's mother
25 cross-examination.

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

2 **MR. ENGELMANN:** And that Officer Hall then
3 came to court and he brought with him some references from
4 the Dunlop will state?

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** That related to contacts
7 with C-16's mother?

8 **MS. HALLETT:** Yes, the excerpts from the
9 will say and notes of Constable Dunlop.

10 **MR. ENGELMANN:** Right. And in fact Officer
11 Hall has a recounting of this that perhaps I can take you
12 to in summary form.

13 **MS. HALLETT:** Okay, then.

14 **MR. ENGELMANN:** It's in Exhibit 2807.

15 **MS. HALLETT:** M'hm.

16 **MR. ENGELMANN:** The Bates page, Madam Clerk,
17 for the screen is 1145575. It would be the fourth
18 paragraph.

19 **THE COMMISSIONER:** Just a second, Mr.
20 Engelmann, you're getting ahead of the Clerk.

21 **MR. ENGELMANN:** The exhibit is 2807, the
22 Document Number is 123035.

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** Ms. Hallett, the Bates page
25 reference, top left, is 575. In fact, it might be easier

1 for you to actually start of the preceding page. It's also
2 got a -- I know the numbers are very small. I don't know
3 if you can read them; 574 would be the last three digits.

4 **MS. HALLETT:** Five-seven-four (574), I'm
5 sorry, I'm just -- I am confounded by these numbers. Okay,
6 oh, that is the Bates number. I'm sorry, what is the Bates
7 page again?

8 **MR. ENGELMANN:** It's 574.

9 **MS. HALLETT:** Okay, then I do have that,
10 m'hm.

11 **MR. ENGELMANN:** Right at the bottom.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** He references the fact, and
14 the writer being Pat Hall, that he's receiving this call
15 from Detective Constable Dupuis and that during the cross-
16 examination she(sic) advises she's(sic) been speaking to
17 Perry Dunlop, et cetera.

18 And he then says, at the top of the next
19 page, 575, the writer photocopied the following items, and
20 he's got page 68 of Perry Dunlop's will state and then he's
21 got a photocopy of Dunlop's notebook, a photocopy of --
22 again, something from Dunlop's notes, and a photocopy of
23 Detective Sergeant Pat Hall's notes of the meeting with
24 Dunlop and Detective Inspector Smith.

25 So he apparently brings these items with

1 him?

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And then I understand he is
4 present when you meet with defence counsel?

5 MS. HALLETT: That's right.

6 MR. ENGELMANN: And Officer Dupuis is also
7 present?

8 MS. HALLETT: I believe that he was.

9 MR. ENGELMANN: All right, and perhaps
10 Officer Seguin?

11 MS. HALLETT: Possibly. I'm not sure
12 whether Steve was there or not but it's possible that he
13 was.

14 MR. ENGELMANN: All right.

15 Officer Hall has noted on that same Bates
16 page, 575:

17 "Present were Assistant Crown Tier,
18 Detective Constable Dupuis, Detective
19 Constable Seguin, possibly a law
20 student."

21 And they then talk about going into an
22 interview room and meeting with defence counsel, Philip
23 Campbell and Steve Skurka, and a law student.

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: Okay?

1 Now do you recall how long the meeting would
2 have taken approximately?

3 **MS. HALLETT:** It was a short meeting.

4 **MR. ENGELMANN:** And do you recall the ---

5 **MS. HALLETT:** Maybe, I think around ten
6 minutes.

7 **MR. ENGELMANN:** And at the meeting these
8 references from the Dunlop material that Detective
9 Inspector Hall brought ---

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** Were they shared with
12 defence counsel?

13 **MS. HALLETT:** Yes, m'hm.

14 **MR. ENGELMANN:** And do you recall the tone
15 or the atmosphere of the meeting?

16 **MS. HALLETT:** Yes. The defence counsel, Mr.
17 Skurka and Mr. Campbell, were extremely aggressive on this
18 occasion with the officers and very critical of the
19 officers. And the -- do you want me to carry on?

20 **MR. ENGELMANN:** Yes.

21 **MS. HALLETT:** Okay then. The -- what they
22 were very critical about was why it was that the police,
23 the Project Truth police officers, had not included any
24 reference to this meeting with Dunlop on July 28th of 199---

25 **MR. ENGELMANN:** July 23rd?

1 **MS. HALLETT:** July 23rd, of 1998.

2 Why -- okay, basically it came down to why
3 are we relying on -- why do we have to rely on Dunlop's
4 notes? Why isn't this in your notes? Why isn't this in
5 the notes of the lead investigators on this case? Why
6 isn't it in the brief?

7 So they were highly critical and suggesting
8 that there had been some sort of an attempt to -- wilful
9 attempt by the police officers to suppress any reference to
10 the Dunlop/C-16 contact with the mother of this particular
11 witness.

12 **MR. ENGELMANN:** All right. Well, Detective
13 Inspector Hall, in this statement and then when he gave his
14 evidence here, he talked about the fact that when defence
15 counsel were questioning the police about the Dunlop
16 material and its disclosure and in particular about this
17 meeting of July 23rd ---

18 **MS. HALLETT:** Right.

19 **MR. ENGELMANN:** --- between Smith, Hall and
20 Dunlop, you were relatively silent and then you said words
21 such as, "this is all news to me" or "this is news to me"?

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

23 **MR. ENGELMANN:** Did you in fact say
24 something like that?

25 **MS. HALLETT:** Yes, I did.

1 **MR. ENGELMANN:** All right.

2 **MS. HALLETT:** And I was referring to this
3 meeting that I was finding out about. I was just getting
4 recognizance here. I was finding out for the first time
5 not only that there been this contact, but that this had
6 been discussed by the lead investigators with Dunlop on
7 this particular day of July 23rd of 1998, and that meeting
8 was total news to me. I had not seen any reference to that
9 meeting in any notes that I had obtained as part of the
10 brief in this matter, and I had not obtained the note that
11 Detective Dupuis had made with respect to his knowledge
12 from this witness's mother.

13 **MR. ENGELMANN:** The five lines or so that
14 had been in his notebook?

15 **MS. HALLETT:** Yes, the five-line entry
16 referring to the fact that this woman had told Detective
17 Dupuis that she had just been on the phone with Perry
18 Dunlop.

19 So -- but what I was referring to when I'm
20 talking about "this is all news to me", was this meeting in
21 July of 1998 where the Project Truth investigators are
22 confronting Constable Dunlop and warning him off the
23 witnesses in the Project Truth cases but specifically this
24 witness, the mother of this complainant.

25 **MR. ENGELMANN:** All right. But when he

1 testified here before the Inquiry, Mr. Hall indicated that
2 this comment of yours ---

3 MS. HALLETT: Right.

4 MR. ENGELMANN: --- was really the only
5 comment he remembered you making ---

6 MS. HALLETT: M'hm.

7 MR. ENGELMANN: --- that this was news to
8 you or all news to you, that in effect you hung them out to
9 dry ---

10 MS. HALLETT: No.

11 MR. ENGELMANN: --- at that meeting?
12 Because he thought, in essence, by saying that, you were
13 agreeing with them that the police had done something
14 wrong?

15 MS. HALLETT: No, not at all. And I always
16 took the position that this was an oversight by the police.
17 It was an oversight by myself in terms of the fact that I
18 had had these Dunlop notes and Will-Say for almost a year
19 by that time.

20 But at the same time I was not -- but I was
21 defending the police officers. I certainly had -- I always
22 defended the police officers throughout these proceedings
23 and throughout the stay. I always indicated that the
24 failure to include this information in the brief was an
25 oversight, was not wilful, was inadvertent, and that had

1 always been the position of the Crown.

2 So I certainly -- and I think that the
3 record discloses that throughout. I don't know how many
4 times I did say to the Court, "This was inadvertent by the
5 police," but -- so there's no way that I would have on this
6 day started out with the opposite position, and I didn't.
7 That's all there is to it.

8 **MR. ENGELMANN:** The Dunlop Will-State, if I
9 can call it that, that is something you would have reviewed
10 at some point during the year 2000?

11 **MS. HALLETT:** I did.

12 **MR. ENGELMANN:** And in fact the Dunlop Will-
13 State did have references to this meeting on July 23rd and
14 the contact about -- well, the contact with Dunlop and C-
15 16's mother.

16 **MS. HALLETT:** Yes, that's right. All of the
17 items that Detective Sergeant Hall has included here in his
18 summary that you're just showing to me in this exhibit --
19 yes, all of that was in the material that I had received in
20 April of 19 -- excuse me, 2000 -- April of 2000 in relation
21 to the Charles MacDonald case, I thought.

22 **MR. ENGELMANN:** All right. So you had
23 received that material.

24 **MS. HALLETT:** Right.

25 **MR. ENGELMANN:** You had read it at some

1 point?

2 **MS. HALLETT:** I reviewed it very quickly,
3 very briefly, to determine that it should be disclosed. I
4 was aware that Detective Dunlop had contacted a number of
5 victims, or complainants rather, in the Charles MacDonald
6 case and my intention was of course to make sure that that
7 was disclosed to counsel for Charles MacDonald.

8 However, I was not aware of any contact that
9 Dunlop had had with anyone -- any victims, as I say, in the
10 Leduc matter, and so I did not perceive these materials to
11 be disclosable to counsel for Mr. Leduc.

12 **THE COMMISSIONER:** Just to situate
13 ourselves, the reason why any mention of Dunlop contacting
14 victims is because by that time C-8 has come forward and
15 has said -- in the Marcel Lalonde trial ---

16 **MS. HALLETT:** Yes.

17 **THE COMMISSIONER:** --- and has said,
18 "Listen, I got pushed around," or, "I was influenced by Mr.
19 Dunlop, and one accusation against the teacher is false and
20 the allegations against Father MacDonald are false."
21 Right? So you were aware of that?

22 **MS. HALLETT:** I wasn't -- how should I say?
23 The case against Marcel Lalonde was not one that I was
24 responsible for.

25 **THE COMMISSIONER:** No, I understand that.

1 **MS. HALLETT:** And I had some information
2 about allegations made by the numbered ---

3 **THE COMMISSIONER:** C-8.

4 **MS. HALLETT:** --- C-8 -- complainant that
5 you referred to. I wasn't sure if those were true but I
6 certainly was going to follow through in terms of making
7 these materials available to counsel for Father MacDonald,
8 because of the contact, yes.

9 **THE COMMISSIONER:** Right.

10 **MS. HALLETT:** But even without Marcel
11 Lalonde I -- without that matter, because of general
12 allegations out there, basically as part of the environment
13 by this point in time, I would have made those available to
14 counsel for Charles MacDonald.

15 **THE COMMISSIONER:** Right, but what I'm
16 trying to link is when you were looking through the
17 material were you aware that any contact with Perry Dunlop
18 in any of the cases would be problematic?

19 **MS. HALLETT:** I knew that Perry -- yes,
20 Perry Dunlop was being characterized at a certain point in
21 time, and probably around the time of the Marcel Lalonde
22 case, as someone who was possibly unduly influencing
23 witnesses. I became aware of that characterization of him.
24 But that had not been -- when I first came into these
25 cases, my understanding was that he was a whistleblower and

1 a local hero and a catalyst, and it was on the basis of his
2 investigation, preliminary investigations, that Project
3 Truth was set up.

4 So he had had credibility, certainly at the
5 beginning of the Project Truth investigations and certainly
6 at the time I came in to these cases. Over the course of
7 time -- over the course of time that I was involved in
8 these cases, that perception of Constable Dunlop did change
9 in this community and it had to influence my disclosure
10 obligations, and I recognized that.

11 I'm not quite sure at what point that did.
12 I'm not sure that I -- I wasn't sure whether or not the
13 characterization of Constable Dunlop was coming from
14 defence counsel or from the media or some form of
15 manipulation that was not true. But in any case, I know
16 that at the time, in April of 2000 when I received these
17 notes and materials in relation to Constable Dunlop, the
18 notes and the Will-Say, I had no doubt that they would
19 likely be relevant and disclosable to counsel for Charles
20 MacDonald.

21 **MR. ENGELMANN:** Mr. Commissioner, just for
22 the record, I believe the C-8 issue with Lalonde had been
23 dealt with by that point, but with MacDonald it was later.

24 **THE COMMISSIONER:** Yes, yes, yes. Okay.

25 **MR. ENGELMANN:** However, as Ms. Hallett has

1 said, and we'll come to this, she was, I believe, informed
2 about some issues that arose in the Lalonde matter in the
3 fall of 1999. And as we'll see from some other
4 documentation, she would also have been informed about the
5 investigation that the Ottawa Police Service was doing
6 about -- with respect to Perry Dunlop and possible perjury
7 charges during the year 2000.

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** And certainly, Ms. Hallett,
10 that's something that came to your attention at or about
11 the time you were getting additional Dunlop disclosure in
12 the spring of 2000.

13 **MS. HALLETT:** That's correct.

14 **MR. ENGELMANN:** Is that fair?

15 **MS. HALLETT:** M'hm.

16 **MR. ENGELMANN:** All right. So by 2001, if
17 something comes up in a trial whereby Constable Dunlop may
18 have spoken to a witness, whether that's a complainant or a
19 relative of a complainant or something ---

20 **MS. HALLETT:** Right.

21 **MR. ENGELMANN:** --- that would be a matter
22 of some concern?

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** Is that fair?

25 **MS. HALLETT:** Exactly.

1 **MR. ENGELMANN:** All right. So after the
2 meeting with defence counsel did you and your colleague,
3 Ms. Tier, and the officers have a meeting?

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** All right. And during the
6 course of that meeting did Officer Hall express some
7 concerns to you about your, "This is news to me" comment,
8 do you recall?

9 **MS. HALLETT:** No, I don't recall that. I
10 remember somebody -- I remember acknowledging that yes, I
11 certainly had these notes. I have this Will-Say. Yes, I
12 knew I did, and I certainly was acknowledging it ---

13 **MR. ENGELMANN:** All right.

14 **MS. HALLETT:** --- in that meeting after the
15 meeting with Defence counsel.

16 **MR. ENGELMANN:** Well, in fact in the
17 meeting, I believe Officer Hall has testified here that he
18 would have reminded you that you were provided the Dunlop
19 material to review back in March or April of 2000.

20 **MS. HALLETT:** Yes, right.

21 **MR. ENGELMANN:** And he indicated that your
22 reaction was something like, "Yeah, yeah, I know that."

23 **MS. HALLETT:** Oh yes. Oh, I never disputed
24 that I had those notes. I had already indicated to the
25 Court the year earlier, on April the 18th, that I had come

1 into possession of these items and that I needed to review
2 them for the purpose of disclosure in the Charles MacDonald
3 case.

4 MR. ENGELMANN: Okay, but he seemed to be
5 concerned about reminding you that you would have seen that
6 material and, as you're saying, you acknowledged back that
7 you had.

8 MS. HALLETT: Oh yes, absolutely. I never -
9 --

10 MR. ENGELMANN: Did it go further, and did
11 he ask you, "Well, didn't you see this reference on page
12 68?"

13 MS. HALLETT: I can't recall that we
14 discussed that.

15 MR. ENGELMANN: All right.

16 MS. HALLETT: No, I can't recall ---

17 MR. ENGELMANN: All right.

18 MS. HALLETT: --- that.

19 MR. ENGELMANN: So there was nothing more
20 specific about the concern, other than ---

21 MS. HALLETT: No.

22 MR. ENGELMANN: --- reminding you that you
23 would have reviewed the Dunlop material?

24 MS. HALLETT: No, that -- yeah, exactly,
25 that I had the materials. There was no doubt that I did

1 have the materials and ---

2 MR. ENGELMANN: All right.

3 MS. HALLETT: --- I acknowledged that.

4 MR. ENGELMANN: Did the Defence counsel
5 indicate to you on that day that they might be bringing a
6 stay application?

7 MS. HALLETT: No.

8 MR. ENGELMANN: Was that something you were
9 concerned about from that day?

10 MS. HALLETT: Not at that time.

11 MR. ENGELMANN: All right.

12 MS. HALLETT: I wasn't sure what was going
13 to be the result of this new information.

14 MR. ENGELMANN: All right.

15 MS. HALLETT: We were definitely getting
16 into providing this material to them.

17 MR. ENGELMANN: Would they have also made
18 some oral requests for material either that day or shortly
19 thereafter?

20 MS. HALLETT: Yes, they did. Yes.

21 MR. ENGELMANN: Did you ask them to put
22 those requests into writing?

23 MS. HALLETT: Yes. I'm not quite sure if I
24 did or not but they did do that in any case.

25 MR. ENGELMANN: All right.

1 **MS. HALLETT:** I'm not sure if it was as a
2 result of my request, but I appreciated them -- these
3 requests being in writing so that we could meet them --
4 meet the request, satisfy the request for disclosure.

5 **MR. ENGELMANN:** And it's my understanding,
6 Ms. Hallett, that the trial continued?

7 **MS. HALLETT:** Oh, absolutely.

8 **MR. ENGELMANN:** You continued to call
9 evidence, you know, with respect to the case.

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And I understand that either
12 the next day, February 8th or perhaps the day after, one of
13 the officers -- I believe Detective Constable Seguin --
14 would have delivered to you a letter that you had written
15 to Officer Dupuis back in July of 2000.

16 **MS. HALLETT:** That's right.

17 **MR. ENGELMANN:** And, in fact, that is
18 Exhibit 2623. Counsel, if you need a document number, it's
19 123032. This is a letter that you wrote to Joe Dupuis,
20 Officer Dupuis ---

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** --- on July 4th, 2000?

23 **MS. HALLETT:** Right.

24 **MR. ENGELMANN:** And you would have copied
25 Detective Inspector Hall with that when you wrote it?

1 **MS. HALLETT:** I generally copied Detective
2 Inspector Hall on all my correspondence

3 **MR. ENGELMANN:** All right. And ---

4 **MS. HALLETT:** In relation to these cases,
5 yes.

6 **MR. ENGELMANN:** You're getting this back
7 from Officer Seguin with the handwritten note, "Shelley,
8 for your information. Pat Hall." Do you see that?

9 **MS. HALLETT:** That's right.

10 **MR. ENGELMANN:** Now, was it explained to you
11 why he was returning this to you?

12 **MS. HALLETT:** Why he was providing a copy of
13 my letter ---

14 **MR. ENGELMANN:** Yes.

15 **MS. HALLETT:** --- to me on this day with his
16 endorsement? No.

17 The only thing that Detective Seguin said at
18 the time, and it was -- I remember exactly when it was. It
19 was prior -- it was in the morning just prior to going into
20 court, and Detective Seguin handed me this letter with
21 Pat's endorsement, and he said to me, "Pat likes you but
22 he's a 'cover your ass' kind of guy".

23 **MR. ENGELMANN:** He says that when he hands
24 this to you?

25 **MS. HALLETT:** That's what -- yes, that's

1 what Steve Seguin says to me when he hands this over. And
2 that is as much sort of explanation as I got for why Pat
3 Hall had sent me a copy of this letter with his
4 endorsement.

5 **MR. ENGELMANN:** Did you ask Officer Seguin
6 for any more explanation?

7 **MS. HALLETT:** No, I didn't. I was confused.
8 I couldn't really understand why it was that he was
9 providing this to me. I was of course busy. I had to get
10 into court. We were continuing to call the case.

11 **MR. ENGELMANN:** All right. It does indicate
12 in the letter that you're going to be reviewing -- that
13 Officer Dunlop has shown up unexpectedly at your office on
14 June 27th.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** That he brought a duplicate
17 copy of materials you'd been sent earlier?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And that you're going to be
20 reviewing these materials?

21 **MS. HALLETT:** Yes. I was going to be
22 reviewing them to see, first of all, whether they were
23 duplicates of the set that I had already obtained from the
24 Project Truth officers in April of 2000.

25 **MR. ENGELMANN:** All right. And you were

1 going to be reviewing them for disclosure purposes?

2 **MS. HALLETT:** I was -- well, my first -- I
3 believe that my first intention was to review them to
4 determine whether or not they were, in fact, duplicates.
5 They appeared to be duplicates but you can never be sure.

6 At this point on this day of July the 4th of
7 2000, I have already received a set of materials, and here
8 Constable Dunlop is providing me with what appears to be a
9 second duplicate set, but I'm not sure. It could be that
10 they are different. And so that was my immediate concern.

11 **MR. ENGELMANN:** All right. The letter
12 refers to the *R. v. MacDonald* matter?

13 **MS. HALLETT:** That's the caption on the
14 letter, yes.

15 **MR. ENGELMANN:** All right. And when you
16 received this on February 8th or February 9th from Detective
17 Constable Seguin, did you ---

18 **MS. HALLETT:** The copy of my letter dated
19 July 4th of 2000?

20 **MS. HALLETT:** Right, with the "for your
21 information" comment.

22 **MR. ENGELMANN:** Yes.

23 Did it appear to you that Detective
24 Inspector Hall might be again reminding you that you had
25 reviewed the Dunlop material, or did that come to your mind

1 at the time?

2 MS. HALLETT: My perception was that he was
3 reminding me that I had always had the Dunlop notes and
4 will say; that I had gotten possession of them.

5 MR. ENGELMANN: All right.

6 MS. HALLETT: I had received them from the
7 officers. I felt that he -- I thought, frankly, he was
8 sort of banging me over the head with this, you know,
9 pounding it when it wasn't necessary. I always
10 acknowledged that I did have these notes and will say.

11 MR. ENGELMANN: Did you and he ever discuss
12 this?

13 MS. HALLETT: No.

14 MR. ENGELMANN: Was this a document that you
15 would have disclosed to defence counsel?

16 MS. HALLETT: No.

17 MR. ENGELMANN: Either in the MacDonald case
18 or in Leduc case?

19 MS. HALLETT: No. This is not the kind of
20 item that would ordinarily be disclosed. It's a piece of
21 internal correspondence. It's my writing to a police
22 officer on the case and I am, in fact, referring, as you
23 can see on page 1, to one of the complainants on ---

24 MR. ENGELMANN: To C-2 ---

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** --- in the bottom paragraph?

2 **MS. HALLETT:** The Charles MacDonald case.

3 Yes, that's right.

4 And I would -- that was an additional
5 reason, quite apart from the fact that this is internal
6 correspondence. But the fact that there is a complainant
7 that's named in this document would make an additional
8 reason either for not disclosing it or for ensuring that
9 the name was blocked out if, for some reason, it -- I
10 perceived it to be something that should be disclosed.

11 **MR. ENGELMANN:** So before -- if you decided
12 something like that needed to be disclosed ---

13 **MS. HALLETT:** Right.

14 **MR. ENGELMANN:** --- if you were disclosing
15 it to counsel in another case ---

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** --- you would block out the
18 name of the complainant?

19 **MS. HALLETT:** That's right. But it isn't
20 the kind of item that would ordinarily be disclosed, in my
21 opinion.

22 **MR. ENGELMANN:** All right. You didn't feel
23 that you were obliged to disclose it?

24 **MS. HALLETT:** No.

25 **MR. ENGELMANN:** Ms. Hallett, you've

1 mentioned that there was -- there were a number of
2 disclosure requests that followed this news of February 7th
3 and your meeting with defence counsel, and I believe
4 they're attached to Mr. Hall's -- Detective Inspector
5 Hall's will say, which is the document we were looking at,
6 2807, for the York Regional Police.

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And if you look at Bates
9 page 629, this is a letter from Messrs. Skurka and Campbell
10 dated February 12th, 2001?

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** And in the letter ---

13 **MS. HALLETT:** Could I -- is it possible to
14 have that called up?

15 **MR. ENGELMANN:** Yes. It will just be a
16 moment.

17 **MS. HALLETT:** Okay, sorry.

18 **THE COMMISSIONER:** It's getting there.

19 **MS. HALLETT:** Okay, here we are.

20 **MR. ENGELMANN:** It appears at this point-in-
21 time -- and I'm paraphrasing -- but the thrust of the
22 letter is a concern on the part of the defence that this
23 was a wilful non-disclosure by the police.

24 **MS. HALLETT:** That's right.

25 **MR. ENGELMANN:** And in this letter they're

1 requesting not only statements from the officers but all
2 other documentation, including OPP and CPS records,
3 memoranda and correspondence related to the issue.

4 **MS. HALLETT:** That's right. Now, could you
5 just point out where you read that from here?

6 **MR. ENGELMANN:** Oh, I'm just paraphrasing
7 the letter.

8 **MS. HALLETT:** Oh, okay.

9 **MR. ENGELMANN:** Well, if you look -- they
10 have a first category of documents listed in the bottom
11 paragraph of the first page:

12 "Detailed account from Detectives
13 Dupuis, Hall and any other officer with
14 any information on the subject about
15 Mr. Dunlop's contact with C-16's mother
16 clearly communicated by Mr. Skurka on
17 February 7th."

18 And it goes on:

19 "Special efforts be made to conduct
20 exhaustive inquiries...require not only
21 statements from the officers but all
22 other documentation..."

23 Et cetera. I think that's where I got it
24 from.

25 **MS. HALLETT:** Can I -- I just want to make

1 sure that you do read that properly into the record though,
2 Mr. Engelmann.

3 **MR. ENGELMANN:** Go ahead then.

4 **MS. HALLETT:** With the court's indulgence.

5 **MR. ENGELMANN:** Ms. Hallett, I paraphrased.
6 What is it you wanted to read?

7 **MS. HALLETT:** Yes, okay. Could we -- maybe
8 to go over to ---

9 **THE COMMISSIONER:** Is it the part about the
10 wilful non-disclosure that you're looking for?

11 **MS. HALLETT:** It's with respect to the
12 nature of the correspondence that's requested.

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

14 **MR. ENGELMANN:** Well, they're saying:

15 "We require not only statements from
16 the officers..."

17 **MS. HALLETT:** Right.

18 **MR. ENGELMANN:** "...but all other
19 documentation (including all OPP and
20 Cornwall Police Service records),
21 memorandum and correspondence..."

22 **MS. HALLETT:** Okay. Yes, "related" ---

23 **MR. ENGELMANN:** "... (related to the issue)."

24 **MS. HALLETT:** Okay.

25 **MR. ENGELMANN:** You see that?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: "It is clear to us that
3 non-disclosure on this issue was wilful
4 rather than unwitting."

5 Okay?

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: Then it goes on ---

8 MS. HALLETT: They're making that
9 assumption, yes.

10 MR. ENGELMANN: And then there's a second
11 category they raise on a second page of information they're
12 seeking.

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: Okay. And, again, their
15 primary target here appears to be that there's been wilful
16 non-disclosure by the police?

17 MS. HALLETT: Yes, that's right.

18 MR. ENGELMANN: All right.

19 And, again, was there anything that you read
20 into this letter that might make you feel that you were
21 obliged to disclose that July 4th, 2000 memo we just looked
22 at?

23 MS. HALLETT: No, I never believed that this
24 particular document was -- should have been disclosed.

25 MR. ENGELMANN: All right.

1 **MS. HALLETT:** I might add too there is --
2 just on that page 2 of that letter, the next paragraph --
3 the last sentence in the next paragraph beginning with the
4 word "additionally":

5 "Additionally, we request immediate
6 disclosure of a statement outlining Mr.
7 Dunlop's involvement in the Cornwall
8 area sexual abuse investigations
9 reportedly provided to Ms. Hallett in
10 April, 2000 by Dunlop."

11 Okay? And I just want to highlight this
12 particular sentence for two reasons. First of all, by this
13 time, even though they are requesting it in this letter
14 dated February 12th, it has been provided. The full set of
15 Detective Dunlop's will say and notes have been provided to
16 the defence.

17 **THE COMMISSIONER:** As of when, about?

18 **MS. HALLETT:** It would have been provided --
19 I think we got the copy completed perhaps the day before,
20 sir. It's just prior to this letter, I know that. I had
21 requested that that be done.

22 But what I also want to highlight is that
23 the defence counsel are aware that I have received the
24 statement outlining Mr. Dunlop's involvement in the
25 Cornwall sexual abuse investigations reportedly provided to

1 Ms. Hallett in April, 2000 by Mr. Dunlop. So I had made
2 this known to defence counsel that I had received this, and
3 this is why it's referenced in the letter at this point.

4 MR. ENGELMANN: All right.

5 And you would have shared this letter with
6 Detective Inspector Hall?

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: Because he and his team were
9 going to assist you in responding to this disclosure
10 request?

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: And, in fact, in this same
13 document at Bates page 638, he in fact responds to you.
14 This is a letter from Detective Inspector Hall to yourself
15 dated February, 2001; correct?

16 MS. HALLETT: Yes, m'hm.

17 MR. ENGELMANN: And he says, among other
18 things, that he did not at any time wilfully fail to make
19 disclosure in this case?

20 MS. HALLETT: Yes, m'hm.

21 MR. ENGELMANN: And ---

22 MS. HALLETT: That was definitely at the top
23 of the list.

24 MR. ENGELMANN: Right.

25 MS. HALLETT: It was an important statement

1 to make.

2 MR. ENGELMANN: Right.

3 Nor did he instruct Detective Constable
4 Dupuis to withhold disclosure in relation to the contact?

5 MS. HALLETT: Yes, that's correct, because
6 that was what was at issue here.

7 MR. ENGELMANN: And those were allegations
8 that were being made by defence counsel?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: In their letter?

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: He also provided for you a
13 summary or outline of all of his contacts with Perry
14 Dunlop?

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: Is it something you would
17 have asked for ---

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: --- or did he do that on his
20 own accord?

21 MS. HALLETT: Well, we were consulting with
22 each other about how we were going to deal with this issue
23 that had arisen, and so he got on it and prepared the
24 appropriate documentation to deal with the issue.

25 MR. ENGELMANN: Now, at this point, February

1 12th, were you aware that a stay application was coming ---

2 **MS. HALLETT:** No.

3 **MR. ENGELMANN:** --- or you were just
4 concerned that it might be and you're trying to respond to
5 disclosure requests as quickly as possible?

6 **MS. HALLETT:** On February 14th is when -- is
7 the date on which -- February 14th of 2001 is the date on
8 which defence announces to the court that there will be a
9 stay application brought, but there was no formal notice of
10 application that was provided until it may be the 15th or
11 16th.

12 **MR. ENGELMANN:** I think it's dated on the
13 15th, but there's some question as to when you actually
14 received it.

15 **MS. HALLETT:** I received it -- it may have
16 been the 16th. Is that ---

17 **MR. ENGELMANN:** Yeah.

18 **MS. HALLETT:** Yes.

19 Can I just -- I just want to -- just in
20 relation to the letter of February the 12th that we looked
21 at earlier, I believe that in that letter the defence
22 counsel had said, "Continue on with the trial". That is in
23 the February 12th letter. They're announcing that they will
24 not accept that the failure to disclose was anything but
25 wilful on the part of the police ---

1 **MR. ENGELMANN:** Yes.

2 **MS. HALLETT:** --- in that February 12th
3 letter, but they are still saying, "Carry on with the
4 trial. We're not sure what we're going to do." I believe
5 that that was in the February 12th letter.

6 **MR. ENGELMANN:** All right.

7 And is that what you were in fact doing?

8 **MS. HALLETT:** Yes, at the end of that
9 February 12th letter.

10 **MR. ENGELMANN:** So you were carrying on with
11 the trial and you were trying to respond to disclosure
12 requests when you're outside of the trial?

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** All right.

15 In fact, on February 14th you get another
16 letter from them asking for further disclosure. And if
17 you'll look at that same exhibit, it's Bates page 1145636.

18 **MS. HALLETT:** Yes. And I believe I'm
19 checking all these things off, all of these items, with a
20 view to trying to meet this request. After we had obtained
21 the information, then I would check them off so that we
22 could provide this.

23 **MR. ENGELMANN:** All right. So there's very
24 specific disclosure being requested and a catch-all at the
25 end to any other relevant material that you discovered in

1 relation to this matter?

2 MS. HALLETT: Yes, that's right.

3 MR. ENGELMANN: All right.

4 And then, again, a further disclosure
5 request is made by the defence on February 15th, 2001, and
6 you'll see that at Bates page 114562 -- I'm sorry, 52.

7 MS. HALLETT: Yes. Is the date on that -- I
8 don't see the date yet.

9 THE COMMISSIONER: It's on the top.

10 MS. HALLETT: Okay. February 15th, yes.

11 MR. ENGELMANN: Now, again, the caption is
12 already "Stay Application".

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: I think you've said they've
15 announced in court ---

16 MS. HALLETT: Yes, on the 14th of February, I
17 believe -- yes, it was on the 14th that they announced that.

18 MR. ENGELMANN: All right.

19 And in this case, they're asking for a
20 number of matters including -- and you'll see their catch-
21 all here:

22 "...any correspondence, notes, memos,
23 letters or other records reporting to
24 the Crown about issues related to Perry
25 Dunlop, whether generally or before and

1 after July 23rd, 1998."

2 MS. HALLETT: Yes.

3 What item is that?

4 MR. ENGELMANN: The very last one, number 9.

5 MS. HALLETT: Okay.

6 THE COMMISSIONER: The next page, Madam
7 Clerk.

8 MR. ENGELMANN: Sorry, I apologize. It's
9 the following page.

10 MS. HALLETT: Okay. Yes, reporting to the
11 Crown.

12 MR. ENGELMANN: Now, again, just thinking
13 back to that memo that you had written to Officer Dupuis
14 and then Officer Hall flips back to you with "For your
15 information" ---

16 MS. HALLETT: Right.

17 MR. ENGELMANN: --- did you feel that that
18 might be covered by paragraph 9 and, if so, did you feel
19 you had any obligation to disclose it?

20 MS. HALLETT: No, for a number of reasons.

21 First of all ---

22 MR. ENGELMANN: For the reasons you've
23 already given us?

24 MS. HALLETT: No, there's an additional
25 reason by this point.

1 **MR. ENGELMANN:** Okay.

2 **MS. HALLETT:** Okay. But just referring to
3 the wording of the request, as I understood this request,
4 it was for correspondence, et cetera, and I assume from the
5 police reporting to the Crown -- to the Crown -- about
6 issues related to Perry Dunlop.

7 And, in addition, by this point-in-time, by
8 the 15th of February, I had advised the court in a very
9 fulsome statement that I had come into possession of the
10 Dunlop notes and will say in April of 2000, that I had
11 reviewed them in a brief way, in a cursory way, that I had
12 not seen the references to the contact between Perry Dunlop
13 and the mother of C-16, and taking full responsibility for
14 that failure to disclose at that time.

15 **MR. ENGELMANN:** All right.

16 **MS. HALLETT:** So in other words, having
17 already advised the court in the presence of counsel and
18 the police, although I found out later that Detective
19 Sergeant Hall wasn't there at the time, having made that
20 admission, I certainly wasn't reading this letter that came
21 a day later as a request for anything other than
22 correspondence from the police to the Crown, and certainly
23 not requiring the disclosure of my letter of July 4th of
24 2000 to Detective Dupuis.

25 **MR. ENGELMANN:** All right.

1 Did Detective Inspector Hall ever speak to
2 you about the need to disclose that memo?

3 **MS. HALLETT:** No, never.

4 **MR. ENGELMANN:** And he was not present in
5 court, you found out later, when you ---

6 **MS. HALLETT:** When I stood up.

7 **MR. ENGELMANN:** --- made your
8 representations about your knowledge?

9 **MS. HALLETT:** That's correct, when I told
10 the court and took responsibility for the fact that I had
11 failed to see these references in these items that I had
12 had since April, 2000 and therefore had not disclosed them
13 to counsel for Mr. Leduc.

14 **MR. ENGELMANN:** I was going to come to that
15 in a few minutes but let's go there now. I believe we'll
16 find that it's in the cross documents -- oh sorry, it's
17 Exhibit 2647, Document Number 103609.

18 I'll just be a moment.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. ENGELMANN:** If a hard copy could be
21 given to the witness?

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** All right.

24 And at the beginning of this transcript,
25 this is a transcript from the trial of the 14th of February,

1 2001?

2 MS. HALLETT: That's right.

3 MR. ENGELMANN: And on the first couple of
4 pages Mr. Skurka is outlining the fact that they are about
5 to bring a motion ---

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: --- for a breach of Mr.
8 Leduc's Charter rights?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: Basis the motion will be in
11 brief, deliberate nondisclosure by one of the officers in
12 charge of this case?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: And they cite Detective
15 Constable Dupuis?

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: And several senior ranking
18 police officers?

19 MS. HALLETT: Yes, that's right.

20 Essentially what Mr. Skurka is doing, I
21 believe at this point, is reading his letter dated February
22 12th into the record.

23 MR. ENGELMANN: All right.

24 And in response, pages 2 and 3, Bates pages
25 390 and then 391, you're saying in the middle paragraph,

1 you're indicating:

2 "That just as my friend, Mr.
3 Campbell, was taken by surprise
4 and so advised...accorded the fact
5 of a connection between Constable
6 Dunlop and C-16's family through
7 C-16's mother, I was also taken by
8 surprise, Your Honour."

9 **MS. HALLETT:** That's right.

10 **MR. ENGELMANN:** "This is the first of my
11 knowledge", et cetera.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** And I'm just looking for the
14 -- you say on the following page, there's no note that was
15 contained in the Crown brief?

16 **MS. HALLETT:** Yes, that is Detective Dupuis'
17 note wasn't included in the brief. He'd made a note of the
18 contact ---

19 **MR. ENGELMANN:** All right.

20 **MS. HALLETT:** --- but he hadn't included it
21 in the brief, through oversight.

22 **MR. ENGELMANN:** And then you're talking
23 about something the Commissioner asked you about earlier,
24 on page 6, which is Bates page 392, that you were aware of
25 Constable Dunlop's connections with victims and witnesses

1 in other cases?

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: You say you did not see this
4 connection between Constable Dunlop in this particular
5 case?

6 MS. HALLETT: That's right.

7 MR. ENGELMANN: All right. And you go on
8 and on page 8, which is Bates page 393 towards the bottom,
9 you say that you came into the possession of notes,
10 collection of notes made by Constable Dunlop over a number
11 of years since the prosecution of '97 and you came into
12 possession of those sometime after the 14th of March of the
13 year 2000, because that's when these notes were made
14 available to Detective Inspector Pat Hall of Project Truth?

15 MS. HALLETT: That's right, m'hm.

16 MR. ENGELMANN: Okay. And then on the
17 following page at the bottom, you say that when the notes
18 were made available to Pat Hall -- this is 394 -- when he
19 received the documentation and then on the next page, 394
20 Back, page 10, that you came into possession of both of
21 these documents last spring and it was your opinion, having
22 reviewed these documents in -- and I'll just read it.

23 "I must say a cursory way, it was my
24 view that these items should certainly
25 be disclosed to defence counsel for

1 Charles MacDonald. There was a very
2 close connection between Constable
3 Dunlop and the witnesses and victims in
4 that case."

5 **MS. HALLETT:** That's right.

6 **MR. ENGELMANN:** And you go on to say you:

7 "...did not perceive those items from
8 Constable Dunlop to be relevant to the
9 issue of disclosure or to generate any
10 disclosure obligation on my part."

11 Presumably in this matter?

12 **MS. HALLETT:** That's right, in the Leduc
13 case. And I indicate the reasons for how I arrived at that
14 conclusion.

15 **MR. ENGELMANN:** All right.

16 And you carry on for some time talking about
17 the copious quantities of materials, et cetera, that you
18 had received?

19 **MS. HALLETT:** Yes, m'hm.

20 **MR. ENGELMANN:** And you do say that you
21 poured over documents since this evidence from C-16's
22 mother -- and I'm not on page 13, Bates page 396.

23 Then about the entries in Constable Dunlop's
24 notes at page 68, and you say:

25 "As I say, I perused these documents in

1 a cursory way to satisfy myself
2 essentially that they should be
3 disclosed to defence counsel for Father
4 MacDonald. However, because of my
5 unawareness of any connection between
6 Constable Dunlop and the witnesses for
7 the Leduc matter, I did pour each
8 document to see whether there was
9 anything that would be relevant to Mr.
10 Leduc's defence."

11 **MS. HALLETT:** That's right.

12 **MR. ENGELMANN:** And then you say:

13 "And I take responsibility for
14 that. However, as I say, by that
15 point-in-time we had the
16 preliminary inquiry. There had
17 been two judicial pre-trial
18 conferences. There had been no
19 suggestion to me as to what the
20 defence was going to be. I
21 frankly anticipated the defence
22 completely different than the
23 one..." -- et cetera.

24 **MS. HALLETT:** Yes, m'hm.

25 **MR. ENGELMANN:** Okay? And you go on saying,

1 you know, I was obviously -- "I obviously was wrong", at
2 the top of the next page.

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** And you go on about this?

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** All right. So this is what
7 you mean by your statement to the court on February 14th?

8 **MS. HALLETT:** That's right.

9 **MR. ENGELMANN:** About your having had these
10 documents, et cetera?

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** Now, it goes on, Ms.

13 Hallett. The document speaks for itself.

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** We've looked at disclosure
16 requests and you've told us about the fact that you and the
17 officers assisting were trying to respond to those requests
18 as quickly as possible?

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** And there is correspondence
21 there about your turning over matters on or about the 15th
22 and 16th. There is the stay application that is filed?

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** And the focus of that
25 written stay application, again, is still wilful non-

1 disclosure on the part of Officer Dupuis and others?

2 **MS. HALLETT:** Yes.

3 **MR. ENGELMANN:** Did you discuss the stay
4 application with the officers?

5 **MS. HALLETT:** I did. I remember discussing
6 it with Detective Hall and I know that I must have
7 discussed it with Detective Dupuis because I remember him
8 being very upset, very, very upset. He was sick over it,
9 about this.

10 It was in the end a very minor oversight but
11 it -- he felt terrible about it because it might have --
12 how should I say -- it might have made somewhat of a
13 difference in terms of perhaps my seeing it and, of course,
14 that would have been disclosed to the defence had it been
15 included in the brief.

16 But I felt terrible for him. He was sick
17 over it and I felt terrible for him. So I know that was in
18 the context of discussing this, but in terms of responding
19 to the stay application, I believe that my discussions were
20 more with Detective Hall.

21 **MR. ENGELMANN:** All right.

22 And what was your strategy for responding to
23 the application?

24 **MS. HALLETT:** Well, I fully believed the
25 officers that there had been no intentional, wilful failure

1 to disclose or to suppress the contact between Constable
2 Dunlop and this witness and Leduc. So I -- we obviously
3 had to deal with the stay application. I felt that based
4 on the witnesses, the mother's evidence before the Court
5 that contact with Constable Dunlop had been what I
6 described as brief and benign. It had consisted of only
7 two telephone contacts. She had given in evidence the
8 content of each of those calls. It sounded like it was
9 very brief and it sounded as though it was benign, that
10 Constable Dunlop had been simply providing moral support
11 but certainly not attempting to unduly influence the
12 witnesses in the case.

13 So I felt that we would have been able to
14 successfully resist -- we would have been successful in
15 resisting this application, resisting a stay order being
16 made by simply calling the evidence on that, calling the
17 evidence as to what the officers had done, how it could be
18 that this would have been left out of the brief, would not
19 have been made the subject of notes referring to this
20 contact by Inspector Smith and Sergeant Hall.

21 So I felt that the oversight would be able
22 to be proven, would have been able to be demonstrated to
23 the Court, to the Trial Court. We would have relied on the
24 evidence of those three officers. I intended to, if
25 necessary, recall C-16's mother.

1 THE COMMISSIONER: Monikers, guys.

2 MR. ENGELMANN: So this strategy that you
3 had come up with to deal with this as inadvertence or
4 oversight ---

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: --- on the part of the
7 police.

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: You had yourself spoken to
10 the Court about your own inadvertence ---

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: --- or oversight.

13 MS. HALLETT: That's right.

14 MR. ENGELMANN: Did you feel that you needed
15 to formalize that more ---

16 MS. HALLETT: M'hm.

17 MR. ENGELMANN: --- in a sense to actually
18 give evidence to that in a formal way and have someone else
19 lead that evidence from you?

20 MS. HALLETT: No, I didn't. No, I didn't
21 because both the oral declaration by Defence counsel to the
22 Court and the written notice of application referred only
23 to wilful failure to disclose by the police.

24 MR. ENGELMANN: All right.

25 And this strategy of arguing oversight or

1 inadvertence on the part of the officers, you would have
2 explained that to the officers that that was the strategy
3 you were using?

4 **MS. HALLETT:** Yes, and I felt based on the
5 evidence that the damage could be controlled here and that
6 ---

7 **MR. ENGELMANN:** Did you tell them that as
8 well?

9 **MS. HALLETT:** I believe that I conveyed it
10 at some point. I certainly made it very clear that that
11 was going to be the Crown's strategy, that this was
12 inadvertent failure to disclose.

13 **MR. ENGELMANN:** All right. And that it was
14 likely to succeed in that sense?

15 **MS. HALLETT:** No one can predict the outcome
16 but that was certainly my belief, given the evidence that
17 was before the Court and that we could call.

18 **MR. ENGELMANN:** All right. Now, the actual
19 stay application starts on the 19th of February with the
20 Defence calling a witness by the name of Richard Nadeau.
21 Am I correct on that?

22 **MS. HALLETT:** Yes. Yes, that's right, but
23 we didn't get far.

24 **MR. ENGELMANN:** All right.

25 **MS. HALLETT:** Okay.

1 **MR. ENGELMANN:** And an issue came up during
2 the course of his evidence where he suggested or urged the
3 judge, Justice McKinnon, to recuse himself?

4 **MS. HALLETT:** That's right.

5 **MR. ENGELMANN:** And he would have given some
6 reasons to the judge?

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And Justice McKinnon, did he
9 reserve overnight on that and come back and tell you the
10 next day?

11 **MS. HALLETT:** Yes, there was -- the reason
12 why we didn't get very far into the stay is that, as I
13 recall, Justice McKinnon wanted to follow up with reviewing
14 documents at the Cornwall Police Service to see whether
15 there was any foundation to the allegation made by Mr.
16 Nadeau that he might be in a conflict of interest.

17 **MR. ENGELMANN:** Because he had some dealings
18 as a lawyer on behalf of the Police Service?

19 **MS. HALLETT:** With the Cornwall Police
20 Service with respect to the disciplining of Constable
21 Dunlop.

22 **MR. ENGELMANN:** All right.

23 And then on February 20th did Justice
24 McKinnon in fact recuse himself from the stay application
25 motion?

1 **MS. HALLETT:** Yes, he did.

2 **MR. ENGELMANN:** All right.

3 And I understand that after that -- and was
4 that an expected occurrence that this was going to happen?

5 **MS. HALLETT:** Not to me. I was -- I was
6 taken by surprise by what Mr. Nadeau had told the Court and
7 the documents that he had presented to the Court on which
8 he relied to suggest that the judge was in a conflict. So
9 that took me by surprise.

10 **MR. ENGELMANN:** You were unaware of Justice
11 McKinnon's involvement as a lawyer with the Cornwall Police
12 Service?

13 **MS. HALLETT:** That's right, exactly.

14 **MR. ENGELMANN:** All right.

15 **MS. HALLETT:** Well, not -- yes, I wasn't
16 aware of that but I also wasn't aware that he had
17 specifically been involved in recommending disciplinary
18 action with respect to Detective Dunlop.

19 **MR. ENGELMANN:** All right.

20 So you weren't aware of either?

21 **MS. HALLETT:** No, I wasn't.

22 **MR. ENGELMANN:** And after that decision,
23 were you advised that a new judge would be put into place
24 immediately?

25 **MS. HALLETT:** Yes, Justice McKinnon thought

1 that -- first of all, if I can just mention something that
2 Justice McKinnon did say on February 14th? And that is, of
3 course, the day that I had accepted responsibility for
4 failing to disclose the Dunlop notes and Will-Say. And
5 Constable (sic) McKinnon did ---

6 **THE COMMISSIONER:** I think it's Justice
7 McKinnon.

8 **MS. HALLETT:** Oh, excuse me. I'm sorry,
9 Justice -- I'm sorry.

10 Justice McKinnon did clarify with me before
11 the Court that this connection between Dunlop and the
12 mother of this witness was basically as had been testified
13 to by that witness on the 7th, that it was simply these two
14 contacts. And my impression from what Justice McKinnon was
15 saying was that this was rather minimal contact. And so I
16 believe that that might have informed the decision he did
17 make later to have another judge come in to hear the stay
18 application and that he, Justice McKinnon, intended to
19 return to the trial on the conclusion of the stay
20 application.

21 **MR. ENGELMANN:** All right.

22 **THE COMMISSIONER:** So there was no mistrial
23 declared at that point?

24 **MS. HALLETT:** No, there wasn't.

25 **THE COMMISSIONER:** Okay, okay.

1 **MS. HALLETT:** No.

2 **MR. ENGELMANN:** So as I understand it, Ms.
3 Hallett, after he recused himself from hearing the motion
4 you were approached by one or more of the OPP officers
5 about a concern they had, that they were being called as --
6 they were the next witnesses?

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

8 **MR. ENGELMANN:** And one of them was retired,
9 a retired Detective Inspector by the name of Tim Smith.

10 **MS. HALLETT:** That's right.

11 **MR. ENGELMANN:** And had you had much
12 dealings with him?

13 **MS. HALLETT:** No, in fact I believe that I
14 had just met Tim Smith the day before on February the 19th.

15 When it was announced that there would be
16 this stay application brought on the basis of the failure
17 of the police to disclose, we had to contact Detective
18 Smith, we had to obtain his notes. Sergeant Hall had been
19 going about doing that. And in fact we did get a Will-Say
20 Statement from Inspector Smith dated, I believe, February
21 the 9th. So that was very -- a quick response from him but
22 I hadn't yet met him.

23 Although we got the statement from him with
24 respect to that meeting that he'd had with Detective Dunlop
25 in July of '98, I hadn't -- we had gotten that note from

1 him but I hadn't met him. I did meet him because we had to
2 call him in to give evidence on the stay application and so
3 I met him, I believe for the first time, on Monday,
4 February the 19th of 2001.

5 MR. ENGELMANN: So you met with Officer Hall
6 and retired Officer Smith ---

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: --- after court on the 19th?

9 MS. HALLETT: Yes. It was during the time
10 that Justice McKinnon was going to the Cornwall Police
11 Service to do his review of documents to see or to refresh
12 his memory as to the contact that he'd had in relation to
13 Detective Dunlop.

14 So during that time I was -- I believe it
15 was during that afternoon that I was meeting with Detective
16 Smith and Sergeant Hall. I'm not quite sure at what point
17 but I know that we did go to dinner together that night.
18 That Monday night, February the 19th, the three of us went
19 to dinner at Casa Palo.

20 MR. ENGELMANN: All right. And you would
21 have had -- what was the purpose of meeting on the 19th with
22 Hall and Smith?

23 MS. HALLETT: Well, my purpose was certainly
24 to, first of all, get to know Inspector Smith, but also to
25 strategize around how we were going to deal with the stay

1 application, the evidence that we were going to lead,
2 discussing that evidence.

3 **MR. ENGELMANN:** All right. And would you
4 have then discussed the strategy not just with Detective
5 Inspector Hall but also with retired Detective Inspector
6 Smith?

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And his strategy of
9 oversight inadvertence but nothing wilful?

10 **MS. HALLETT:** That's right.

11 **MR. ENGELMANN:** All right.

12 And the next day on the 20th -- and you
13 realize or were you aware that they had been asked to come
14 as defence witnesses for the purposes of the defence
15 motion?

16 **MS. HALLETT:** Yes, I knew that that was
17 going to occur like that. The defence had the onus on this
18 application.

19 **MR. ENGELMANN:** All right. And ---

20 **MS. HALLETT:** And that was an advantage to
21 the Crown, in that the Crown, myself, could then lead
22 evidence in cross-examination of those witnesses that I
23 thought I could do in terms of leading evidence to support
24 the position of the Crown.

25 **MR. ENGELMANN:** All right.

1 So part of your purpose was to prepare for
2 this stay motion, to have a sense as to what they were
3 going to say?

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** And that evening or that
6 afternoon, did either of them suggest to you that they
7 wanted to meet with defence counsel for the purposes of
8 getting information from defence counsel as to what they
9 might be asked?

10 **MS. HALLETT:** Not on the 19th.

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** That didn't come until the
13 following day.

14 **MR. ENGELMANN:** All right. And do you
15 recall ---

16 **MS. HALLETT:** The 20th.

17 **MR. ENGELMANN:** --- how that arose the next
18 day?

19 **MS. HALLETT:** Yes, I do. And I don't know -
20 - I mentioned the dinner with the two officers on the
21 evening of February 19th because I think it's important. At
22 no time during our meeting or dinner did either officer,
23 and certainly not Detective Inspector Hall, refer to any
24 failure on my part in terms of disclosure. And,
25 specifically, there's no reference by Pat -- Pat Hall, to

1 whether or not I should disclose that letter, the copy of
2 which he'd sent me on February the 8th.

3 **MR. ENGELMANN:** All right.

4 **MS. HALLETT:** My letter to Dupuis.

5 **MR. ENGELMANN:** The July 4th, 2000 ---

6 **MS. HALLETT:** That's right.

7 **MR. ENGELMANN:** --- note on the Father
8 MacDonald case?

9 **MS. HALLETT:** Right. Inspector Hall never
10 mentioned anything about that. It was a very pleasant
11 dinner ---

12 **MR. ENGELMANN:** Yes.

13 **MS. HALLETT:** --- that we had and it was
14 partly business. By the time it was dinner, it was -- you
15 know, we were also socializing.

16 **MR. ENGELMANN:** Yes.

17 **MS. HALLETT:** But, in any case, it was the
18 following day, just after Justice MacKinnon had told the
19 court that he was recusing himself for the stay
20 application; that another judge, Justice Chadwick, would
21 come in to hear the stay application. It was after that
22 that -- and the court was adjourned.

23 It was at that time that Inspector Smith
24 approached me and said that the officers would like to go
25 and speak with the defence counsel about the questions that

1 they would be asked on the stay application; that they
2 wanted to sort of get some -- go on a reconnaissance
3 mission, as it were, to find out the questions that they
4 would be asked so that they would be prepared.

5 **MR. ENGELMANN:** How did you respond to that
6 request?

7 **MS. HALLETT:** Well, I must say I had -- this
8 was something I'd never heard before, police officers
9 wanting to do this. Usually, it's the other way around.
10 It's defence counsel who want to have the police open up
11 their notebooks and review the notes outside of court and
12 get as much information as they could from the police. But
13 I'd never heard of police officers actually wanting to go
14 and meet with defence counsel.

15 And so I was rather perplexed, I would have
16 to say, at that request, but I recognized that it was the
17 officers at this point who were named in the stay -- the
18 notice of stay -- or the notice of application on the stay
19 -- that it was them who appeared to be the targets, and if
20 they wanted to find out more from the defence then they
21 should. I didn't feel that there was anything that the
22 Crown or the police had to hide here and I also agreed that
23 perhaps it might save time on the stay application if these
24 lines of communications might have been opened, so that it
25 might save time in terms of the defence not taking so much

1 time to ask questions of the police on the stay.

2 So although I was taken by surprise and
3 rather flummoxed, I have to say, by this request by
4 Detective Smith, I went along with it and the officers went
5 to meet with the defence counsel in my knowledge and with
6 my blessing.

7 **MR. ENGELMANN:** All right.

8 Was it your understanding that the request
9 was being made by Officer Smith just for himself or for
10 himself and others?

11 **MS. HALLETT:** No, it was my understanding it
12 was for all of the officers.

13 **MR. ENGELMANN:** And did you arrange for a
14 meeting with them afterwards for some form of debriefing?

15 **MS. HALLETT:** Absolutely, I did. I asked
16 Detective Inspector Hall to come and meet with me at 1:00
17 at my hotel room. He was staying in the same hotel down
18 the hall. And so we agreed that he would come and debrief
19 me at 1:00 because I wanted to know what the results of
20 this reconnaissance mission were because I wanted to be
21 prepared too.

22 **MR. ENGELMANN:** All right.

23 **MS. HALLETT:** I felt that my time was better
24 spent, however, in preparing myself in terms of reading the
25 cases and being prepared to make the legal argument.

1 **MR. ENGELMANN:** All right.

2 Now, at that point-in-time, Officers Hall,
3 retired Officer Smith, Officer Dupuis and possibly Officer
4 Seguin -- I don't know about Officer Seguin, but the other
5 three for sure were defence witnesses, to your knowledge?

6 **MS. HALLETT:** Yes, they were.

7 **MR. ENGELMANN:** And ---

8 **MS. HALLETT:** I thought that they would be.
9 In the end Inspector Smith wasn't called, but it was my
10 understanding that they would be. And I would certainly
11 have called Inspector Smith in order to establish that the
12 failure to disclose on his part was inadvertent. He was a
13 pretty critical witness, I thought.

14 **MR. ENGELMANN:** All right.

15 And did your debriefing meeting happen at
16 1:00?

17 **MS. HALLETT:** No, it didn't.

18 **MR. ENGELMANN:** Why is that?

19 **MS. HALLETT:** Well, I was in my hotel room
20 at that time and I was waiting for Detective Inspector Hall
21 to come to the room to debrief me and he didn't come.

22 And so it got to be 1:25 in the afternoon --
23 you know, he's 25 minutes late. That wasn't like him. He
24 was very prompt. And so I went down the hall to look for
25 him and I found him in his hotel room, the door was ajar,

1 and he was packing a bag and getting ready to leave the
2 hotel, and I ---

3 MR. ENGELMANN: Did you have a discussion
4 with him at that time ---

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: --- about the meeting?

7 MS. HALLETT: I did. I said, "I thought we
8 were going to meet. Come and tell me what happened with
9 defence."

10 And at that time he was very vague and he --
11 what I found surprising is that he commented on what a nice
12 guy Steve Skurka was. And what I found surprising about
13 that is that Inspector Hall, just a week before, had
14 expressed a great deal of animosity towards Steve Skurka
15 and yet here he was sort of doing an about face in terms of
16 his impressions of defence counsel.

17 MR. ENGELMANN: All right.

18 And did he give you any information about
19 what happened at the meeting?

20 MS. HALLETT: No. As I say, he was very
21 vague. I didn't get what I considered to be any sort of
22 helpful information about what had occurred, and it
23 appeared that he was in a hurry to leave, to get on the
24 road at that point.

25 MR. ENGELMANN: Did he indicate to you why

1 he might be in a hurry to leave?

2 MS. HALLETT: He may have, I'm not sure. I
3 know -- I have found out since that he -- it was his
4 anniversary. I found that out from reading the documents.
5 I can't recall whether or not he said that to me.

6 MR. ENGELMANN: All right.

7 And what about retired Inspector Hall --
8 sorry, Smith?

9 MS. HALLETT: Smith. Yes, we -- I had
10 planned to meet with Inspector Smith because, of course,
11 there were quite a lot of notes that he had just recently
12 provided and he has very small scrawl and there were just
13 pages and pages of these notes that I wanted him to read to
14 me because I wanted to be prepared for the stay, and I was
15 finding it very difficult to get through his notes and I
16 wanted -- and that had always been my practice, is to have
17 the officers read their own notes to me.

18 So that's what I wanted him to do and we
19 were going to do that that afternoon after this debriefing
20 meeting. And also Inspector Hall -- or rather Inspector
21 Smith -- did not come to my room at that point when I had
22 expected him and I said to Detective Hall, "Where is
23 Inspector Smith? Where's Tim?" And he told me that Tim
24 was down in the bar having a drink. And, again, I was
25 rather surprised. I thought this is isn't what we had

1 planned at all. And so I asked Inspector Hall to go and
2 get Tim Smith so that we could sit down and go over his
3 notes.

4 **MR. ENGELMANN:** Did you, in fact, then meet
5 with ---

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** --- Tim Smith?

8 **MS. HALLETT:** He did eventually come to my
9 hotel room. We sat down; we were reading. He was -- I
10 have having him read his notes to me, and this was, of
11 course, for the purpose of ultimately leading the evidence
12 from him that I would find relevant.

13 **MR. ENGELMANN:** Just a couple of questions
14 and then we should take our afternoon break.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** Did either Detective
17 Inspector Hall or Tim Smith indicate to you that they were
18 going to be disclosing any type of documentation to defence
19 counsel?

20 **MS. HALLETT:** No.

21 **MR. ENGELMANN:** All right.

22 **MS. HALLETT:** Not at all.

23 **MR. ENGELMANN:** Did either of them tell you
24 anything about being requested for documentation ---

25 **MS. HALLETT:** No.

1 **MR. ENGELMANN:** --- by defence counsel?

2 **MS. HALLETT:** No.

3 **MR. ENGELMANN:** Perhaps we should take a
4 break.

5 **THE COMMISSIONER:** Right, thank you, let's
6 take the afternoon break.

7 **THE REGISTRAR:** Order; all rise. A l'ordre;
8 Veuillez vous lever.

9 This hearing will resume at 3:15 p.m.

10 --- Upon recessing at 3:00 p.m./

11 L'audience est suspendue à 15h00

12 --- Upon resuming at 3:22 p.m./

13 L'audience est reprise à 15h22

14 **THE REGISTRAR:** Order; all rise. A l'ordre;
15 Veuillez vous lever.

16 This hearing is now resumed. Please be
17 seated. Veuillez vous asseoir.

18 **SHELLEY HALLETT, Resumed/Sous le même serment :**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

20 **MR. ENGELMANN (cont'd/suite):**

21 **MR. ENGELMANN:** Mr. Commissioner, I have
22 advised counsel that you'd like to sit until 6:00 this
23 evening if possible.

24 **THE COMMISSIONER:** It's not because I'd like
25 to.

1 **MR. ENGELMANN:** No. You've kindly agreed to
2 sit until 6:00, with another break at about 4:45?

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

4 **MR. ENGELMANN:** I've spoken to Ms. Hallett
5 about that, and she's willing to give that a try as well.

6 I know you had a late night last night, sir.
7 I'm a bit behind where I'd like to be, so I certainly
8 appreciate your indulgence.

9 **THE COMMISSIONER:** Let's forge on.

10 **MR. ENGELMANN:** Ms. Hallett, we were talking
11 about matters that were taking place the week of February
12 19th ---

13 **MS. HALLETT:** Yes, m'hm.

14 **MR. ENGELMANN:** --- 2001. This is during
15 the course of the stay motion or application ---

16 **MS. HALLETT:** Yes, that's right.

17 **MR. ENGELMANN:** --- by counsel for Jacques
18 Leduc?

19 **MS. HALLETT:** M'hm.

20 **MR. ENGELMANN:** And on the 21st of February,
21 I understand that Officers Seguin and Pat Hall were called
22 by defence counsel ---

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** --- as part of their motion?

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

1 **MR. ENGELMANN:** And that Pat Hall's evidence
2 rolled into the morning of the 22nd?

3 **MS. HALLETT:** That's right.

4 **MR. ENGELMANN:** I understand the evening of
5 the 21st, you and your colleague, Ms. Tier, had a supper
6 meeting, or a meeting with James Stewart?

7 **MS. HALLETT:** That's right.

8 **MR. ENGELMANN:** I believe -- well, why was
9 it you were meeting with Mr. Stewart?

10 **MS. HALLETT:** Well, actually, Jim arrived
11 unexpectedly from Ottawa just at the end of the day that
12 day, and it -- you know, he came around looking for us.

13 I think that we met him at the Best Western
14 where we were staying, and I think that he came for moral
15 support. He knew that we were into the stay application.
16 I think he was aware of what was going on.

17 I had -- my co-counsel, actually, was
18 reporting every day to the Ministry of the Attorney General
19 -- of course my employer -- about the events of the day and
20 I think that, through that Jim must have found out, and so
21 he came down and had dinner with us, that is, with
22 Christine and myself.

23 **MR. ENGELMANN:** All right.

24 Had you or Ms. Tier spoken to him about any
25 concerns you might have had in your working relationship

1 with the officers?

2 MS. HALLETT: No.

3 MR. ENGELMANN: All right.

4 MS. HALLETT: No. I -- I didn't have a
5 concern ---

6 MR. ENGELMANN: All right.

7 MS. HALLETT: --- about my working
8 relationship with the officers.

9 MR. ENGELMANN: No, fair enough. Did you
10 request that he come there ---

11 MS. HALLETT: No.

12 MR. ENGELMANN: --- for any reason?

13 MS. HALLETT: No, I didn't ---

14 MR. ENGELMANN: All right.

15 MS. HALLETT: --- no.

16 MR. ENGELMANN: But he came, he found you,
17 and you had supper together?

18 MS. HALLETT: Yes, that's right.

19 MR. ENGELMANN: During the course of your
20 supper, I understand -- and Detective Inspector Hall had
21 this in his notes and he testified here about this -- that
22 he saw you in the dining room at the hotel with
23 Mr. Stewart?

24 MS. HALLETT: That's right, m'hm.

25 MR. ENGELMANN: And did he come and join you

1 for a bit?

2 MS. HALLETT: He did come and join us, very
3 briefly.

4 MR. ENGELMANN: All right.

5 MS. HALLETT: And he -- we had a very brief
6 discussion, and he alluded to something that was going to
7 happen the following day that would be a surprise; some
8 surprise that was going to occur the following day.

9 MR. ENGELMANN: All right.

10 MS. HALLETT: But he wouldn't outline or
11 describe any further what it was going to be.

12 MR. ENGELMANN: All right.

13 MS. HALLETT: And I found -- I found that
14 certainly upsetting. I didn't know what he was referring
15 to.

16 MR. ENGELMANN: Was he -- at that time he
17 was in the role -- he was in the witness box?

18 MS. HALLETT: I believe he was still
19 testifying, but he was -- the Crown had provided him as a
20 witness without having to be subpoenaed, a witness for the
21 defence, but he was still -- he was still the investigator;
22 he was the lead investigator for the case.

23 The Crown had provided him. He was,
24 technically, a Crown witness, but the Crown had provided
25 him to be called by the defence, and I was going to be

1 cross-examining him, but there was no need for him to keep
2 undisclosed any surprise.

3 **MR. ENGELMANN:** But, Ms. Hallett, if he was
4 on the witness stand, he shouldn't be talking to you about
5 his evidence in any way, presumably.

6 **MS. HALLETT:** Well, I was -- but I was going
7 to be cross-examining him.

8 **MR. ENGELMANN:** Yes.

9 **MS. HALLETT:** But there was -- it's not as
10 though -- I was -- I was the Crown. I was -- he was my --
11 he was my witness, although he was being called by the
12 defence at that point.

13 I didn't feel that there was any privilege
14 attaching at that point to the evidence that he was giving,
15 that -- that somehow I had no -- he could disclose to me
16 because I was going to be cross-examining.

17 **MR. CARROLL:** May I have moment, please?

18 **THE COMMISSIONER:** Yes, sir.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. ENGELMANN:** All right. So he indicated
21 to you that there was going to be a surprise. You had
22 hoped that he would explain what he was talking about ---

23 **MS. HALLETT:** Well, I would have expected
24 him to tell us, the three Crowns -- all, you know,
25 concerned about this case, I was Crown counsel -- what it

1 was that he was referring to in terms of a surprise in the
2 evidence?

3 **MR. ENGELMANN:** All right. And the
4 following morning, his chief continued and you cross-
5 examined him; correct?

6 **MS. HALLETT:** I believe that I did. I --
7 I'm going to have to check the record again, Mr. Engelmann,
8 but ---

9 **MR. ENGELMANN:** I'm going to help you with
10 that.

11 **MS. HALLETT:** Okay, thank you.

12 **MR. ENGELMANN:** It's Exhibit 2648. It's a
13 transcript of the proceedings on the 22nd of February, 2001.

14 **THE COMMISSIONER:** Twenty-six-forty-eight,
15 (2648). Thank you. What page?

16 **MR. ENGELMANN:** Oh, sorry. If counsel needs
17 a document number, it is 116151, and we'll start right on
18 Bates page 990 Front, which is page 1.

19 **MS. HALLETT:** M'hm.

20 **MS. HALLETT:** Okay, yes.

21 **MR. ENGELMANN:** Okay? It appears that he's
22 still in-chief.

23 **MS. HALLETT:** Yes, m'hm.

24 **MR. ENGELMANN:** All right? And then there's
25 a few more questions, and then when we get to Bates page

1 995 Front, which is page 11 of the transcript, you start
2 your cross-examination?

3 MS. HALLETT: That's right.

4 MR. ENGELMANN: And you start by -- on page
5 12, Bates page 995, getting him to agree with you that:

6 "My position has always been that the
7 Crown Attorney makes disclosure and the
8 police provide the material for
9 disclosure"?

10 MS. HALLETT: Yes.

11 MR. ENGELMANN: And he agrees?

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: All right?

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: And you ask him questions
16 for a number of pages, and including questions about -- if
17 we go to 001, which is page 24, you're asking him questions
18 about material from Constable Dunlop ---

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: --- and connection in any
21 way to Jacques Leduc, at the bottom of the page.

22 MS. HALLETT: Right.

23 MR. ENGELMANN: And he confirms there is
24 none, or they do not, and you say, "And did they in any way
25 allege sexual misconduct by Jacques Leduc?" "No, they did

1 not."

2 **MS. HALLETT:** That's right.

3 **MR. ENGELMANN:** What was your intention by
4 asking questions of that nature?

5 **MS. HALLETT:** The intention was to
6 demonstrate that Constable Dunlop had never identified
7 Jacques Leduc as a person who had been a perpetrator of
8 sexual abuse in the Cornwall community. He -- I was -- he
9 had identified Jacques Leduc as being -- as representing
10 the Church in terms of the arrangement for paying an altar
11 boy for not carrying through an allegation of sexual abuse
12 by Charles MacDonald.

13 **MR. ENGELMANN:** Yes, we've heard a lot about
14 that.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** An illegal settlement from
17 some years previous.

18 **MS. HALLETT:** Right. And so -- and the --
19 and what I -- the Crown had -- what I had in relation to
20 that issue, had been disclosed to Mr. Edelson, but
21 Detective Dunlop had never, as I say, asserted that Jacques
22 Leduc was sexual offender.

23 **MR. ENGELMANN:** All right. Then on page 4 -
24 - 004, page 29, you're asking him questions about the
25 Dupuis note which is listed on the page before, on 003, the

1 five lines.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: About:

4 "Picked up a Project Guardian tape from
5 the [C-16's] family. [C-16's] mother
6 stated she had received a call from
7 Perry Dunlop, wanting to know how the
8 investigation was proceeding."

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: Okay. And on the following
11 page, 004, you ask questions about:

12 "As the case manager, do you know
13 whether or not this memo book entry was
14 provided to the Crown as part of the
15 brief in this case?"

16 He says, "I know it was not."

17 MS. HALLETT: "I now know it was not."

18 MR. ENGELMANN: Yes.

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: "And do you know why
21 that's the case?"

22 "In my view, just simply overlooked by
23 Constable Dupuis while preparing the
24 brief."

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** "Now, are you aware of any
2 other piece of evidence or note, memo
3 book entry that connects Perry Dunlop
4 to any other Crown witness in this
5 case?"

6 "No, I do not."

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

8 **MR. ENGELMANN:** Again, your purpose in
9 eliciting those questions and those answers?

10 **MS. HALLETT:** Was to basically demonstrate
11 that -- how limited the Dunlop contact was with any witness
12 in this case.

13 **MR. ENGELMANN:** All right. And then you
14 continue to ask, over the next few pages, about the
15 significance of this information at that time in June of
16 '98 and July of '98. And for example, at the bottom of
17 Bates page 004 back, page 30 of the transcript:

18 "Did you consider that that would be an
19 important piece of information to
20 include in the brief that was to be
21 provided to the Crown and the Defence
22 in this case at that time?"

23 And that's this reference to the June 15th
24 conversation. He says, "Not at that time I did not."
25 Right? And again, you then ask some very direct questions

1 on the next page. For example, at the middle of the page:

2 "Did the three of you, Detective
3 Constable Dupuis, Inspector Smith and
4 yourself, conspire to withhold the
5 disclosure of this memo book entry from
6 the Defence in this case?"

7 He says, "We did not." And it goes on, onto
8 the following page. Why were you asking those questions
9 and eliciting those answers?

10 **MS. HALLETT:** Well, again to establish that
11 the failure to include this information in the brief that
12 was disclosed to Mr. Leduc's counsel was an inadvertent
13 failure. It was not a wilful or intentional failure to
14 disclose.

15 **MR. ENGELMANN:** Again, if you could take a
16 very brief look at 006 back, page 34, is that again the
17 same purpose for those questions?

18 **MS. HALLETT:** Are there lines that you can
19 refer me to?

20 **MR. ENGELMANN:** Well, at about line 23, for
21 example.

22 **MS. HALLETT:** Okay. Yes, that's correct.
23 That's the same ---

24 **MR. ENGELMANN:** All right.

25 **MS. HALLETT:** --- same reason.

1 **MR. ENGELMANN:** Now, Constable -- Detective
2 Constable Dupuis was called after that.

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** And after he was examined in
5 chief you would have cross-examined him.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** And if we look at just a
8 couple of pages, you ask him, for example, at Bates page
9 041, page 103 ---

10 **MS. HALLETT:** Okay. Yes. Line, please?

11 **MR. ENGELMANN:** Well, right at the top
12 there's a reference to this July 4th, 2000 letter, and you
13 ask at line 13:

14 "So it's clear to you now that I didn't
15 attempt to suppress that particular
16 document from either you or the
17 Defence?"

18 **MS. HALLETT:** That's right.

19 **MR. ENGELMANN:** He says, "That's correct."

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

21 **MR. ENGELMANN:** And then on Bates page 043
22 front, page 107 -- it's cross -- you ask him at about line
23 13:

24 "And at no time have you included in
25 the briefs that you provided to me the

1 memo book entry from June 15th of '98.

2 Is that correct?"

3 He says, "That's correct."

4 "Why was the entry left out of the
5 Crown brief in this matter?"

6 "I have -- I just missed it. I can't
7 explain that because I don't know."

8 Et cetera. And then you ask him, at the
9 bottom of the page, whether he was instructed to withhold
10 that information. And again, at the bottom of the next
11 page at about lines 21 and 23, again, whether he did
12 anything intentionally.

13 **MS. HALLETT:** That's right.

14 **MR. ENGELMANN:** Again, your purpose there?

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** Your purpose?

17 **MS. HALLETT:** Well, to establish again that
18 the failure to disclose was inadvertent on the part of the
19 police.

20 **MR. ENGELMANN:** All right.

21 Now, after this, if we look at page 116 of
22 the transcript, which is 047 back, there's a recess between
23 12:50 and 2:00 o'clock. Do you see that?

24 **MS. HALLETT:** Okay. I'm sorry, I'm just ---

25 **MR. ENGELMANN:** Just on the screen.

1 **MS. HALLETT:** At the bottom of zero four ---

2 **MR. ENGELMANN:** Right on the screen,
3 Ms. Hallett, will probably be easier. There's a recess at
4 12:50.

5 **MS. HALLETT:** Okay then, yes.

6 **MR. ENGELMANN:** And you were going to start
7 up again at 2 o'clock.

8 **MS. HALLETT:** Okay.

9 **MR. ENGELMANN:** And Mr. Campbell is asking
10 to recall Inspector Hall.

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** Okay. Had you been given
13 any notice of that?

14 **MS. HALLETT:** No. I didn't know what was
15 going to be led, I don't believe, at this point.

16 **MR. ENGELMANN:** All right, and had you been
17 advised of a meeting that took place over that lunch recess
18 between Detective Inspector Hall and Defence counsel?

19 **MS. HALLETT:** No.

20 **MR. ENGELMANN:** Okay. There's a question
21 starts, "Inspector Hall," right at the bottom of the page:
22 "Mr. Skurka and I, over the lunch break
23 just passed, asked if we could meet
24 with you. Is that correct?"

25 And he says, "That's correct." And a little

1 bit later on that same page:

2 "And at that time did we put to you
3 explicit questions and specific
4 questions about Exhibit 22, the letter
5 of July 4th."

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** Yes. So did you have any
8 knowledge that that was taking place?

9 **MS. HALLETT:** No, I didn't know that this
10 letter was going to be introduced at all.

11 **MR. ENGELMANN:** All right. So you didn't
12 know he was going back on the witness stand?

13 **MS. HALLETT:** No.

14 **MR. ENGELMANN:** You didn't know he had met
15 with them over lunch?

16 **MS. HALLETT:** No.

17 **MR. ENGELMANN:** And no-one talked to you
18 about that?

19 **MS. HALLETT:** No.

20 **MR. ENGELMANN:** All right. I'll just be a
21 moment.

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

23 **MR. ENGELMANN:** Again, on Bates page 048,
24 about page 18 -- sorry, line 18, he's asked:

25 "You gave the letter to Detective

1 Seguin to give to Ms. Hallett so that
2 she would be aware of it and would be
3 able to disclose it. Is that right?"

4 He's referring to the July 4th, 2000. And
5 the answer is, "That's correct." Do you see that?

6 **MS. HALLETT:** Yes, I do see it here. I'm
7 just -- are we on page 117 of the transcript?

8 **MR. ENGELMANN:** We're at page 118.

9 **MS. HALLETT:** Oh, 118.

10 **MR. ENGELMANN:** I apologize; 118, 048 back.

11 **MS. HALLETT:** Okay then. Yes.

12 **MR. ENGELMANN:** All right. Was there any
13 discussion that you can recall between any of the OPP
14 Project Truth officers and yourself about your need to
15 disclose that letter?

16 **MS. HALLETT:** No.

17 **MR. ENGELMANN:** You're absolutely sure about
18 that?

19 **MS. HALLETT:** Absolutely.

20 **MR. ENGELMANN:** All right. It says at the
21 bottom of the page; question:

22 "You became aware two days ago,
23 February 20th, that we, the Defence, did
24 not have that letter. Correct?"

25 "That's correct."

1 And it goes on to the next page, where they
2 again talk about this July 4th, 2000, which is referred to
3 as Exhibit 22, it says at about line 11:

4 "And until that point, until that
5 conversation it was your assumption
6 that we, the Defence, had been given
7 Exhibit 22; correct?"

8 And he gives his answer, he's saying:

9 "Really all I knew is that I provided
10 it to Ms. Hallett."

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** "Did you do so in the
13 expectation it would be disclosed?"
14 "Well, it would be her decision to do
15 that."

16 **MS. HALLETT:** That's right.

17 **MR. ENGELMANN:** Okay.

18 **MS. HALLETT:** M'hm.

19 **MR. ENGELMANN:** Now, then on the following
20 page, Bates page 049 back, page 120, at line 11 or line 10:

21 "Is it also correct that you were aware
22 in the week between in the period
23 between the evidence on February 7th and
24 the meeting two days ago that the
25 Defence had made a request for internal

1 correspondence, et cetera?"

2 **MS. HALLETT:** Yes.

3 **MR. ENGELMANN:** It says, "That's correct."

4 Okay?

5 So was this evidence -- how did you react
6 when this evidence came out at this time, do you recall?

7 **MS. HALLETT:** Well, I was quite shocked that
8 this was being led, because, as I understood it, they were
9 making an issue of a letter that I had not considered
10 should be disclosed, especially after I had already told
11 the Court on February 14th that I had these Dunlop notes and
12 Will-Say since April of 2000. So I didn't understand their
13 reason for trying to introduce this letter at this point.

14 **MR. ENGELMANN:** All right.

15 Now, you cross-examine Detective Inspector
16 Hall starting on Bates page 050 front, which is page 121 of
17 the transcript. And if we look at the following page, 122
18 of the transcript, Bates page 050 back, you ask him if he
19 was in court on the 14th.

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

21 **MR. ENGELMANN:** And then you go into:

22 "So you weren't aware of the fact that
23 I advised the Court at that time when I
24 was making these volumes available that
25 I said this to the Court..."

1 And you start to quote from, I believe, some
2 transcript.

3 **MS. HALLETT:** Yes, I believe I'm quoting
4 from the transcript of February 14th, 2001 in which I told
5 Justice McKinnon that I had these Constable Dunlop notes
6 and Will-Say.

7 **MR. ENGELMANN:** All right.

8 Why were you asking Detective Inspector Hall
9 about what you said to the Court on February the 14th after
10 he told you he wasn't there?

11 **MS. HALLETT:** Because I -- it seemed to me
12 that this evidence was being introduced due to some
13 misapprehension or misunderstanding by Inspector Hall that
14 somehow I hadn't made the Court aware that I had these
15 Dunlop notes and Will-Say; that he seemed to think that I
16 hadn't acknowledged having them in my possession.

17 I couldn't understand why it was that this
18 letter I had written had been -- was being introduced at
19 this point, as I say, in view of the fact that I had made
20 the submission to the Court, had accepted responsibility
21 for it. And so I wanted to know well, were you present
22 when I told the Court this.

23 **MR. ENGELMANN:** But he's told you he wasn't
24 yet you continued to tell him in the Court ---

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** --- what you said that day.

2 **MS. HALLETT:** Yes. Well, I wanted it to be
3 abundantly clear that he had missed a link here.

4 **MR. ENGELMANN:** All right.

5 The judge you were speaking to on February
6 22nd, 2001, was that the same judge that you had made the
7 representations to before?

8 **MS. HALLETT:** No, this was Justice Chadwick
9 that we're in front of on the stay and my admission had
10 been made before Mr. Justice McKinnon, and the transcript
11 had been made an exhibit on the stay application.

12 **MR. ENGELMANN:** And you then say, "You were
13 present..." -- I'm looking at the bottom of Bates page 051
14 front, 123 of the transcript:

15 "You were present when I told the Court
16 I took responsibility for having these
17 documents in my possession and not
18 providing disclosure to Defence as of
19 last spring."

20 "When did you say that?"

21 "On February the 14th."

22 "I wasn't here on February the 14th."

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** So again you're putting
25 something to him knowing he wasn't there. And your

1 purpose?

2 **MS. HALLETT:** To establish that he wasn't
3 aware that I had made -- I had advised the Court I had
4 taken responsibility for the failure to disclose the Dunlop
5 notes and Will-Say.

6 **MR. ENGELMANN:** Ms. Hallett, did it occur to
7 you at this time that perhaps there was a different focus
8 to the stay application; that this was no longer about
9 perhaps wilful non-disclosure by the police but perhaps
10 wilful non-disclosure on your part?

11 **MS. HALLETT:** I think probably yes, at this
12 point I was starting to feel uncomfortable and at this
13 point I should probably have stepped down or at least
14 sought assistance. I was a long way from my home office at
15 that point. Perhaps had I been doing this in Toronto I
16 might have sought a break and called my office and perhaps
17 had someone come from my office to make representations or
18 to assist me, to give me counsel at that point.

19 But I was still very much aware of the fact
20 that the only notice that we had obtained, both oral and
21 written, was a notice that the stay was being brought on
22 the basis of the police conduct and not Crown conduct. And
23 so I was -- in retrospect, of course, I probably would have
24 done things differently but I was sort of continuing on the
25 path that I had identified as the appropriate path based on

1 the notice that we had been given.

2 MR. ENGELMANN: At the time did you consider
3 requesting another Crown take over or consider asking your
4 co-counsel or your junior counsel at that time taking over?

5 MS. HALLETT: No, I wasn't. My co-counsel
6 was very junior and I wasn't -- I was concerned that she
7 would not be able to carry on with the rest of the trial.

8 I still felt that based on the evidence that
9 we had led, even all of this evidence, that there was not a
10 sufficient amount of evidence before the Court to justify a
11 stay based on the Dunlop contact.

12 MR. ENGELMANN: You told us that your
13 colleague was reporting back to Mr. Stewart ---

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: --- on a regular basis.
16 Would there have been a report ---

17 MS. HALLETT: Not to Mr. Stewart, no.

18 MR. ENGELMANN: Sorry.

19 MS. HALLETT: No, to the office in Toronto.

20 MR. ENGELMANN: To the office in Toronto.

21 MS. HALLETT: To the head office; the
22 Ministry of the Attorney General.

23 MR. ENGELMANN: Would there have been a
24 report back about what had happened on the 22nd, that
25 evening, and if so did you get any advice or suggestions

1 about retaining counsel from Toronto?

2 **MS. HALLETT:** No, I can't recall that I did.

3 **MR. ENGELMANN:** You mentioned yesterday a
4 note, and I think we found it now, a memo that you would
5 have written to the Deputy Director of Trial Assignment
6 about the appropriate choice of co-counsel in the Leduc
7 matter.

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** I think I have that now.

10 This was much earlier, but I just want to
11 bring it up in this context, if I may, Ms. Hallett. It's
12 Document 113220. It's a loose document. It's a new
13 notice. It would have been handed out either this morning
14 or yesterday. It's a memo you write to James Ramsey. You
15 mentioned it yesterday in your evidence. We were able to
16 find it.

17 **MS. HALLETT:** Yes. M'hm.

18 **MR. ENGELMANN:** It's dated August 27th, 1999
19 regarding the Leduc matter.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit Number 3192.

22 **---EXHIBIT NO./PIÈCE NO. P-3192:**

23 (113220) - Memorandum from Shelley Hallett
24 to James Ramsay re: R. v. Jacques Leduc
25 dated 27 Aug 99

1 **MS. HALLETT:** Okay. Thank you.

2 **MR. ENGELMANN:** Now, this is back obviously
3 in the summer/fall '99 you're requesting a particular
4 female colleague assist you?

5 **MS. HALLETT:** Yes. M'hm.

6 **MR. ENGELMANN:** And she was someone with
7 some trial experience?

8 **MS. HALLETT:** Yes, she was very strong. She
9 assisted me when she had been a student actually on a
10 special prosecution I had done in Toronto.

11 **MR. ENGELMANN:** All right.

12 **MS. HALLETT:** And since that time she had
13 joined the office. She had had experience as an assistant
14 trial Crown and then she joined our office, and I felt that
15 she would have been a very good, strong co-counsel on this
16 case.

17 And I'm -- the co-counsel that I did have on
18 Leduc, the actual trial, was very good. She has certain
19 strengths. But she simply didn't have a lot of trial
20 experience -- any trial experience, I believe.

21 **MR. ENGELMANN:** She was ---

22 **MS. HALLETT:** In terms of prosecuting.

23 **MR. ENGELMANN:** Fair enough. So a real lack
24 of litigation experience?

25 **MS. HALLETT:** Lack -- yes, absolutely.

1 **MR. ENGELMANN:** And at this time when you
2 wrote this memo there was the possibility of your being a
3 witness because this issue was still outstanding with Mr.
4 Edelson?

5 **MS. HALLETT:** Yes, Mr. Edelson was still
6 alluding to the possibility of my being called as a witness
7 for the Defence.

8 **MR. ENGELMANN:** And the possibility of
9 becoming a witness has sort of arisen in the middle of this
10 stay application -- the possibility?

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** If you had had someone like
13 Erika Chozik with you, that's someone who may have been
14 able to carry on with this?

15 **MS. HALLETT:** Yes, I suppose. Yes, that's
16 true. That's true. It's hard to know what one would have
17 done.

18 I have to say that I wasn't -- I did not
19 feel that the case that was being mounted by the Defence
20 would have been perceived by Justice Chadwick as justifying
21 a stay. I really still didn't think that, despite the fact
22 that there was this evidence that was going in about my
23 conduct.

24 **MR. ENGELMANN:** All right.

25 And was that in part because of your

1 explanation to the Court back on February 14th?

2 **MS. HALLETT:** Yes, but also with respect to
3 the minimal contact that had already been established in
4 terms of Perry Dunlop's contact with the mother of C-16.

5 **MR. ENGELMANN:** All right.

6 And just a continuation of that on minimal
7 contact, did you -- and let's look at page 151 of the
8 transcript. I'm in 2658, Bates page 1077065 front. This
9 is towards the end of the day on the 22nd. There is
10 discussion about you were prepared to call some further
11 evidence on Monday.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** This is evidence in response
14 to the Defence evidence on the stay. You indicate you're
15 intending to recall -- and they testified apparently in the
16 trial -- the complainants ---

17 **MS. HALLETT:** That's right.

18 **MR. ENGELMANN:** --- to testify as to the
19 fact that they have -- they were not contacted by Perry
20 Dunlop at any time in relation to Jacques Leduc.

21 **MS. HALLETT:** That's correct.

22 **MR. ENGELMANN:** Did you, in fact, call that
23 evidence on ---

24 **MS. HALLETT:** Yes, I called ---

25 **MR. ENGELMANN:** --- the following Monday?

1 **MS. HALLETT:** I called all three of the
2 complainants who stated that they had had no contact with
3 Detective Dunlop.

4 **MR. ENGELMANN:** All right.

5 **MS. HALLETT:** And one of them didn't --
6 hadn't even heard of him, had no idea who I was asking
7 about.

8 **MR. ENGELMANN:** And is that in part why you
9 felt you were still all right on this matter?

10 **MS. HALLETT:** Well, yes, that, and also the
11 fact that I was also planning to call the mother of C-16 as
12 a witness on the stay application in order to establish the
13 precise nature and minimal nature of the contact she had
14 had with Constable Dunlop, and the Defence were -- conceded
15 that what she had already testified to on the trial, they
16 would admit. So they weren't -- they didn't want to hear
17 from her. They weren't intending to cross-examine her any
18 further to establish that there had been any more contact
19 than that to which she had already testified.

20 **MR. ENGELMANN:** In fact, you did lead her
21 evidence on this transcript at page 149 in chief? That's
22 064 front.

23 **MS. HALLETT:** M'hm.

24 **MR. ENGELMANN:** And there were no questions
25 for her ---

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

2 **MR. ENGELMANN:** --- by Defence counsel?

3 Okay. All right.

4 And we -- during his evidence here,
5 Detective Inspector Hall talked about what occurred on the
6 22nd. He also had some notes on the 22nd about an
7 interaction with you after the proceedings.

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** And I just want to show that
10 to you, if I may.

11 **MS. HALLETT:** Okay, then.

12 **MR. ENGELMANN:** Madam Clerk, this is Exhibit
13 2757. Counsel, it's Document Number 727760. It's
14 difficult to read. It may well be easier to read on the
15 screen.

16 Ms. Hallett, the Bates page that I'm looking
17 -- I'll just wait -- 2757, Bates page 810.

18 **MS. HALLETT:** Thank you.

19 **MR. ENGELMANN:** For the screen, Madam Clerk,
20 the full Bates page 7110810.

21 And I'm looking at the bottom half of the
22 note, starting at 1530.

23 "1530 Court adjourned until Monday at
24 930 hours. See Shelley Hallett and Tim
25 Smith after discussion..."

1 **MS. HALLETT:** No, it's ---
2 **MR. ENGELMANN:** No.
3 "See Shelley Hallett..."
4 **MS. HALLETT:** "See Shelley Hallett on
5 Tim's..."
6 **MR. ENGELMANN:** "...after discussion
7 on..."
8 **MS. HALLETT:** "...on Tim Smith after
9 discussion not required."
10 **MR. ENGELMANN:** "Defence advised they did
11 not require him."
12 **MS. HALLETT:** Right.
13 **MR. ENGELMANN:** "Hallett stated 'You're
14 blaming..."
15 **THE COMMISSIONER:** "...all this on me."
16 **MR. ENGELMANN:** "...all this on me and
17 your police officer didn't have notes.'
18 She was obviously upset, said see you
19 Monday or maybe not. Christine
20 Tier..."
21 **THE COMMISSIONER:** "...motioned me to
22 leave..."
23 **MR. ENGELMANN:** "...motioned for me to
24 leave her be."
25 **MS. HALLETT:** M'hm.

1 **MR. ENGELMANN:** "I left as I felt she was
2 being very unprofessional. Evidence
3 came out that didn't please her. I
4 advised Dupuis and Seguin and advised
5 them to stay away from her until
6 Monday."

7 Okay?

8 **MS. HALLETT:** Okay.

9 **MR. ENGELMANN:** Do you recall having a
10 discussion with then-Detective Inspector Hall after court
11 on the 22nd of February?

12 **MS. HALLETT:** Yes. Yes, that's correct.

13 **MR. ENGELMANN:** And would you have ---

14 **MS. HALLETT:** I did.

15 **MR. ENGELMANN:** --- said something like what
16 he is suggesting?

17 **MS. HALLETT:** What I said to Inspector Hall
18 was -- well, first of all, I was astounded to hear that on
19 this stay application that I understood was directed
20 against the police officers for failing to disclose this
21 contact Dunlop had had with the mother of C-16, that the
22 Defence were dispensing with the evidence of the lead
23 investigator, Inspector Smith. That was absolutely
24 astounding to me.

25 And it's at that point that, based on the

1 evidence that I had heard and this additional information -
2 - and I confronted Pat Hall with this -- that it was clear
3 to me that the police in this case had been colluding --
4 were colluding with the Defence to set the Crown up for the
5 fall on the stay application, that in fact there had been
6 some agreement somehow that in return for some *quid pro*
7 *quo*, they were not going to be the target any longer of the
8 Defence application and I was. And I was making it clear
9 to Pat at that point that this was pretty obvious. This
10 was very transparent and it was obvious to me, as I say,
11 based on the fact that Tim Smith didn't even need to be
12 called at this point, didn't have to be brought to court,
13 that the Defence weren't interested in hearing from him and
14 also, of course, based on the evidence that afternoon.

15 **MR. ENGELMANN:** So at this point in time you
16 must have been concerned about a change in the strategy of
17 the Defence with respect to the stay motion?

18 **MS. HALLETT:** I was. I was very concerned
19 but, again, I knew that the three complainants who I was
20 going to call were going to say that they had had no
21 contact with Constable Dunlop, and given the evidence of C-
22 16's mother, I still didn't think that ---

23 **THE COMMISSIONER:** Now, okay ---

24 **MS. HALLETT:** Oh, I'm so sorry.

25 **MR. ENGELMANN:** Did you ---

1 **THE COMMISSIONER:** No, no. You're going to
2 have to be very careful about that, all right?

3 What I do is use a block -- and I've been
4 guilty of -- just whenever you're going to use a name, just
5 stop and think about it. All right?

6 **MS. HALLETT:** Yes, sir. Thank you.

7 **MR. ENGELMANN:** Did you ---

8 **MS. HALLETT:** I'm sorry.

9 **THE COMMISSIONER:** I know. I know. We lost
10 our chain of thought. You were going to call C-16's mother
11 and she was going to give you the extent of the contact she
12 had had with Perry Dunlop?

13 **MS. HALLETT:** Well, since that evidence have
14 been called ---

15 **MR. ENGELMANN:** Yeah.

16 **MS. HALLETT:** --- and since I was going to
17 call the three complainants and I knew what their evidence
18 was going to be, I simply didn't consider that the contact
19 that Dunlop had had with any witness in this case was such
20 as to justify a stay of the proceedings.

21 **MR. ENGELMANN:** Okay. Again, did that
22 warning light go on about getting counsel?

23 **MS. HALLETT:** No. No, I had been given no
24 notice by the defence ---

25 **MR. ENGELMANN:** All right.

1 **MS. HALLETT:** --- as to a change in their
2 focus. I would have expected that and, you know, it is a
3 procedural kind of appliqué, you have to give notice and
4 there had been nothing forthcoming in terms of any change
5 of focus.

6 And again, I just felt that the damage was
7 so minimal that had been caused by Constable Dunlop's
8 appearance at this point, as a person of interest in this
9 prosecution.

10 **MR. ENGELMANN:** All right.

11 And aside from what we've noted from
12 Inspector Hall, do you recall if you might have said
13 anything to the officers, particular in front of Officer
14 Seguin, with respect to his actions in disclosing this memo
15 or showing a lack of respect for you as a Crown and that
16 you were upset about the fact -- what it could cause in the
17 trial or words to that effect?

18 **MS. HALLETT:** I'm sorry, I'm just not -- I'm
19 not quite sure -- I'm not quite sure what your question is.

20 **MR. ENGELMANN:** Well my question is; we've
21 looked at a note that Detective Inspector Hall had.

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** And I'm wondering if you can
24 recall saying something in front of Detective Constable
25 Seguin to the effect that his actions in disclosing this

1 memo was, in effect, showing a lack of respect for you as a
2 Crown?

3 MS. HALLETT: I can't recall saying that.

4 MR. ENGELMANN: All right.

5 MS. HALLETT: I can't recall saying that.

6 MR. ENGELMANN: And do you recall saying --
7 or being upset about the impact that it may have on the
8 trial or on the case?

9 MS. HALLETT: I cannot recall at that point.
10 I remember confronting Pat Hall, simply around this issue
11 with why Smith wasn't going to be called.

12 MR. ENGELMANN: All right.

13 MS. HALLETT: And what -- it was very
14 transparent what was occurring here.

15 MR. ENGELMANN: He suggested in his notes
16 that your comments or your actions were unprofessional.

17 MS. HALLETT: I was -- no, I was being
18 direct to him. I think that's usually sometimes the best
19 way to be professional.

20 MR. ENGELMANN: All right.

21 And despite your arguments, despite calling
22 the complainants, Justice Chadwick ruled against you on the
23 stay application?

24 MS. HALLETT: Well, yes, but there was a
25 very important intermediary or intermediate event and that

1 was the final submissions by defence counsel ---

2 MR. ENGELMANN: Yes.

3 MS. HALLETT: --- on the stay application.

4 MR. ENGELMANN: Right. And in those final
5 submissions did it become crystal clear to you that the
6 defence strategy had changed?

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: All right.

9 MS. HALLETT: At that point. M'hm.

10 MR. ENGELMANN: And the strategy had moved
11 away from an argument that you saw in his oral submissions
12 at the beginning and in his written material, that this was
13 an allegation of wilful nondisclosure by the police to now
14 being an allegation of wilful nondisclosure by the Crown?

15 MS. HALLETT: That's right.

16 MR. ENGELMANN: And by the Crown, you
17 yourself?

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: And you ---

20 MS. HALLETT: I was astounded. I was
21 astounded ---

22 MR. ENGELMANN: Okay.

23 MS. HALLETT: --- that it was -- that it was
24 so transparent and I -- I thought that the obvious about-
25 face in terms of the focus of the application would have

1 been apparent to the trial judge and I didn't think that he
2 would have placed a great deal of weight on that.

3 And especially given, as I say, the minimal
4 contact that Dunlop had had with the witnesses in this
5 case.

6 **MR. ENGELMANN:** All right.

7 **MS. HALLETT:** No, not with the witnesses --
8 with one single witness, the mother of C-16.

9 **MR. ENGELMANN:** All right.

10 Any thought during the course of those final
11 submissions, again, maybe a timeout and counsel or any
12 suggestion from the court that that might be appropriate?

13 **MS. HALLETT:** No, there wasn't which was
14 unfortunate. I wish that Justice Chadwick had told me that
15 he wished to hear what I had to say under oath. I would
16 have gladly given evidence under oath on the complete
17 inadvertence on my part with respect to the Dunlop notes
18 and will say.

19 But I did make submissions to him from the
20 floor of the Court; I was an Officer of the Court and I
21 thought that that -- that my submissions would be accepted
22 for what they were; that is, as an Officer of the Court.

23 And I underestimated the strength, I
24 suppose, of the evidence adverse to me on this application.

25 **MR. ENGELMANN:** All right.

1 Again, in 2757, a few pages later, at Bates
2 page 827, Detective Inspector Hall, as he then was, writes
3 about what happens in court on March 1st, and some people
4 being in tears and upset.

5 He talks about the fact that you went into
6 the interview room and locked the door and one of his
7 officers was trying to communicate with you. Do you recall
8 what happened in court that day or do you recall any
9 discussion with the officers at that time?

10 **MS. HALLETT:** My concern on March 1st,
11 following Justice Chadwick's ruling on the stay application
12 was to be with the victims -- the complainants and their
13 mothers or their parents to explain what had happened.

14 I had a very long meeting with them because
15 I felt duty bound to explain what had occurred on this
16 application.

17 And so I -- and I believe that one of the
18 officers did come with me. I would have spoken to them, I
19 believe, in the presence of an officer. It may have been
20 Steve Seguin.

21 **MR. ENGELMANN:** That was your usual
22 practice?

23 **MS. HALLETT:** Always, yes, to have an
24 officer on hand.

25 I cannot recall simply sequestering myself

1 into a room and locking the door.

2 It may be that I did need some time to
3 compose myself following Justice Chadwick's ruling which
4 was devastating, of course, for me. But my recollection is
5 that I spent a considerable amount of time, following the
6 ruling, with the complainants and their parents.

7 **MR. ENGELMANN:** Was the ruling read in
8 court?

9 **MS. HALLETT:** Yes, it was.

10 **MR. ENGELMANN:** All right.

11 And you do recall then spending time with
12 complainants and their parents?

13 **MS. HALLETT:** Absolutely, yes.

14 **MR. ENGELMANN:** Trying to explain where
15 things would go from there?

16 **MS. HALLETT:** Yes, and trying to explain
17 what had occurred.

18 **MR. ENGELMANN:** All right.

19 And Ms. Hallett, I understand that there is
20 a process for determining appeals and whether or not the
21 Ministry of the Attorney General will take an appeal in a
22 criminal matter.

23 **MS. HALLETT:** Yes, there's a procedure for
24 launching a Crown appeal and ---

25 **MR. ENGELMANN:** You would have been very

1 familiar with that given your work at the Criminal Law
2 Office.

3 **MS. HALLETT:** Yes, Crown Law Office.

4 **MR. ENGELMANN:** Crown Law Office --
5 criminal, sorry.

6 **MS. HALLETT:** Yes, absolutely. I've been
7 responsible for launching appeals. I've been involved in
8 that process.

9 **THE COMMISSIONER:** Before we go there -- so
10 the matter was stayed. The judge found that you had
11 wilfully non-disclosed material and he had ordered costs,
12 in the end, of several hundred thousand dollars?

13 **MR. ENGELMANN:** That happened later, I
14 believe.

15 **THE COMMISSIONER:** No, no, right, are you
16 going to get to that?

17 **MR. ENGELMANN:** Are we ---

18 **MS. HALLETT:** Yes, ultimately he ordered
19 costs in the amount of \$351,000.

20 **THE COMMISSIONER:** There you go. Okay.

21 **MR. ENGELMANN:** You wouldn't have had any
22 input or you wouldn't have appeared on the cost
23 application?

24 **MS. HALLETT:** No -- how should I say -- I
25 did help prepare the factum.

1 **MR. ENGELMANN:** All right.

2 **MS. HALLETT:** The Respondent's factum for
3 filing on the cost application because I was, you know,
4 intimately acquainted with all of the facts and the
5 evidence that had been led, and there was a turnaround time
6 of, I believe, only 15 days.

7 And so I helped Terry Cooper to prepare that
8 factum. He wrote the law. I wrote the facts.

9 **MR. ENGELMANN:** All right.

10 You didn't appear on it to argue it ---

11 **MS. HALLETT:** No.

12 **MR. ENGELMANN:** --- in front of Justice
13 Chadwick?

14 **MS. HALLETT:** No.

15 **MR. ENGELMANN:** And you had some input, I
16 believe, into the appeal review panel process on this
17 matter?

18 **MS. HALLETT:** I had the standard kind of
19 informational input that any Trial Crown has when
20 requesting that a Crown appeal be launched.

21 **MR. ENGELMANN:** All right.

22 **MS. HALLETT:** I completed a Crown appeal
23 checklist and I prepared a synopsis of what had happened in
24 this case. This is standard for a Crown who is seeking to
25 have a case appealed.

1 **MR. ENGELMANN:** All right. I'd like to just
2 show you a couple of those documents and have them entered
3 if we could.

4 **MS. HALLETT:** Okay.

5 **MR. ENGELMANN:** I believe the first one, the
6 checklist, if I'm not mistaken, is 102179.

7 I'd just like to have you identify this, Ms.
8 Hallett; 102179.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 3193 is a checklist for Crown
11 attorney requesting Crown appeal.

12 **--- EXHIBIT NO./PIÈCE No. P-3193:**

13 (102179) Checklist for Crown Attorney
14 Requesting Crown Appeal dated March 12, 2001

15 **MR. ENGELMANN:** Is this the checklist
16 document you would have prepared?

17 **MS. HALLETT:** Yes, that's correct.

18 **MR. ENGELMANN:** All right. And the
19 background would have been prepared by you as well?

20 **MS. HALLETT:** I'm sorry, the what? The
21 background?

22 **MR. ENGELMANN:** The background facts?

23 **MS. HALLETT:** Yes, the background facts, the
24 synopsis of the case.

25 **MR. ENGELMANN:** All right. And it appears

1 that this was approved by James Stewart?

2 **MS. HALLETT:** Yes. In order to have the
3 Crown appeal request forwarded to Crown Law Office
4 Criminal, the local Crown Attorney has to approve of the
5 request.

6 **MR. ENGELMANN:** All right. So for there to
7 be an appeal filed, the first person you have to convince
8 is ---

9 **MS. HALLETT:** Your Crown.

10 **MR. ENGELMANN:** The head Crown for the
11 region?

12 **MS. HALLETT:** Generally for the office.

13 **MR. ENGELMANN:** All right.

14 And in this case, because you were doing
15 this case for the East Region, that was Mr. Stewart?

16 **MS. HALLETT:** That's correct.

17 **MR. ENGELMANN:** All right.

18 And this is a standard form that you would
19 use at that time?

20 **MS. HALLETT:** Yes, m'hm.

21 **MR. ENGELMANN:** And in addition to the
22 checklist, you draft a synopsis and proposed grounds of
23 appeal in the normal course?

24 **MS. HALLETT:** Some grounds, yes. Yes, I was
25 perhaps a little bit more familiar with grounds of appeal

1 than a lot of trial Crowns, but the trial Crowns are
2 encouraged to try and articulate the reasons why they
3 believe that an appeal should be launched.

4 **MR. ENGELMANN:** All right.

5 **MS. HALLETT:** And I did that and I prepared
6 a synopsis.

7 **MR. ENGELMANN:** And, in fact, Ms. Hallett,
8 if the witness could look at Document 102180.

9 **THE COMMISSIONER:** Thank you.

10 Exhibit Number 3194 is the *R. v. Leduc*
11 proposed grounds of appeal.

12 **MR. ENGELMANN:** Sir, this will require a
13 publication ban stamp. It has some of the monikered
14 individuals.

15 **THE COMMISSIONER:** Yes.

16 --- **EXHIBIT NO./PIÈCE NO. P-3194:**

17 (102180) Proposed grounds of appeal re: *R.*
18 *v. Leduc* dated March 12, 2001

19 **MR. ENGELMANN:** There are 11 grounds plus a
20 catchall that are proposed?

21 **MS. HALLETT:** Yes, m'hm.

22 **MS. HALLETT:** Would you have set out those
23 grounds?

24 **MS. HALLETT:** Yes, this is what I thought
25 would be applicable in these circumstances.

1 **MR. ENGELMANN:** And you then prepared a
2 synopsis of the case, which is attached?

3 **MS. HALLETT:** Yes I did, m'hm.

4 **MR. ENGELMANN:** Setting out the evidence you
5 anticipated from the complainants and then from the similar
6 fact evidence witness?

7 **MS. HALLETT:** Yes.

8 **MR. ENGELMANN:** And you set out
9 circumstances and the evidence at the trial and some of the
10 evidence on the stay application?

11 **MS. HALLETT:** That's right.

12 **MR. ENGELMANN:** And this would have been
13 prepared by you approximately when, Ms. Hallett?

14 **MS. HALLETT:** Well, there's a 30-day appeal
15 period. The Crown has 30 days to launch an appeal against
16 a stay like this and so I was, of course, immediately
17 working on that. I believe there's a date on my Crown
18 appeal checklist. March 12th is when I prepared the
19 checklist and I assume that my proposed grounds of appeal
20 and synopsis would have been prepared around that time to
21 support the request for the appeal.

22 **MR. ENGELMANN:** All right. And aside from
23 doing written work, in the normal course are people to be
24 available if the appeal review panel wishes to discuss the
25 matter with them?

1 **MS. HALLETT:** Yes, it's very, very common.
2 I always generally have questions for a trial Crown who is
3 seeking an appeal, you know, requesting that an appeal be
4 launched. You want to ask a lot of questions. There just
5 doesn't seem to be enough information contained in the
6 written materials, and so there are always questions that
7 are asked by all of the people who are considering the
8 request, and so I did make myself available for any further
9 information that was requested.

10 **MR. ENGELMANN:** And was further information
11 requested of you?

12 **MS. HALLETT:** Yes, there were a number of
13 questions that the various Crowns had about aspects of this
14 matter.

15 **MR. ENGELMANN:** And I understand that you,
16 in response to some of those concerns, prepared a
17 memorandum on the 21st of March which I'd like to show to
18 you.

19 **MS. HALLETT:** Okay then.

20 **MR. ENGELMANN:** It's 112853.

21 **MS. HALLETT:** Okay. I've prepared several
22 memos, as I recall.

23 **MR. ENGELMANN:** This is a memo that you
24 write to John Pearson, John McMahon, Lidia Narozniak and
25 Louise Dupont.

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** And were some or all of
3 those individuals on this appeal panel?

4 **MS. HALLETT:** Yes, they were requesting my
5 Crown appeal request. Excuse me, they were considering my
6 Crown appeal request.

7 **THE COMMISSIONER:** Exhibit 3195.

8 **--- EXHIBIT NO./PIÈCE NO. P-3195:**

9 (112853) - Memorandum from Shelley Hallett
10 to John Pearson, John McMahon, Lidia
11 Narozniak, Louise Dupont re: Jacques Leduc
12 Errors in the Reasons for Judgment of J.
13 Chadwick, dated March 21, 2001

14 **MR. ENGELMANN:** And in this particular
15 memorandum you highlight areas you consider to be errors of
16 law?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** On the part of Justice
19 Chadwick?

20 **MS. HALLETT:** That's correct.

21 **MR. ENGELMANN:** And you go through again the
22 grounds of appeal that you thought that you had set out
23 previously, or at least some of them?

24 **MS. HALLETT:** I am -- in this document, I am
25 citing all of the errors that I believe were contained in

1 his rulings, by paragraph.

2 MR. ENGELMANN: All right.

3 MS. HALLETT: So all of the numbers that
4 appear in square brackets refer to the paragraphs where I
5 feel that he has made an error in his ruling.

6 MR. ENGELMANN: Okay.

7 And then another memo that you write, it's
8 also, I think, dated that same day; 112861.

9 THE COMMISSIONER: Yes, thank you.

10 That will be Exhibit Number 3196.

11 --- EXHIBIT NO./PIÈCE NO. P-3196:

12 (112861)- Memorandum from Shelley Hallett to
13 John Pearson, John McMahon, Lidia Narozniak,
14 Louise Dupont re: Jacques Leduc Stay of
15 Proceedings based on Finding of Wilful Non-
16 disclosure Crown Appeal Request, dated March
17 21, 2001

18 MR. ENGELMANN: Again, you set out in bold a
19 number of errors that you believe were made by the trial
20 judge, by the motions judge, perhaps I should say?

21 MS. HALLETT: M'hm.

22 MR. ENGELMANN: And you refer to
23 conversations you've had with John Stewart -- or John
24 Pearson?

25 MS. HALLETT: Yes.

1 **MR. ENGELMANN:** And, again, setting out more
2 reasons why you believe this matter should be appealed?

3 **MS. HALLETT:** Yes, I'm sending out further
4 arguments under proposed grounds of appeal.

5 **MR. ENGELMANN:** All right.

6 Now did you have any other involvement in
7 the appeal review process?

8 **MS. HALLETT:** No. My only request for
9 further involvement was that in the event that the Crowns
10 who were considering this appeal request were -- had
11 arrived at a preliminary conclusion that an appeal was not
12 justified or warranted in this case, that I would be able
13 to make some oral representations through a colleague who
14 would act as my counsel, who would represent me in terms of
15 perhaps making -- or persuading the panel that the appeal
16 should be launched.

17 **MR. ENGELMANN:** There's a term for that,
18 something advocate? I've seen it in documents.

19 **MS. HALLETT:** Oh, yeah.

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

21 **MR. ENGELMANN:** Yes. In any event ---

22 **MS. HALLETT:** Yes, but -- and I did ask John
23 Pearson and John McMahon if that would be possible and they
24 didn't give me a response, but I believe by that point it
25 was very late in the appeal period and I think that they

1 had already arrived at a conclusion as to launching the
2 appeal. So there was no further representations made on my
3 behalf.

4 **MR. ENGELMANN:** Okay.

5 Ms. Hallett, an appeal was launched?

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** We know that, and would you
8 have been informed at or about the time that happened?

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** And did you speak to a
11 reporter about this shortly after the appeal was launched?

12 **MS. HALLETT:** Yes, I did, Kirk Makin.

13 **MR. ENGELMANN:** All right.

14 **MS. HALLETT:** I had been rather concerned
15 about Kirk's -- Kirk Makin's report of the fact of the stay
16 and the fact that I was found to have wilfully failed to
17 disclose. It was very -- as I mentioned earlier, it was
18 devastating for me, and certainly the publicity that it
19 generated in terms of the Globe and Mail and that being a
20 national newspaper, and the fact that various of my friends
21 and family across the country would be reading about this
22 was of concern.

23 So I wanted -- I felt that out of fairness
24 perhaps Kirk would at least also publish a piece indicating
25 that there had been an appeal launched against this

1 finding.

2 MR. ENGELMANN: All right.

3 THE COMMISSIONER: And did he?

4 MS. HALLETT: He did.

5 THE COMMISSIONER: Very good.

6 MR. ENGELMANN: I understand that he wrote
7 something on or about -- well, it appeared in the Globe and
8 Mail on April 5th, 2001. It's a late notice from the
9 Victims Group, so I don't have copies for people, but
10 perhaps we should put it in.

11 THE COMMISSIONER: Sure.

12 MR. ENGELMANN: Ms. Hallett, you were
13 admonished for speaking to the press about this, were you
14 not?

15 MS. HALLETT: Yes, I was.

16 MR. ENGELMANN: All right.

17 And let's look at the article and then
18 quickly look at the email exchange. The article is 105872.
19 I apologize. Since it was late notice from one of the
20 parties I don't have the copies.

21 THE COMMISSIONER: That's okay.

22 MR. ENGELMANN: And the lawyer in question
23 is not present.

24 THE COMMISSIONER: So do we have ---

25 MR. ENGELMANN: Can we show it on the

1 screen?

2 **THE COMMISSIONER:** Show it on the screen.
3 We'll make it an exhibit, subject to copy. So this is what
4 exhibit number, Madam Clerk; 3196?

5 **THE REGISTRAR:** Three-one ninety-seven
6 (3197).

7 **THE COMMISSIONER:** Sorry; 3197 will be a
8 Globe and Mail article -- where is the date? Do we have
9 the date? Yes, Thursday, April ---

10 **MR. ENGELMANN:** Fifth.

11 **THE COMMISSIONER:** 2001. Kirk Makin.

12 --- **EXHIBIT NO./PIÈCE NO. P-3197:**
13 (105872) - Globe and Mail Article 'Crown
14 Counsel cries foul in stay of sex-assault
15 charges' dated 05 Apr 01

16 **MR. ENGELMANN:** I just simply want to ask if
17 you're correctly quoted, Ms. Hallett. I presume he wrote
18 an article after the stay that was somewhat critical. Is
19 that what you've indicated to us?

20 **MS. HALLETT:** Yes. The first piece had been
21 written by Kirk based entirely on what he had been told by
22 the two defence counsel for Mr. Leduc.

23 **MR. ENGELMANN:** Right.

24 **MS. HALLETT:** And of course that -- I
25 thought that perhaps the report was somewhat one-sided, and

1 I felt that this -- that some report about the fact of the
2 appeal being launched could perhaps rectify that.

3 **THE COMMISSIONER:** Can you scroll down,
4 Madam Clerk?

5 **MR. ENGELMANN:** Okay. You're quoted as
6 saying, about the fourth paragraph or fifth paragraph:

7 "The prosecutor in the case, Shelley
8 Hallett, said yesterday that the
9 proceeding she found herself caught up
10 in was a legal travesty where her
11 professional conduct was maligned and
12 her right to properly defend herself
13 was derailed."

14 Would you have said something like that to
15 Mr. Makin?

16 **MS. HALLETT:** I think I probably did say
17 that.

18 **MR. ENGELMANN:** And then you're actually
19 quoted as saying:

20 "I became the accused person. This was
21 certainly the first allegation of
22 unethical behaviour I've ever faced."

23 **MS. HALLETT:** Yes.

24 **MR. ENGELMANN:** "It's a professional death
25 sentence..."

1 **THE COMMISSIONER:** Madam Clerk.

2 **MR. ENGELMANN:** Next page -- sorry.

3 "It's a professional death sentence and
4 it was arrived at on the flimsiest of
5 evidence and under extremely unfair
6 procedures. It was certainly very
7 unfair, to say the least."

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** You would have said
10 something like that to him?

11 **MS. HALLETT:** Yes, he's quoted me there.

12 **MR. ENGELMANN:** All right. All right.

13 And after those comments appeared I
14 understand -- and if we could look at -- it's Document
15 Number 130683 and there are some email exchanges. The one
16 I'm -- sorry.

17 **THE COMMISSIONER:** Thank you. Exhibit 3198
18 is an email correspondence from Murray Segal to Diana
19 Watts, March 8th, 2001.

20 **MR. ENGELMANN:** And Mr. Commissioner,
21 there's email -- there's sort of a chain going ---

22 **THE COMMISSIONER:** I'm just identifying ---

23 **MR. ENGELMANN:** No, the first page, yes,
24 absolutely.

25 On the second page, sir, which is 424 Front,

1 if you look at the message at the bottom, there appears to
2 be an email from Paul Lindsay to Shelley Hallett.

3 --- EXHIBIT NO./PIÈCE NO. P-3198:

4 (130683) - E-mail from Paul Lindsay to
5 Shelley Hallett re: R.v. Leduc - Media
6 Reports dated 05 Apr 01

7 MR. ENGELMANN: Ms. Hallett, is that an
8 email you would have received? If you want to just have a
9 brief look at it.

10 MS. HALLETT: Yes. Could you blow it up
11 even a bit more?

12 MR. ENGELMANN: I'm sorry?

13 MS. HALLETT: I'm starting to have trouble
14 reading at this point and it's very small print.

15 MR. ENGELMANN: We're going to blow it up
16 for you.

17 THE COMMISSIONER: It comes with wisdom.

18 (LAUGHTER/RIRES)

19 MR. ENGELMANN: In my case it came with
20 something else.

21 THE COMMISSIONER: Madam Clerk, can you blow
22 it up? Is that the best you can do? Okay.

23 MS. HALLETT: Okay. There we go. Thank
24 you.

25 Yes. Yes, that's correct. Paul was

1 concerned and I had not followed Crown procedure in terms
2 of not speaking with the press. It hadn't been my
3 intention to comment on Justice Chadwick's ruling. It was
4 -- my main reason for contacting Kirk was to advise him and
5 hope -- I had hoped that he would simply report at least
6 the fact that this matter had been appealed.

7 But of course I -- well, I erred in speaking
8 perhaps too directly to him about what had happened here,
9 and it was of concern to Paul, who was the director of our
10 office, that it was unseemly to do this. And I did sit
11 down with him. I did follow up in terms of speaking with
12 him about this.

13 But I did explain my concerns when this
14 happens to a Crown, that perhaps more could be done to let
15 the Crown's colleagues and the public know, to the extent
16 possible, if there has been an appeal launched; just to get
17 the message out there that there is another side to the
18 story; that this person, you know, against whom this
19 finding has been made, may in fact not have committed that
20 error.

21 **MR. ENGELMANN:** You're certainly not the
22 first institutional official who's commented on issues
23 involving the press.

24 **MS. HALLETT:** Is that right?

25 **MR. ENGELMANN:** You may have some

1 recommendations for us on this at the end.

2 MS. HALLETT: Okay.

3 MR. ENGELMANN: But one of the things he
4 seems to be concerned about ---

5 MS. HALLETT: Right.

6 MR. ENGELMANN: --- is the policy does talk
7 about commenting on the correctness of a judge's decision.

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: And he thought you crossed
10 the line?

11 MS. HALLETT: Yes, he did.

12 MR. ENGELMANN: And you had a discussion
13 with him?

14 MS. HALLETT: I had a discussion and to his
15 credit he, now having heard me -- he sent out an email to
16 all the Crowns in my division, the Criminal Law Division,
17 explaining to them that there had been this appeal launched
18 and fully supportive of me, and I appreciated that.

19 MR. ENGELMANN: All right. Now, in the
20 email he's saying to you, "Step away."

21 MS. HALLETT: Yes. And I have to say this.
22 That has continued to be done since my -- this episode.
23 That is, when other Crowns now -- where there's been
24 findings made against them or when a case has been thrown
25 out of court, you know, where the Crown has obtained in a

1 sort of, you know, an adverse outcome on a case where
2 perhaps the conduct of the Crown has been criticized, it
3 has now become standard procedure for the division to
4 advise colleagues in the division of whether or not there's
5 an appeal and what the status of the Ministry's follow-up
6 is going to be.

7 **MR. ENGELMANN:** All right.

8 So did you have any other involvement in the
9 Leduc matter, aside from the transfer of the file to a
10 subsequent Crown who takes this on for another trial? Did
11 you have any further involvement in the Leduc matter after
12 this email from Paul Lindsay?

13 **MS. HALLETT:** Well, there was a criminal
14 investigation launched ---

15 **MR. ENGELMANN:** I'm going to talk about that
16 in a minute.

17 **MS. HALLETT:** Okay.

18 **MR. ENGELMANN:** Other than the -- so we have
19 the York Regional ---

20 **MS. HALLETT:** Police investigation.

21 **MR. ENGELMANN:** --- Police investigation.

22 **MS. HALLETT:** Right.

23 **MR. ENGELMANN:** But with respect to either
24 input into the appeal or other work on the actual file
25 itself.

1 **MS. HALLETT:** I don't think -- I may have
2 continued to work with respect to the costs matter after
3 this time. I'm not sure if I did or not.

4 **MR. ENGELMANN:** All right.

5 **MS. HALLETT:** And, you know, as I say, yes,
6 there was a Law society file that was opened.

7 **MR. ENGELMANN:** Yes. There were some
8 matters that were with respect to you.

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** There was the York Regional
11 Police. You told us that was on or about April 23rd ---

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** --- when you were advised of
14 that?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** This is all 2001?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And then at some point
19 subsequent to that was there an investigation or something
20 started with the Law Society?

21 **MS. HALLETT:** Yes, the Law Society called
22 me. A representative of the Law Society called me to
23 advise that they were opening a file and monitoring this
24 matter.

25 **MR. ENGELMANN:** All right.

1 **MS. HALLETT:** There could be a further
2 investigation.

3 **MR. ENGELMANN:** All right.
4 So then let's look at the York Regional
5 Police.

6 **MS. HALLETT:** Okay, then.

7 **MR. ENGELMANN:** All right?
8 You said you became aware of this on or
9 about the 23rd of April, 2001.

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** And can you tell us how you
12 became aware of it?

13 **MS. HALLETT:** Yes. Murray Segal contacted
14 me and advised that he wanted to speak with me.

15 **MR. ENGELMANN:** All right.

16 **MS. HALLETT:** And I said, "Fine" and we met.
17 He came to my home. It was the evening. And he advised me
18 that there had been an email that had come through from
19 Detective Inspector Hall. He provided me a copy of the
20 email, let me read it. It was fairly short. And he
21 explained to me that on -- as a result of this email that
22 he had requested that there be a criminal investigation
23 conducted of my conduct on the Leduc matter and indicated
24 that I would be provided with counsel of my choice.

25 **MR. ENGELMANN:** Okay. So he provided you a

1 copy of an April 3rd email that Detective Inspector Hall had
2 written to James Stewart?

3 MS. HALLETT: That's right.

4 THE COMMISSIONER: Were there any
5 constraints put on your work?

6 MS. HALLETT: No.

7 MR. ENGELMANN: And just so I'm clear, the
8 York Regional Police had been asked to look into it?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: Okay.

11 MS. HALLETT: To investigate the allegation
12 contained in Detective Inspector Hall's email.

13 MR. ENGELMANN: We have a copy of the email
14 in evidence, sir.

15 THE COMMISSIONER: Yes we do.

16 MR. ENGELMANN: There is a copy that was
17 given by -- that has her -- I believe has Ms. Hallett's
18 handwriting on it.

19 THE COMMISSIONER: M'hm.

20 MR. ENGELMANN: Perhaps we could just make
21 this an (A) to the ---

22 THE COMMISSIONER: Sure.

23 MR. ENGELMANN: --- other one if it's --
24 it's Document Number 114179. I unfortunately don't have
25 the original exhibit number. I apologize.

1 Maybe, Madam Clerk, you can help? It's an
2 April 3rd, 2001 email.

3 I'm advised it's 2828 by a reliable source.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. ENGELMANN:** So if this could be 2828A?

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 2828A is the email
8 correspondence from Patrick Hall to James Stewart on April
9 3rd with a note from Ms. Hallett saying she received it from
10 Murray Segal on April 23rd, 2001.

11 **--- EXHIBIT NO./PIÈCE No. P-2828A:**

12 (114179) - E-mail from Pat Hall to James
13 Stewart re: Perry Dunlop Disclosure -
14 received by Shelley Hallett 23 Apr 01

15 **MS. HALLETT:** Thank you.

16 **MR. ENGELMANN:** Ms. Hallett, when you
17 received this email from Mr. Segal was this the first you
18 knew of the email?

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** All right.

21 And I'd like you to look at the last five
22 lines if you could?

23 **MS. HALLETT:** Yes.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. ENGELMANN:** In particular the reference:

1 "What disturbs me most is Ms. Hallett
2 not being truthful with Skurka and
3 Campbell on February 7th when [I think]
4 they first asked about the Dunlop
5 material in light of the fact that
6 on..."

7 And there's a reference to January 9 '01:

8 "...I had a telephone conversation with
9 Ms. Hallett when she asked me about the
10 Dunlop involvement..."

11 Et cetera.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** Okay? So Mr. Segal
14 explained to you that given the nature of that portion of
15 this email that they or he and others thought it was
16 necessary to have someone look into this?

17 **MS. HALLETT:** Yes, that there had to be a
18 criminal investigation.

19 **MR. ENGELMANN:** Right.

20 **MS. HALLETT:** He had decided there should be
21 a criminal investigation.

22 **MR. ENGELMANN:** All right.

23 And just at that point in time, or later,
24 did you give some thought to this comment about January 9th,
25 2001?

1 **MS. HALLETT:** Yes, m'hm -- absolutely. I
2 was -- I set about informing myself about everything that
3 had occurred and preparing to meet with the investigators.

4 **MR. ENGELMANN:** That would have been just
5 days before the trial?

6 **MS. HALLETT:** Yes, the January 9th day that
7 he's referring to was just a few days before the trial. Do
8 you want me to talk about what I remember from our
9 conversation?

10 **MR. ENGELMANN:** Yes.

11 **MS. HALLETT:** Okay.

12 **MR. ENGELMANN:** And whether there was any
13 discussion at that time about the contact with Dunlop or
14 anything of that nature.

15 **MS. HALLETT:** Okay, then. I called Pat
16 myself on that day, January 9th of 2001. I was back from
17 vacation. I had just recently come back from Christmas
18 holidays, I think the day before, and one of the -- I was -
19 - I had some information that I wanted to discuss with him.
20 One of the things I wanted to discuss with him was the fact
21 that the trial judge, Justice McKinnon, had been assigned
22 to the case.

23 And I wanted to chat with him about what he
24 knew about Justice McKinnon. We all take an interest in
25 the judges who are hearing our cases and, you know, their

1 reputation, what they like, how they like it. And I just
2 wanted to sort of get some feedback around the pick of the
3 trial judge in this case because I, of course, was from out
4 of the jurisdiction and I didn't know what he was like at
5 all.

6 So that was the one reason.

7 Another reason I contacted Pat was with
8 respect to the notice -- I believe I had received by this
9 time a notice with respect to Challenge for Cause. I
10 believe that -- I'm not sure, okay, but I believe that
11 there was some reason I wanted to discuss the jury issue
12 with him because I wanted to discuss -- yes, yes, I
13 remember. I was explaining to him what a Challenge for
14 Cause was, that there would be a Challenge for Cause. We
15 had gotten a notice that there was to be a Challenge for
16 Cause. Either we had gotten a notice or I knew from our
17 meeting with Defence counsel before Christmas.

18 So I wanted to discuss that with him in the
19 context of narrowing down the number of counts on the
20 indictment to include only those counts alleging sexual
21 exploitation so that consent would not be an issue on the
22 trial. And I explained my reasons for wanting to do that
23 earlier. And I wanted, you know, to make sure that he was
24 comfortable with my decision to do that.

25 **MR. ENGELMANN:** All right.

1 **MS. HALLETT:** Another reason that I was
2 speaking with him on this point is that -- or at this point
3 was with respect to a complaint that had come in about
4 Defence counsel contacting the family of C-16.

5 **MR. ENGELMANN:** Yes.

6 **MS. HALLETT:** And he was the officer in
7 charge. I wanted to discuss what should be done about
8 this, was, you know, was there to be a more formal approach
9 in terms of an investigation, of an attempt to obstruct
10 justice and what I proposed was that I was going to just
11 call and leave a message, I believe, for Mr. Campbell, that
12 the complainant's family did not appreciate this call.
13 They didn't want to speak with Defence and please don't
14 make any more calls.

15 So that was another housekeeping matter I
16 wanted to discuss with Detective Inspector Hall.

17 But in the context of this Challenge for
18 Cause I was reviewing the questions that the Defence
19 proposed to put to prospective jurors in terms of whether
20 or not they would be -- the Defence would be content to
21 have them on the jury. And I was rather surprised at the
22 questions that Defence wanted to put because they did refer
23 to -- one of the questions was that they wanted to put to
24 the jurors was whether or not they had contributed to a
25 fund in support of Detective Perry Dunlop. And I believe

1 that there was another question that referred to Dunlop in
2 some way.

3 MR. ENGELMANN: Right.

4 MS. HALLETT: And I'm sure you have the
5 document.

6 MR. ENGELMANN: Ms. Hallett, I think I have
7 a document that you would have prepared back then.

8 MS. HALLETT: Okay.

9 MR. ENGELMANN: It's Document Number 114157.
10 I think it's your response that you prepared for the York
11 Regional Police to the email, and the part we're discussing
12 right now, the January 9th, 2001 discussion with Pat Hall,
13 is there.

14 MS. HALLETT: Okay.

15 MR. ENGELMANN: So Document 114157.

16 THE COMMISSIONER: Exhibit 3199 is an email
17 from Hall to Stewart.

18 --- EXHIBIT NO./PIÈCE NO. P-3199:

19 (114157) - Notes of Shelley Hallett re: E-
20 mail from Pat Hall to James Stewart undated

21 MS. HALLETT: And if you look at the second
22 page, Ms. Hallett, Bates page 723, you set out in
23 paragraphs 7, 8, 9, 10, 11 some of what you then said was
24 your discussion with Detective Inspector Hall.

25 MS. HALLETT: Right.

1 **MR. ENGELMANN:** And you've talked about most
2 of this.

3 **MS. HALLETT:** M'hm.

4 **MR. ENGELMANN:** Part of the issue on Dunlop
5 is set out at paragraph 10.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** There had been a fund
8 established, and so there was going to be -- you had
9 received questions from the Defence that they were going to
10 put to prospective jurors?

11 **MS. HALLETT:** Right. M'hm.

12 **MR. ENGELMANN:** So that -- on that issue,
13 Dunlop would have arisen?

14 **MS. HALLETT:** I'm sorry? Yes, m'hm.

15 **MR. ENGELMANN:** And then paragraph 11 -- and
16 this is your handwriting?

17 **MS. HALLETT:** Yes, m'hm.

18 **MR. ENGELMANN:** And I just want to make sure
19 I'm reading it correctly. Does it say:

20 "Therefore, another part of the
21 conversation with Hall related to my
22 understanding that Dunlop had no
23 involvement in the investigation of the
24 Leduc case..."

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** "...and that he had
2 conducted no official police
3 investigations."

4 **MS. HALLETT:** Right.

5 **MR. ENGELMANN:** "These questions could be
6 misleading to the jury. I wanted to
7 confirm that my understanding was
8 correct. Hall confirmed Dunlop had not
9 been involved in the Leduc
10 investigation."

11 **MS. HALLETT:** Right.

12 **MR. ENGELMANN:** "Nothing surprising re:
13 Dunlop's contact with C-16's mother..."
14 Et cetera. So that ---

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** --- is what you say is what
17 you would have discussed with Detective Inspector Pat Hall
18 about Dunlop ---

19 **MS. HALLETT:** Yes.

20 **MR. ENGELMANN:** --- on January 9th, 2001?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** All right.

23 **MS. HALLETT:** He confirmed for me what I had
24 always understood to be the case, that this complaint came
25 forward as a result of the mother of C-16 speaking with her

1 friend who then, in turn, spoke to an OPP officer who then
2 brought it to the attention of another OPP investigator.

3 **MR. ENGELMANN:** So -- and I think when he
4 testified at the stay, Detective Inspector Hall talked
5 about the fact that there was no contact or that Dunlop had
6 not been involved in the Leduc investigation when you were
7 asking questions of him and others were, with the exception
8 of this phone call with C-16's mother?

9 **MS. HALLETT:** That's right.

10 **MR. ENGELMANN:** All right.

11 **MS. HALLETT:** I don't even recall that we
12 discussed this -- we never discussed the phone call with C-
13 16's mother.

14 **MR. ENGELMANN:** No, I'm not saying you did.

15 **MS. HALLETT:** No, no.

16 **MR. ENGELMANN:** All right.

17 **MS. HALLETT:** I didn't know about that.

18 **MR. ENGELMANN:** Yeah. All right.

19 So now you're to meet at some point with the
20 York Regional Police. They want to take a statement from
21 you?

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** And I understand the day
24 before that, they send a letter to your counsel?

25 **MS. HALLETT:** Yes.

1 **THE COMMISSIONER:** Which we will review
2 after the break. Thank you.

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

5 This hearing will resume at 5:00 p.m.

6 --- Upon recessing at 4:44 p.m./

7 L'audience est suspendue à 16h44

8 --- Upon resuming at 4:58 p.m./

9 L'audience est reprise à 16h58

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

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

14 **THE COMMISSIONER:** So, Mr. Engelmann, I have
15 to tell you that at five to 6:00 we're going to stop you no
16 matter if you're in mid-sentence because I know when you
17 get a breakaway on the St. Lawrence, you, you just keep
18 going.

19 **MR. ENGELMANN:** All right. I have a
20 reputation for that.

21 **THE COMMISSIONER:** And only because I know
22 that counsel are going to want to have a short break
23 because at seven o'clock they will all be attending the
24 duty to report seminar, which is part of Phase II.

25 And so I thought it would be important to

1 give them all at least an hour to be able to go and change
2 and have a little bite to eat.

3 **MR. ENGELMANN:** And in all seriousness, and
4 I know you're saying that with seriousness ---

5 **THE COMMISSIONER:** Absolutely.

6 **MR. ENGELMANN:** --- counsel will recall that
7 Professor Stokker wrote a very comprehensive paper on the
8 duty to report which has been tabled. She will be one of
9 the speakers tonight.

10 I also know that there is another Phase II
11 event, healing and reconciliation circle. I think I'm not
12 supposed to talk about some of this.

13 **THE COMMISSIONER:** That's a private matter.

14 **MR. ENGELMANN:** Okay. All right. In any
15 event ---

16 **THE COMMISSIONER:** A non-public event, I
17 guess.

18 **MR. ENGELMANN:** All right.

19 But in any event, the duty to report session
20 is on this evening and is an excellent panel.

21 **THE COMMISSIONER:** You're welcome to attend.

22 **MS. HALLETT:** I was hoping to get some
23 dinner to be ready for tomorrow.

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

25 **MR. ENGELMANN:** Is it at the Ramada?

1 **THE COMMISSIONER:** It is at the Ramada.

2 **MS. HALLETT:** Oh, well, thank you.

3 **MR. ENGELMANN:** And I can assure you, Ms.
4 Hallett, that people will not be asking questions of you
5 there.

6 **MS. HALLETT:** Well, that does sound
7 interesting.

8 **SHELLEY HALLETT, Resumed/Sous le même serment:**

9 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
10 **ENGELMANN (cont'd/suite):**

11 **MR. ENGELMANN:** All right.

12 I was asking you questions about the York
13 Regional Police investigation ---

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** --- back in the summer of
16 2001.

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And I believe that your
19 counsel received a letter from an investigator at the York
20 Regional Police and I want to show it to you. It's
21 Document Number 114122.

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** It's a letter dated June
24 14th, 2001 from a Detective Sergeant Denise LaBarge to Brian
25 Greenspan.

1 **MS. HALLETT:** M'hm.

2 **MR. ENGELMANN:** Mr. Greenspan was your
3 lawyer for this ---

4 **MS. HALLETT:** Yes, he was.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit Number 3200 is a letter dated June
7 14th, 2001 to Mr. Greenspan from Mr. -- I'm sorry --
8 Detective Sergeant Denise LaBarge.

9 **--- EXHIBIT NO./PIÈCE NO. P-3200 :**

10 (114122) - Letter from Denise LaBarge
11 to Brian Greenspan re: R. v. Leduc -
12 Interview with Shelley Hallett dated 14
13 Jun 01

14 **MR. ENGELMANN:** Now, it indicates that there
15 had been a phone call between them on the 13th, the day
16 before. Presumably your counsel has advised you about this
17 upcoming interview on the 15th?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And would he have brought
20 the contents of this letter to your attention on the ---

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** --- 14th after he received
23 it?

24 **MS. HALLETT:** Absolutely.

25 **MR. ENGELMANN:** All right.

1 You were aware of the fact that the email of
2 April 3rd, 2001 was going to be discussed; it was in play?

3 **MS. HALLETT:** Yes. Well, that was what I
4 thought was the subject of the investigation. I expected
5 to be investigated for attempting to obstruct justice based
6 on the content of the email from Detective Inspector Hall.
7 I was quite taken by surprise by these additional issues
8 that didn't seem to relate in any way to the criminal
9 investigation or to attempt to obstruct justice.

10 **MR. ENGELMANN:** All right.

11 So those additional five matters were a
12 surprise to you at that time?

13 **MS. HALLETT:** Yes, they were.

14 **MR. ENGELMANN:** All right.

15 And did you have any idea why the police
16 were going to be investigating those issues?

17 **MS. HALLETT:** No, I didn't. I felt that
18 they were exceeding their mandate, frankly. I was quite
19 surprised and I -- other than the notice the day before of
20 this -- and this came as a total shock -- I really hadn't
21 prepared, I didn't think, that much for this, but I set
22 about trying to prepare for it, but it was really quite a
23 shift in focus, I thought.

24 **MR. ENGELMANN:** All right.

25 Well, we'll come to this later, but you get

1 this list ---

2 **MS. HALLETT:** Yes.

3 **MR. ENGELMANN:** Did you -- you prepared a
4 response to each one of these items, as I understand it?

5 **MS. HALLETT:** Yes, I did. Absolutely, yes,
6 I did.

7 **MR. ENGELMANN:** All right.

8 And would you have done that forthwith?

9 **MS. HALLETT:** Yes. I didn't have a lot of
10 time at that point. It was -- I had to be ready for the
11 next day.

12 **MR. ENGELMANN:** All right.

13 So let's go right to that if we can then.

14 **MS. HALLETT:** Okay.

15 **MR. ENGELMANN:** You would have prepared some
16 summary documents for each of the issues that are set out?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And I'd like to have the
19 witness look at Document Number 114123. It's an undated
20 document that has the caption "Competency" at the top.

21 **THE COMMISSIONER:** Thank you.

22 Exhibit 3201.

23 **MS. HALLETT:** Thank you.

24 **THE COMMISSIONER:** Document entitled
25 Competency.

1 --- EXHIBIT NO./PIÈCE No. P-3201:

2 (114123) - Notes of Shelley Hallett re:
3 Competency dated 13 Jun 01

4 **MR. ENGELMANN:** Ms. Hallett, is this a
5 document you would have prepared?

6 **MS. HALLETT:** Yes, this is one of them.

7 **MR. ENGELMANN:** And does it refer to a
8 specific issue outlined in 3200 or were you just stating
9 that out in general terms?

10 **MS. HALLETT:** In general terms. I was
11 trying to establish that my competency in terms of relating
12 to the rest of the issues alleged, lack of preparation or
13 over-viewing of witnesses ---

14 **MR. ENGELMANN:** So you thought it was
15 important just to set something out just with respect to
16 general competence?

17 **MS. HALLETT:** Yes, that's right.

18 **MR. ENGELMANN:** All right.

19 And can you just give us a sense -- and
20 we'll go through some of these others as well ---

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** --- when you prepared this?

23 **MS. HALLETT:** I believe that I prepared this
24 the day before, on June 15th. Excuse me, June the 14th, when
25 I received this.

1 **MR. ENGELMANN:** All right.

2 And were they prepared for your counsel or
3 were they prepared for the police or ---

4 **MS. HALLETT:** Yes, they were prepared for
5 the police, I believe, or at least for me to -- I wasn't
6 sure whether I -- I'm not sure now whether I submitted it
7 to the police or whether I just wished to refer to these
8 points in speaking with the police.

9 **MR. ENGELMANN:** All right.

10 So they might have been summary notes for
11 you to respond?

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** All right.

14 Or you might have turned them over; you're
15 not sure?

16 **MS. HALLETT:** I may have done that.

17 **MR. ENGELMANN:** All right.

18 I want to show you another one then. This
19 one simply outlines some of your qualifications and your
20 experience.

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** And had you ever been
23 challenged on competency issues before this?

24 **MS. HALLETT:** No. No.

25 **MR. ENGELMANN:** All right.

1 Let's look at Document Number 114124. It's
2 entitled "Preparedness for Court", and if it could be the
3 next exhibit?

4 **THE COMMISSIONER:** Thank you.
5 Exhibit 3202, Preparedness Report.

6 **--- EXHIBIT NO./PIÈCE No. P-3202:**
7 (114124) - Notes of Shelley Hallett re:
8 Preparedness for Court

9 **MS. HALLETT:** Thank you.

10 **MR. ENGELMANN:** Again, is this something you
11 would have prepared on or about June 14th, 2001?

12 **MS. HALLETT:** That's correct.

13 **MR. ENGELMANN:** And was this specific to the
14 Leduc matter or was it Leduc in general or ---

15 **MS. HALLETT:** Well, all of my cases, but I -
16 - yes, I think I was referring generally to the way that I
17 undertook my Project Truth cases, generally.

18 **MR. ENGELMANN:** All right.
19 You've giving some indication of what you do
20 before a preliminary inquiry, before trial, et cetera?

21 **MS. HALLETT:** Yes, interviewing the
22 witnesses, filing pre-trial -- complete pre-trial
23 conference reports.

24 **MR. ENGELMANN:** We've dealt with many of
25 these issues.

1 **MS. HALLETT:** Yes.

2 **MR. ENGELMANN:** Is there anything else you
3 wanted to highlight that we haven't dealt with yet?

4 **MS. HALLETT:** Well, one of the things that I
5 prided myself on with -- in the Leduc case is that I had
6 actually prepared my examinations in-chief of each of the
7 witnesses in writing before going in. I had never been
8 able to do that before, but I was very concerned about, you
9 know, being prepared in this case, to lead the evidence
10 appropriately, and so I actually had gone to that extent.

11 Now, I'm not sure if I listed here -- I
12 remember us discussing it in the context of ---

13 **MR. ENGELMANN:** We have Number 4,
14 preparation of thorough examinations in-chief ---

15 **MS. HALLETT:** Yes, that's right.

16 **MR. ENGELMANN:** --- of all witnesses. Is
17 that what you're referring to?

18 **MS. HALLETT:** Yes. I was able to actually
19 provide to the investigators the written notes of my
20 examinations in-chief of all the witnesses.

21 **MR. ENGELMANN:** All right.

22 So if you were doing that, it's likely you
23 would have provided them with the single sheet as well?

24 **MS. HALLETT:** Yes. M'hm.

25 **MR. ENGELMANN:** All right.

1 Okay. So that was dealing with the lack of
2 preparedness for court?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** That you saw on that June
5 14th letter?

6 **MS. HALLETT:** Yes, these were my arguments
7 in support of my thorough preparation for court.

8 **MR. ENGELMANN:** All right.

9 One of the other items was overall working -
10 - it says "Overall poor working relationship with the
11 'Project Truth' investigators".

12 If you could look at Document Number 114126,
13 and if that could be the next exhibit? The caption is
14 "Working relationship with Project Truth Investigators".

15 **MS. HALLETT:** Thank you.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit 3203.

18 **--- EXHIBIT NO./PIÈCE No. P-3203:**

19 (114126) - Notes of Shelley Hallett re:
20 Working Relationship with Project Truth
21 Investigators

22 **MR. ENGELMANN:** Now, your first point in
23 this document is that your position that you had a good
24 working relationship with ---

25 **MS. HALLETT:** Yes.

1 **MR. ENGELMANN:** --- the Project Truth
2 officers?

3 **MS. HALLETT:** I did.

4 **MR. ENGELMANN:** And why do you say that, Ms.
5 Hallett?

6 **MS. HALLETT:** Well, for the various reasons
7 I state here. I -- you know, we spent a lot of time
8 together. I always travelled to Cornwall. I very rarely
9 -- I think there was only one occasion on which I had asked
10 Steve Seguin to come to Toronto to provide something, but I
11 tried to accommodate those officers.

12 I copied Detective Inspector Hall on all
13 correspondence that I sent. We often -- when I was in town
14 we would often have dinners or -- excuse me, have lunch
15 together, not dinner so much, although I did have dinner
16 with Detective Inspector Hall before -- on the night of
17 February the 19th.

18 I -- you know, I did insist that they be
19 present for all witness interviews. So that brought us
20 into contact a lot. You know, we were in a position of
21 discussing the aspects of the cases frequently. There was,
22 I thought, good lines of communication that way. I called;
23 they knew that they could call me.

24 I have listed here the subpoena for Dupuis
25 as Item 7 and I guess I give that as a little bit of an

1 example.

2 The -- Detective Constable Dupuis, I think,
3 had underestimated how long the Leduc trial would take and
4 he had arranged to take a holiday sometime in February, I
5 believe, which was going to be, we thought, perhaps before
6 the end of the trial and he had placed a huge deposit on
7 the trip and it looked like he wasn't going to be able to
8 go and, of course, the Crown was making him available as a
9 witness for the defence on the stay without a subpoena.

10 But he needed a subpoena in order to be
11 reimbursed for the deposit that he'd put for -- on his
12 holiday, and I was the one that attended in court to get
13 that subpoena and provided it to him so that he would be
14 able to get his money back in these circumstances.

15 So I think that -- I felt that we got along
16 very well. We were a good team. We were different people,
17 there's no doubt about it, from different backgrounds, but
18 we were coming together for a common cause and I frankly
19 enjoyed working with these officers, all of them, and I
20 thought that they enjoyed working with me.

21 **MR. ENGELMANN:** Until February 22nd ---

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** --- 2001, did you have any
24 indication that this was a concern of any of the officers?

25 **MS. HALLETT:** A bad -- a poor working

1 relationship? No. If anything, they had always been very
2 complimentary of my work and how I assisted them. We
3 travelled together. I went with Detective Dupuis across
4 the province to interview one of the witnesses on Father
5 MacDonald, as well as to meet with Dr. Sas, Louis Sas. And
6 so we were together on that. We drove all the way back to
7 Cornwall and he was present for other witness interviews.

8 I felt I got along very well with those
9 officers.

10 **MR. ENGELMANN:** All right.

11 And any indication from any of them that you
12 didn't?

13 **MS. HALLETT:** No, never.

14 **MR. ENGELMANN:** One of the concerns that's
15 set out on the June 14th note is "over-interviewing of
16 witnesses".

17 **MS. HALLETT:** Yes. M'hm.

18 **MR. ENGELMANN:** And if we could look at
19 Document Number 114127. This document will require a
20 publication ban stamp. It's entitled "Over-interviewing
21 Witnesses".

22 **THE COMMISSIONER:** Thank you.

23 Exhibit Number 3204.

24 --- **EXHIBIT NO./PIÈCE No. P-3204:**

25 (114127) - Notes of Shelley Hallett re:

1 Over- interviewing witnesses

2 **MS. HALLETT:** Thank you.

3 **MR. ENGELMANN:** Now, this was raised by --
4 well it was raised during the context of the York Regional
5 Police investigation.

6 Had you heard this criticism from any of the
7 Project Truth officers before ---

8 **MS. HALLETT:** No.

9 **MR. ENGELMANN:** --- this note you get on or
10 about June 14th?

11 **MS. HALLETT:** No. I had never heard any
12 criticism. I felt that Detective Inspector Hall and I had
13 an open enough relationship that if he had concerns he
14 could have taken that up with me and never did, and I
15 wasn't aware of any criticism that they had of my approach
16 to the witnesses.

17 **MR. ENGELMANN:** Okay. Well, I think it's
18 not only Detective Inspector Hall who said something about
19 this but I recall -- I believe in a summary Detective
20 Constable Seguin made ---

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** --- a comment and this was
23 to the York Regional Police and he clearly testified here
24 as well. But in that he said one of the most serious
25 issues in the Leduc matter was the Crown's inability to

1 leave witnesses alone, the Crown being you.

2 MS. HALLETT: M'hm.

3 MR. ENGELMANN: "After the preparatory
4 interviews she would continue to want
5 to meet victims even if they did not
6 want to meet."

7 MS. HALLETT: Yes.

8 MR. ENGELMANN: That was in his summary to
9 York Regional.

10 MS. HALLETT: Right. M'hm, yes.

11 MR. ENGELMANN: Did he ever indicate that to
12 you?

13 MS. HALLETT: No, he never told me that, no.

14 MR. ENGELMANN: Did you ever hear that from
15 witnesses you were meeting with in his presence or
16 otherwise?

17 MS. HALLETT: I was aware that these young
18 men did not relish the prospect of talking about this very
19 intimate and intrusive subject matter with me. There was
20 no doubt about that. They didn't like coming in to talk
21 about their evidence but I felt it my duty to them to
22 prepare them for court and I felt it my duty to the Court
23 to prepare them to testify in a way that would assist the
24 Court to get to the bottom of the matter, to discover the
25 truth.

1 So I felt that regardless of how reluctant
2 these witnesses were they had to come in. I felt that they
3 should be reviewing their videotaped statements, for
4 example, which I would ask them to do on the occasions
5 before they were to testify.

6 So in this case there were two dates set for
7 preliminary inquiry and they were, I think, sufficiently
8 far apart that there was a good enough reason for them to
9 refresh their memories of what they had said before
10 testifying because they were going to be vigorously cross-
11 examined on their prior statements. This is a common
12 strategy with respect to cross-examination of these
13 witnesses in these cases; trying to find inconsistencies
14 between what they have said on the earlier occasion, in
15 their investigative interview and what they are testifying
16 to in court.

17 So I felt it was only fair to prepare them
18 so that they would know what they had said on an earlier
19 occasion and then be able to be prepared for cross-
20 examination on that.

21 **MR. ENGELMANN:** So you were concerned about
22 some of the time lapse between times when they would be
23 called to testify?

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** What about the issue, and

1 we've heard it here, Ms. Hallett, ---

2 **MS. HALLETT:** Right.

3 **MR. ENGELMANN:** --- from experts, and no
4 doubt you have experience with this given the experience
5 you've had in these types of cases, that re-interviewing of
6 alleged victims of child sexual abuse can be quite
7 traumatic for them, reliving some of these facts can, to
8 some extent re-victimize.

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** How do you balance that with
11 this -- with your concern about preparedness?

12 **MS. HALLETT:** Well, that is an issue. It's
13 an important issue but you do have to prepare them and they
14 don't necessarily like that.

15 My concern -- in terms of re-traumatizing of
16 victims, my understanding of that is there is a concern
17 generally with too many representatives from too many
18 institutions re-interviewing a witness; for example, in a
19 child sexual abuse case where the child has disclosed first
20 of all to a police officer, there is concern that there is
21 a repetition of that interview by a CAS worker or vice
22 versa. And that's the reason for protocols in terms of
23 these investigations so that there would only be a single
24 investigative interview conducted of the child so as not to
25 repeat the trauma in that way.

1 But I see that as a somewhat different issue
2 than the preparation of a witness to give evidence in
3 court.

4 In the Leduc case, first of all, the
5 witnesses were young adults. They weren't children. It
6 was my impression that they were capable of longer and more
7 complex interaction with me.

8 **MR. ENGELMANN:** Yes.

9 **MS. HALLETT:** I tried to minimize the
10 intrusiveness on the first interview by dividing it into
11 two; that is, having one session where I would simply meet
12 -- the first session where I would simply meet with each of
13 the complainants and get to know them and have them get to
14 know me before we started to talk about the subject of the
15 complaint, which I would generally reserve for a second
16 interview.

17 Now, I wanted to be able to touch base with
18 them after that first -- those first preparatory
19 interviews. I wanted to touch base with them on the next
20 occasions that they would be testifying and so I did
21 generally like to do that. So I met with them, first of
22 all in 1998 for the first time, and then I spoke with each
23 of them again or I attempted to do so, I believe, prior to
24 what I thought was going to be the April ---

25 **MR. ENGELMANN:** '99?

1 **MS. HALLETT:** --- '99 preliminary inquiry
2 but then the next -- and I believe I did. I'm not sure.
3 But then again the next preliminary inquiry wasn't until
4 December. So I did try and touch base with them again.

5 **MR. ENGELMANN:** All right.
6 That was late 1999?

7 **MS. HALLETT:** Right. And then I would have
8 tried to do so before the trial. And I think that is
9 standard.

10 Also, the -- part of the purpose for these
11 interviews is not simply to talk about the allegations but
12 also to make myself available or accessible to them for
13 them to share their concerns to tell me about anything new
14 that might have developed, and to ask me questions about
15 what was going on.

16 I felt that that was important in order to
17 establish a rapport with these young complainants, that
18 would give them a sense of security or confidence in me
19 that they would trust me, a rapport that would allow me to
20 elicit their evidence more thoroughly when they were
21 testifying.

22 **MR. ENGELMANN:** You set some of that out in
23 paragraph 8, for example.

24 **MS. HALLETT:** Did I? Okay.

25 **MR. ENGELMANN:** About the follow-up

1 interviews.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: Also, to allow them to ask
4 questions, discuss fears, et cetera?

5 MS. HALLETT: That's right.

6 MR. ENGELMANN: The approach you reference
7 at the end ---

8 MS. HALLETT: Right.

9 MR. ENGELMANN: --- "My approach to witness
10 preparation, these are difficult
11 subjects to discuss and the witness
12 must be comfortable with the questioner
13 and have an idea of the questions which
14 are going to be asked."

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: I guess that may be true in
17 dealing with alleged victims of most criminal types of
18 offences?

19 MS. HALLETT: Yes, they have to know where
20 you're going. You give them sort of an idea of the
21 questions you're going to ask so that they know where we're
22 going as their evidence is coming out in court, and I
23 believe that that -- that the Court appreciates that.

24 MR. ENGELMANN: All right.

25 And you say:

1 "Proof beyond a reasonable doubt is
2 established through well-prepared
3 examination in-chief. These cases are
4 not won in cross-examination. Too late
5 by then."

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** All right.

8 Again, that would be standard in any type of
9 prosecution?

10 **MS. HALLETT:** Yes, that sums it up. That's
11 what I learned. That's what I have taught.

12 **MR. ENGELMANN:** All right.

13 Another issue that was brought up in the
14 letter of January 14th that was going to be discussed with
15 you -- I'll just be a moment -- again, this is a failure to
16 -- well, you've entitled it as a police failure to
17 communicate with the Crown.

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And I'm not sure if that's
20 one of the items you were asked to really deal with but
21 it's one of the responses you gave and I just want to turn
22 to that synopsis.

23 **MS. HALLETT:** Okay.

24 **MR. ENGELMANN:** That's 114128.

25 **THE COMMISSIONER:** Thank you, Exhibit 3205.

1 --- EXHIBIT NO./PIÈCE NO. P-3205:

2 (114128) - Notes of Shelley Hallett re:
3 Police Failure to Communicate with the Crown

4 **MS. HALLETT:** Thank you.

5 **MR. ENGELMANN:** And just perhaps you can
6 summarize for us what you meant by this police failure to
7 communicate with the Crown, what particular issues? I
8 guess what you're starting with is this whole July 4th, 2000
9 memo and the issue about disclosure of it?

10 **MS. HALLETT:** Yes. Just the fact that Pat
11 Hall had sent me this -- a copy of my letter through
12 Detective Seguin but had never spoken to me about it, or
13 that he thought it was something that he thought should be
14 disclosed. If he had taken that up with me I would have
15 been happy to disclose or at least also to explain that I
16 had made this full admission to the Court on February 14th,
17 and perhaps he would then have understood that it was not
18 necessary for this letter to in any way be disclosed, and
19 there are reasons for not disclosing it, given the nature
20 of the document.

21 I had left a memo with him with respect to
22 following up on additional items that were being requested
23 by the Defence in their February 16th memorandum requesting
24 more information for the stay, and I had worked on both
25 February 15th and 16th at the Long Sault office trying to

1 pull together this material that was being requested, and I
2 -- he wasn't there and I had to leave sort of the
3 unfinished items for him to follow up on in terms of what
4 was requested on the February 16th memo.

5 And so he should have received that memo by
6 certainly that weekend or by the Monday, February 19th. So
7 that was his opportunity, if he felt that -- I had expected
8 that he would follow up with these unfinished -- this
9 unfinished business and that he would -- if he had any
10 concerns about something additional that he thought should
11 be disclosed, that was his opportunity to take that up with
12 me.

13 **MR. ENGELMANN:** In fact, Ms. Hallett, you
14 set out a number of instances where you believed there
15 could have been some communication with you about this
16 disclosure issue?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** Because really what this is
19 about is the disclosure issue that arises in the Leduc
20 case.

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** All right.

23 And you have 11 paragraphs or so that
24 describe some of those issues where you believe they could
25 have communicated with you?

1 **MS. HALLETT:** Yes. They should have
2 communicated with me.

3 **MR. ENGELMANN:** Sorry, should have
4 communicated with you. You say police failure to
5 communicate with you.

6 **MS. HALLETT:** Yes.

7 **MR. ENGELMANN:** Fair enough.

8 Another document you prepare -- and I think
9 we've looked at this. I believe we've put it into
10 evidence. I'll just be a moment. I'll skip that one. And
11 it's your -- well, certainly it's your belief you prepared
12 these on the 14th of June, 2001 ---

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** --- and that you may well
15 have provided them to the York Regional Police the next
16 day.

17 **MS. HALLETT:** Yeah, yes.

18 **MR. ENGELMANN:** All right. And certainly
19 you would have discussed their content during the course of
20 the statements you gave to them?

21 **MS. HALLETT:** Yes. I think because they
22 were so detailed I probably did provide copies to them.

23 **MR. ENGELMANN:** All right.

24 And the statement you would have given, I'd
25 like you just to look at -- it's Exhibit 3115 -- for a

1 minute.

2 **THE COMMISSIONER:** Three-one-one-five
3 (3115)?

4 **MR. ENGELMANN:** Three-one-one-five (3115).
5 Counsel, the document number is 123043.

6 **MS. HALLETT:** Yes, this is a transcript of
7 the audiotaped interview of me by the two police officers
8 from York Regional Police.

9 **MR. ENGELMANN:** Ms. Hallett, I know there
10 were issues about your wanting access to some of the
11 materials that had been put together by the York Regional
12 Police in their investigation.

13 **MS. HALLETT:** Yes.

14 **MR. ENGELMANN:** Did they provide you with a
15 copy of your own statement?

16 **MS. HALLETT:** No.

17 **MR. ENGELMANN:** Okay. So you didn't get
18 anything from them with respect to the investigation?

19 **MS. HALLETT:** I didn't request anything of
20 them but I did request it of Mr. Murray Segal.

21 **MR. ENGELMANN:** Right.

22 **MS. HALLETT:** I wanted the entire results of
23 the -- the fruits of their investigation.

24 **MR. ENGELMANN:** All right.

25 Do I understand correctly that you only

1 received the -- if I can use your term, the fruits of their
2 investigation -- in your preparation for this Inquiry?

3 MS. HALLETT: Yes.

4 MR. ENGELMANN: Am I correct?

5 MS. HALLETT: Just this past November.

6 MR. ENGELMANN: Right. And you've had an
7 opportunity to review the statement?

8 MS. HALLETT: I have, yes.

9 MR. ENGELMANN: I'm not going to go into it
10 in any detail.

11 MS. HALLETT: Okay, then.

12 MR. ENGELMANN: Do you have any serious
13 concerns about anything you said at that time?

14 MS. HALLETT: No. I -- of course I tried to
15 be absolutely truthful with them and I don't think there's
16 anything I would change in the statement at all.

17 MR. ENGELMANN: All right.

18 And I wanted to ask you about just a couple
19 of things. One of them is, you know, you've told us about
20 -- well, to a limited extent what was going on in your life
21 then, and how this had some impact on you, and you'll have
22 an opportunity to expand upon that a little later if you
23 choose.

24 MS. HALLETT: Okay.

25 MR. ENGELMANN: But this was a difficult

1 time, clearly.

2 MS. HALLETT: Yes, yes.

3 MR. ENGELMANN: And this was a highly
4 unusual event; not just the finding, the wilful
5 nondisclosure, which we know gets overturned but ---

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: And a police investigation.

8 MS. HALLETT: Yes. It was a double whammy,
9 for sure.

10 MR. ENGELMANN: All right. But -- and no
11 doubt there was some trepidation, no matter what, when you
12 meet with police officers, but during the course of this
13 interview it does appear that they put you at ease to some
14 extent, and I just want to take you to that.

15 MS. HALLETT: Okay.

16 MR. ENGELMANN: It's Bates page 855 front,
17 and I'm not sure who T.K. is. It's one of the officers.
18 Timothy Kelly.

19 MS. HALLETT: M'hm.

20 MR. ENGELMANN: He's saying, about three-
21 quarters of the way down the page ---

22 MS. HALLETT: I'm sorry, are you saying five
23 five?

24 MR. ENGELMANN: Yes, 855 front.

25 MS. HALLETT: Oh, 855; okay.

1 **MR. ENGELMANN:** I don't know, sometimes it's
2 front, back, and I still haven't figured that out.

3 **MS. HALLETT:** Okay.

4 **MR. ENGELMANN:** But he's quoted as saying:
5 "Okay, just one other point I want to
6 clarify upfront is based on the
7 information we received to this point,
8 and just -- we're not looking at
9 criminal charges on anything. I wanted
10 to get that out."

11 **MS. HALLETT:** Right.

12 **MR. ENGELMANN:** So it seems to be -- despite
13 the fact that you're being interviewed and you're concerned
14 about an attempt obstruct justice, given the wording of
15 that email this police officer is at least suggesting to
16 you at least at this point, "We're not looking at criminal
17 charges on anything."

18 Do you recall that being said to you at the
19 time?

20 **MS. HALLETT:** Yes, and I recall what my
21 response was, which follows there, that this is the first
22 that I'd heard of that.

23 **MR. ENGELMANN:** Right.

24 **MS. HALLETT:** So this was a harrowing
25 experience for me, Mr. Engelmann.

1 **MR. ENGELMANN:** Yes. I'm not suggesting it
2 wasn't, Ms. Hallett.

3 **MS. HALLETT:** No, but it's just that it's
4 not as though, for example, the day before when I was
5 getting this document I was being told, "We just want to
6 talk with you. You're not being investigated for an
7 attempt to obstruct justice." I went into this interview
8 with defence counsel, Brian Greenspan, thinking I was being
9 investigated for an attempt to obstruct justice.

10 **MR. ENGELMANN:** Right. Now, in addition to
11 this interview on June 15th I understand there was some
12 follow-up and that you would have written a letter to one
13 of the officers, to Officer LaBarge.

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** Later in the summer?

16 **MS. HALLETT:** Yes. Not too much later. It
17 was within about three weeks.

18 **MR. ENGELMANN:** Yes, about three weeks later
19 in the month of July.

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

21 **MR. ENGELMANN:** And I believe that is
22 Exhibit 3083.

23 **THE COMMISSIONER:** It should be in the same
24 volume, Madam Clerk.

25 Three-zero-eight-three (3083) is an exhibit.

1 It's at the front of the book, Ms. Hallett.

2 **MS. HALLETT:** What is the number again, sir?

3 **MR. ENGELMANN:** Three-zero-eight-three
4 (3083).

5 **MS. HALLETT:** Okay, yes.

6 **MR. ENGELMANN:** Now, you were interviewed on
7 June 15th, and can you give us a sense as to why you would
8 have written a letter to this officer about three weeks
9 later?

10 **MS. HALLETT:** Well, as I state in the first
11 paragraph of this letter regarding the investigation, I was
12 concerned about the questioning of me by the officers
13 during the investigation, the interview, because they
14 appeared to be directed towards establishing that there had
15 been some communication breakdown between the Project Truth
16 officers and me that somehow explained or justified or
17 excused their decision on February 20th of 2001 to, what I
18 thought, make a deal with the defence counsel.

19 **MR. ENGELMANN:** M'hm.

20 **MS. HALLETT:** And I just did not believe at
21 any time that there had been any sort of communication
22 breakdown between myself and these officers at all, and I
23 felt that this was really an improper characterization of
24 my relationship with these officers.

25 **MR. ENGELMANN:** Is your position summarized

1 in the fourth paragraph perhaps, where you say:

2 "I'm firm in my position that the email
3 message of April 3rd, 2001 and after-
4 the-fact complaints..."

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** "...by the Project Truth
7 officers ..."

8 And you go through some of what was alleged.

9 **MS. HALLETT:** Yes.

10 **MR. ENGELMANN:** "...are nothing more than
11 transparent attempts by Detective
12 Inspector Hall to divert scrutiny away
13 from the actions of the police which
14 led to the stay of proceedings."

15 **MS. HALLETT:** In Leduc, that's correct.

16 **MR. ENGELMANN:** All right.

17 So when you say the after-the-fact
18 complaints, you're referring to some of those issues that
19 we had set out in the -- in Exhibit 3200; am I correct?

20 **MS. HALLETT:** Yes, exactly. I felt -- I
21 used the word "transparent". Transparent attempts to more
22 or less divert scrutiny away from their actions which I
23 thought should be the proper subject of investigation.

24 **MR. ENGELMANN:** All right.

25 Now, Ms. Hallett, I understand -- I don't

1 want to take you through that letter, but you set out your
2 position in that letter to this detective.

3 MS. HALLETT: Yes.

4 MR. ENGELMANN: I understand that during the
5 months of December and January -- December 2001, January
6 2002 -- you requested a copy of the York Regional
7 investigation from your Ministry?

8 MS. HALLETT: Yes, m'hm.

9 MR. ENGELMANN: And you were advised, as I
10 understand it, by Murray Segal that he would not be
11 providing you with a copy of the brief that they prepared?

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: And he was concerned or he
14 would have advised you of a concern that it might have a
15 potential impact on future proceedings?

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: Or words to that effect?

18 MS. HALLETT: Yes, that's correct. M'hm.

19 MR. ENGELMANN: All right.

20 And in fact, I believe he set that out in
21 writing to you. The Document Number is 114190. It's a
22 letter from Murray Segal to Shelley Hallett dated January
23 16th, 2002.

24 MS. HALLETT: M'hm.

25 MR. ENGELMANN: If that could be the next

1 exhibit, if you have it?

2 **THE COMMISSIONER:** Thank you.

3 Exhibit Number 3206.

4 **--- EXHIBIT NO./PIÈCE No. P-3206:**

5 (114190) - Letter from Murray Segal to
6 Shelley Hallett re: R. v. Jacques Leduc
7 dated 16 Jan 02

8 **MS. HALLETT:** Thank you.

9 **MR. ENGELMANN:** And, in fact, some of the
10 reasons for denying your request were set out in the third
11 paragraph?

12 **MS. HALLETT:** Yes. Yes, and that was a
13 legitimate concern for him to have.

14 My concern, though, was with respect to
15 obtaining any evidence upon which I could possibly rely on
16 the appeal in terms of perhaps seeking to intervene and
17 instruct my own counsel and lead evidence as to what the
18 officers had done in this case because I was very concerned
19 that the Court of Appeal might -- well, I wasn't sure what
20 they were going to do. I was concerned that perhaps I
21 would want to lead evidence in order to have them consider
22 what had happened in terms of vindicating myself.

23 **MR. ENGELMANN:** Just on that note, for the
24 purposes of the appeal, did your association seek
25 intervenor status?

1 **MS. HALLETT:** Yes, the Ontario Crown
2 Attorneys sought to -- did intervene on the appeal in
3 Leduc.

4 **MR. ENGELMANN:** All right.

5 One of the things that Mr. Segal does point
6 out to you in the letter, and it's in the fourth paragraph
7 and then onto the next page, he talks about the
8 thoroughness of the investigation.

9 "The police noted that all persons
10 interviewed in the course of the review
11 were of the opinion that you would not
12 and did not intentionally withhold
13 information from the defence. They
14 concluded there was no basis for any
15 criminal charges."

16 **MS. HALLETT:** Yes. It was nice to be
17 informed of that.

18 **MR. ENGELMANN:** And he had also indicated to
19 you, and he copied Mr. Pearson on this, that he was
20 reviewing the brief to determine whether any of the
21 information gathered by the police in the course of their
22 review would properly form an application to adduce fresh
23 evidence on the appeal?

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** All right.

1 **MS. HALLETT:** But that would be fresh
2 evidence adduced by the Crown on the appeal.

3 **MR. ENGELMANN:** Fair enough. Fair enough.
4 And you were concerned for your own interest
5 and those of your colleagues?

6 **MS. HALLETT:** Yes. I wasn't sure. It may
7 be that after I reviewed the brief, I might have decided
8 against it.

9 In the end, I took the wise counsel of John
10 Pearson and I didn't press the point. And thankfully the
11 Court ruled -- or decided as it did.

12 **MR. ENGELMANN:** All right.

13 And I know this issue came up again in the
14 fall. I just want to turn to it briefly, if we may. It's
15 a loose document, 130708. It's provided to the parties.
16 This is an email from Ms. Hallett to John Pearson and
17 Murray Segal.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 3207.

20 **--- EXHIBIT NO./PIÈCE No. P-3207:**

21 (130708) - E-mail from Shelley Hallett to
22 Murray Segal re: Leduc dated 18 Oct 02

23 **MS. HALLETT:** Yes, thank you.

24 **MR. ENGELMANN:** Ms. Hallett, it's my
25 understanding, and just to paraphrase quickly, if I may,

1 that you were seeking -- you were renewing your request for
2 access to the York Regional materials because as I
3 understand it, counsel for Mr. Leduc on the appeal was
4 trying to bring fresh evidence on the appeal from some of
5 those very documents?

6 **MS. HALLETT:** Yes, that's right.

7 **MR. ENGELMANN:** I think that's set out in
8 the email that Mr. Pearson writes to you that's attached to
9 this email?

10 **MS. HALLETT:** That's right.

11 **MR. ENGELMANN:** All right.

12 And so you did seek again to obtain
13 information?

14 **MS. HALLETT:** Yes. Again, I was very
15 concerned that perhaps I should be retaining counsel and
16 obtaining the results of this investigation and leading
17 that evidence, if we were allowed to do so, on the appeal
18 on my own behalf.

19 **MR. ENGELMANN:** All right.

20 You did not get access?

21 **MS. HALLETT:** No.

22 **MR. ENGELMANN:** Despite this request?

23 **MS. HALLETT:** No.

24 **MR. ENGELMANN:** All right.

25 And then just to wrap up on this if we can,

1 just for the record, the conclusion that was reached by the
2 York Regional Police, Document Number 123045.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit 3208.

5 --- EXHIBIT NO./PIÈCE No. P-3208:

6 (123045) - York Regional Police - Conclusion
7 undated

8 **MS. HALLETT:** Thank you.

9 **MR. ENGELMANN:** Again, the note at (b), Ms.
10 Hallett, that:

11 "All persons interviewed in regards to
12 this investigation, including Detective
13 Inspector Patrick Hall, are of the
14 opinion that Crown Attorney Shelley
15 Hallett would not intentionally
16 withhold information to defence."

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And therefore they find:

19 "It's the opinion of the investigative
20 team, based on the material reviewed to
21 date, that there's no basis for
22 criminal charges in relation to Crown
23 Counsel Shelley Hallett for the wilful
24 non disclosure of material to defence
25 in the Leduc matter."

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: All right.

3 And I realize you weren't provided with this
4 until recently?

5 MS. HALLETT: That's correct.

6 MR. ENGELMANN: All right.

7 And there was one other page, sorry. It's
8 Document Number 123029.

9 It should have a publication ban stamp.

10 THE COMMISSIONER: Thank you.

11 Exhibit 3209, Executive Summary.

12 ---EXHIBIT NO./PIÈCE NO. P-3209:

13 (123029) York Regional Police - Executive
14 Summary undated

15 MR. ENGELMANN: Ms. Hallett, I don't really
16 have a question. It just sets out some of why they got
17 involved.

18 MS. HALLETT: M'hm.

19 MR. ENGELMANN: All right?

20 MS. HALLETT: Okay then.

21 MR. ENGELMANN: Now, I want to ask you a few
22 questions about Garry Guzzo ---

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: --- who's a Member of the
25 Provincial Parliament.

1 **MS. HALLETT:** M'hm.

2 **MR. ENGELMANN:** And I'd like to take you to
3 a document; it's Exhibit 1142.

4 **MS. HALLETT:** Okay.

5 **THE COMMISSIONER:** What number again,
6 Mr. Engelmann?

7 **MR. ENGELMANN:** Sorry, sir -- 1142. It's
8 Document Number 112772.

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

10 **MR. ENGELMANN:** It's a letter dated October
11 18th, 2001 from Ms. Hallett to Mr. Segal.

12 **MS. HALLETT:** Yes.

13 **MR. ENGELMANN:** Now, Ms. Hallett, as I
14 understand it, you've received a letter from Mr. Guzzo and
15 you're prepared ---

16 **MS. HALLETT:** Actually he telephoned me.

17 **THE COMMISSIONER:** It started off by a
18 telephone call. Then he asked you -- you asked him to put
19 it in writing.

20 **MS. HALLETT:** Okay. Thank you.

21 **THE COMMISSIONER:** I think that's the way it
22 went.

23 **MS. HALLETT:** Okay.

24 **THE COMMISSIONER:** And you're passing the
25 letter off to Murray Segal now.

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

2 **MR. ENGELMANN:** Right. And the letter from
3 Mr. Guzzo to Ms. Hallett is actually Exhibit 1018, if we
4 need to go there.

5 **MS. HALLETT:** Okay.

6 **MR. ENGELMANN:** And in fact there's a
7 memorandum as well. There's two exhibits, 1017 and 1018 --
8 sorry, 1018 and 1019, that I believe are attachments.

9 But in any event, Ms. Hallett, you are
10 seeking some instructions from Mr. Segal ---

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:** --- about responding to Mr.
13 Guzzo's issues?

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** Do you remember the gist of
16 the issue for Mr. Guzzo, the types of questions he was
17 seeking answers on?

18 **MS. HALLETT:** Yes, he wanted to -- he was
19 asking about the questions that defence counsel for
20 Mr. Leduc wished to pose to perspective jurors by way of
21 challenge for cause. And I believe that he was -- he
22 wanted to know what the content of the questions was with
23 respect to their reference to Constable Perry Dunlop, such
24 that ---

25 **THE COMMISSIONER:** Flip it over to page 2.

1 **MS. HALLETT:** M'hm.

2 **THE COMMISSIONER:** Question number -- point
3 number 2 is the one that out of the seven questions that's
4 the one that related to Mr. Dunlop directly.

5 **MS. HALLETT:** Yes, that's right. And that
6 was the reference to -- okay, that I state the question
7 about the fund being established on behalf of Constable
8 Perry Dunlop, who was involved in the investigation leading
9 to Project Truth, "Did you make a contribution to this
10 fund?"

11 So that was one of the questions that
12 defence counsel wished to put and so that's what I state
13 here in this letter -- or in this memo, and that this was
14 the single reference to Perry Dunlop's name in all of the
15 proposed questions.

16 **MR. ENGELMANN:** It appears from the first
17 page of the letter ---

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** --- you're saying -- and I
20 believe it should say "it is obvious" that Mr. Guzzo wants
21 to know whether Justice MacKinnon should have been alerted
22 to a potential judicial conflict of interest at an early
23 point in the trial.

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** In other words, before it

1 was brought up by Richard Nadeau on the ---

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And that seemed to be at
4 least what you thought he was driving at?

5 MS. HALLETT: Yes, that's correct.

6 MR. ENGELMANN: All right.

7 And you set out these sample answers. And
8 did you follow up with a letter or do you know if someone
9 did or do you know what happened after this?

10 MS. HALLETT: No, I just ended the memo:

11 "I trust that this information will
12 assist in formulating a speedy response
13 to Mr. Guzzo's inquiry."

14 MR. ENGELMANN: So was your expectation that
15 Mr. Segal or someone asked by Mr. Segal to respond would be
16 responding?

17 MS. HALLETT: That somebody would respond.

18 MR. ENGELMANN: You're providing background
19 information?

20 MS. HALLETT: That's right.

21 MR. ENGELMANN: All right.

22 MS. HALLETT: And I often did that on a lot
23 of things ---

24 MR. ENGELMANN: Right.

25 MS. HALLETT: --- not related to this case.

1 **MR. ENGELMANN:** No. And that would be
2 common; you'd prepare some kind of response for the deputy
3 or ---

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** --- senior member of the
6 department?

7 **MS. HALLETT:** Yes, but I don't believe that
8 I was the one who prepared the response to this letter. I
9 was simply providing information for a response.

10 **MR. ENGELMANN:** Fair enough.

11 Now, let's talk a little bit about the
12 transfer of the case to Ms. Narozniak, if we can.

13 **MS. HALLETT:** Yes. M'hm.

14 **MR. ENGELMANN:** It's the Leduc matter. And
15 this would be -- we know that the Court of Appeal decision
16 comes out in July of 2003, overturning the decision of
17 Justice Chadwick -- July 24th, 2003. And then there is an
18 attempt to seek leave from the Supreme Court of Canada ---

19 **MS. HALLETT:** To the Supreme Court.

20 **MR. ENGELMANN:** --- by Mr. Leduc's counsel.

21 **MS. HALLETT:** That's right.

22 **MR. ENGELMANN:** And I don't have the date in
23 front of me but I believe either in December or January
24 2003-2004 the leave application is denied.

25 **MS. HALLETT:** Yes, that was in January of

1 2004.

2 MR. ENGELMANN: All right.

3 And we heard earlier that you were asked to
4 stay away from this matter at one point by Paul Lindsay
5 after the interview you had with Mr. Makin?

6 MS. HALLETT: Yeah, I was certainly -- I was

7 ---

8 MR. ENGELMANN: In April of 2001?

9 MS. HALLETT: Yes. M'hm.

10 THE COMMISSIONER: Away from the media.

11 MR. ENGELMANN: Sorry?

12 MS. HALLETT: Away from the media.

13 THE COMMISSIONER: She was asked to stay
14 away from the media by Mr. Lindsay.

15 MR. ENGELMANN: Yeah, but also -- I believe
16 it also talked about, you know, leaving this case with
17 others, or words to that effect. Anyway, the document says
18 what it says. There was an email.

19 You would have become back involved because
20 of the transfer of this file to a colleague by the name of
21 Lidia Narozniak?

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: Is this someone you knew
24 well?

25 MS. HALLETT: Yes, I knew her very well.

1 We'd been co-directors of the Trial Advocacy Course, the
2 summer -- Ontario Crown Attorney Summer School. And so I
3 had known her for many years.

4 **MR. ENGELMANN:** All right.

5 And I understand that she was -- we saw her
6 name earlier. She was on this appeal panel or review
7 panel?

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** Determining in fact whether
10 or not to appeal this case?

11 **MS. HALLETT:** That's right.

12 **MR. ENGELMANN:** All right.

13 **MS. HALLETT:** She was a senior counsel in
14 the system who was not in our office.

15 The concern by my employer was that senior
16 members of the Crown Attorney system be identified who
17 could consider this appeal request but they had to come
18 from outside of our office, the Crown Office, Criminal
19 where I worked.

20 **MR. ENGELMANN:** All right.

21 And I understand that you write her a memo
22 on May 21st, 2004.

23 **MS. HALLETT:** M'hm.

24 **MR. ENGELMANN:** That is Document Number
25 105721.

1 **MS. HALLETT:** Right.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 3210 is a memorandum to Lidia
4 Narozniak, et al, from Shelley Hallett, May 21st, 2004.

5 **---EXHIBIT NO./PIÈCE NO. P-3210:**

6 (105721) Memorandum from Shelley Hallett to
7 Lidia Narozniak re: R.v. Jacques Leduc dated
8 21 May 04

9 **MR. ENGELMANN:** All right.

10 And apparently you're attaching three boxes
11 of materials, numbers 5 through 7?

12 **MS. HALLETT:** Yes, but this, I believe, was
13 the last delivery because I had also left the trial
14 transcripts with my former co-counsel, Christine Tier.

15 **MR. ENGELMANN:** Right. You set out in the
16 memo that it's clear that you've given some things over
17 before?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** You say:

20 "Please find accompanying this memo
21 three more bankers boxes."

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** "These boxes are in
24 addition to the box of trial
25 transcripts left with Christine on

1 March 24th, 2004,..."

2 MS. HALLETT: Right.

3 MR. ENGELMANN: "...and the four boxes
4 left with Christine on May 19th, 2004."

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: "...which were the subject
7 of my earlier memo to you of that
8 date."

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: All right.

11 And do you then give a description as to
12 what's in these three boxes?

13 MS. HALLETT: Yes, I itemize in fairly
14 substantial detail the content of all of them because they
15 do contain all of this material with respect to Constable
16 Dunlop.

17 MR. ENGELMANN: And that's what we see over
18 the next 12 or 13 pages?

19 MS. HALLETT: Yes. And I wanted to make
20 sure that she understood ---

21 MR. ENGELMANN: All right.

22 MS. HALLETT: --- it could get a little
23 complicated.

24 MR. ENGELMANN: All right.

25 Now, do you have some sense as to why this

1 is happening in May? The leave to appeal would have been
2 denied in January.

3 MS. HALLETT: Right.

4 MR. ENGELMANN: Some documents apparently
5 left with Christine March 24th, others May 19th and now more
6 May 21st.

7 MS. HALLETT: M'hm.

8 MR. ENGELMANN: Do you know why it would
9 have taken this period of time to turn this over?

10 MS. HALLETT: I don't know if there's a
11 document that indicates when I was requested to hand it
12 over. I'm not sure at what point she was identified as the
13 person who would be handling this appeal.

14 MR. ENGELMANN: All right.

15 MS. HALLETT: Or rather this trial.

16 MR. ENGELMANN: Right.

17 MS. HALLETT: And I -- you know, it took me
18 some time, obviously, to put together this whole
19 description of the contents of these boxes. So I'm not
20 sure.

21 MR. ENGELMANN: All right. Okay.

22 There's another email from you -- or sorry,
23 yes, from you to Ms. Narozniak just a day later. It's
24 again a loose document. I note it's sent at 3:33 in the
25 morning, it appears to be. Do you remember ---

1 **THE COMMISSIONER:** Sometimes faxes are pre -
2 --

3 **MR. ENGELMANN:** It's an email.

4 **THE COMMISSIONER:** Oh. You can time emails
5 to go out at a certain time.

6 **MR. ENGELMANN:** Did you time this email to
7 go out at 3:33 in the morning, Ms. Hallett?

8 **MS. HALLETT:** I wouldn't be able to figure
9 that out, no. No, I was sending -- I was there trying to
10 send it at three -- whatever time it was, in the morning.

11 **MR. ENGELMANN:** Some people are more
12 computer savvy ---

13 **MS. HALLETT:** Yeah.

14 **MR. ENGELMANN:** --- perhaps than you and I.
15 So you were working on this, apparently,
16 well into the night?

17 **MS. HALLETT:** Well, yes, obviously, I was
18 trying to get it out to her, yes. M'hm.

19 **MR. ENGELMANN:** All right.

20 And can you tell us -- oh, I'm sorry.

21 **THE COMMISSIONER:** This, Mr. Engelmann, will
22 be the last document for the day.

23 **MR. ENGELMANN:** Fair enough.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 3211.

1 **MS. HALLETT:** Thank you.

2 **THE COMMISSIONER:** Email correspondence from
3 Shelley Hallett dated May -- Saturday, May 22nd, 2004 to
4 Lidia Narozniak et al.

5 **--- EXHIBIT NO./PIÈCE No. P-3211:**

6 (105722) - E-mail from Shelley Hallett to
7 Lidia Narozniak re: R. v. Leduc dated 22 May
8 04

9 **MR. ENGELMANN:** Ms. Hallett, I wanted to
10 show this to you because I think, to some extent, it
11 explains what you're up to ---

12 **MS. HALLETT:** M'hm.

13 **MR. ENGELMANN:** --- in early 2004,
14 particularly the last three paragraphs.

15 **THE COMMISSIONER:** There we go.

16 **MS. HALLETT:** Okay. Yes, I'm outlining the
17 work I was doing at that time.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MS. HALLETT:** Yes. M'hm.

20 **MR. ENGELMANN:** That outlines some of your
21 work?

22 **MS. HALLETT:** Right.

23 **MR. ENGELMANN:** And you also say in the
24 second paragraph:

25 "In view of all the circumstances in

1 this case I needed to take time to
2 organize an inventory, the brief, and
3 the Dunlop materials, make sure the
4 four volumes of the correspondence
5 files which document all of the
6 disclosure that was made to Leduc's
7 counsel was complete and in order so
8 that I could protect myself
9 professionally."

10 **MS. HALLETT:** Yes, I did have concerns about
11 that.

12 **MR. ENGELMANN:** What were the concerns?

13 **MS. HALLETT:** I was concerned that -- well,
14 I sort of had a lot to deal with in terms of these
15 allegations of impropriety on my part and I wanted to make
16 sure that everything was handed over that needed to be
17 handed over so that there wouldn't be any basis for anyone
18 to allege that I had withheld anything in relation to this
19 case.

20 **MR. ENGELMANN:** And despite your -- the
21 finding from the Court of Appeal ---

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** --- on your conduct, you
24 were still concerned that ---

25 **MS. HALLETT:** Absolutely, yes.

1 **MR. ENGELMANN:** --- this allegation could be
2 made?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** All right.

5 Ms. Hallett, I will have some questions for
6 you in the morning about your work on the Father Charles
7 MacDonald prosecution.

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:** And a few questions about
10 your work on the Victims/Witness Assistance Program.

11 **MS. HALLETT:** Okay then, thank you.

12 **THE COMMISSIONER:** All right.

13 So, Mr. Engelmann, might you canvass counsel
14 as well, now that you're nearing the end of your
15 examination in-chief, what the cross time will look like?

16 **MR. ENGELMANN:** Yes, and we'll be meeting
17 with counsel at 8:30 on an all-counsel, so I'll get an
18 opportunity then as well.

19 **THE COMMISSIONER:** Have a good evening.
20 We'll see you tomorrow morning at 9:30.

21 **MS. HALLETT:** Thank you.

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

24 This hearing is adjourned until tomorrow
25 morning at 9:30 a.m.

1 --- Upon adjourning at 5:58 p.m./
2 L'audience est ajournée à 17h58

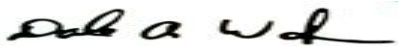
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM