

**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 339**

**Held at :**

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

Wednesday, January 21, 2009

**Tenue à:**

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

Mercredi, le 21 janvier 2009

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
M <sup>e</sup> Pierre R. Dumais	Commission Counsel
Ms. Maya Haou	
Ms. Mary Simms	
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Diane Lahaie	
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Christopher Thompson	
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M <sup>e</sup> Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. William Trudell	Wm Trudell Professional Corp.
Ms. Brydie Bethell	Simcoe Chambers
Ms. Shelley Hallett	

**Table of Contents / Table des matières**

	<b>Page</b>
List of Exhibits :	iv
Submissions by/Représentations par Mr. Peter Engelmann	1
<b>SHELLEY HALLETT, Resumed/Sous le même serment</b>	2
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann (cont'd/suite)	2
Submissions by/Représentations par Mr. Peter Engelmann	136
Motion by/Requête par Mr. Neil Kozloff	136
Submissions by/Représentations par Ms. Helen Daley	140
Submissions by/Représentations par Mr. Dallas Lee	141
Submissions by/Représentations par Mr. Frank Horn	141
Submissions by/Représentations par Mr. Michael Neville	141
Submissions by/Représentations par Ms. Shelley Hallett	144
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	152
Ruling on motion by the Commissioner/Décision sur La requête par le Commissaire	192
Cross-Examination by/Contre-interrogatoire par Mr. Frank Horn	193
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	223
Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville	248
Submissions by/Représentations par Ms. Reena Lalji	301
Submissions by/Représentations par Ms. Mary Simms	302

**Table of Contents / Table des matières**

	<b>Page</b>
Overview of Documentary Evidence of Jeannine Seguin Presented by/Survol de la preuve documentaire de Jeannine Seguin présentée par Ms. Mary Simms	309

## LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
M-17-A1	Comparison Chart of Other Provincial Inquiries prepared by Mr. Kozloff and dated 21 Jan 08	142
P-1326A	(109120) - Letter from Marc Garson to Garry Derochie dated 19 Nov 99	24
P-3212	(109469) - Memorandum from Nadia Thomas to Shelley Hallett re: R.v. Charles MacDonald dated 31 Aug 99	7
P-3213	(110325) - Memorandum from Nadia Thomas to Shelley Hallett re: R.v. Charles MacDonald dated 30 Aug 99	11
P-3214	(109467) - Memorandum from Nadia Thomas to Shelley Hallett re: Pre-Trial Conference Discussion Notes dated 13 Sep 99	15
P-3215	(701828) - Letter from Shelley Hallett to Garry Derochie re: O.P.P. Project Cases - Cornwall dated 14 Dec 99	27
P-3216	(109148) - Letter from Shelley Hallett to Michael Neville re: R.v. Charles MacDonald dated 06 Apr 00	35
P-3217	(109153) - Letter from Christine Bartlett-Hughes to Marc Garson re: OPP Project Truth Case R.v. Charles MacDonald dated 07 Apr 00	40
P-3218	(114164) - Memorandum from Shelley Hallett to Christine Bartlett-Hughes re: R.v. Charles MacDonald - Indecent Assault - Male dated 10 Apr 00	43
P-3219	(109158) - Letter from Shelley Hallett to Michael Neville re: R.v. Charles MacDonald Trial Superior Court dated 12 Apr 00	49

**LIST OF EXHIBITS/LISTE D'EXHIBITS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
P-3220	(111224) - Extract Adjournment Part 1 of 2 Open Court Transcript re: R.v. Charles MacDonald dated 18 Apr 00	55
P-3221	(111226) - Extract Adjournment Held In Camera Transcript re: R.v. Charles MacDonald dated 18 Apr 00	61
P-3222	(109191) - Notes of Michael Chard re: Meeting of Shelley Hallett and Perry Dunlop dated 27 Jun 00	77
P-3223	(113579) - Adjournment re: R.v. Charles MacDonald dated 23 Aug 00	90
P-3224	(130367) - E-mail from Kevin Phillips to Shelley Hallett re: Transcripts R.v. Charles MacDonald dated 26 Sep 01	114
P-3225	(130368) - E-mail from Kevin Phillips to Shelley Hallett re: Transcripts R.v. Charles MacDonald dated 18 Oct 01	114
P-3226	(130369) - E-mail from Kevin Phillips to Shelley Hallett re: Transcripts R.v. Charles MacDonald dated 02 Nov 01	114
P-3227	(130370) - E-mail from Kevin Phillips to Shelley Hallett re: Transcripts R.v. Charles MacDonald dated 16 Nov 01	114
P-3228	(109056) - Letter from Shelley Hallett re: Project Truth Investigation by the OPP Cornwall Ontario dated 20 Sep 99	125
P-3229	(109127) - Memorandum from Shelley Hallett to Catherine Finley re: R.v. Charles MacDonald Victim Witness Support dated 11 Feb 00	128

## LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-3230	(101871) - Letter to C-17 from Shelley Hallett re: R .v. Jacques Leduc Appeal dated 06 Apr 01	124
P-3231	(103008) - Notes 'Top Six Disclosure Problems of the Crown' undated	182
P-3232	(109557) - Letter from Robert Pelletier to Justice Desmarais re: R.v. Charles MacDonald dated 25 Jun 99	274
P-3233	(109466) - Notes of Shelley Hallett re: Pre-Trial Conference (2nd) Charles MacDonald dated 22 Oct 99	295
P-3234	Overview of Documentary Evidence of Jeannine Seguin	302
P-3235	(116756) - Transcript of Examination for Discovery re: dated 22 Oct 99	303
P-3236	(118162) - Standard-Freeholder Article 'Prominent educator dead' at 71 dated 24 Nov 99	304
P-3237	(118163) - Letter from John Beveridge to Brenda MacDonald dated 21 Feb 01	305
P-3238	(118817) - Lettre d'Eugène LaRocque à Gilles Deslauriers datée le 29 Jul 77	305
P-3239	(119029) - Interview of Jeannine Seguin re: Andre Lavoie dated 17 Mar 98	305
P-3240	(200039) - Ontario Superior Court of Justice Order for C-112 dated 10 May 01	306
P-3241	(200040) - Ontario Superior Court of Justice Consent to Dismissal re: C-112 undated	306

**LIST OF EXHIBITS/LISTE D'EXHIBITS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
P-3242	(200045) - Letter from Kenneth Wright to Robert Beaudoin re: C-112 v. Sabourin dated 15 Nov 01	307
P-3243	(737346) - Statement of a Witness Gerard Labreque dated 17 Oct 97	307
P-3243A	(737347) - Continuation of Statement of a Witness re: Gerard Labreque dated 17 Oct 97	308
P-3243B	(737348) - Continuation of Statement of a Witness re: Gerard Labreque dated 17 Oct 97	308
P-3244	(737349) - Statement of a Witness re: Jean Paul Scott dated 16 Oct 97	308
P-3244A	(737350) - Continuation of Statement of a Witness re: Jean Paul Scott dated 16 Oct 97	309
P-3244B	(737351) - Continuation of Statement of a Witness re: Jean Paul Scott dated 16 Oct 97	309



1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Mr. Engelmann.

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

14 Good morning, Ms. Hallett.

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

16 **MR. ENGELMANN:** Just before we start, Ms.  
17 Hallett, just an announcement.

18 Mr. Commissioner, I wanted to indicate that  
19 we had an all-counsel meeting this morning, as I indicated  
20 yesterday, and as a result, the parties, in particular  
21 counsel for the OPP, Mr. Kozloff, would like to make some  
22 submissions. Many of the parties are supportive of those  
23 positions, but I'll let them speak to it, would like to  
24 make submissions to you today, if possible. I've suggested  
25 possibly right after the lunch break.

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

2                   **MR. ENGELMANN:** We're talking about 15 or 20  
3 minutes tops. This is with respect to the amended Order-  
4 in-Council and some of the abridged dates that have been  
5 set.

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

7                   **MR. ENGELMANN:** It was a request to speak to  
8 you as counsel for parties with respect to a possible  
9 request to the Attorney General for some extension of  
10 dates.

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

12                   **MR. ENGELMANN:** And given the urgency and  
13 given where we are in this hearing, this came up; we set an  
14 all-counsel on an urgent basis and, if possible, they would  
15 like the opportunity to address you on the record right  
16 after lunch, if that's possible?

17                   **THE COMMISSIONER:** Fine. Fifteen (15) or 20  
18 minutes though?

19                   **MR. ENGELMANN:** Yes.

20                   **THE COMMISSIONER:** All right. Good. Thank  
21 you.

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

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

25                   **MR. ENGELMANN:** Ms. Hallett, when we left

1 off, I was about to start asking you questions on your work  
2 in the prosecution of Father Charles MacDonald.

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

4 **MR. ENGELMANN:** And I understand that you  
5 assumed carriage of the Charles MacDonald prosecution in  
6 the -- sometime in the spring of '99?

7 **MS. HALLETT:** I associate my takeover of  
8 that case or assuming responsibility for that case on the  
9 date on which I received the boxes from Bob Pelletier --  
10 Mr. Justice Robert Pelletier -- and I associate it with the  
11 summer of 1999, when he brought the boxes over to my car  
12 and we loaded them up, and that was my case.

13 **MR. ENGELMANN:** We were trying to deal with  
14 that date the other day.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** We know it's after the  
17 middle of April and before June 25<sup>th</sup>.

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

19 **MR. ENGELMANN:** Are you saying it's probably  
20 closer to June 25<sup>th</sup>?

21 **MS. HALLETT:** I think so. Yes, it was a  
22 very warm day.

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

24 **MS. HALLETT:** That's why he was loading.

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

1                   And were you advised as to why the file was  
2                   being transferred to you from Robert Pelletier?

3                   **MS. HALLETT:** I had been advised by Bob that  
4                   he believed that he was in a conflict or in a potential  
5                   conflict of interest because of his close friendship with  
6                   Murray MacDonald, the local Crown Attorney in Cornwall.

7                   **MR. ENGELMANN:** All right.

8                   So I just want to set-out by way of  
9                   background what had already happened before you got  
10                  involved.

11                  **MS. HALLETT:** Very well.

12                  **MR. ENGELMANN:** As I understand, the first  
13                  set of charges dealing with Mr. Silmsler, John MacDonald and  
14                  C-3 -- if we could just have that name shown to ---

15                  **MS. HALLETT:** I have it.

16                  **MR. ENGELMANN:** Okay.

17                  **MS. HALLETT:** I see who that is.

18                  **MR. ENGELMANN:** I forgot you had a list.

19                  Those charges were laid March 6<sup>th</sup> of '96 and  
20                  preliminary inquiries were held on those charges in  
21                  February of '97 and then concluded in September of '97.

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

23                  **MR. ENGELMANN:** Would you have been aware of  
24                  that?

25                  **MS. HALLETT:** Yes.

1                   **MR. ENGELMANN:** And Father MacDonald was  
2 committed to stand trial in October and an indictment was  
3 signed off on October 30<sup>th</sup> of 1997 on the first three?

4                   **MS. HALLETT:** Yes, by Bob Pelletier.

5                   **MR. ENGELMANN:** Right.

6                   And a second set of charges were laid on  
7 January 26<sup>th</sup>, 1998 and they involved -- and you have your  
8 list -- C-8, C-4, C-5, Robert Renshaw and Kevin Upper;  
9 correct?

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

11                  **MR. ENGELMANN:** And those were charges  
12 generated through Project Truth investigations?

13                  **MS. HALLETT:** Yes.

14                  **MR. ENGELMANN:** And a preliminary inquiry  
15 was held on those charges in March of 1999?

16                  **MS. HALLETT:** Yes.

17                  **MR. ENGELMANN:** And Charles MacDonald  
18 committed to stand trial in April of '99 with an indictment  
19 issued May 5<sup>th</sup>, '99.

20                  And as I understand it, all of that would  
21 have been taken care of by Robert Pelletier?

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

23                  **MR. ENGELMANN:** And at the time you were  
24 asked to assume carriage of the file, no trial date had  
25 been set for either set of these charges?

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

2                   **MR. ENGELMANN:** The first set of charges at  
3 that point would be approximately three years old and the  
4 second set about a year-and-a-half. Fair enough?

5                   **MS. HALLETT:** Very well.

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

7                   And was it your understanding that at some  
8 point Mr. Pelletier had had the first set of charges held  
9 back to allow the second set to proceed through a  
10 preliminary inquiry?

11                   **MS. HALLETT:** Yes, I believe that that had  
12 been done, m'hm.

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

14                   And were you aware of any other significant  
15 delays in the proceedings prior to your involvement?

16                   **MS. HALLETT:** No. When I was taking that  
17 over, I was still a blank slate when it came to that  
18 particular file.

19                   **MR. ENGELMANN:** And I understand that you  
20 met with Mr. Pelletier for a briefing on the status of the  
21 file and outstanding issues in late August?

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

23                   **MR. ENGELMANN:** And I just want to refer you  
24 to a memo with respect to that.

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

1                   **MR. ENGELMANN:** Document Number 109469.

2                   **THE COMMISSIONER:** Thank you.

3                   Exhibit Number 3212 is a memorandum to  
4 Shelley Hallett from Nadia Thomas, August 31<sup>st</sup>, 1999.

5                   **MR. ENGELMANN:** Sir, this does refer to some  
6 of the monikered individuals, so ---

7                   **THE COMMISSIONER:** Okay. The publication  
8 ban stamp will be put on.

9                   **--- EXHIBIT NO./PIÈCE NO. P-3212:**

10                                   (109469) - Memorandum from Nadia Thomas  
11                                   to Shelley Hallett re: *R. v. Charles*  
12                                   *MacDonald* dated August 31, 1999

13                   **MR. ENGELMANN:** So these were -- and who was  
14 Nadia Thomas?

15                   **MS. HALLETT:** Nadia was yet another  
16 excellent articling student at the Crown Law Office -  
17 Criminal.

18                   **MR. ENGELMANN:** All right.  
19 And she would have attended the meeting --  
20 -

21                   **MS. HALLETT:** Yes.

22                   **MR. ENGELMANN:** --- and these were her notes  
23 afterwards?

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

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

1 And one of the issues ---

2 **MS. HALLETT:** Made at my request.

3 **MR. ENGELMANN:** Yes, of course.

4 And I'm just wondering; there doesn't seem  
5 to be a reference that I'm aware of at least in these  
6 meeting notes to the possibility or concerns about a  
7 possible 11(b).

8 Do you know whether it was raised at that  
9 time?

10 **MS. HALLETT:** Well, under potential defence  
11 motions, I see it as Number 2, pre-charge delay.

12 **MR. ENGELMANN:** Oh, okay. So there would  
13 have been some discussion about a concern on delay?

14 **MS. HALLETT:** Well, it was obviously  
15 referred to as a potential defence motion.

16 **MR. ENGELMANN:** All right.

17 **THE COMMISSIONER:** But that dealt with pre-  
18 charge ---

19 **MS. HALLETT:** Delay.

20 **THE COMMISSIONER:** Yes.

21 **MS. HALLETT:** I see, in terms of post-charge  
22 delay.

23 I'm trying to -- I'm just trying to refresh  
24 my memory of the content of the document here.

25 It would appear that there's no mention of



1 the issue of post-charge delay, at least in terms of it  
2 being reduced to writing, and I frankly can't say whether  
3 or not we did discuss that. I'm not -- I would rely on  
4 this note, and obviously there's no mention of that.

5 **MR. ENGELMANN:** Okay.

6 And it appears from Number 2 at least, the  
7 first Number 2, that when you were assuming carriage of the  
8 file, an outstanding question was whether or not to  
9 consolidate the two sets of charges into a joint  
10 indictment?

11 **MS. HALLETT:** M'hm. Yes.

12 **MR. ENGELMANN:** And I'm wondering why that  
13 was still an issue given that the -- given what we've just  
14 talked about, that the first set of charges had been held  
15 back to allow the second set to proceed through  
16 preliminary? Why would it still be an issue? Wasn't that  
17 a given then that these were going to be joined?

18 **MS. HALLETT:** I, frankly, thought so. I  
19 think we obviously did discuss it. It must have been  
20 flagged for me as a possible issue by Mr. Pelletier -- Mr.  
21 at that time -- Mr. Pelletier.

22 **MR. ENGELMANN:** Okay.

23 **MS. HALLETT:** So I really -- I cannot  
24 remember really our discussion around that, but it  
25 obviously was flagged as an issue.

1                   **MR. ENGELMANN:** All right. And, in fact,  
2                   you asked for some research to be done on that issue, I  
3                   believe?

4                   **MS. HALLETT:** That's right. Exactly.

5                   **MR. ENGELMANN:** And if we could look at  
6                   Document Number 110325?

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

8                   **MR. ENGELMANN:** It's a memorandum from Ms.  
9                   Thomas to yourself dated August 30<sup>th</sup>.

10                  **MS. HALLETT:** I do see that that issue is  
11                  mentioned under the heading "Issues to be determined at the  
12                  pre-trial conference".

13                  So that would be a judicial pre-trial  
14                  conference ---

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

16                  **MS. HALLETT:** On September 7, 1999.

17                  **MR. ENGELMANN:** All right. But from your  
18                  point-of-view, there had already been the delay because the  
19                  first set had been set back, or held back, so joinder  
20                  wouldn't cause delay at this point?

21                  **MS. HALLETT:** I don't know that a delay was  
22                  the only consideration in respect of the issue of joinder.

23                  **MR. ENGELMANN:** All right. There may have  
24                  been other issues you were looking at?

25                  **MS. HALLETT:** There were other issues I was

1 concerned with.

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

3 And, in fact, are some of those issues then  
4 discussed in the memo you received from Nadia Thomas on  
5 August 30<sup>th</sup>, 1999 and I - sorry, sir, I missed the exhibit  
6 number.

7 **THE COMMISSIONER:** I -- have I done this one  
8 yet? No, sorry.

9 **MR. ENGELMANN:** Maybe I didn't miss it.

10 **THE COMMISSIONER:** No, you didn't. I was  
11 interested in reading it.

12 Three-two-one-three (3213) is a memorandum  
13 to Shelley Hallett from Nadia Thomas dated August 30<sup>th</sup>,  
14 1999.

15 **--- EXHIBIT NO./PIÈCE NO. P-3213:**

16 (110325) - Memorandum from Nadia Thomas  
17 to Shelley Hallett re: *R. v. Charles*  
18 *MacDonald* dated August 30, 1999

19 **MR. ENGELMANN:** It appears -- the question  
20 that's posed at the beginning is whether the Crown should  
21 proceed on a joint indictment for all charges.

22 **MS. HALLETT:** Yes. M'hm.

23 **MR. ENGELMANN:** But upon reviewing it, I'm  
24 not sure if that question is actually answered. It just  
25 sets out, really, some case law on joinder.

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: Is that fair?

3 MS. HALLETT: Yeah.

4 MR. ENGELMANN: Because it doesn't really  
5 seem to apply to the facts of the case.

6 MS. HALLETT: No. I wanted some information  
7 about this issue. I'm not sure if I'd had any experience  
8 in this particular issue.

9 MR. ENGELMANN: All right.

10 MS. HALLETT: And so I wanted to proceed  
11 cautiously. My - I believe that my main concern was  
12 whether or not the joining of these two indictments was  
13 going to create any prejudice in terms of the defence of  
14 Charles MacDonald and whether - and then, in turn, whether  
15 or not that prejudice might result in some successful, how  
16 should I say, challenge to the charges or a stay or a  
17 finding of not guilty.

18 MR. ENGELMANN: All right.

19 So some of the factors to be considered you  
20 set out on the third page, Bates page 892?

21 MS. HALLETT: That's right.

22 MR. ENGELMANN: And arguments favouring  
23 joinder, like the length of trial, administrative  
24 inconvenience, strain on the complainants, costs of the  
25 proceedings will clearly be reduced if the indictments were

1 joined?

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: So it sets out some of the  
4 positives and then on the following page, sets out some of  
5 the negatives?

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: Greatest risk of prejudice  
8 to Father MacDonald, the jury may infer his guilt from the  
9 number of counts alone, et cetera?

10 MS. HALLETT: Right.

11 MR. ENGELMANN: And defence counsels  
12 therefore likely to argue the cumulative effect of eight  
13 complainants, may lead to improper convictions?

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: But then it goes on to say  
16 that there are pros and cons for both the Crown and the  
17 defence on the issue of joinder?

18 MS. HALLETT: That's right.

19 MR. ENGELMANN: All right. And you would  
20 have taken these factors into consideration ---

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: --- and it was your view,  
23 and perhaps the view of Robert Pelletier, that these  
24 charges should be joined?

25 MS. HALLETT: Yes.

1                   **MR. ENGELMANN:** And you would have attended  
2 a pre-trial conference where that issue would have been  
3 discussed?

4                   **MS. HALLETT:** Yes.

5                   **MR. ENGELMANN:** And I believe the pre-trial  
6 conference was on September 7<sup>th</sup>, 1999?

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

8                   **MR. ENGELMANN:** And we know from an earlier  
9 piece of correspondence, Mr. Pelletier was going to be  
10 going with you ---

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

12                   **MR. ENGELMANN:** --- for transitional purpose  
13 or what have you?

14                   **MS. HALLETT:** Well, he knew the file.

15                   **MR. ENGELMANN:** Yes.

16                   **MS. HALLETT:** He knew the history of the  
17 file, he knew the evidence. I didn't.

18                   **MR. ENGELMANN:** Madam Clerk, next document  
19 is 109467, it's in the cross documents.

20                   Again, I understand you would have asked Ms.  
21 Thomas to prepare some notes after the pre-trial conference  
22 ---

23                   **MS. HALLETT:** Yes. M, hm.

24                   **MR. ENGELMANN:** --- which is helpful to us  
25 now?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: I'm sure was helpful to you  
3 then?

4 MS. HALLETT: M'hm.

5 MR. ENGELMANN: One-zero-nine-four-six-seven  
6 (109467), Pre-trial Conference Discussion Notes. These are  
7 dated September 13<sup>th</sup>, 1999. It's from Nadia Thomas to  
8 Shelley Hallett.

9 Sir, it will require a publication ban.

10 THE COMMISSIONER: Thank you.

11 Three-two-one-four (3214) is a memorandum to  
12 Shelley Hallett from Nadia Thomas, dated September 13<sup>th</sup>,  
13 1999.

14 --- EXHIBIT NO./PIÈCE NO. P-3214

15 (109467) Memorandum from Nadia Thomas  
16 to Shelley Hallett re: Pre-Trial  
17 Conference Discussion Notes dated  
18 September 13, 1999

19 MR. ENGELMANN: Now if we turn to page 7,  
20 which is Bates page 078 ---

21 MS. HALLETT: Page 7 of this document?

22 MR. ENGELMANN: Yes.

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: At 078. It doesn't refer to  
25 joinder but it refers to severance, so that would

1 presumably be along the same lines. If you're anticipating  
2 joinder there may be severance concerns?

3 **MS. HALLETT:** Yes.

4 **MR. ENGELMANN:** And that's apparently  
5 discussed, and were there some issues about -- if you were  
6 -- it appears you were intent on joinder, were there some  
7 discussions or issues around possible severance given that  
8 strategy?

9 **MS. HALLETT:** Yes. I see that in relation  
10 to this discussion, that Mr. Neville admitted that  
11 severance is of less importance in a judge-alone trial.  
12 Not sure if we knew at that point whether it was going to  
13 be judge-alone or not, and I wanted to just make sure -- my  
14 concern was that any pre-trial motion would -- that we  
15 would -- the Crown would get sufficient notice before the  
16 start of the trial so that we could prepare properly for  
17 these kinds of motions and get them over with so that the  
18 trial would run smoothly. But I don't -- just with the  
19 court's indulgence right now -- yes, the -- was it Justice  
20 Desmarais?

21 **THE COMMISSIONER:** Yeah.

22 **MS. HALLETT:** Justice Desmarais also agreed  
23 that we needed to get appropriate dates for pre-trial  
24 motions and needed to establish the amount of time  
25 necessary, so that was the concern.



1 I don't think that there was any commitment by Mr.  
2 Neville to motion based on severance at that point-in-time,  
3 but I think that he -- obviously the reason we're  
4 discussing it is because there has been joinder.

5 MR. ENGELMANN: Right.

6 Well, I think the indictment is actually  
7 signed on September 10<sup>th</sup>.

8 MS. HALLETT: It may have been right  
9 afterwards ---

10 MR. ENGELMANN: You certainly would have  
11 given notice ---

12 MS. HALLETT: --- or before ---

13 MR. ENGELMANN: --- that you were going  
14 there?

15 MS. HALLETT: After. Yes, exactly.

16 MR. ENGELMANN: The discussion about  
17 severance.

18 MS. HALLETT: That's right.

19 MR. ENGELMANN: Yeah. And ---

20 MS. HALLETT: And also, I mean, that is  
21 supported by the fact that Mr. Neville is discussing the  
22 weaknesses in the evidence of all, is it seven of the -- or  
23 eight of the complainants at this point, so he was aware  
24 that we would be proceeding on a joint indictment with  
25 respect to all of them.

1                   **MR. ENGELMANN:** All right. And is that what  
2 happens at these pre-trial conferences? People talk about  
3 the strengths and/or weaknesses of their case from time-to-  
4 time?

5                   **MS. HALLETT:** Yes. Well, how should I say?  
6 I didn't think this was the place to be discussing the  
7 weaknesses in the evidence. That was for the trier of  
8 fact.

9                   **MR. ENGELMANN:** All right. But it can  
10 perhaps give you fodder for things that you may want to  
11 have followed up on?

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

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

14                   And it appears, at least at this point,  
15 under the pre-trial motions, there's no reference to a  
16 delay argument that might be advanced? No reference to 11  
17 (b) here?

18                   **MS. HALLETT:** No, and of course that's one  
19 of the things that we should be discussing. I see that  
20 there is a part of the notes that is devoted to what Mr.  
21 Neville did say about pre-trial motions ---

22                   **MR. ENGELMANN:** Well, that's starts on Bates  
23 page 078.

24                   **MS. HALLETT:** On page 7, yes.

25                   **MR. ENGELMANN:** Yeah, page 7.

1 MS. HALLETT: M'hm.

2 MR. ENGELMANN: Yeah. Okay.

3 But you are cognisant of the fact that, at  
4 least the first set of charges by this point-in-time is  
5 about three-and-a-half years old?

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: All right.

8 And with respect to that -- to the  
9 indictment itself, it's at Exhibit 2261, and I don't know  
10 if we need the hard copy, Madam Clerk, maybe just put it up  
11 on the screen. Just interested in the last page of the  
12 indictment.

13 This is the joint indictment, Ms. Hallett.  
14 Could you ---

15 MS. HALLETT: Yes?

16 MR. ENGELMANN: --- go one further page?  
17 No, the other way. Yes. And it appears to signed off by  
18 yourself on the 10<sup>th</sup> of September.

19 MS. HALLETT: Yes, I see that.

20 MR. ENGELMANN: All right.

21 And as I understand it, at or about that  
22 time a six-week trial is set for May the 1<sup>st</sup> of 2000?

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: All right.

25 MS. HALLETT: And I just want to now talk to

1       you about a few issues involving Officer Dunlop that came  
2       up I think yesterday. I've got some questions about  
3       concerns you might have with respect to his discussions  
4       with witnesses.

5                   **MR. ENGELMANN:** M'hm?

6                   **MS. HALLETT:** We discussed that, remember,  
7       dealing with the Leduc matter?

8                   **MR. ENGELMANN:** Right.

9                   **MS. HALLETT:** And we've heard evidence at  
10      the Inquiry that just prior to the scheduled trial date of  
11      a teacher here by the name of Marcel Lalonde ---

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

13                   **MR. ENGELMANN:** --- and this would have been  
14      in early October, 1999 -- there were issues that arose with  
15      respect to disclosure of documents by Constable Dunlop.

16                   In particular, just before that trial, there  
17      was a request, a last minute, request by defence counsel  
18      for two very specific documents two dated documents, notes  
19      of Constable Dunlop's. relating to his interactions with C-  
20      8 ---

21                   **MS. HALLETT:** Okay, yes.

22                   **MR. ENGELMANN:** --- and C-8 is listed.

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

24                   **MR. ENGELMANN:** And just so you know, the  
25      defence counsel for Mr. Lalonde asked for -- very

1 specifically asked for -- a September 11<sup>th</sup>, 1996 note and a  
2 December 12<sup>th</sup>, 1996 note.

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

4 **MR. ENGELMANN:** These notes had been given  
5 by Officer Dunlop to the OPP but for some reason had not  
6 been disclosed. This was a Cornwall Police prosecution.

7 **MS. HALLETT:** Right.

8 **MR. ENGELMANN:** They had not been disclosed  
9 to the defence.

10 **MS. HALLETT:** Right.

11 **MR. ENGELMANN:** So defence counsel obviously  
12 knew about those notes and requested them shortly before  
13 the trial. This led to an adjournment of the trial for  
14 about 11 months.

15 **MS. HALLETT:** Okay.

16 **MR. ENGELMANN:** And obviously concerns.

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

18 **MR. ENGELMANN:** Dunlop was ordered to  
19 produce those notes again and in fact found another note  
20 that had not been disclosed to the OPP and that was the  
21 note dated November 11<sup>th</sup>, 1996.

22 **MS. HALLETT:** Okay.

23 **MR. ENGELMANN:** All right? So this  
24 previously undisclosed note, the November 11<sup>th</sup> note,  
25 indicated that Constable Dunlop's -- had discussed

1           allegations with C-8 against Marcel Lalonde in some detail.

2                   **MS. HALLETT:** Okay.

3                   **MR. ENGELMANN:** And there was a concern that  
4           this was inconsistent with the evidence that Constable  
5           Dunlop had given at the preliminary inquiry in Lalonde and  
6           was this -- was it brought to your attention?

7                   **MS. HALLETT:** At some point and in a vague  
8           way, I -- I became aware of that. That wasn't one of my  
9           cases and I wasn't aware of all of the minute detail.

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

11                   But Claudette Wilhelm was familiar to you?

12                  **MS. HALLETT:** I -- I've never met Claudette

13           ---

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

15                  **MS. HALLETT:** --- I don't think.

16                  **MR. ENGELMANN:** She was prosecuting Marcel  
17           Lalonde?

18                  **MS. HALLETT:** Yes.

19                  **MR. ENGELMANN:** And you would have had  
20           either some discussions or at least some correspondence  
21           with respect to this Dunlop disclosure issue?

22                  **MS. HALLETT:** I -- I believe that I did ---

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

24                  **MS. HALLETT:** --- at some point. If there's  
25           something I'm copied on, I must have.

1                   **MR. ENGELMANN:** Well, you were copied on a  
2 letter, an opinion letter, that was provided by Marc Garson  
3 ---

4                   **MS. HALLETT:** Okay yes.

5                   **MR. ENGELMANN:** --- who was a Crown from  
6 London ---

7                   **MS. HALLETT:** Right.

8                   **MR. ENGELMANN:** --- and this was an opinion  
9 he was giving to the Cornwall Police Service on Constable  
10 Dunlop on disclosure-perjury type issues.

11                   **MS. HALLETT:** Right.

12                   **MR. ENGELMANN:** And I just want to show you  
13 copies that -- if I may, Document Number 109120.

14                   **THE COMMISSIONER:** Thank you.

15                   Exhibit 3215 is a letter ---

16                   **MS. HALLETT:** Thank you.

17                   **MR. ENGELMANN:** Sorry, just before you do  
18 that, sir, this letter, without some of the handwritten  
19 notations, is already in evidence. I'm wondering if we  
20 could make it Exhibit 1326A.

21                   **THE COMMISSIONER:** What handwritten  
22 notations?

23                   **MR. ENGELMANN:** The business card ---

24                   **THE COMMISSIONER:** Okay.

25                   **MR. ENGELMANN:** --- and a reference that

1 this is going to Shelley Hallett ---

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

3 **MR. ENGELMANN:** --- for example. There's  
4 some handwriting on the next page which is illegible, but  
5 just the fact that it was going to Ms. Hallett ---

6 **THE COMMISSIONER:** All right.

7 **MR. ENGELMANN:** --- she's not copied  
8 formally.

9 **THE COMMISSIONER:** Okay. So what exhibit  
10 would that be then?

11 **MR. ENGELMANN:** One-three-two-six-A (1326A).

12 **THE COMMISSIONER:** So 1326A, all right.

13 One-three-two-six-A (1326A) is a letter  
14 dated November 19<sup>th</sup>, 1999 with the added writing and  
15 business cards.

16 --- **EXHIBIT NO./PIÈCE NO. P-1326A:**

17 (109120) - Letter from Marc Garson to Garry  
18 Derochie dated November 19, 1999

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

20 Ms. Hallett, the letter addresses at least  
21 three issues. The question of potential outstanding  
22 disclosure, the Crown's obligations with respect to  
23 disclosure matters, even in unique circumstances where an  
24 officer may do investigations off-duty, and then the issue  
25 of Constable Dunlop's conduct and possible investigation



1 into his actions.

2 So these issues are all addressed in a  
3 letter that Mr. Garson writes to Staff Sergeant Garry  
4 Derochie of the Cornwall Police Service.

5 **MS. HALLETT:** Yes.

6 **MR. ENGELMANN:** All right? And I believe  
7 you were copied because you were prosecuting cases where  
8 Constable Dunlop had some involvement?

9 **MS. HALLETT:** Yes.

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

11 And I understand as a follow-up to this,  
12 that you actually wrote to Staff Sergeant Derochie to  
13 follow-up on this issue about Constable Dunlop ---

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

15 **MR. ENGELMANN:** --- and that is Document  
16 Number 701828.

17 Just while we're looking for that,  
18 Ms. Hallett, you were aware of the advice Mr. Garson was  
19 giving here, that if Constable Dunlop was going to be  
20 investigated this should not be done by the Cornwall  
21 Police, this should be done by an external force?

22 **MS. HALLETT:** I ---

23 **MR. ENGELMANN:** And I'm talking ---

24 **MS. HALLETT:** I became aware of that.

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

1                   **MS. HALLETT:** And that seems to make sense.

2                   **MR. ENGELMANN:** Because he's saying just at  
3 page 5 of the letter, Bates page 239; he questions about  
4 further disclosure forthcoming from Constable Dunlop that  
5 he's encouraging a meeting with him, he's concerned about  
6 further disclosure, and he's saying that there's an  
7 apparent inconsistency and that if -- he's indicating it  
8 would be a conflict if that police force were to  
9 investigate.

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

11                   **MR. ENGELMANN:** Okay? And were you made  
12 aware then of the fact that the Cornwall Police Service  
13 asked the Ottawa Police Service to look into these matters  
14 with respect to Constable Dunlop?

15                   **MS. HALLETT:** Yes, but much later in time  
16 than November of '99. I believe ---

17                   **MR. ENGELMANN:** But that would have started  
18 in or around January, I believe ---

19                   **MS. HALLETT:** Right.

20                   **MR. ENGELMANN:** --- of 2000?

21                   **MS. HALLETT:** But I didn't -- I don't  
22 believe I became aware of the investigation, the actual  
23 police investigation of Constable Dunlop, until March ---

24                   **MR. ENGELMANN:** Oh, okay.

25                   **MS. HALLETT:** --- of 2000.

1                   **MR. ENGELMANN:** You're talking about your  
2 knowledge as to when you became aware?

3                   **MS. HALLETT:** Yes.

4                   **MR. ENGELMANN:** Okay, fair enough.

5                   **THE COMMISSIONER:** The next exhibit, 3215,  
6 is a letter dated December 14<sup>th</sup>, 1999 addressed to Staff  
7 Sergeant Derochie from Shelley Hallett.

8                   **--- EXHIBIT NO./PIÈCE NO. P-3215:**

9                                 (701828) - Letter from Shelley Hallett to  
10 Garry Derochie re: O.P.P. Project Cases -  
11 Cornwall dated December 14, 1999

12                   **MR. ENGELMANN:** I'll just be a moment.

13                                 **(SHORT PAUSE/COURTE PAUSE)**

14                   **MR. ENGELMANN:** Ms. Hallett, in your letter,  
15 at least on the first page, you're referring to this  
16 suggestion of Mr. Garson's that a meeting be set up ---

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

18                   **MR. ENGELMANN:** --- with Constable Dunlop --

19                   -

20                   **MS. HALLETT:** Yes.

21                   **MR. ENGELMANN:** --- to see whether  
22 disclosure requests had been fully complied with?

23                   **MS. HALLETT:** Yes.

24                   **MR. ENGELMANN:** And you were writing as  
25 follow-up to see whether ---

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: --- in fact they've done  
3 that?

4 MS. HALLETT: M'hm.

5 MR. ENGELMANN: And you're also concerned  
6 about whether there's other material that may be relevant  
7 to the work you're doing ---

8 MS. HALLETT: That's right.

9 MR. ENGELMANN: --- correct?

10 MS. HALLETT: Right.

11 MR. ENGELMANN: And you're asking that if  
12 there is, that it should be brought to your attention ---

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: --- and you want that  
15 forwarded to Detective Inspector Hall?

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: All right.

18 And that's because you've been apprised of  
19 this and you want to make sure that if there is more  
20 disclosure, you're going to have to give that -- you've got  
21 it available to you?

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

23 MR. ENGELMANN: All right.

24 MS. HALLETT: --- through the police.

25 MR. ENGELMANN: So that they can give it you

1 and you can ---

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: --- disclose?

4 Now, were you aware that at or about this  
5 time, the Cornwall Police Service had received some advice  
6 from Claudette Wilhelm, and perhaps indirectly from Mr.  
7 Garson, about giving a fairly extensive written order to  
8 Constable Dunlop with respect to disclosure and ongoing  
9 disclosure requirements?

10 I was generally aware of the landscape but  
11 in terms of all of the details and when things were  
12 discussed by Ms. Wilhelm with others, I can't say exactly  
13 but I was aware of an order that was eventually given to  
14 Constable Dunlop by his police service.

15 MR. ENGELMANN: And you in fact got some  
16 disclosure as a result of that order?

17 MS. HALLETT: Yes, that's right.

18 MR. ENGELMANN: All right.

19 So that happened on January 10<sup>th</sup>, 2000?

20 MS. HALLETT: Yes, the order was made.

21 MR. ENGELMANN: Right, and given to him.

22 We've heard that Claudette Wilhelm had some involvement in  
23 at least reviewing that order.

24 MS. HALLETT: Okay.

25 MR. ENGELMANN: And I believe the Cornwall

1 Police Service had their own counsel as well look at it.  
2 Were you asked for your input into that  
3 order?

4 **MS. HALLETT:** No.

5 **MR. ENGELMANN:** All right.

6 So you weren't provided a copy with that  
7 order at the time?

8 **MS. HALLETT:** I believe I was provided --  
9 I'm not sure if I was provided with a copy but I eventually  
10 did have one or saw one.

11 **MR. ENGELMANN:** All right.

12 Well, there was one attached to his will  
13 state, which you would have received ---

14 **MS. HALLETT:** Oh yes.

15 **MR. ENGELMANN:** --- much later.

16 **MS. HALLETT:** Yes, that's what I saw.

17 **MR. ENGELMANN:** All right.

18 Now I want to just ask you about C-2, if I  
19 may. As I understand that in ---

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** --- late January of 2000  
22 Constable Dunlop advised Inspector Hall of an allegation  
23 that had been disclosed to him by C-2 involving Charles  
24 MacDonald?

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

1                   **MR. ENGELMANN:** And do you have some sense  
2 as to when you learned of this further potential  
3 complainant?

4                   **MS. HALLETT:** I believe that I learned of it  
5 shortly after the Project Truth officers became aware of  
6 it. I learned about it in some way through one of the  
7 officers advising me.

8                   **MR. ENGELMANN:** All right.  
9 And would you have advised the Defence about  
10 this shortly thereafter?

11                   **MS. HALLETT:** I don't know that I did at  
12 that time. I was -- there was a brief that was prepared.

13                   **MR. ENGELMANN:** Okay.

14                   **MS. HALLETT:** Based on this allegation and  
15 that brief was ultimately provided to Mr. Neville.

16                   **MR. ENGELMANN:** All right. I know there  
17 were two further volumes of a Crown brief.

18                   **MS. HALLETT:** Right.

19                   **MR. ENGELMANN:** Volume 7 and 8 that were  
20 prepared and this is on March 22<sup>nd</sup> of 2000. And it's my  
21 understanding that those Crown briefs would have been  
22 provided to Defence counsel?

23                   **MS. HALLETT:** Okay. I'm sorry, is that a  
24 letter of mine, dated March 22<sup>nd</sup> or what is ---

25                   **MR. ENGELMANN:** I'm referring to -- it's

1 Exhibit -- well, the dates of the briefs, the briefs are  
2 Exhibit 2885. There is a letter. The first letter I have  
3 from you after March 22<sup>nd</sup> is a letter ---

4 **MS. HALLETT:** March 30<sup>th</sup>?

5 **MR. ENGELMANN:** Yes, of March 30.

6 **MS. HALLETT:** Right. So I'm getting -- I  
7 got the brief with respect to that C-2 allegation, the  
8 investigation of that allegation. I got that brief on  
9 March 22<sup>nd</sup>.

10 **MR. ENGELMANN:** Yes.

11 **MS. HALLETT:** And then I reviewed it and I  
12 provided it by way of disclosure on March 30<sup>th</sup>.

13 **MR. ENGELMANN:** That's correct. You were  
14 asked to look at this, give your opinion?

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** And you did so in  
17 approximately one week?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** All right.  
20 And there was some urgency to that opinion?

21 **MS. HALLETT:** Yes.

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

23 And let's just take a look at that if we  
24 can. It's Exhibit 2848.

25 **(SHORT PAUSE/COURTE PAUSE)**



1                   **MR. ENGELMANN:** The Document Number is  
2                   113883. This will give you a sense, Ms. Hallett, as to  
3                   when you received things and when you got it out?

4                   **MS. HALLETT:** Yes.

5                   **MR. ENGELMANN:** In your first paragraph, it  
6                   indicates you received the two volumes on March 23<sup>rd</sup>?

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

8                   **MR. ENGELMANN:** And you're giving this  
9                   opinion on March 30<sup>th</sup>?

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

11                  **MR. ENGELMANN:** All right.

12                  And in making this decision at this time to  
13                  recommend the charges in these new counts, were you  
14                  concerned as to how these charges might affect the  
15                  outstanding Charles MacDonald prosecution?

16                  **MS. HALLETT:** Yes, I was. I was concerned  
17                  about that.

18                  **MR. ENGELMANN:** All right. And I understand  
19                  that four charges were laid with respect to C-2's  
20                  complaints on April 10<sup>th</sup> of 2000, so within about a week-  
21                  and-a-half of your letter. You were aware that these four  
22                  counts were going to be laid?

23                  **MS. HALLETT:** Yes.

24                  **MR. ENGELMANN:** And in fact in your letter,  
25                  in the last paragraph, you recommend them?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: All right.

3 Now, these four counts are eventually  
4 withdrawn by Lorne McConnery?

5 MS. HALLETT: Yes.

6 MR. ENGELMANN: During the stay application  
7 process that takes place, I believe, in 2002 on the basis  
8 of no reasonable prospect of conviction?

9 MS. HALLETT: Okay.

10 MR. ENGELMANN: All right. And I'm  
11 wondering would you have ever discussed C-2's allegations  
12 with Mr. McConnery?

13 MS. HALLETT: No.

14 MR. ENGELMANN: All right. So you had no  
15 discussions about the merits of those allegations with him?

16 MS. HALLETT: No.

17 MR. ENGELMANN: And as I understand your  
18 written opinion, you state in effect that although the  
19 allegations were unusual, you thought that the charges  
20 should be laid?

21 MS. HALLETT: Well, I stated in my letter,  
22 although the first allegation made by C-2 is unusual ---

23 MR. ENGELMANN: All right.

24 MS. HALLETT: There may ---

25 THE COMMISSIONER: Excuse me. It's unusual.

1           There have been other bizarre allegations made by other  
2           complainants unknown to C-2.

3                       **MS. HALLETT:** C-2.

4                       **MR. ENGELMANN:** Okay. And as I understand  
5           it, that prior to these charges being laid on April 6<sup>th</sup>,  
6           2000, you wrote to Defence counsel to provide the new  
7           disclosure and advise of upcoming charges.

8                               And if we could look at Document Number  
9           109148? 109148 is a letter dated April 6<sup>th</sup>, 2000 from Ms.  
10          Hallett to Mr. Neville. Again, it will require a  
11          publication ban stamp.

12                       **THE COMMISSIONER:** Thank you. Exhibit  
13          number 3216.

14          **---EXHIBIT NO./PIÈCE NO. P-3216:**

15                               (109148) Letter from Shelley Hallett to  
16           Michael Neville re: R.v. Charles MacDonald  
17           dated 06 Apr 00

18                       **MS. HALLETT:** Thank you.

19                       **MR. ENGELMANN:** Now on the second page of  
20          your letter, Bates page 309, you're giving notice of the  
21          new complainant. This is now the ninth complainant with  
22          respect to this prosecution?

23                       **MS. HALLETT:** Yes.

24                       **MR. ENGELMANN:** Would this have been the  
25          first notice that Defence counsel would be getting?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: Of this new complainant?

3 MS. HALLETT: M'hm.

4 MR. ENGELMANN: And you appear to be setting  
5 out some options?

6 MS. HALLETT: That's right.

7 MR. ENGELMANN: With respect to how to  
8 proceed with the new charges?

9 MS. HALLETT: That's right.

10 MR. ENGELMANN: Were some of these options  
11 in part because of your concerns about a possible delay?

12 MS. HALLETT: Yes, yes they were.

13 MR. ENGELMANN: All right, and can you just  
14 sort of paraphrase for us what these options were in your  
15 view at that time?

16 MS. HALLETT: Yes. Well as I stated, there  
17 were these additional charges to be laid against Charles  
18 MacDonald and I wished him to advise me as soon as possible  
19 as to how he wanted to deal with them.

20 I referred to Section 574, subsection 2 of  
21 the Criminal Code and, you know, which allows for the  
22 accused to consent to the inclusion of the additional  
23 counts in the existing indictment and I outlined what I  
24 thought to be an advantage to the client, to the accused,  
25 in that manner proceeding and that would be that at the end

1 of the trial, which included trial on the additional count,  
2 there would be closure of the matter so that if there were  
3 a finding of not guilty, that would be the end of the  
4 matter for the accused.

5 I also averted to the possibility of an  
6 expedited preliminary inquiry on these counts and consent  
7 to the inclusion of the counts on the indictment and I also  
8 averted to the possibility of simply having the Crown  
9 proceed separately on these additional counts, which of  
10 course, would mean that we would continue to proceed to  
11 trial on the eight counts, on the joint indictment, but  
12 that there would be additional proceedings at the end of  
13 that trial.

14 **MR. ENGELMANN:** All right, but just to put  
15 this in perspective at the time. You had a six week trial  
16 ---

17 **MS. HALLETT:** Scheduled.

18 **MR. ENGELMANN:** --- scheduled to start right  
19 at the beginning of May?

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

21 **MR. ENGELMANN:** And this is about three and-  
22 a-half weeks before that?

23 **MS. HALLETT:** Right.

24 **MR. ENGELMANN:** That you're giving the  
25 Defence notice?

1 MS. HALLETT: M'hm.

2 MR. ENGELMANN: You're expecting there may  
3 be a request for an adjournment.

4 MS. HALLETT: Yes. Well, I knew, I think,  
5 by this point, Mr. Engelmann, that yes, there would likely  
6 be one, but not necessarily based on the fact of these  
7 additional counts.

8 MR. ENGELMANN: There were also new  
9 disclosure issues?

10 MS. HALLETT: There were other developments  
11 that were occurring at this time.

12 MR. ENGELMANN: Right.

13 MS. HALLETT: And those related to Constable  
14 Dunlop.

15 MR. ENGELMANN: Okay. There was new  
16 disclosure?

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: There was a new complainant  
19 and there were issues about Constable Dunlop?

20 MS. HALLETT: Well, yes there -- there was  
21 the -- by this time I had become aware of the criminal  
22 investigation ---

23 MR. ENGELMANN: Yes.

24 MS. HALLETT: --- of Constable Dunlop. And  
25 that, of course, had an impact, a significant impact on the

1 Charles MacDonald trial in that Constable Dunlop had  
2 identified so many of the original complainants on that  
3 matter.

4 MR. ENGELMANN: Okay.

5 MS. HALLETT: And I was becoming advised of  
6 the -- yes, the disclosure by Constable Dunlop of his will  
7 say and notes.

8 MR. ENGELMANN: All right.

9 Well, for example, you were aware that as a  
10 result of this January 10<sup>th</sup> order he was coming up with  
11 documents?

12 MS. HALLETT: Yes, that's right.

13 MR. ENGELMANN: And they were then being  
14 turned over to the OPP and eventually to yourself?

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: And I understand that you  
17 would have received a letter -- there's a letter from  
18 Christine Bartlett-Hughes to Marc Garson. I want to just  
19 show you a copy of that, if I may.

20 MS. HALLETT: Okay, then.

21 MR. ENGELMANN: That's Document Number  
22 109153. And I think this outlines how you become aware of  
23 this investigation dealing with Constable Dunlop.

24 MS. HALLETT: M'hm.

25 MR. ENGELMANN: It's sorry, April 7<sup>th</sup>,

1 Bartlett-Hughes to Garson. If that could be the next  
2 exhibit, sir?

3 **THE COMMISSIONER:** M'hm. Thank you.  
4 That'll be Exhibit 3217.

5 **---EXHIBIT NO./PIÈCE NO. P-3217:**

6 (109153) Letter from Christine Bartlett-  
7 Hughes to Marc Garson re: OPP Project  
8 Truth case R v Charles MacDonald

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

10 **MR. ENGELMANN:** You see she references the  
11 fact that you received a voicemail message from Robert  
12 Pelletier on the 24<sup>th</sup> of March ---

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

14 **MR. ENGELMANN:** --- indicating the police in  
15 Ottawa wish to speak with him regarding Constable Dunlop's  
16 conduct in the Lalonde case?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And in the next paragraph:

19 "This was the first notice either Ms.  
20 Hallett or I have had that an  
21 official investigation in Constable  
22 Dunlop's conduct in the Lalonde case  
23 had been undertaken."

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** And you indicate or she



1 indicates that:

2 "Constable Dunlop may be a witness at  
3 the trial of Charles MacDonald which is  
4 set to begin May 1<sup>st</sup>. We need to obtain  
5 information respecting the status of  
6 the investigation and make disclosure  
7 as required to counsel for Charles  
8 MacDonald."

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

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

11 And she would have not only copied you with  
12 this letter but you would have been consulted about the  
13 letter itself?

14 **MS. HALLETT:** Oh, yes. M'hm.

15 **MR. ENGELMANN:** And she was assisting you  
16 with this matter at that time?

17 **MS. HALLETT:** Yes, she was -- I had asked  
18 her to be my co-counsel on the Charles MacDonald matter and  
19 I had asked her specifically to deal with this Dunlop issue  
20 which was becoming bigger than I had anticipated when I  
21 first took over the file.

22 **MR. ENGELMANN:** So you'd hived off those  
23 responsibilities for her?

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

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

1                   You had a number of responsibilities on this  
2                   prosecution?

3                   **MS. HALLETT:** Yes.

4                   **MR. ENGELMANN:** All right.

5                   And in fact, there's a memorandum from you  
6                   to her on April 10<sup>th</sup>, 2000?

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

8                   **MR. ENGELMANN:** Document Number 114164. And  
9                   I don't know if you can recall, Ms. Hallett, but would it  
10                  have been shortly before this time when Christine Bartlett-  
11                  Hughes was assigned to assist you? Would it have been  
12                  sometime in the spring or ---

13                  **MS. HALLETT:** No, actually Christine -- I  
14                  believe that Christine agreed to help me in the fall.

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

16                  **MS. HALLETT:** And I had sort of enlisted her  
17                  assistance as co-counsel in the fall, but at that time it  
18                  wasn't with -- I didn't specifically ask for her to attend  
19                  to the Dunlop matter ---

20                  **MR. ENGELMANN:** All right.

21                  **MS. HALLETT:** --- or issue.

22                  **MR. ENGELMANN:** If this could be our next  
23                  exhibit, sir.

24                  **THE COMMISSIONER:** Three two one eight  
25                  (3218).

1           **---EXHIBIT NO./PIÈCE NO. P-3218:**

2                           (114164) Memorandum from Shelley Hallett  
3                           to Christine Bartlett-Hughes re: OPP  
4                           Project Truth Case R v Charles MacDonald

5           **MR. ENGELMANN:** All right.

6                           And it appears in this memo you're giving  
7           her a fair bit of reading material?

8                           **MS. HALLETT:** I am. And as you can see, it  
9           does -- a lot of it does relate to this Dunlop material.

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

11                           And if you'll note at the end you say on the  
12           third page, Bates page 737:

13                                        "As we discussed, I'm hoping you will  
14                                        be able to manage the Dunlop issue,  
15                                        including liaising with Bob  
16                                        Pelletier, Marc Garson and the Ottawa  
17                                        Police wherever necessary."

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

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

20           **MS. HALLETT:** And I do note here, Mr.  
21           Engelmann, on page 2 of my letter, at Item Number 8, I am  
22           providing Christine with an extract from the Crown brief on  
23           Regina v. Lalonde, indecent assault -- gross indecency.

24                           And I've always been rather vague about the  
25           Lalonde matter and I think it's because I was asking

1 Christine to sort of attend to that part of it, because it  
2 wasn't a case that I was assigned to and it wasn't even a  
3 Project Truth Case.

4 But I had asked her to be dealing or be  
5 aware of it because it was relevant to this Dunlop issue.

6 **MR. ENGELMANN:** It's not only relevant to  
7 the Dunlop issue. Were you aware of some -- the fact that  
8 at least one of the alleged victims ---

9 **MS. HALLETT:** Yes, for ---

10 **MR. ENGELMANN:** --- in Lalonde was also one  
11 of the alleged victims of Father MacDonald?

12 **MS. HALLETT:** Yes, I was aware of that.

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

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

15 **MR. ENGELMANN:** So that might be another  
16 reason why you wanted some more information?

17 **MS. HALLETT:** Yes. M'hm.

18 **MR. ENGELMANN:** Okay. And in addition to  
19 dealing with the Dunlop issue broadly, as you've set out on  
20 the third page of your memo ---

21 **MS. HALLETT:** Right.

22 **MR. ENGELMANN:** --- you appear to be asking  
23 her to do something with correspondence in the third-last  
24 paragraph of that page?

25 **MS. HALLETT:** Yes.

1                   **MR. ENGELMANN:** And you're doing something  
2 as well. Can you give us a sense as to what that is and  
3 why you're asking for that to be done?

4                   **MS. HALLETT:** Yes. I'm asking her to  
5 review the correspondence file kept by Mr. Pelletier,  
6 prepare a bound booklet of key correspondence that we would  
7 use on the trial.

8                   And the purpose of her review of the  
9 correspondence would be to deal with defence counsel, Mr.  
10 Neville, where there might be allegations made of non-  
11 disclosure or agreements struck with Mr. Pelletier that  
12 should be the subject of written correspondence.

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

14                   So I'm assuming from that that when you took  
15 over this file from Robert Pelletier ---

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

17                   **MR. ENGELMANN:** --- you would have received  
18 the correspondence that he would have had with defence  
19 counsel?

20                   **MS. HALLETT:** Yes.

21                   **MR. ENGELMANN:** You may not have received,  
22 though, some kind of disclosure chart about what was turned  
23 over when and therefore the need to go to this  
24 correspondence or do you recall?

25                   **MS. HALLETT:** I really don't recall. I

1 don't recall receiving a chart.

2 MR. ENGELMANN: All right.

3 But it was important for you to have a sense  
4 as to what had been disclosed when?

5 MS. HALLETT: Yes. Obviously, I identified  
6 that as an issue at that point.

7 MR. ENGELMANN: All right.

8 So we're in April of 2000. We're dealing  
9 with several issues, charges with respect to a new  
10 complainant, C-2.

11 MS. HALLETT: M'hm.

12 MR. ENGELMANN: We have this disclosure of  
13 boxes of material by Mr. Dunlop ---

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: --- as a result of this  
16 order.

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: And I think you find out  
19 that much of what's in those boxes is material that's  
20 already been given?

21 MS. HALLETT: Eventually, I do. I do go  
22 through those boxes and ---

23 MR. ENGELMANN: Okay.

24 MS. HALLETT: --- yes, but they are arriving  
25 in the spring of 2000 and, of course, these are

1 developments that are -- that I address the court about --  
2 -

3 MR. ENGELMANN: Right.

4 MS. HALLETT: --- on April 18<sup>th</sup> of 2000.

5 MR. ENGELMANN: Okay. I'm just about to go  
6 there.

7 MS. HALLETT: Okay.

8 MR. ENGELMANN: You also have the ongoing  
9 investigation by the Ottawa Police of Constable Dunlop --  
10 -

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: --- that you're now aware  
13 of?

14 MS. HALLETT: Yes, that's going on.

15 MR. ENGELMANN: So these are all issues that  
16 are coming up just before your trial?

17 MS. HALLETT: Yes, over which I really don't  
18 have a lot of control.

19 MR. ENGELMANN: All right.

20 Now, given all of those issues, were you of  
21 the view that this trial was going to proceed?

22 MS. HALLETT: Well, that was the purpose of  
23 bringing forward the indictment to be spoken to -- the  
24 matter to be spoken to on April the 18<sup>th</sup>.

25 MR. ENGELMANN: All right.

1                   **MS. HALLETT:** And I do discuss that, I  
2 believe, in my letter to Mr. Neville of April 12<sup>th</sup>.

3                   **MR. ENGELMANN:** Right.

4                   **MS. HALLETT:** But there -- these I  
5 considered to be significant developments, the provision of  
6 nine bankers boxes of material from Constable Dunlop, and  
7 this is within six weeks of the beginning of the trial.

8                   **MR. ENGELMANN:** Okay.

9                   **MS. HALLETT:** Or perhaps less. I think it's  
10 even less time than that. Then there's the provision by  
11 Constable Dunlop of his will say and notes and books of  
12 appendices to the will say statement and then, of course,  
13 the fact of his investigation ---

14                   **MR. ENGELMANN:** Right.

15                   **MS. HALLETT:** --- when he's possibly a key  
16 witness in the Dunlop -- or in the MacDonald case.

17                   **MR. ENGELMANN:** All right.

18                   So as a result, you write a letter on April  
19 12<sup>th</sup> ---

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

21                   **MR. ENGELMANN:** --- 2000 to Mr. Neville?

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

23                   **MR. ENGELMANN:** Document Number 109158.

24                   It's -- sorry, it's a loose document. I apologize.

25                   One-zero-nine-one-five-eight (109158). It's



1 a letter dated April 12<sup>th</sup>, 2000 from Ms. Hallett to Mr.  
2 Neville. It will require a publication ban stamp.

3 **THE COMMISSIONER:** Thank you.

4 **MR. ENGELMANN:** And if that could be the  
5 next exhibit.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 3219.

8 **--- EXHIBIT NO./PIÈCE NO. P-3219:**

9 (109158) Letter from Shelley Hallett to  
10 Michael Neville re: *R. v. Charles MacDonald*  
11 Trial Superior Court, dated April 12, 2000

12 **MR. ENGELMANN:** So as I understand it,  
13 you're writing to Mr. Neville for the purpose of bringing  
14 forward -- and you've also contacted the Cornwall trial  
15 coordinator for the purpose of bringing forward the  
16 MacDonald matter to be spoken to ---

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

18 **MR. ENGELMANN:** --- on April 18<sup>th</sup>.

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

20 **MR. ENGELMANN:** And you're setting out your  
21 reasons for doing that and some of them we've just  
22 discussed?

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

24 I referred to them as "new material coming  
25 to light which was unanticipated by either the defence or

1 the Crown" that -- and that this was the basis for my  
2 bringing the indictment forward.

3 **MR. ENGELMANN:** All right.

4 And just at the bottom of the page, you've  
5 had a discussion with defence counsel and there's a consent  
6 to having the new counts involving C-2's allegations added  
7 to the existing indictment?

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

9 **MR. ENGELMANN:** After an expedited  
10 preliminary inquiry ---

11 **MS. HALLETT:** Right.

12 **MR. ENGELMANN:** --- that would allow defence  
13 counsel to cross-examine the complainant?

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

15 **MR. ENGELMANN:** And you've sought  
16 information about when this could be done quickly in the  
17 East Region.

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

19 **MR. ENGELMANN:** And you -- you're saying  
20 you're available to attend at any available court in  
21 Ontario to deal with this.

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

23 **MR. ENGELMANN:** And you're also setting out  
24 some other options with respect to a preliminary, for  
25 example, a discovery process or special examiner's office,

1 et cetera.

2 MS. HALLETT: Yes, I had done that before in  
3 other cases.

4 MR. ENGELMANN: All right. So you're  
5 setting out as many options as you can ---

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: --- you can think of with  
8 respect to how to do this quickly?

9 MS. HALLETT: Yes, for providing for this  
10 expedited preliminary inquiry, so that there wouldn't be an  
11 undue delay in getting on with the trial, yes.

12 MR. ENGELMANN: Now, we know, Ms. Hallett --  
13 you've told us that there's a pre-trial conference on April  
14 18<sup>th</sup>?

15 MS. HALLETT: Yes, can -- there's just one  
16 more paragraph though in this letter I would direct your  
17 attention to, Mr. Engelmann.

18 After I've set out what I thought were  
19 available options for conducting this expedited preliminary  
20 inquiry, I do advise Mr. Neville in this letter that ---

21 THE COMMISSIONER: Where, please?

22 MS. HALLETT: Pardon me?

23 THE COMMISSIONER: Where?

24 MS. HALLETT: Oh, I'm sorry. Page 2 of the  
25 letter ---

1                   **THE COMMISSIONER:** Yes.

2                   **MS. HALLETT:** --- of the fourth full  
3 paragraph down, beginning with the words "Please consider".

4  
5                   **THE COMMISSIONER:** Yes.

6                   **MR. ENGELMANN:** Well, this is about trial  
7 dates in the fall?

8                   **MS. HALLETT:** Yes. Were you going to take  
9 me there later?

10                   **MR. ENGELMANN:** I forgot. So you're talking  
11 about your flexibility and that you're wide open for fall  
12 trial dates?

13                   **MS. HALLETT:** Yes, I'm asking Mr. Neville to  
14 consider the options for the expedited preliminary inquiry  
15 and I state:

16                               "Ms. Leblanc [who's the trial  
17 coordinator] advises that there's ample  
18 time available for the MacDonald trial  
19 this fall and my schedule is flexible  
20 enough to accommodate any fall date."

21 And I do state to him if discovery of ---

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

23                   **MS. HALLETT:** --- yes, of C-2:

24                               "...cannot occur within a reasonable  
25 period of time, that is, over this

1 summer, the Crown may have to proceed  
2 separately on those counts in order to  
3 allow a trial on the existing  
4 indictment to take place as  
5 expeditiously as possible."

6 **MR. ENGELMANN:** Now, on April 18<sup>th</sup>, you have  
7 a pre-trial?

8 **MS. HALLETT:** On April the 18<sup>th</sup>, I -- no, I  
9 wouldn't call it that.

10 **MR. ENGELMANN:** Oh.

11 **MS. HALLETT:** I'd call it addressing the  
12 court. I had asked the trial coordinator, with the consent  
13 of Mr. Neville, to have the indictment brought forward so  
14 that the matter could be spoken to because of all of these  
15 developments. There were four developments that I  
16 considered significant and that I wished to address the  
17 court about.

18 **MR. ENGELMANN:** All right. My understanding  
19 is you wished to address the court openly on some of those  
20 developments?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** And in camera on another?

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

24 **MR. ENGELMANN:** And if we look at Document  
25 Number 111224.

1                   **THE COMMISSIONER:** Before we leave that one

2                   ---

3                   **MR. ENGELMANN:** Yes.

4                   **THE COMMISSIONER:** --- is there a reason why  
5 Murray MacDonald is being copied on this letter?

6                   **MS. HALLETT:** I believe I would have copied  
7 him, sir, because we are setting dates. We're talking  
8 about allocation of court facilities with respect to the  
9 trial of these matters, so that I felt that that -- so that  
10 was the purpose of copying him ---

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

12                   **MS. HALLETT:** --- so that he would know  
13 we're trying to get this on and I'm dealing with the trial  
14 coordinator that -- in his -- in that court. So there's  
15 going to have to -- I just -- it was more of a courtesy  
16 than anything else.

17                   **THE COMMISSIONER:** Were you aware that he  
18 was not to have any involvement in all of this?

19                   **MS. HALLETT:** I can't remember a particular  
20 statement or document coming to my attention ---

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

22                   **MS. HALLETT:** --- indicating that. I was  
23 aware of the allegation of conflict, but I wasn't aware  
24 that that would somehow preclude his being informed of  
25 things like allocation of court resources to these trials.

1 I had to deal with Mr. MacDonald certainly  
2 in terms of space, for example, in -- for our Crown team at  
3 the courthouse.

4 **MR. ENGELMANN:** Okay.

5 With respect to -- do we have the Document  
6 111224?

7 **THE COMMISSIONER:** Thank you.

8 **MR. ENGELMANN:** This is the open court  
9 transcript.

10 **THE COMMISSIONER:** Exhibit 3220, extract of  
11 the adjournment, April 18<sup>th</sup>, 2000, before Mr. Justice  
12 Desmarais.

13 **--- EXHIBIT NO./PIÈCE NO. P-3220:**

14 (111224) - Extract Adjournment Part 1 of 2  
15 Open Court Transcript re: *R. v. Charles*  
16 *MacDonald* dated April 18, 2000

17 **MR. ENGELMANN:** And the issues, Ms. Hallett,  
18 that you wanted to deal with on the record, if I can use  
19 that term, in open court, included the recent disclosure by  
20 Mr. Dunlop?

21 **MS. HALLETT:** Yes.

22 **MR. ENGELMANN:** The recent or new  
23 complainant, C-2, and was there another issue as well?

24 **MS. HALLETT:** I'm sorry, did you mention the  
25 banker's boxes?

1                   **MR. ENGELMANN:** Well, that was new  
2 disclosure.

3                   **MS. HALLETT:** Right.

4                   **MR. ENGELMANN:** Or I guess there was the  
5 Volume 7 and 8 and the banker's boxes.

6                   **MS. HALLETT:** Yes. If I could just have a  
7 moment just to ---

8                   **MR. ENGELMANN:** Yes.

9                   **MS. HALLETT:** --- refresh my memory what  
10 this transcript says.

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

12                   **MR. ENGELMANN:** Ms. Hallett, I ---

13                   **MS. HALLETT:** Yes, I've had a chance now to  
14 read it.

15                   Yes, there were -- the three things that I  
16 advised the court of in open court was, firstly, the  
17 identification of this ninth complainant in the Father  
18 MacDonald matter and I outlined to the court the options  
19 that I had proposed to Mr. Neville about how to deal with  
20 those.

21                   I also advised the court that on April 5<sup>th</sup>,  
22 the Project Truth investigators had become aware of 10  
23 banker's boxes of materials that had been brought to the  
24 Cornwall Police Service by Constable Dunlop. I advised  
25 that I had not had an opportunity to review those, but that



1 I felt it was my duty to satisfy myself that -- and that I  
2 have arranged to look at those boxes and I was intending to  
3 review the content of the boxes. And then I further  
4 advised that on April the 10<sup>th</sup>, or just the week before,  
5 there was more material received from Constable Dunlop  
6 taking the form of the statement that he has prepared and  
7 of four volumes and that it was an unusual statement  
8 because there were four small volumes of documents,  
9 appendices to his will state, and then there were his  
10 notes.

11 MR. ENGELMANN: This is the 110-page will  
12 state?

13 MS. HALLETT: Yes.

14 MR. ENGELMANN: With more documents?

15 MS. HALLETT: Yes. And I state:

16 "I received my own copy of these  
17 materials yesterday and I have them on  
18 counsel table here. There are copies  
19 that have been prepared which will be  
20 provided today, I hope, or within the  
21 next couple of days, to Mr. Neville for  
22 his defence."

23 MR. ENGELMANN: All right. So you set that

24 ---

25 MS. HALLETT: For Father MacDonald's

1 defence.

2 MR. ENGELMANN: Right. And you also say  
3 that there's one other development you want to bring to the  
4 court's attention but you wish to do that in camera?

5 MS. HALLETT: That's correct.

6 MR. ENGELMANN: Why did you want to do --  
7 why did you want to bring the other matter -- this was the  
8 matter involving the perjury investigation?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: Of ---

11 MS. HALLETT: A criminal investigation of  
12 Constable Dunlop.

13 MR. ENGELMANN: Why was it important for you  
14 to ask that that be done in camera?

15 MS. HALLETT: Well, first of all, a criminal  
16 investigation is usually something that is a matter of  
17 confidential information. There are obviously  
18 repercussions for the person who is the subject of the  
19 investigation.

20 There may -- the investigation may -- the  
21 outcome of it may be positive in terms of no charges being  
22 laid, and it can have, as I say, severe repercussions on  
23 the reputation of the individual who is the subject of the  
24 criminal investigation.

25 And in addition, of course, to all of those

1 factors, in this case it was Constable Dunlop who was the  
2 subject of this investigation and I didn't want to -- how  
3 should I say? I felt that we should await the outcome of  
4 the investigation before that matter came to light.

5 MR. ENGELMANN: All right.

6 And the judge agreed and you went in camera?

7 MS. HALLETT: That's right.

8 MR. ENGELMANN: And that document is 111226,  
9 if that could be the next exhibit? Again, a publication  
10 ban stamp.

11 MS. HALLETT: If I could make one further  
12 reference to something in this document? At the time that  
13 -- I had asked for an exclusion of the public when we -- of  
14 course we stayed in open court for the in camera portion of  
15 the proceedings.

16 MR. ENGELMANN: Yes.

17 MS. HALLETT: We didn't go into chambers.

18 MR. ENGELMANN: Yes.

19 MS. HALLETT: But of course I asked for an  
20 exclusion of the public.

21 MR. ENGELMANN: All right.

22 MS. HALLETT: One of us asked. There was an  
23 exclusion ---

24 MR. ENGELMANN: And you wanted the reporter  
25 as well, I note?

1                   **MS. HALLETT:** Yes, I wanted a reporter so  
2                   that everything would be recorded.

3                   And so following the exclusion of the order,  
4                   or the order for the exclusion of the public, I was asked  
5                   by Justice Desmarais who was beside me at counsel table --  
6                   and I -- and this was of course Detective Inspector Hall.  
7                   He was with me in court that day, and I believe that I  
8                   identified him to Justice Desmarais on the record.

9                   And I'm looking for that in this excerpt  
10                  that you handed me and I ---

11                  **THE COMMISSIONER:** I don't think it's in  
12                  there. You're looking at Exhibit 3220?

13                  **MS. HALLETT:** Yes, sir.

14                  **THE COMMISSIONER:** I don't see anything  
15                  about ---

16                  **MR. ENGELMANN:** I think it comes up in the  
17                  next document I'm just about to show you.

18                  **MS. HALLETT:** Does it? Okay, then, thank  
19                  you.

20                  **THE COMMISSIONER:** Madam Clerk, I'm waiting  
21                  for --- thank you. Exhibit number 3221, Extract  
22                  adjournment held in camera before Justice Desmarais, April  
23                  18<sup>th</sup>, 2000.

24                  ---EXHIBIT NO. / PIÈCE NO. P-3221

25                  (111226) Extract Adjournment Held In Camera

1 Transcript re: R. v. Charles MacDonald dated  
2 18 Apr 00

3 **MR. ENGELMANN:** Ms. Hallett, do you want to  
4 take a look at the first page?

5 **MS. HALLETT:** Okay then.

6 **MR. ENGELMANN:** The actual transcript? It's  
7 Bates page 416. That may be -- what did you want to say  
8 about that?

9 **MS. HALLETT:** Yes. I see that this is that  
10 portion of the transcript that I was looking for. That is  
11 the transcript of April 18<sup>th</sup>, 2000 in relation to Charles  
12 MacDonald -- R. v Charles MacDonald, and it's at the very  
13 top of page 1.

14 The court is addressing me because  
15 I'm about to discuss the fourth development during this  
16 in camera portion of the proceedings, and Justice  
17 Desmarais asks me:

18 "Before we do that, I note that there  
19 is someone with you?"

20 And I advise:

21 "Oh, yes, I'm sorry, yes. The officer  
22 in charge of 'Project Truth', Detective  
23 Inspector Pat Hall is here."

24 And I ask the court that he be exempted from  
25 the order clearing the court. Justice Desmarais asks Mr.

1           Neville and I don't believe that Mr. Neville objected to  
2           Detective Inspector Hall being there.

3                       **MR. ENGELMANN:** All right.

4                       And he'd been there through the open court  
5           portion as well?

6                       **MS. HALLETT:** Yeah, that's right.

7                       **MR. ENGELMANN:** Yeah, and typically you  
8           would have an officer present for these types of  
9           appearances?

10                      **MS. HALLETT:** Yes, I always like to have an  
11           officer present when I'm addressing the court, especially  
12           on this particular day in relation to these issues.

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

14                      And in fact, you then bring forward what's  
15           happening with the Ottawa Police?

16                      **MS. HALLETT:** Yes.

17                      **MR. ENGELMANN:** And at this point you don't  
18           know the outcome?

19                      **MS. HALLETT:** No.

20                      **MR. ENGELMANN:** You are advised, I think,  
21           later that summer, that their recommendation is that no  
22           charges should be laid against Constable Dunlop?

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

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

25                      And again, you've talked about setting an

1 early trial date and your availability. You repeat that, I  
2 believe, in this transcript at page 7?

3 MS. HALLETT: Okay, then.

4 MR. ENGELMANN: At Bates page 422, just  
5 about the middle of the page, around line 14?

6 MS. HALLETT: Yes. M'hm.

7 MR. ENGELMANN: And you repeat that request  
8 again?

9 MS. HALLETT: Yes, I asked for a trial date  
10 in the fall. That's right, the fall of 2000, early fall.

11 MR. ENGELMANN: And there's a discussion  
12 about a fall trial date again. This is the court, towards  
13 the bottom of page 9424 ---

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: --- he says:

16 "The bottom line from where you're  
17 sitting is essentially that the trial  
18 obviously scheduled for the month of  
19 May should be cancelled, that a further  
20 trial dated should be provided or be  
21 provided and if I understood you  
22 correctly, you're still looking for  
23 some date in the fall?"

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: "Yes, that's correct."

1                   And given the matters that had recently  
2           arisen, you felt it was fair to present the request for the  
3           adjournment.

4                   **MS. HALLETT:** Um ---

5                   **MR. ENGELMANN:** As a joint request, I  
6           believe?

7                   **MS. HALLETT:** Yes, well I assume that Mr.  
8           Neville would have been interested in the outcome of that  
9           investigation and the fruits of that investigation in terms  
10          of the defence of Charles MacDonald.

11                  **MR. ENGELMANN:** Well, you say that on page  
12          10, Bates page 425:

13                                "I felt the correct position to present  
14                               to the court was that both my friend  
15                               and I, in view of these developments,  
16                               join together in asking the court to  
17                               grant an adjournment."

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

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

20                  **MS. HALLETT:** And Mr. Neville agreed.

21                  **MR. ENGELMANN:** Submission by defence  
22          counsel, at bottom:

23                                "I couldn't agree more."

24                  **MS. HALLETT:** Yes.

25                  **MR. ENGELMANN:** "Can't possibly be a trial



1 in May."

2 All right. All these new developments?

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

4 **MR. ENGELMANN:** And he also refers to, at  
5 page 12, Bates page 427, a new statement from C-8 that he  
6 hadn't seen before and it involves Mr. Dunlop and his  
7 counsel, Mr. Bourgeois. This is a statement from back in  
8 June of '96?

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

10 **MR. ENGELMANN:** And he also states that, with  
11 respect to these new 10 bankers' boxes -- at the bottom of  
12 that page -- that he's going to want to see all of the  
13 material in those boxes.

14 And likewise on page 15, Bates page 430,  
15 that this matter should be put over to a subsequent  
16 assignment court, as opposed to setting a fall trial date,  
17 so that he can get a handle on the entire package.

18 And as I understand it, Ms. Hallett, the  
19 matter was adjourned to August 23<sup>rd</sup>, 2000, for a pre-trial  
20 and to set a trial date, and that's just towards the end of  
21 the transcript?

22 **MS. HALLETT:** Yes, I'm just looking at that.

23 **MR. ENGELMANN:** Page 21.

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

25 **MR. ENGELMANN:** Four-three-six (436), and

1 onto the last page.

2 MS. HALLETT: Okay, then.

3 Yes, I believe that was a date to be able to  
4 try and resolve all of these outstanding disclosure issues.  
5 That was identified ---

6 MR. ENGELMANN: All right.

7 MS. HALLETT: If I can just also mention  
8 though that there -- Mr. Neville did indicate to the court  
9 at this time that this was a very complex case.

10 MR. ENGELMANN: Yes. And that was your view  
11 as well ---

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: --- was it?

14 MS. HALLETT: M'hm. And the ---

15 MR. ENGELMANN: All right, and -- sorry?

16 MS. HALLETT: I think Justice Desmarais  
17 seemed to acquiesce in that characterization of the case at  
18 that time to -- on page 18 of the transcript.

19 MR. ENGELMANN: All right. So I understand  
20 shortly after your attendance at court on the this motion,  
21 or this date to set an adjournment or to have the matter  
22 put over you, would have met with the police officers  
23 perhaps both OPP and CPS ---

24 MS. HALLETT: M'hm.

25 MR. ENGELMANN: --- on this whole issue of

1 the Dunlop boxes?

2 MS. HALLETT: On -- I'm sorry?

3 MR. ENGELMANN: On the issue of the new  
4 banker's boxes?

5 MS. HALLETT: Yes. I attended at the  
6 Cornwall Police Service that day.

7 MR. ENGELMANN: Right. And did you, in  
8 fact, ask that those boxes be transported to the OPP's  
9 offices, the Project Truth offices?

10 MS. HALLETT: Yes. It was my understanding  
11 that we were going to take possession of those, or seize --  
12 have the police, our police, the Project Truth officers,  
13 seize those boxes on that day.

14 MR. ENGELMANN: And why did you want that  
15 done?

16 MS. HALLETT: I'm not sure that I wanted it  
17 done. I thought that that was the plan and I thought it  
18 was a good plan because, of course, of the fact that it  
19 would afford -- if the boxes were brought to the Project  
20 Truth office it would afford -- it would facilitate my  
21 review of the content of the boxes which I felt duty bound  
22 to do.

23 And it seemed to make sense in that in that  
24 these -- the content of these boxes appeared to have been  
25 produced as a result of the order that had been made to

1 Constable Dunlop to disclose everything in his possession  
2 in relation to these Project Truth matters, and so the  
3 Project Truth officers were conducting that investigation -  
4 - those investigations, so it made sense for them to seize  
5 these boxes.

6 And I also thought because of the  
7 allegations of cover-up that were being made by Constable  
8 Dunlop against his own police service, Cornwall Police  
9 Service, that it would be imprudent, unwise, for that  
10 service to continue to retain those boxes when allegations  
11 might be made at a later time consistent with the cover-up  
12 allegation.

13 **MR. ENGELMANN:** Were you aware that  
14 Detective Inspector Hall had a preference for those boxes  
15 remaining at the Cornwall Police Service?

16 **MS. HALLETT:** No. I must say this came as  
17 total news to me after April 23<sup>rd</sup> of 2001.

18 **MR. ENGELMANN:** All right. So that was an  
19 issue that only came to your attention during the course of  
20 the York Regional ---

21 **MS. HALLETT:** At the time ---

22 **MR. ENGELMANN:** --- investigation?

23 **MS. HALLETT:** --- I was advised of the York  
24 Regional investigation, that that would be conducted, and I  
25 was handed this email that had been sent by Detective

1 Inspector Hall.

2 That was the first time that I was aware of  
3 his concern that these boxes had been improperly seized and  
4 -- because I thought that we had arrived at this plan  
5 jointly.

6 He -- as I say, he was in court with me on  
7 April the 18<sup>th</sup>. He overheard my representations to the  
8 court about these boxes and he asked one of his officers,  
9 Detective Dupuis, to come with me when we went to -- to  
10 review, look at these boxes. I just wanted to get an idea  
11 of what we were -- what the volume was like here.

12 And I remember Detective Dupuis came with  
13 me. I looked at the boxes. I even asked for a photograph  
14 to be taken of them and then Detective Dupuis, as I recall,  
15 loaded -- loaded them up and we took them away.

16 **MR. ENGELMANN:** All right.

17 **MS. HALLETT:** Or he took them away, I  
18 believe.

19 **MR. ENGELMANN:** So he didn't express a  
20 concern to you about not wanting Dunlop to blame them for  
21 anything being missing or ---

22 **MS. HALLETT:** No.

23 **MR. ENGELMANN:** --- at that time?

24 **MS. HALLETT:** No, I can't recall that. I  
25 can't recall anything that was said to me by Detective

1 Inspector Hall contrary to what I thought was the plan to  
2 ---

3 MR. ENGELMANN: To take the boxes?

4 MS. HALLETT: Yes, have Project Truth seize  
5 those boxes.

6 MR. ENGELMANN: All right.

7 Now, you then write a letter to James  
8 Stewart to give him an up-date?

9 MS. HALLETT: I do.

10 MR. ENGELMANN: This is the day after ---

11 MS. HALLETT: Yes.

12 MR. ENGELMANN: --- the attendance in court,  
13 and that is Exhibit 244.

14 THE COMMISSIONER: Thank you.

15 MR. ENGELMANN: The Document Number is  
16 113847.

17 This is -- you talked to us earlier about an  
18 update from time-to-time ---

19 MS. HALLETT: M'hm?

20 MR. ENGELMANN: --- to Mr. Stewart, and this  
21 time you actually gave him something in writing?

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: Perhaps because of some of  
24 the important issues that came up in court the day before?

25 MS. HALLETT: That's right.

1                   **MR. ENGELMANN:** And, in particular, at the  
2 bottom of the first page, you say, among other things:

3                   "Justice Desmarais considered the trial  
4                   date..."

5                   And of course that was the date that had been set for May  
6                   1<sup>st</sup> ---

7                   **MS. HALLETT:** Yes.

8                   **MR. ENGELMANN:** "...unrealistic in view of  
9                   the above-mentioned factors."

10                  And we've talked about this before, the additional  
11                  disclosure ---

12                  **MS. HALLETT:** Yes, four features, four  
13                  significant developments.

14                  **MR. ENGELMANN:** Right.

15                  "Michael Neville for the defence did  
16                  not protest the judge's opinion that an  
17                  adjournment was required, but I suspect  
18                  he will attempt to use the delay to  
19                  support an application for a stay under  
20                  section 11(b) of the Charter at some  
21                  later time. I am trusting that the  
22                  unique features of this case,  
23                  characterized by Neville himself in  
24                  yesterday's proceedings as 'too  
25                  complicated to begin to address', will

1 ultimately prevent a stay on the basis  
2 of delay."

3 Do you see that?

4 **MS. HALLETT:** Yes. That was -- that was Mr.  
5 Neville's quote "too" -- these proceedings were ---

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

7 **MS. HALLETT:** --- "too complicated to begin  
8 to address".

9 **MR. ENGELMANN:** But clearly at this point-  
10 in-time, you're aware that 11(b) is likely?

11 **MS. HALLETT:** Oh, absolutely.

12 **MR. ENGELMANN:** And you're concerned about  
13 it?

14 **MS. HALLETT:** Yes. And I think that's a  
15 fair inference from my previous correspondence in the  
16 matter.

17 **MR. ENGELMANN:** All right.

18 Because by this point-in-time, the first set  
19 of charges are from March of '96 and the second set from  
20 '98?

21 **MS. HALLETT:** Yes.

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

23 **MS. HALLETT:** But as I mentioned earlier,  
24 there are a number of developments here over which I really  
25 don't have a lot of control.



1                   **MR. ENGELMANN:** No, fair enough, but I mean,  
2                   just as this is a concern of the Crown ---

3                   **MS. HALLETT:** Right.

4                   **MR. ENGELMANN:** --- to keep these charges  
5                   alive and make sure you have a trial?

6                   **MS. HALLETT:** Yes.

7                   **MR. ENGELMANN:** And you've talked to us  
8                   about this flexibility you had for the fall trying to get a  
9                   date.

10                  **MS. HALLETT:** Yes.

11                  **MR. ENGELMANN:** And presumably you're trying  
12                  to get a preliminary inquiry or special examiner or some  
13                  kind of date to deal with the C-2 allegations quickly?

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

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

16                  Now, with respect to the boxes, you refer in  
17                  this letter to wanting to personally review the Dunlop  
18                  materials?

19                  **MS. HALLETT:** Yes.

20                  **MR. ENGELMANN:** And I understand that as at  
21                  sometime in June, you had started that review?

22                  **MS. HALLETT:** Yes. I believe I started it  
23                  even on that trip down. I may have started it on April the  
24                  18<sup>th</sup>, I'm not sure, but I wanted to try and get through  
25                  those boxes as soon as possible but I couldn't do it in a

1 single block of time, so the review of the content of the  
2 boxes was conducted over the course of -- of three or  
3 possibly four attendances in Cornwall for that purpose.

4 **MR. ENGELMANN:** All right.

5 I just want to take you to a notation in  
6 Detective Inspector Hall's notes on this issue ---

7 **MS. HALLETT:** Okay.

8 **MR. ENGELMANN:** --- and, in particular, with  
9 respect to defence counsel also reviewing and looking at  
10 boxes.

11 **MS. HALLETT:** Okay.

12 **MR. ENGELMANN:** Exhibit 2754, sir? Document  
13 Number 727756.

14 **THE COMMISSIONER:** We could perhaps just put  
15 it on the screen if it's just a note?

16 **MR. ENGELMANN:** Yes, it's just a one-page  
17 reference, sir. Hopefully, we can do that, and it's easier  
18 to read, Ms. Hallett, on the screen actually.

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

20 **MR. ENGELMANN:** Bates page 7110529, and I  
21 can inform you that that date is June the 8<sup>th</sup>, 2000.

22 **MS. HALLETT:** Okay.

23 **MR. ENGELMANN:** Right near the top of the  
24 page.

25 "Attended Project Truth offices..."

1 Oh, boy.

2 MS. HALLETT: This is why I ---

3 MR. ENGELMANN: All right.

4 MS. HALLETT: --- would always get the  
5 officers to ---

6 MR. ENGELMANN: Well, actually, the part ---

7 MS. HALLETT: --- to read their notes to me.

8 MR. ENGELMANN: Because the part that deals  
9 with you starts:

10 "See Hallett on nine boxes of Dunlop  
11 material."

12 MS. HALLETT: Okay.

13 MR. ENGELMANN: "When she is finished  
14 reviewing same will request Mr. Neville  
15 to view same..."

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: "...then will return them  
18 to CPS."

19 MS. HALLETT: Okay.

20 MR. ENGELMANN: Okay? So it would appear  
21 that during this period of time, just to give us a marker  
22 anyway, you're reviewing these boxes still?

23 MS. HALLETT: Yes.

24 MR. ENGELMANN: And this is in June?

25 MS. HALLETT: Yes.

1                   **MR. ENGELMANN:** And presumably it was your  
2 intention after you reviewed these boxes to allow Defence  
3 counsel to do so as well?

4                   **MS. HALLETT:** I wasn't sure exactly. I  
5 didn't know what the content of the boxes was going to be.

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

7                   **MS. HALLETT:** So I hadn't formulated a  
8 concrete plan and that would depend on what was in those  
9 boxes.

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

11                   And Ms. Hallett, I understand in late June,  
12 on the 27<sup>th</sup> of June, you had an unannounced visit by  
13 Constable Dunlop at your offices in Toronto?

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

15                  **MR. ENGELMANN:** Madam Clerk, it's a loose  
16 document, handwritten notes, Document Number 109191.

17                   Now you've told us before, Ms. Hallett, that  
18 when you meet with witnesses, you like to have a police  
19 officer present?

20                  **MS. HALLETT:** Yes.

21                  **MR. ENGELMANN:** This was an unannounced  
22 visit?

23                  **MS. HALLETT:** Yes.

24                  **MR. ENGELMANN:** You did not have a police  
25 officer present?

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

2                   **MR. ENGELMANN:** Did you ask someone from  
3 your office to attend?

4                   **MS. HALLETT:** I did. I asked one of the  
5 clerks at the Crown Law Office, Criminal, one of the  
6 administrative clerks to be present and taking notes at the  
7 time that I was speaking with Constable Dunlop.

8                   **MR. ENGELMANN:** And his name was Michael  
9 Chard?

10                  **MS. HALLETT:** Yes, the clerk's name.

11                  **MR. ENGELMANN:** All right.

12                  Mr. Commissioner, Document 109191, as I  
13 understand it are the handwritten notes of Michael Chard's.  
14 If that could be the next exhibit, sir?

15                  **THE COMMISSIONER:** I'm just looking. Do we  
16 need a publication stamp? It doesn't look like it.

17                  **MR. ENGELMANN:** I don't think so.

18                  **THE COMMISSIONER:** 3222.

19                  **--- EXHIBIT NO./PIÈCE No. P-3222:**

20                                 (109191) - Notes of Michael Chard re:  
21                                 Meeting of Shelley Hallett and Perry Dunlop  
22                                 dated 27 Jun 00

23                  **MR. ENGELMANN:** Now, aside from Mr. Chard  
24 being asked to attend by you, I understand that Mr. Dunlop  
25 arrived in the company of a minister by the name of Alan

1 Stewart?

2 MS. HALLETT: That's right.

3 MR. ENGELMANN: Is that anyone you had heard  
4 of before?

5 MS. HALLETT: No, I didn't know that  
6 gentleman.

7 THE COMMISSIONER: A reverend as opposed to  
8 a political person.

9 MR. ENGELMANN: Yes, I'm sorry, that's what  
10 I meant.

11 THE COMMISSIONER: No, no.

12 MR. ENGELMANN: Reverend Alan Stewart, and  
13 in fact his business card is attached on the last page?

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: And I understand that you  
16 had a discussion with him at that time regarding some of  
17 the personal materials that he had disclosed within these  
18 nine boxes?

19 MS. HALLETT: Yes.

20 MR. ENGELMANN: Amongst other things, that  
21 was an issue that came up in your discussion?

22 MS. HALLETT: That's right.

23 MR. ENGELMANN: And starting at the second  
24 page, Mr. Chard notes a conversation you're having with  
25 Constable Dunlop regarding the definitions of records and

1 possibly privacy interests?

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

3 **MR. ENGELMANN:** And can you just explain to  
4 us what your position was at that time with respect to your  
5 disclosure obligations and balancing them with Dunlop's --  
6 Constable Dunlop's privacy interests?

7 **MS. HALLETT:** Yes. I had -- I had almost  
8 completed my review of the boxes by this time and it was  
9 clear to me that a lot of the material that was included in  
10 these boxes was what would be properly defined as a record  
11 within the meaning of section 278.1 of the *Criminal Code*,  
12 which is the first section of that part of the Code that  
13 deals with third party record applications.

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

15 **MS. HALLETT:** And there were highly  
16 confidential -- some of the material in there was highly  
17 confidential and private. For example, I recall -- I  
18 believe doctors' prescriptions or something.

19 I'm trying to remember exactly. I did  
20 itemize ---

21 **MR. ENGELMANN:** This was things when he was  
22 on long-term disability?

23 **MS. HALLETT:** It may, yes. It seemed to me  
24 that some of the material there was material that would  
25 support his lawsuit in terms of the damages, the damages

1 that he had suffered as a result of the disciplinary action  
2 taken against him by his police service.

3 **MR. ENGELMANN:** All right.

4 So there was some degree of balancing?

5 **MS. HALLETT:** Yes, exactly. I haven't --  
6 I'm sorry, but I haven't refreshed my memory of this  
7 document for some time and I do note the time. I was  
8 wondering if I might be able to look at this over a break.

9 **THE COMMISSIONER:** Good idea. Thank you.  
10 We'll take the morning break.

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

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

14 --- Upon recessing at 11:00 a.m. /

15 L'audience est suspendue à 11h00

16 --- Upon resuming at 11:23 a.m. /

17 L'audience est reprise à 11h23

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

20 This hearing has now resumed. Please be  
21 seated. Veuillez vous asseoir.

22 **MR. ENGELMANN:** Mr. Commissioner, I  
23 understand there is a technical problem with a service  
24 provider. We're not able to put documents up on the screen  
25 right now. I'm sure Madam Clerk will let us know when and



1 if that comes back on stream.

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

4 MR. ENGELMANN: Ms. Hallett, we're going to  
5 work with hard copies.

6 MS. HALLETT: Okay, then.

7 MR. ENGELMANN: And I believe you wanted an  
8 opportunity to review Exhibit 3222 over the break?

9 MS. HALLETT: Yes.

10 MR. ENGELMANN: Did you get a chance to do  
11 that?

12 MS. HALLETT: I did, yes.

13 MR. ENGELMANN: These notes are fairly  
14 legible?

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: All right.

17 THE COMMISSIONER: Is the webcast  
18 functioning?

19 MR. ENGELMANN: The webcast is functioning,  
20 but we can't -- I apologize to counsel and those in  
21 attendance. We can't put documents up on the screen.

22 THE COMMISSIONER: All right. That's fine.

23 MR. ENGELMANN: As soon as we can Madam  
24 Clerk will let us know.

25 So, Ms. Hallett, we were looking at this

1 document.

2 On the third page of the document, Bates  
3 page 388, you are apparently giving -- you're suggesting to  
4 Constable Dunlop that he should get some legal assistance  
5 with this re: possibly waiving rights to privacy regarding  
6 release of documentation?

7 **MS. HALLETT:** That's right. I wasn't going  
8 to try and purport to tell him what to do with respect to  
9 any privacy claims he had in respect of some of the  
10 documents in those boxes. I recommended that he speak with  
11 a lawyer about them. He had the right to do that and --  
12 but that I was hoping that things could be done by consent  
13 here and not by application in terms of the Charles  
14 MacDonald trial.

15 **MR. ENGELMANN:** And to keep things moving?

16 **MS. HALLETT:** Yes.

17 **MR. ENGELMANN:** All right.

18 On the last page there's a reference to  
19 Dunlop/Hallett meeting regarding going through documents to  
20 see what deals with MacDonald. Did that ever happen?

21 **MS. HALLETT:** I'm sorry, but ---

22 **MR. ENGELMANN:** On the last page.

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

24 **MR. ENGELMANN:** It's page 4. It's Bates  
25 page 1042389.

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: It's about the fourth  
3 paragraph down.

4 MS. HALLETT: Yes.

5 Further discussion -- there was a further  
6 discussion on reviewing documents to find out what is  
7 appropriate in the Charles MacDonald case.

8 MR. ENGELMANN: Yes, but there's a reference  
9 to possibly a further meeting to discuss this. Did that  
10 ever happen?

11 MS. HALLETT: Could you direct ---

12 MR. ENGELMANN: It says, "discussion  
13 regarding Dunlop/Hallett meeting".

14 MS. HALLETT: Oh I see, yes.

15 MR. ENGELMANN: Did that ever happen?

16 MS. HALLETT: No, not with Constable Dunlop.

17 MR. ENGELMANN: All right.

18 MS. HALLETT: He left the province, I  
19 believe, just shortly after this meeting.

20 MR. ENGELMANN: All right.

21 And you do, though, give him some advice  
22 that in future you would prefer that this go through some  
23 kind of an official channel; in other words, the Cornwall  
24 Police Service?

25 MS. HALLETT: Well, I made it very clear

1 right at the beginning of this meeting that, you know, this  
2 wasn't the way for documents to come into my possession.  
3 You know, ordinarily evidence would be seized by the  
4 police, the investigating police and held and, you know,  
5 presented to the Crown and then to the Defence.

6 So I did, you know, I told him it was ill-  
7 advised to serve documents on the Ministry of the Attorney  
8 General himself and that the system, that the criminal  
9 justice system provide for this kind of information to be  
10 handed over to the police and then it would come into my  
11 possession.

12 So I was telling him that really it wasn't a  
13 good idea to be going about things in this manner.

14 **MR. ENGELMANN:** But you were aware, were you  
15 not, that the documents he was giving you were a duplicate  
16 copy of what he had already given?

17 **MS. HALLETT:** It appeared to be the case but  
18 that is one of the things that we did in this meeting. I  
19 went and got the ones that I had been -- that I had gotten  
20 in April of 2000 when I was down here -- just I think  
21 around April 18<sup>th</sup> or the day before I had gotten these  
22 items; that is, his notes and will say and the appendices.

23 And they appeared at least on, you know  
24 first blush, to be duplicates but I wasn't absolutely sure  
25 if that was the case. And in fact just even when we

1 started at this point to look at that, there were just very  
2 minor discrepancies, I believe, in terms of page numbers  
3 and that between these two items; that is, the ones he was  
4 bringing in to give me and the ones that I already had.

5 MR. ENGELMANN: Yeah, you reference three  
6 pages or something on the -- on the second page of the  
7 document.

8 MS. HALLETT: Right.

9 MR. ENGELMANN: And ---

10 MS. HALLETT: So to answer your question, I  
11 wasn't sure if they were duplicates, but I was certainly  
12 intending to satisfy myself of that.

13 MR. ENGELMANN: All right.

14 And we've already referred to it in another  
15 context, Ms. Hallett, but the July 4<sup>th</sup>, 2000 note you write  
16 to Officer Dupuis ---

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: --- it's just after this and  
19 that's Exhibit 2623.

20 MS. HALLETT: M'hm.

21 (SHORT PAUSE/COURTE PAUSE)

22 MS. HALLETT: Thank you.

23 MR. ENGELMANN: Ms. Hallett ---

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: --- with this letter, you're

1 sending the documents you've just received from Constable  
2 Dunlop to the OPP.

3 **MS. HALLETT:** That is -- yes, that's right.  
4 I'm enclosing the note of Michael Chard. That is the item  
5 that we've just referred to and I'm enclosing those to the  
6 -- to Detective Dupuis.

7 **MR. ENGELMANN:** You refer to the fact that  
8 you're going to check to see if, in fact, they are  
9 duplicates.

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

11 **MR. ENGELMANN:** And you're going to be  
12 reviewing the Dunlop material; you say that at the bottom  
13 of the page ---

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

15 **MR. ENGELMANN:** --- you're going to meet  
16 with C-2 and you're going to be reviewing box 9.

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** And did you -- did you ever  
19 ---

20 **MS. HALLETT:** I just -- you know, I want to  
21 make clear that the item that you've produced for me is, in  
22 fact, the -- a photocopy of the item that was delivered by  
23 Detective Seguin to me from Detective Inspector Hall  
24 because it's got that endorsement there. But, of course,  
25 this letter when I sent it to Joe Dupuis on July 4<sup>th</sup> of 2000

1 -- didn't have Pat Hall's endorsement there; right?

2 MR. ENGELMANN: No, nor did it have the  
3 stamp from the ---

4 MS. HALLETT: No, exactly.

5 MR. ENGELMANN: Yeah.

6 MS. HALLETT: I just want to make that  
7 clear.

8 MR. ENGELMANN: Fair enough. Fair enough.  
9 All right.

10 So you're bringing the OPP up to speed with  
11 what's just happened ---

12 MS. HALLETT: Yes.

13 MR. ENGELMANN: --- and you're also letting  
14 your colleague, Christine Bartlett-Hughes know.

15 MS. HALLETT: Yes.

16 MR. ENGELMANN: And did you, in fact,  
17 complete a review of the Dunlop boxes ---

18 MS. HALLETT: Yes ---

19 MR. ENGELMANN: --- over the course of the  
20 summer?

21 MS. HALLETT: --- I did.

22 MR. ENGELMANN: All right.

23 Now, I understand that you had set a date of  
24 August 23<sup>rd</sup> for a pre-trial conference and possibly setting  
25 up a trial date.

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

2                   **MR. ENGELMANN:** And I understand that, at  
3 that time, there was a further disclosure presented to the  
4 defence and that, in fact, is Volume 9 of the materials,  
5 the Crown briefs with respect to the prosecution of Charles  
6 MacDonald.

7                   And that just by way of reference is  
8 Exhibit 2885.

9                   And it's my understanding, Ms. Hallett, this  
10 was delivered -- just give me a moment.

11                   **MS. HALLETT:** Thank you.

12                   **(SHORT PAUSE/COURTE PAUSE)**

13                   **MR. ENGELMANN:** This was delivered -- I'm  
14 looking at the brief log -- this was delivered -- Volume 9  
15 was delivered to you on August 23<sup>rd</sup>, 2000.

16                   I believe you would have then given it  
17 immediately to Defence counsel on that day. That's the  
18 date of the pre-trial. Do you have some recollection of  
19 that?

20                   **MS. HALLETT:** Yes, I do. August 23<sup>rd</sup>, I --  
21 yes, we spoke to this matter and I'm sorry, you're asking  
22 me -- I'm not quite sure what you're asking me about.

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

24                   Is the witness -- you're up now? No, okay.  
25 Well, the Bates page is 7039367, Exhibit



1 2885.

2 MS. HALLETT: Okay. Yes, and I believe this  
3 is all of the indices for all of the volumes on the Charles  
4 MacDonald case.

5 MR. ENGELMANN: Yeah, the Bates -- sorry,  
6 I'm looking at -- if you could look at the Bates page 367?  
7 The Document Number, counsel, is 710369.  
8 I'm talking about Volume 9.

9 MS. HALLETT: Okay.

10 MR. ENGELMANN: And I've looked at the OPP  
11 brief log ---

12 MS. HALLETT: Okay.

13 MR. ENGELMANN: --- and it says it was given  
14 to you on August 23<sup>rd</sup>, 2000. That was the date you had a  
15 pre-trial and you were hoping to set a trial date as well.

16 MS. HALLETT: Yes, okay.

17 MR. ENGELMANN: Do you recall giving volume  
18 9 to the defence that day?

19 MS. HALLETT: I believe that -- I know I  
20 gave -- I provided disclosure on that day and I'm assuming  
21 that this is what I provided then.

22 MR. ENGELMANN: All right.

23 And I understand that the matter was  
24 adjourned to October 19<sup>th</sup> of 2000 to set a date.

25 MS. HALLETT: That's right.

1                   **MR. ENGELMANN:** All right.

2                   And presumably because of the new  
3 disclosure, a date was not set on August 23<sup>rd</sup>, 2000.

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

5                   **MR. ENGELMANN:** There may have been other  
6 reasons but that could have been one of them?

7                   **MS. HALLETT:** I'm not sure. Do we have a  
8 transcript of that day?

9                   **MR. ENGELMANN:** No. Well, I don't have it  
10 handy. Oh, sorry. Never say never -- Document 113579.

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

12                   **THE COMMISSIONER:** Thank you. Exhibit  
13 Number 3223 is a ---

14                   **MS. HALLETT:** Thank you.

15                   **THE COMMISSIONER:** --- transcript of an  
16 adjournment heard before the Honourable Mr. Justice  
17 Desmarais on August 23<sup>rd</sup>, 2000.

18                   **--- EXHIBIT NO./PIÈCE NO. P-3223:**

19                   (113579) - Adjournment re: R.v. Charles  
20 MacDonald dated 23 Aug 00

21                   **MR. ENGELMANN:** Right in the opening  
22 paragraph on the first page the judge is saying:

23                   "As a result of pre-trial discussions,  
24 this matter will be put over to October  
25 19<sup>th</sup> assignment court at 9 a.m. for the

1                   purpose of securing a trial date."

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

3                   **MR. ENGELMANN:** "Ms. Hallett, I understand  
4                   there are certain comments that you  
5                   wish to make for the purposed of the  
6                   record."

7                   So presumably there was some discussion  
8                   before?

9                   **MS. HALLETT:** Yes, and I'm just refreshing  
10                  my memory as to what they were about.

11                  **MR. ENGELMANN:** You start by saying:  
12                  "I just wanted to ensure that the  
13                  record disclosed the Crown was in a  
14                  position of setting a trial date  
15                  today."

16                  **MS. HALLETT:** M'hm. Yes, that's what I did  
17                  say.

18                  **MR. ENGELMANN:** And at the bottom of Bates  
19                  page 765, the last paragraph -- and this is what I mean  
20                  about the disclosure -- and I believe we're back on the  
21                  screen now. Thank you -- you say:

22                  "The Crown is certainly ready to  
23                  proceed. Certainly, the items that I  
24                  provided to the defence today I think  
25                  could have been reviewed in sufficient

1 time before the next trial date, which  
2 I believe that there was a date that  
3 was going to be made available the 2<sup>nd</sup>  
4 of April, 2001..."

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

6 **MR. ENGELMANN:**

7 "...so I would have liked to have  
8 grabbed that [date] trial date in order  
9 to have this matter proceed in as  
10 timely a way as possible."

11 **MS. HALLETT:** Yes.

12 **MR. ENGELMANN:**

13 "My friend takes the position that he  
14 needs more time to review disclosure."

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** All right.

17 And in fact, that was the position of the  
18 defence.

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

20 **MR. ENGELMANN:** All right.

21 **MS. HALLETT:** If I could just look this over  
22 though ---

23 **MR. ENGELMANN:** Yes.

24 **MS. HALLETT:** --- Mr. Engelmann? ...

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MS. HALLETT:** Yes, on this date, one of the  
2 items that is being disclosed is the result of the criminal  
3 investigation of Detective Dunlop.

4                   **MR. ENGELMANN:** Right.

5                   **MS. HALLETT:** And I do advise the court that  
6 although charges were not going to be laid against  
7 Constable Dunlop, who I did not name on that day, the  
8 results of the investigation had come into the Crown's  
9 possession and I had provided them to Mr. Neville, but  
10 those had become available only at the end of July of that  
11 year.

12                   **MR. ENGELMANN:** All right.

13                   And the judge concludes by presumably  
14 confirming what he had said in your off-the-record comments  
15 or discussions; in other words, that given that some  
16 disclosure had been made to defence counsel just that day -  
17 --

18                   **MS. HALLETT:** Yes.

19                   **MR. ENGELMANN:** --- that out of fairness,  
20 the adjournment in question is not an unreasonable request?

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

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

23                   Then if we could look at Exhibit 2614, and  
24 I'm looking at Bates page 914; these are notes of Officer  
25 Dupuis.

1                   **MS. HALLETT:** Okay.

2                   **MR. ENGELMANN:** And I believe this is a  
3 meeting about -- these are notes of the meeting with the  
4 judge and counsel with respect to the disclosure?

5                   **MS. HALLETT:** I'm sorry, and this is from  
6 the 23<sup>rd</sup> of August ---

7                   **MR. ENGELMANN:** It is.

8                   **MS. HALLETT:** --- of 2003?

9                   **MR. ENGELMANN:** It is.

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

11                  **MR. ENGELMANN:** And the notes indicate that:

12                                "The court, re: Father MacDonald,  
13 meeting with judge, Hallett, Neville.  
14 Discussed disclosure; discussed  
15 Neville's calendar..."

16                                And something about a murder trial and he's  
17 had no time -- he wanted -- defence counsel wanted to check  
18 the nine boxes:

19                                "...did not know when he could do so.  
20 Tried to get trial date for 2<sup>nd</sup> April,  
21 2000. Defence counsel did not wish to  
22 set trial date. Matter put over to  
23 October 19<sup>th</sup>, 2000, nine o'clock.  
24 Hallett to try and get permission from  
25 Dunlop so Neville can go through the

1 nine banker's boxes."

2 MS. HALLETT: M'hm.

3 MR. ENGELMANN: "Neville told that he..."

4 Something "disclosure" ---

5 MS. HALLETT: "He has full disclosure  
6 with..."

7 MR. ENGELMANN: Yes:

8 "...with regards to the materials in  
9 the boxes."

10 MS. HALLETT: --- "with regards to material  
11 in the boxes."

12 MR. ENGELMANN: All right.

13 So there's this issue about trying to get  
14 permission from Constable Dunlop?

15 MS. HALLETT: Yes. I believe that I  
16 discussed with Mr. Neville, though, an opportunity to  
17 inspect those boxes even outside of any consent by  
18 Constable Dunlop.

19 MR. ENGELMANN: In other words, to make them  
20 available at your office?

21 MS. HALLETT: Well, or I believe that at  
22 that -- yes, either at the Project Truth office or at the  
23 Long Sault Detachment.

24 MR. ENGELMANN: All right.

25 MS. HALLETT: An opportunity to inspect

1           which would sort of be a middle road in terms of --  
2           although I did feel that what was in the boxes that related  
3           to the Charles MacDonald case had been properly disclosed.

4                        There were some confidential -- there was  
5           confidential material in there that I did feel were the  
6           subject of confidential records provisions of the Code, but  
7           I was prepared to allow Mr. Neville to go through the boxes  
8           and satisfy himself that my review was a satisfactory one  
9           and that if you didn't agree that he could get copies of  
10          what he didn't think he had that was relevant.

11                      **MR. ENGELMANN:** Did that actually happen?  
12          Did he take you up on that offer?

13                      **MS. HALLETT:** No, I don't believe he did.

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

15                      Now, we've -- I understand that after Mr.  
16          McConnery became involved, he decided to release the entire  
17          contents of these boxes?

18                      **MS. HALLETT:** Yes, he had a different  
19          approach to the issue.

20                      **MR. ENGELMANN:** Any discussion with you on  
21          that?

22                      **MS. HALLETT:** No.

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

24                      **MS. HALLETT:** No.

25                      **MR. ENGELMANN:** I don't know if you're aware



1 of this, but in the review of some of these materials it  
2 was identified that notes from a Cornwall police officer  
3 way back when, the first formal interview they had with  
4 David Silmser, those notes were discovered, I believe, by  
5 defence counsel upon that review.

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

7 **MR. ENGELMANN:** Were you aware of that  
8 disclosure issue?

9 **MS. HALLETT:** No, I wasn't. I was ---

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

11 **MS. HALLETT:** I was out of these Project  
12 Truth cases by that time.

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

14 Now, as I understand it, Ms. Hallett, there  
15 was a preliminary inquiry with respect to the C-2 charges  
16 and that was conducted from August 28<sup>th</sup> to August 30<sup>th</sup> of  
17 2000?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** And Charles MacDonald was  
20 committed to stand trial on those charges?

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

22 **MR. ENGELMANN:** And I understand that in  
23 mid-October a new indictment consolidating the previous  
24 indictment of September 10<sup>th</sup> with the new charges relating  
25 to C-2 was prepared.

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: And that -- I'm just  
3 wondering if prior to the consolidation of those charges  
4 whether there had been any discussion about that matter  
5 with the defence and whether you were aware of the defence  
6 counsel's position on that?

7 MS. HALLETT: About the consolidation?

8 MR. ENGELMANN: Yes, any issues on that at  
9 the time that you knew of?

10 MS. HALLETT: I wasn't aware of any  
11 departure from what I had been originally advised by Mr.  
12 Neville in our telephone conversation of April 11<sup>th</sup> of 2000  
13 and which I documented in my letter to him on April 12<sup>th</sup> of  
14 2000.

15 MR. ENGELMANN: All right.

16 And you write a letter -- you're to be in  
17 court on the 19<sup>th</sup>, I understand. Someone speaks to this for  
18 you, but you write a letter to the trial coordinator the  
19 day before, and that's Exhibit 2263.

20 MS. HALLETT: Okay.

21 MR. ENGELMANN: Counsel, Document Number  
22 109231.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ENGELMANN: It's really only the one  
25 page, Ms. Hallett. There is a signatory in the next. It

1 appears you're writing to the court asking that priority be  
2 given to this trial date and you're setting out when you're  
3 available and when defence counsel is available.

4 **MS. HALLETT:** Yes.

5 **MR. ENGELMANN:** All right.

6 And as I understand it, on the 19<sup>th</sup> of  
7 October 2000, a trial date was set for May 28<sup>th</sup>, 2001?

8 **MS. HALLETT:** Yes, if -- I'm sorry, are you  
9 reading from the transcript? Is that a ---

10 **MR. ENGELMANN:** No, I just know that from  
11 the court appearance log.

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

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

14 And at this time, in any event, the matter  
15 is proceeding as a jury trial?

16 **MS. HALLETT:** Okay.

17 **MR. ENGELMANN:** And the indictment itself,  
18 as I said, was prepared on October 18<sup>th</sup>, 2000. You recall  
19 adding those four additional charges; correct?

20 **MS. HALLETT:** Yes.

21 **MR. ENGELMANN:** Did the decision to charge  
22 regarding C-2, in looking back, contribute to the delay in  
23 this matter?

24 **MS. HALLETT:** No, I don't think that it did.  
25 It may have been characterized later as contributing to the

1 delay, but there were these other significant developments  
2 that were occurring at the same time as C-2 had come  
3 forward and been identified, and I believe that those  
4 really were the significant contributors. But we wrapped  
5 all of it up at around the same time; that is, I concluded  
6 my review of the nine boxes from Dunlop. We had the  
7 results of the criminal investigation that became available  
8 at the end of July. I had provided -- I looked at the two  
9 sets of notes and appendices and the will say from  
10 Constable Dunlop and was satisfied that they were, in fact,  
11 duplicates that we -- we made sure that we had a duplicate  
12 copy and that those had been provided to Mr. Neville.

13 So things were coming to a conclusion, I  
14 think, more or less at the same time.

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

16 Now, we know what happened on March 1<sup>st</sup> of  
17 2001 with respect to the ---

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** --- decision from Justice  
20 Chadwick.

21 **MS. HALLETT:** Right.

22 **MR. ENGELMANN:** And I don't want to  
23 mischaracterize this but with respect to your other work on  
24 Project Truth ---

25 **MS. HALLETT:** Right.

1                   **MR. ENGELMANN:** --- did you ask to be  
2 relieved of that other work as a result of that decision or  
3 were you asked to give it up to others, or do you recall?

4                   **MS. HALLETT:** Oh, it was recommended to me  
5 that I not continue and I had -- it was apparent to me that  
6 I should not continue.

7                   **MR. ENGELMANN:** Right. And the appeal is  
8 going forward but, in the meantime, these matters were  
9 going to be assigned to other prosecutors?

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

11                   **MR. ENGELMANN:** And in the case of the  
12 Charles MacDonald prosecution, that became Lorne McConnery?

13                   **MS. HALLETT:** Yes.

14                   **MR. ENGELMANN:** And Kevin Phillips?

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

16                   **MR. ENGELMANN:** Lorne McConnery in any  
17 event; correct?

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

19                   **MR. ENGELMANN:** And I just want to ask you a  
20 few questions about the transfer to him.

21                   **MS. HALLETT:** Okay.

22                   **MR. ENGELMANN:** There's a letter from James  
23 Stewart or a letter from you to James Stewart dated March  
24 30<sup>th</sup>, 2001, and that is Exhibit 2827. The Document Number  
25 is 109241.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. ENGELMANN: Now, this letter apparently  
3 you received further disclosure with respect to the ---

4 MS. HALLETT: C-2?

5 MR. ENGELMANN: Yes.

6 MS. HALLETT: Yes.

7 MR. ENGELMANN: And that was in mid-March  
8 2001?

9 MS. HALLETT: Yes, further disclosure and a  
10 videotape of C-2's statement to the police in January of  
11 2000.

12 MR. ENGELMANN: And your purpose in writing  
13 to Mr. Stewart at this time is what?

14 MS. HALLETT: Well, I wanted to make sure  
15 that these items were disclosed, but I wanted to make sure  
16 that there was another counsel available who could make  
17 that disclosure because I didn't want to be responsible for  
18 any further disclosure responsibilities in respect of the  
19 Project Truth cases.

20 MR. ENGELMANN: Right. And you're advising  
21 the Project Truth officers of that as well?

22 MS. HALLETT: By way of a copy of the letter  
23 to Detective Inspector Hall.

24 MR. ENGELMANN: So it would appear at this  
25 time that a new counsel has not been assigned?

1 MS. HALLETT: That's right.

2 MR. ENGELMANN: Otherwise, you probably  
3 would have copied them?

4 MS. HALLETT: Yes.

5 MR. ENGELMANN: Yes. And then I would like  
6 to take you to Exhibit 3044. It's Document Number 103014.  
7 It's a memorandum you write to Lorne McConnery dated June  
8 2<sup>nd</sup>, 2001.

9 MS. HALLETT: Okay.

10 MR. ENGELMANN: Most of what I need is right  
11 on that one page.

12 MS. HALLETT: M'hm.

13 MR. ENGELMANN: It refers to the fact that  
14 you have got eight boxes of materials that are ready for  
15 pickup dealing with the MacDonald prosecution?

16 MS. HALLETT: Yes, just one moment please.  
17 Yes, thank you.

18 MR. ENGELMANN: You refer to the fact that  
19 that's not all of the materials?

20 MS. HALLETT: That's right.

21 MR. ENGELMANN: For example:

22 "There will be some remaining boxes for  
23 pickup on a later date containing the  
24 preliminary inquiry transcripts,  
25 videotapes, correspondence, files and

1 case books. I need more time to  
2 itemize these."

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

4 **MR. ENGELMANN:** And you also attach another  
5 memorandum for March and, I think, enclosing what we just  
6 looked at?

7 **MS. HALLETT:** Yes. The items that I had  
8 been sent by Detective Inspector Hall, I alerted Lorne in  
9 bold copy here -- in bold print -- that the second copy of  
10 the materials that I had received on the C-2 matter needed  
11 to be disclosed to the Defence, "please do so as soon as  
12 possible."

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

14 And then attached on the following three  
15 pages you have a description of the contents of these boxes  
16 that he's picking up?

17 **MS. HALLETT:** Yes.

18 **MR. ENGELMANN:** All right.

19 And I understand that on July 18<sup>th</sup>, 2001, Mr.  
20 McConnery wrote to you. This is Exhibit 3045, Document  
21 Number 109243. It's again just a two-page letter.

22 **MS. HALLETT:** Right, m'hm.

23 **MR. ENGELMANN:** It would be faster to do it  
24 on the screen.

25 **MS. HALLETT:** Okay. Just if I can also



1 mention just with respect to that document that we were  
2 just looking at, Mr. Engelmann, I do forward to Lorne  
3 McConnery the summaries of the preliminary inquiry  
4 transcripts.

5 **MR. ENGELMANN:** Yes.

6 **MS. HALLETT:** Which had been prepared by  
7 Nadia Thomas, our articling student, which I felt were  
8 extremely good summaries of the transcripts of the -- how  
9 should I -- all of the complainants' evidence given at the  
10 preliminary inquiry in the first two prelims as well as the  
11 civil discoveries.

12 **MR. ENGELMANN:** Right. She'd summarised  
13 both.

14 **MS. HALLETT:** Yes.

15 **MR. ENGELMANN:** The criminal and the civil -  
16 --

17 **MS. HALLETT:** All three, yeah.

18 **MR. ENGELMANN:** Right, but he did not get  
19 the preliminary inquiry transcripts themselves?

20 **MS. HALLETT:** He didn't until later.

21 **MR. ENGELMANN:** Right.

22 **MS. HALLETT:** That's right, but I was doing  
23 my best at this point. I was under criminal investigation  
24 at this time. I was retaining counsel and getting ready  
25 for the York Regional Police investigation.

1                   **THE COMMISSIONER:** And I understand that. I  
2                   guess what my thought, my question is, why not just  
3                   photocopy the whole thing, keep that in your office, and  
4                   send everything off? That way you would have the materials  
5                   so that you could prepare for whatever you had to do, and  
6                   it would not inhibit anyone from getting ---

7                   **MS. HALLETT:** Preparing.

8                   **THE COMMISSIONER:** Yes.

9                   **MS. HALLETT:** That probably was the better  
10                  idea. I just was confronted with a couple of devastating -  
11                  --

12                  **THE COMMISSIONER:** No.

13                  **MS. HALLETT:** --- devastating incidents in  
14                  my life at this point. I was doing my best to be  
15                  professional. It was very difficult.

16                  **THE COMMISSIONER:** Fine.

17                  **MR. ENGELMANN:** And in his letter of July  
18                  18<sup>th</sup> to you, he's confirming what he has received from you?

19                  **MS. HALLETT:** Yes.

20                  **MR. ENGELMANN:** Correct?

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

22                  **MR. ENGELMANN:** The eight bankers' boxes of  
23                  materials; b) one nine-volume brief; this is the conspiracy  
24                  to obstruct, and then the various other briefs.

25                  We've looked at this letter before.

1 MS. HALLETT: Yes, m'hm.

2 MR. ENGELMANN: All right.

3 And he's saying if there are any outstanding  
4 material you still have, give me a call. All right?

5 MS. HALLETT: That's right.

6 MR. ENGELMANN: And then ---

7 MS. HALLETT: I felt that was -- how should  
8 I say? I just -- I guess I'm responding to the  
9 Commissioner's questions.

10 I think my thinking at the time also, sir,  
11 was that I was providing quite a lot in that that would at  
12 least give him enough to get started on until this part of  
13 ---

14 THE COMMISSIONER: Yeah.

15 MS. HALLETT: --- until the criminal  
16 investigation was over.

17 THE COMMISSIONER: So tell me, did you get  
18 any directions from any of your supervisors or powers to be  
19 on how to do that?

20 MS. HALLETT: How to?

21 THE COMMISSIONER: You know, they obviously  
22 knew that you were facing the effect of the Leduc matter  
23 and all of that?

24 MS. HALLETT: Right.

25 THE COMMISSIONER: Did anyone come to your

1 assistance and say, "Listen, Ms. Hallett, why don't you do  
2 it this way?"

3 **MS. HALLETT:** No. No, they didn't but I  
4 should have known what to do myself, and as I say I thought  
5 I was more or less doing what was necessary. There were  
6 the eight bankers' boxes of materials. I had summarised  
7 the contents of them.

8 **THE COMMISSIONER:** No, but I'm looking at  
9 the institutional response.

10 **MS. HALLETT:** I understand.

11 **THE COMMISSIONER:** And it's not just you.

12 **MS. HALLETT:** Yes, sir.

13 **THE COMMISSIONER:** We have to look at if  
14 there were any calmer minds that were looking at this and  
15 helping you in your difficult moments.

16 **MS. HALLETT:** Yes, that's right. I was  
17 coping. It was difficult.

18 And I realized perhaps -- I don't --  
19 frankly, I don't understand why it was that I didn't send  
20 the preliminary inquiry transcripts at that time. It seems  
21 easy, and I just don't know where they -- I don't know  
22 whether they were in some other part of my office or -- I  
23 can't understand that myself.

24 **MR. ENGELMANN:** Well, let's look at the  
25 letter you write back.

1 MS. HALLETT: Okay.

2 MR. ENGELMANN: We looked at it briefly  
3 about another matter but it's ---

4 MS. HALLETT: Okay.

5 MR. ENGELMANN: --- it's Exhibit 3046,  
6 Document Number 109244. It's a letter dated July 27<sup>th</sup>,  
7 2001. He's written to you on July 18<sup>th</sup>?

8 MS. HALLETT: Yes.

9 MR. ENGELMANN: And the first paragraph --  
10 sorry, the second paragraph:

11 "As indicated to you in my memo dated  
12 June 2<sup>nd</sup>, there are approximately four  
13 to five boxes of materials to be sent  
14 to you in relation to the prosecution  
15 of Charles MacDonald. These contain  
16 preliminary inquiry transcripts,  
17 videotapes, correspondence files and  
18 casebooks. I am nearly finished  
19 reviewing and photocopying the  
20 correspondence files so that these  
21 boxes can be sent to you next week."

22 And you explain that you've been delayed by  
23 a vacation and other things.

24 MS. HALLETT: Yes.

25 MR. ENGELMANN: Now, I think what you then

1 set out is why you believe you need to review all of this  
2 material before sending it out.

3 MS. HALLETT: M'hm.

4 MR. ENGELMANN: Is that correct?

5 MS. HALLETT: Yes, that's right.

6 MR. ENGELMANN: And in fact ---

7 MS. HALLETT: I see. Yes. I'm reminded  
8 now. Yes, I'm sorry.

9 I just -- I was concerned. I felt that I  
10 was still in the dark about the results of the criminal  
11 investigation of me in relation to the email sent by  
12 Detective Inspector Hall, and I was being extremely  
13 cautious about reviewing and copying materials that might  
14 allow me to rebut false allegations that might arise, any  
15 further ones that might arise at this time.

16 And I was aware that the results of the  
17 investigation, the criminal investigation, had been  
18 provided to a number of other individuals inside and  
19 outside of the Ministry, including Defence counsel, Mr.  
20 Skurka, and so I was concerned about ensuring that I did  
21 have everything that I might need in order to help me  
22 defend against any future false allegations.

23 MR. ENGELMANN: What was the status of the  
24 Law Society investigation at this point, do you recall?

25 MS. HALLETT: Well, the file was open, and

1           they -- their review was sort of pending the results of the  
2           criminal appeal in Leduc.

3                       **MR. ENGELMANN:** All right.

4                       And you'd been informed by this point that  
5           there weren't going to be charges laid against you?

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

7                       **MR. ENGELMANN:** What about those -- the  
8           other allegations?

9                       **MS. HALLETT:** The finding of wilful failure  
10          to disclose?

11                      **MR. ENGELMANN:** No, no. That was ---

12                      **MS. HALLETT:** That was ---

13                      **MR. ENGELMANN:** --- a subject matter of the  
14          appeal.

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

16                      **MR. ENGELMANN:** No, I'm talking about the  
17          June 14<sup>th</sup> letter over-interviewing, lack of preparedness ---

18                      **MS. HALLETT:** Those weren't charges. Those  
19          were ---

20                      **MR. ENGELMANN:** No, no.

21                      **MS. HALLETT:** Yeah, okay. Those were  
22          assertions that had been made but that had been looked into  
23          by the York Regional Police as part of their criminal  
24          investigation ---

25                      **MR. ENGELMANN:** Right.

1                   **MS. HALLETT:** --- and I had not been made  
2                   aware of any disposition with respect to those assertions.

3                   **MR. ENGELMANN:** All right.

4                   **MS. HALLETT:** I had been advised that there  
5                   would be no criminal charges laid against me.

6                   **MR. ENGELMANN:** And that was all to do with  
7                   the Leduc matter?

8                   **MS. HALLETT:** Yes. Well, yes, but I wasn't  
9                   sure what was coming.

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

11                  Then, as I understand it, you're talking  
12                  about reviewing, copying and creating an inventory of  
13                  materials and this process would have delayed this  
14                  disclosure to Mr. McConnery from yourself?

15                  **MS. HALLETT:** Delayed with respect to --  
16                  yes, just some remaining items that had not yet been handed  
17                  over.

18                  **MR. ENGELMANN:** Well, these would be the  
19                  four or five boxes?

20                  **MS. HALLETT:** Yes.

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

22                  **MS. HALLETT:** But I think they ended up  
23                  being -- well, they were the subject of later  
24                  correspondence.

25                  **MR. ENGELMANN:** Yes. There's a -- subject



1 number of emails with respect to some of this, and the  
2 document numbers are 130367, 130368, 130369 and 130370.

3 They are emails from Kevin Phillips to Ms.  
4 Hallett about this disclosure. They are all separate  
5 document numbers. I'm not sure, sir, if you want them as  
6 separate exhibits or just one but ---

7 **THE COMMISSIONER:** Is there any difference?

8 **MR. ENGELMANN:** --- they have different  
9 dates. Maybe we should just put them into separate  
10 exhibits.

11 **THE COMMISSIONER:** Yeah.

12 **MR. ENGELMANN:** We'll start with 130367 and  
13 then 368, 369, 370.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** Thank you. Exhibit  
16 Number 3224 is an email correspondence, the first one being  
17 from Kevin Phillips to Shelley Hallett, Wednesday September  
18 26, 2001.

19 Three-two-two-five (3225) is email  
20 correspondence, the first of which is Kevin Phillips --  
21 from Kevin Phillips to Shelley Hallett, October 18, 2001.

22 Next -- I'm sorry, did I give the number, 3225?

23 **MR. ENGELMANN:** It's Document Number 130368,  
24 sir.

25 **THE COMMISSIONER:** Yeah. Exhibit 3226 is

1 email correspondence from Shelley Hallett to Kevin Phillips  
2 dated November 2<sup>nd</sup>, 2001 and Exhibit 3227 is email  
3 correspondence from Shelley Hallett to Kevin Phillips,  
4 November 16<sup>th</sup>, 2001.

5 --- EXHIBIT NO. / PIÈCE NO. P-3224:

6 (130367) - E-mail from Kevin Phillips to Shelley  
7 Hallett re: Transcripts R. v. Charles MacDonald  
8 dated 26 Sep 01

9 --- EXHIBIT NO. / PIÈCE NO. P-3225:

10 (130368) - E-mail from Kevin Phillips to Shelley  
11 Hallett re: Transcripts R. v. Charles MacDonald  
12 dated 18 Oct 01

13 --- EXHIBIT NO. / PIÈCE NO. P-3226:

14 (130368) - E-mail from Kevin Phillips to Shelley  
15 Hallett re: Transcripts R. v. Charles MacDonald  
16 dated 18 Oct 01

17 --- EXHIBIT NO. / PIÈCE NO. P-3227:

18 (130370) - E-mail from Kevin Phillips to Shelley  
19 Hallett re: Transcripts R. v. Charles MacDonald  
20 dated 16 Nov 01

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

22 Ms. Hallett, starting in mid-September, you  
23 have some email exchanges with Kevin Phillips?

24 **MS. HALLETT:** Yes.

25 **MR. ENGELMANN:** You understand that he's co-

1 counsel or he's assisting Lorne McConnery ---

2 MS. HALLETT: Yes, on the Father MacDonald -

3 --

4 MR. ENGELMANN: --- with the MacDonald  
5 prosecution?

6 MS. HALLETT: That's right.

7 MR. ENGELMANN: And it appears that he's  
8 seeking the preliminary inquiry transcripts as of the 14<sup>th</sup>  
9 of September?

10 MS. HALLETT: That's right.

11 MR. ENGELMANN: He says:

12 "I have a helpful summary of them  
13 prepared by a student, Nadia Thomas,  
14 but I do not appear to have the  
15 transcripts themselves."

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: All right.

18 And this email exchange that is set out in  
19 these four exhibits culminates in an email he sends you,  
20 and there's some discussion of illness on your part.

21 MS. HALLETT: Yes, I had pneumonia. That  
22 was the first time in my life I'd ever had pneumonia.

23 MR. ENGELMANN: Okay.

24 And on November 14<sup>th</sup> -- and I'm looking at  
25 3227 -- he's saying essentially that there's some grief

1 about not having obtained the preliminary transcripts:

2 "I told Lorne that I would get them  
3 over the last month while he was away.  
4 He's back and I have not accomplished  
5 what I told him I would. Can you  
6 please [send me the or please] send the  
7 transcripts a.s.a.p.?"

8 **MS. HALLETT:** Yes.

9 **MR. ENGELMANN:**

10 "I can imagine that 'Project Truth' is  
11 an enormous annoyance to you now, but I  
12 can promise you this, send me those  
13 transcripts and I'll never bother you  
14 again, Ms. Hallett."

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

16 **MR. ENGELMANN:** And you respond and you give  
17 some reasons for taking some time and say:

18 "It's not simply that Project Truth is  
19 an 'annoyance'. There are  
20 complications in relation to the Leduc  
21 appeal and a criminal investigation of  
22 me launched by the division which have  
23 caused catastrophic disruption in both  
24 my personal and professional life with  
25 many adverse psychological, financial

1 and other ramifications."

2 MS. HALLETT: That's right.

3 MR. ENGELMANN: All right.

4 MS. HALLETT: And I conclude by saying: "My  
5 physical and professional survival is  
6 my priority at the moment..."

7 MR. ENGELMANN: All right.

8 MS. HALLETT: "And I will endeavour to get  
9 the last shipment out to you next  
10 week."

11 And I believe that I did put the transcripts  
12 of the prelim in the hands of a courier for delivery in  
13 Ottawa the Monday following this email.

14 MR. ENGELMANN: All right.

15 It appears -- I'm just wondering, you talked  
16 about the need to inventory a lot of things..

17 MS. HALLETT: Yes.

18 MR. ENGELMANN: Again, and maybe you've  
19 already answered this in your discussion with the  
20 Commissioner, but would it have been necessary to inventory  
21 ---

22 MS. HALLETT: The prelim transcripts?

23 MR. ENGELMANN: Yeah.

24 MS. HALLETT: I don't know that that -- that  
25 I was -- that was my concern at this point. I do see that

1 I'm trying to finish everything up so that there will just  
2 be one more shipment of items to go out. I think that was  
3 also what I was trying to do, so that it would be cleaner.

4 But as I say, I believe that the transcripts  
5 did get to Mr. Phillips following this email the following  
6 Monday. I don't know whether you have documentation on  
7 that, but I also can advise that, by this time, I was aware  
8 that the -- a new trial date had been set in the MacDonald  
9 matter, and that was for the following May.

10 **MR. ENGELMANN:** Right, you do -- it's  
11 Document 109245. It's Exhibit 3047. You send  
12 Mr. McConnery a letter that same day, November 16<sup>th</sup>, 2001.  
13 I'll just bring it up on the screen. Perhaps it's one  
14 page.

15 **MS. HALLETT:** Yes.

16 **MR. ENGELMANN:** You enclose the preliminary  
17 inquiry transcripts?

18 **MS. HALLETT:** Yes.

19 **MR. ENGELMANN:** But unfortunately, and I  
20 think you say this in the letter, this is not the last  
21 shipment.

22 **MS. HALLETT:** Right.

23 **MR. ENGELMANN:** You still have not reviewed  
24 the correspondence files; correct?

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

1                   **MR. ENGELMANN:** All right.

2                   And you would agree, Ms. Hallett, that it  
3 would be important for new Crown to review preliminary  
4 inquiry transcripts in some detail to prepare for the  
5 trial?

6                   **MS. HALLETT:** Absolutely.

7                   **MR. ENGELMANN:** All right. And it appears  
8 that the last delivery of materials takes place on February  
9 27<sup>th</sup>, 2002, and I've got -- it's Exhibit 3048. The Document  
10 Number is 110322.

11                   **MS. HALLETT:** Yes, and I itemize the  
12 videotapes that are being provided at that point, the Crown  
13 videotapes, and a miscellaneous legal file. I'm trying to  
14 provide as much sort of background information, including a  
15 Book of Authorities, to Lorne.

16                   **MR. ENGELMANN:** At this point in time, were  
17 you aware, I believe, of a trial to take place on March 18<sup>th</sup>  
18 of 2002?

19                   **MS. HALLETT:** Of the trial in March?

20                   **MR. ENGELMANN:** There's a date of March 18<sup>th</sup>,  
21 2002, and it's then put over to April 29<sup>th</sup>, 2002. There's  
22 an issue about reassignment of judges, et cetera, but were  
23 you aware that the trial was scheduled?

24                   **MS. HALLETT:** I don't know at this point  
25 what my knowledge was of when the trial was going to occur.

1 I think I thought that it had -- I believe I thought it had  
2 been put over until May, but I'm not -- I don't know. I  
3 don't know.

4 **MR. ENGELMANN:** All right.

5 Again, this is material that -- the material  
6 that you enclose, material that certainly you'd want to  
7 have available if you were prosecuting a trial?

8 **MS. HALLETT:** Yes. Yes, absolutely.

9 **MR. ENGELMANN:** I'm advised by my friend,  
10 Mr. Kloeze, that all of the material set out in the letter,  
11 with the exception of the correspondence file, had been  
12 previously received by Mr. McConnery. So I take it from  
13 that, Ms. Hallett, that what was new would have been the  
14 last paragraph on the second page.

15 **MS. HALLETT:** Okay then.

16 **THE COMMISSIONER:** Yes. We've covered that  
17 before, I think.

18 **MR. ENGELMANN:** All right.

19 Now, would that have been your last  
20 involvement in the prosecution of Charles MacDonald; your  
21 sending of this letter of February 27<sup>th</sup>?

22 **MS. HALLETT:** Yes.

23 **MR. ENGELMANN:** Okay.

24 I want to ask you a little bit about  
25 Victim/Witness Assistance, if I may.



1 MS. HALLETT: Okay.

2 MR. ENGELMANN: And by mid-1998, when you  
3 were asked to get involved in three of these files out of  
4 Project Truth, you'd had experience with Victim/Witness  
5 Assistance Programs.

6 MS. HALLETT: That's right.

7 MR. ENGELMANN: And if I use the term V/WAP

8 ---

9 MS. HALLETT: Yes, I understand what that  
10 means.

11 MR. ENGELMANN: All right.

12 And from your previous experience dealing  
13 with V/WAP and dealing with these types of offences ---

14 MS. HALLETT: Right.

15 MR. ENGELMANN: --- how important did you  
16 feel these services were to assist victims as witnesses in  
17 the justice system?

18 MS. HALLETT: Well, I felt that they were  
19 very important. When I came along in the Crown system in  
20 1980, there was no such thing as a Victim/Witness  
21 Assistance Program. And for the number of years -- I think  
22 it was maybe about my first seven years in the Crown system  
23 -- I found that in prosecuting these kinds of cases Crowns  
24 were really having to work double duty in terms of not only  
25 preparing themselves for the trial, in terms of, you know,

1 learning the law and knowing the evidence but also in  
2 providing support to victims to go through these trials and  
3 spending -- Crowns were spending, and I was spending a lot  
4 of time that might otherwise be spent on preparation for  
5 the trial; preparing victims in terms of showing them the  
6 courtroom and explaining the process.

7 And that was of course -- that took a lot of  
8 time to do right. So I was very pleased when the  
9 Victim/Witness Assistance Program came along. I associated  
10 with it perhaps the mid-eighties when our Ministry  
11 developed that program. And I assumed -- and I of course  
12 was counsel. I spent a secondment as counsel at the  
13 Victim/Witness Program for six months in 1988, and I  
14 assumed that, after that, the Victim/Witness Program had  
15 been extended to all of the Crown attorney's offices in the  
16 Province. And so I was quite surprised when I came down to  
17 Cornwall that that was not the case here in Cornwall.

18 **MR. ENGELMANN:** All right.

19 **MS. HALLETT:** And the -- how should I say --  
20 the impact of the absence of a V/WAP program here was  
21 brought to my attention by Detective Seguin because he was  
22 very concerned about the complainant C-16 and the absence  
23 of any real what he thought would be appropriate  
24 counselling in this area for this kind of a victim.

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

1                   Let me just ask you this. Given the lack of  
2                   a local V/WAP program, would you have had extra meetings  
3                   and/or spent extra time with alleged victims in some of the  
4                   cases you were doing here?

5                   **MS. HALLETT:** I certainly was spending --  
6                   yes, yes, I think I did probably spend a little more time  
7                   with them because of that.

8                   **MR. ENGELMANN:** Were you made aware of any  
9                   reasons for the lack of a local V/WAP program when you came  
10                  here?

11                  **MS. HALLETT:** My understanding was that it  
12                  was simply resources.

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

14                  And we've heard testimony here from a woman  
15                  by the name of Cosette Chafe.

16                  **MS. HALLETT:** Yes.

17                  **MR. ENGELMANN:** She was familiar to you?

18                  **MS. HALLETT:** Yes. I got to know her in the  
19                  context of these prosecutions.

20                  **MR. ENGELMANN:** And she was a V/WAP person  
21                  from Ottawa?

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

23                  **MR. ENGELMANN:** And I understand -- I just  
24                  want to ask you two questions relating to your involvement  
25                  with setting up some other services ---

1                   **MS. HALLETT:** Yes.

2                   **MR. ENGELMANN:** --- that weren't a local  
3 V/WAP but attempts to set up some services here for some of  
4 the victims -- alleged victims coming out of Project Truth.

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

6                   **MR. ENGELMANN:** I understand that you  
7 attended a meeting on September 9<sup>th</sup> of 1999 with Detective  
8 Inspector Hall, Dennis Lessard, Rick Goodwin and Jacques  
9 Legault. Do you recall perhaps not the date but having a  
10 meeting with these individuals?

11                   **MS. HALLETT:** Yes.

12                   **MR. ENGELMANN:** And there's a note in  
13 Detective Inspector Hall's notebook about this, which  
14 indicates reference to this meeting and a discussion about  
15 the Men's Project.

16                   **MS. HALLETT:** Yes.

17                   **MR. ENGELMANN:** And I understand there was a  
18 discussion about the implementation of their program and  
19 the intention to send out some kind of a handout on that.

20                   **MS. HALLETT:** Yes, on the program for those  
21 survivors who might want to avail themselves of the  
22 services.

23                   **MR. ENGELMANN:** All right. And that was  
24 something that you looked upon favourably at the time?

25                   **MS. HALLETT:** Oh, absolutely.

1                   **MR. ENGELMANN:** All right. And as a result  
2 of this meeting, it's my understanding you write a letter  
3 on September 20<sup>th</sup>, 1999, and I just want to show you that.  
4 It's Document Number 109056.

5                   **THE COMMISSIONER:** Thank you. Exhibit 3228  
6 is a letter dated September 20<sup>th</sup>, 1999 addressed to "Dear  
7 Sir" from Shelley Hallett.

8                   **--- EXHIBIT NO./PIÈCE NO. P-3228:**

9                                   (109056) - Letter from Shelley Hallett re:  
10                                   Project Truth Investigation by the OPP  
11                                   Cornwall Ontario dated 20 Sep 99

12                   **MR. ENGELMANN:** Ms. Hallett, do you recall  
13 sending this letter out?

14                   **MS. HALLETT:** I must say I have a very vague  
15 memory of it. But that's my signature and I do -- I guess  
16 I did. I must have done this.

17                   **MR. ENGELMANN:** It's my understanding that  
18 the letter went out to all alleged victims in prosecutions  
19 certainly that you were involved in, and perhaps other  
20 alleged victims or victims from other Project Truth  
21 prosecutions.

22                   **MS. HALLETT:** That's right. That's right.  
23 It was a new men's counselling service and a telephone  
24 support line which were being established for male sexual  
25 abuse survivors in the Cornwall area.

1                   And I also provided the number for Project  
2                   Truth if the persons who received this letter had any  
3                   questions about the services or any matter relating to  
4                   Project Truth investigations.

5                   **MR. ENGELMANN:** You're also advising them  
6                   that this is a time-limited service?

7                   **MS. HALLETT:** Yes.

8                   **MR. ENGELMANN:** So that it may be something  
9                   that people want to avail themselves of quickly.

10                  **MS. HALLETT:** Yes.

11                  **MR. ENGELMANN:** All right.

12                  Then I'd like to show you another document.  
13                  It's Exhibit 3107. No, it's just -- it's 3228. Just made  
14                  an exhibit. I'll just be a moment.

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

16                  **MR. ENGELMANN:** Ms. Hallett, I understand if  
17                  we could have a look at -- okay, it's on -- it's the second  
18                  page of this document.

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

20                  **MR. ENGELMANN:** Bates page 132. You receive  
21                  an email from Cathy Finley on December 23<sup>rd</sup>, 1999.

22                  **MS. HALLETT:** Yes.

23                  **MR. ENGELMANN:** And this is offering --  
24                  she's the Director of the Victim/Witness Assistance  
25                  Program?

1 MS. HALLETT: Yes.

2 MR. ENGELMANN: And she's offering services  
3 for Project Truth prosecutions?

4 MS. HALLETT: Yes. I believe I had  
5 approached her first.

6 MR. ENGELMANN: All right.

7 MS. HALLETT: Earlier in the fall.

8 MR. ENGELMANN: Okay.

9 MS. HALLETT: And that that is about getting  
10 some assistance down here for these cases and either I had  
11 approached her or one of her colleagues in that office, the  
12 V/WAP office, head office as it were, which was in the  
13 building in which I worked.

14 So and then this is her response. I believe  
15 this is her response to my attendance in the office.

16 MR. ENGELMANN: So she's saying there's  
17 someone from Ottawa who may be available to help?

18 MS. HALLETT: That's right. M'hm.

19 MR. ENGELMANN: All right. And you respond  
20 to her on January 11<sup>th</sup> with respect to a couple of these  
21 matters. And you're indicating to her that you're  
22 responsible for two major prosecutions.

23 MS. HALLETT: Maybe we could scroll up. I  
24 just don't see ---

25 MR. ENGELMANN: Yeah, it's the next page.

1 MS. HALLETT: Okay then.

2 MR. ENGELMANN: It's the first page.

3 MS. HALLETT: First page. Okay. And I --  
4 oh yes, I'm outlining the MacDonald and Leduc prosecutions.

5 MR. ENGELMANN: And you're doing so to  
6 request the provision of V/WAP services for alleged victims  
7 in those cases?

8 MS. HALLETT: Yes, that's right.

9 MR. ENGELMANN: All right. And as I  
10 understand it, there's a follow-up where you send her  
11 another memorandum requesting services for the upcoming  
12 prosecution related to Father MacDonald.

13 And that's document number 109127.

14 THE COMMISSIONER: Thank you. Exhibit  
15 number 3229 is a memorandum to Catherine Finley from  
16 Shelley Hallett dated February 1<sup>st</sup>, 2000

17 --- EXHIBIT NO./PIÈCE NO. P-3229:

18 (109127) - Memorandum from Shelley Hallett  
19 to Catherine Finley re: R.v. Charles  
20 MacDonald Victim Witness Support dated 11  
21 Feb 00

22 MS. HALLETT: Yes. I was following up with  
23 Cathy on her offer of assistance and asking her to advise  
24 of the status of my request; that is, would Cosette Chafe  
25 or another V/WAP worker be available for the Charles



1 MacDonalld case which was scheduled to begin on May 1<sup>st</sup>.

2 And I told her in this memorandum:

3 "I would like to discuss this matter  
4 with the assigned worker with a view  
5 that the handling of witness interviews  
6 which I will soon be setting up."

7 I say.

8 **MR. ENGELMANN:** All right. And you're also  
9 giving her some information about the Men's Project ---

10 **MS. HALLETT:** Yes.

11 **MR. ENGELMANN:** --- that has just started.

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

13 **MR. ENGELMANN:** All right. And then again  
14 you then -- you have some correspondence and contact with  
15 Cosette Chafe with respect to the MacDonalld prosecution and  
16 some issues that arise for victims in that case.

17 **MS. HALLETT:** Okay, yes.

18 **MR. ENGELMANN:** And issues involving  
19 adjournments et cetera. And I also understand that you're  
20 involved in a meeting with her and Officer Dupuis on May  
21 10<sup>th</sup>, 2000 where you discuss setting up of some V/WAP  
22 services here in Cornwall.

23 **MS. HALLETT:** That's right. We went to  
24 Ottawa. Joe and I -- Joe Dupuis and I went to Ottawa and -  
25 - to have a discussion with Cosette about that. Sort of

1 the implementation, you know, of services, of V/WAP  
2 services here for these prosecutions.

3 MR. ENGELMANN: All right. And I believe  
4 this is Exhibit 3110. It's document number 123735.

5 MS. HALLETT: M'hm.

6 MR. ENGELMANN: These are Cosette Chafe's  
7 notes of that meeting.

8 MS. HALLETT: Okay then.

9 MR. ENGELMANN: I understand as a result of  
10 this meeting -- and I'm looking about two-thirds of the way  
11 down the page -- you're going to be sending out a letter  
12 with respect to some of the services and you're going to  
13 provide a copy of your letter to other Crowns and encourage  
14 them to send a similar letter to the victims in their  
15 cases.

16 MS. HALLETT: Yes.

17 MR. ENGELMANN: And I understand that  
18 further meetings were held. For example, another meeting  
19 was held between you, Constable Genier, Jacques Legault,  
20 Darryl Tessin, Cosette Chafe and Dennis Lessard.

21 MS. HALLETT: Yes.

22 MR. ENGELMANN: As a follow-up.

23 MS. HALLETT: M'hm. Yes.

24 MR. ENGELMANN: And that there were  
25 discussions between you about setting up V/WAP services for

1 Cornwall for the future.

2 MS. HALLETT: Yes.

3 MR. ENGELMANN: And this was something that  
4 you thought was of import for this area.

5 MS. HALLETT: That's right.

6 MR. ENGELMANN: And I understand,  
7 Ms. Hallett, that you do in fact send a number of letters  
8 to Project Truth victims and alleged victims, introducing  
9 the services by the Men's Project and V/WAP. And I'll just  
10 show you one example if I may.

11 MS. HALLETT: Okay then.

12 MR. ENGELMANN: And that is -- it's Exhibit  
13 521. I think it could just be on the screen, sir.

14 THE COMMISSIONER: Yeah.

15 MR. ENGELMANN: This individual whom you're  
16 writing to, Ms. Hallett, has a moniker. It wouldn't be on  
17 your list.

18 MS. HALLETT: Yes.

19 MR. ENGELMANN: It's C-11.

20 MS. HALLETT: Very well.

21 MR. ENGELMANN: But I think this is just an  
22 example of a letter that you'd be writing with respect to  
23 some of these services that are now going to be made  
24 available.

25 MS. HALLETT: Yes. I sent ---

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

2                   **MS. HALLETT:** If I could just have up --  
3 just to scroll up a little bit. Yes, this date is -- or a  
4 little further. Yes.

5                   On June 28<sup>th</sup> of 2000 I sent this letter to --  
6 -

7                   **THE COMMISSIONER:** Ah ---

8                   **MS. HALLETT:** I'm not going to name the  
9 person, sir.

10                  **THE COMMISSIONER:** Okay. I'm just trying to  
11 help.

12                  **MS. HALLETT:** Yes, I understand. Thank you.  
13 I sent this same letter to all of the  
14 Project Truth sexual assault survivors who had been  
15 identified up until that date by the Project Truth  
16 investigators.

17                  I got a list of all of them from -- I  
18 believe it was from Steve Seguin, Detective Steve Seguin,  
19 and so this is the letter that I sent out advising of  
20 counselling for male survivors and witness support for  
21 court proceedings for those witnesses in these cases.

22                  **MR. ENGELMANN:** Just so we're perfectly  
23 clear on this, these are alleged victims relating to all  
24 Project Truth investigations regardless of whether charges  
25 were laid?

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

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

3                   **MS. HALLETT:** In terms of the counselling  
4 services.

5                   **MR. ENGELMANN:** I understand as well, by way  
6 of an example, other follow-up with respect to  
7 Victim/Witness Assistance Programs, that after you  
8 concluded your involvement in the Leduc matter, which  
9 effectively ended on March 1<sup>st</sup>, 2001, there were other  
10 things that went on with respect to the appeal ---

11                   **MS. HALLETT:** Yes.

12                   **MR. ENGELMANN:** --- and of course matters  
13 involving you. But there would have been some follow-up  
14 you would have had with the alleged victims in that case?

15                   **MS. HALLETT:** Yes. I did send out a letter.  
16 I wanted the complainants in the Leduc case and their  
17 parents to be aware of what was involved in the appeal  
18 process. Once we'd launched the appeal I wanted them to  
19 know what that was about, and so I obtained material from a  
20 colleague in the office who had been working on this kind  
21 of informational package, and I made sure that a package  
22 was sent out to the complainants and their families in  
23 Leduc.

24                   **MR. ENGELMANN:** One-zero-one-eight-seven-one  
25 (101871) and that's ---

1                   **THE COMMISSIONER:** And that's that.

2                   **MR. ENGELMANN:** It's a loose document; I'm  
3                   sorry.

4                   What I wanted to get at, Ms. Hallett, that  
5                   in the text of this letter you're also referring to the  
6                   fact that there are some V/WAP services available through a  
7                   coordinator in Ottawa.

8                   **MS. HALLETT:** Oh, I'm sorry, was I referring  
9                   -- I'm not sure what letter I'm referring to now.

10                  **MR. ENGELMANN:** I'll show it to you in just  
11                  a moment.

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

13                  **MR. ENGELMANN:** It's the same letter, I'm  
14                  sure.

15                  **THE COMMISSIONER:** Thank you.

16                  **MS. HALLETT:** Thank you.

17                  **THE COMMISSIONER:** Exhibit 3230 is a letter  
18                  addressed to a monikered person, dated April 6, 2001 ---

19                  **MR. ENGELMANN:** C-17 I believe, sir.

20                  **THE COMMISSIONER:** --- by Ms. Hallett. Yes,  
21                  C-17.

22                  --- **EXHIBIT NO./PIÈCE NO. P-3230:**

23                               (101871) Letter to C-17 from Shelley Hallett  
24                               re: *R. v. Jacques Leduc* Appeal dated April  
25                               6, 2001

1                   **MR. ENGELMANN:** And in the third paragraph  
2                   you refer to questions that they may have with respect to  
3                   the appeal process and also that you give them a contact  
4                   name with V/WAP in Ottawa ---

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

6                   **MR. ENGELMANN:** --- to follow up.

7                   Mr. Commissioner, I'm done, with the  
8                   exception of two final questions.

9                   **THE COMMISSIONER:** All right. Oh, the two  
10                  final questions with respect to recommendations?

11                  **MR. ENGELMANN:** And impact.

12                  **THE COMMISSIONER:** Impact.

13                  How long do you think -- do you wish to make  
14                  any recommendations?

15                  **MS. HALLETT:** I would like to do so. I just  
16                  have one, sir, and it won't take too long, but I was  
17                  wondering, if you were going to rise now for lunch ---

18                  **THE COMMISSIONER:** Yes.

19                  **MS. HALLETT:** --- it would give me an  
20                  opportunity to make it more succinct.

21                  **THE COMMISSIONER:** Fine; thank you.

22                  All right, let's take lunch.

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

25                  The hearing will resume at 2:00 p.m.

1 --- Upon recessing at 12:31 p.m./

2 L'audience est suspendue à 12h31

3 --- Upon resuming at 2:05 p.m./

4 L'audience est reprise à 14h05

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

7 This hearing is now resumed. Please be  
8 seated. Veuillez vous asseoir.

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

10 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

11 **MR. ENGELMANN:** Mr. Commissioner, you'll  
12 recall this morning I would have advised that, as a result  
13 of an all-counsel meeting this morning, counsel wished to  
14 make -- if I can call it an informal motion. Not that it's  
15 not important but we don't have anything in writing.

16 Mr. Kozloff is here to make some submissions  
17 on behalf of the OPP and I think a number of the other  
18 parties, and if there are other counsel that wish to make  
19 submissions as well, we've advised them they can but we're  
20 trying to do this in a fairly limited period of time.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Kozloff. Good afternoon, sir.

23 **MR. KOZLOFF:** Good afternoon,  
24 Mr. Commissioner.

25 --- **MOTION BY/REQUÊTE PAR MR. KOZLOFF:**



1                   **MR. KOZLOFF:** Sir, thank you for the  
2                   opportunity to address you on the matter of the deadlines  
3                   for filing written submissions, which is February 19<sup>th</sup>,  
4                   2009, and for delivery of oral submissions; final date  
5                   being February 27<sup>th</sup>, 2009 as mandated by the Order-in-  
6                   Council as amended October 22<sup>nd</sup>, 2008, and as implemented by  
7                   the Commission in consequence thereof.

8                   The position of the Ontario Provincial  
9                   Police is that those deadlines should be extended by at  
10                  least one month, which would mean the deadline for filing  
11                  written submissions would be March 20<sup>th</sup> and that the  
12                  deadline for completing the presentation of oral  
13                  submissions would be Friday, the 27<sup>th</sup> of March.

14                  The reasons for seeking these extensions are  
15                  as follows.

16                  Mr. Commissioner, we have been hearing  
17                  evidence since February the 13<sup>th</sup>, 2006; almost three years.  
18                  We have sat 314 days, by my calculation. You have heard  
19                  170 witnesses testify to date. There are over 3,200  
20                  exhibits. There are more than 60,000 pages of transcript.  
21                  There are over 70,000 documents in your databank which have  
22                  been disclosed, comprising over 350,000 pages.

23                  We have been engaged in an increasingly  
24                  aggressive hearings schedule, most especially since the  
25                  amended Order-in-Council. We have been sitting five days a

1 week most weeks; evenings on occasion. Your counsel have  
2 endeavoured to call as much evidence as possible, given the  
3 deadline for its completion. Hard choices have been made  
4 and continue to be made in that regard.

5 In summary, sir, we have been fully engaged  
6 and entirely focused on the evidence being called in this  
7 room.

8 As a direct consequence, Mr. Commissioner,  
9 the current deadlines for delivery of final written  
10 submissions and oral submissions do not allow for the time  
11 necessary to prepare a comprehensive and thoughtful work  
12 product. This may be especially so for those institutions  
13 whose institutional responses were inquired into later in  
14 the process but it is clear, from a canvass of counsel for  
15 the parties, that all parties, all counsel, could benefit  
16 from more time.

17 With regard to the position of other  
18 parties, sir, we had an all-counsel meeting this morning  
19 and counsel were invited to communicate with Commission  
20 counsel. In addition, I have spoken directly with some  
21 counsel, and the results are as follows.

22 The following parties support a request for  
23 an extension of the deadlines: the CCR, the Coalition, the  
24 Victims, the Men's Project, Father Charles MacDonald and  
25 the Estate of the Late Ken Seguin, the Children's Aid

1 Society, Corrections, the Diocese, the Cornwall Police, the  
2 Ontario Provincial Police and the Ontario Provincial Police  
3 Association.

4 No-one is opposed. The Ministry of the  
5 Attorney General and Jacques Leduc take no position. I  
6 don't know the positions of the Upper Canada District  
7 School Board or the Catholic District School Board of  
8 Eastern Ontario.

9 I believe, sir, that you have been -- or at  
10 least I will now provide you. All the parties have been  
11 provided with this document, sir, a comparison chart of  
12 certain provincial inquiries relating to numbers of hearing  
13 days, exhibits, documents, pages of transcript and  
14 witnesses called. These include Walkerton, Ipperwash and  
15 the Inquiry into Paediatric Forensic Pathology in Ontario,  
16 the Honourable Steven Gouge, Commissioner.

17 As you examine that document, sir, you will  
18 see that Walkerton was 95 hearing days, 114 witnesses, 447  
19 exhibits. My understanding is they had approximately a  
20 month between the end of the hearing of evidence and the  
21 filing of written submissions. Ipperwash was 229 hearing  
22 days, 139 witnesses, 1,876 exhibits. They had a month to  
23 file written submissions and an additional three weeks to  
24 prepare for oral argument.

25 Gouge was 52 hearing days, 47 witnesses,

1 2,800-and-some exhibits. They had five or six weeks to  
2 file written submissions and an additional 10 days to  
3 prepare for oral argument.

4 By contrast, as I have indicated, we've had  
5 over 300 days, 170 witnesses, over 3,200 exhibits, over  
6 60,000 pages of transcript, sir. We have been given 19  
7 days to file written submissions from the end of the  
8 hearing of evidence, and an additional three days to  
9 prepare for oral argument.

10 In summary, sir, the longest inquiry  
11 involving the most hearing days, most witnesses, most  
12 exhibits, most pages of transcripts has been given the  
13 shortest amount of time to prepare final submissions.

14 It is trite to say, Mr. Commissioner, that  
15 one of the luxuries of time is an opportunity to reflect.  
16 In order to be able to properly represent the interests of  
17 our clients and to assist you with comprehensive and  
18 thoughtful submissions, we are asking for more time.

19 Thank you.

20 **THE COMMISSIONER:** Does anyone else wish to  
21 add any comments at this time?

22 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. DALEY:**

23 **MS. DALEY:** Just I think it's important  
24 enough that I put my support on the record for what  
25 Mr. Kozloff has proposed. I'm in complete agreement with

1 it. The party I represent is in a position where it  
2 intends to make very comprehensive submissions and the  
3 additional time would be invaluable to us.

4 **THE COMMISSIONER:** Thank you. Mr. Lee?

5 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR.LEE:**

6 **MR. LEE:** For the record, the Victims' Group  
7 also supports Mr. Kozloff's proposal.

8 **THE COMMISSIONER:** Thank you. Mr. Horn?

9 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HORN:**

10 **MR. HORN:** Yes, the Coalition for Action.  
11 We came into this process later on, and Mr. Paul and I have  
12 been endeavouring to continue to prepare ourselves for  
13 being here and preparing our submissions. We have to be  
14 mindful of the fact that our organization has to deal with  
15 all of the different institutional parties and that our  
16 focus is on the entire process. It isn't one that is  
17 narrowed down to one single area, so we have to cover  
18 everything, and I think that we support Mr. Kozloff's  
19 position.

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

21 Oh, anyone else? Mr. Neville?

22 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEVILLE:**

23 **MR. NEVILLE:** Good afternoon, Commissioner.  
24 I concur with the request by Mr. Kozloff. I'm sure all  
25 counsel here appreciate, sir, that this is not a decision

1 you can render from the bench, as it were, today. Whatever  
2 requests you may have to send to other places, we simply  
3 wanted you to know, on the public record, that we obviously  
4 support any such request you see fit to make. Thank you.

5 **THE COMMISSIONER:** Thank you. Mr.  
6 Engelmann?

7 **MR. ENGELMANN:** Sir, perhaps just to  
8 formalize the matter for the record, I'm not sure what our  
9 last motion was numbered? So if this could be -- perhaps  
10 the document could be filed. Mr. Kozloff's comparison  
11 chart of other provincial inquiries could be M-17-A1.

12 **THE COMMISSIONER:** So noted.

13 **--- MOTION NO./REQUÊTE NO. M-17-A1:**

14 Comparison Chart of Other Provincial  
15 Inquiries prepared by Mr. Kozloff and dated  
16 21 Jan 08.

17 **THE COMMISSIONER:** Thank you. So I will --  
18 maybe what I should do is outline the plan for the rest of  
19 the day.

20 I think the witness is here. Could the  
21 witness come forward?

22 **MR. ENGELMANN:** Yes.

23 **THE COMMISSIONER:** As our plans involve her,  
24 I think we should -- good afternoon, Ms. Hallett.

25 **SHELLEY HALLETT Resumed/Sous le même serment:**

1                   **MS. HALLETT:** Good afternoon, sir.

2                   **THE COMMISSIONER:** So, what I was thinking  
3 of doing is we'll sit until the afternoon break. At the  
4 afternoon break I'll come back and give some -- give you my  
5 thoughts on the application. With respect to the witness,  
6 and this is where -- what I was hoping to do is to sit with  
7 you until 6:00 o'clock, and that depends on how you're  
8 faring up, and how the other parties feel about that. Then  
9 I'd take an hour break and at 7:00 o'clock, we would do --  
10 I believe there is an ODE?

11                   **MR. ENGELMANN:** Yes, sir.

12                   **THE COMMISSIONER:** And so we would do that,  
13 or the ODE would take about an hour, an hour and a half,  
14 I'm told.

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

16                   **THE COMMISSIONER:** All right. And so that  
17 would be the end for the day, and then tomorrow, we pick up  
18 with your cross-examination and see where we go there.

19                   **MR. ENGELMANN:** Just for the record, sir,  
20 that is the Overview of documentary Evidence for a woman by  
21 the name of Jeannine Séguin.

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

23                   **MR. ENGELMANN:** She was "la directrice" at a  
24 high school known as La Citadelle. And that would be this  
25 evening then.

1 THE COMMISSIONER: That's right.

2 MR. ENGELMANN: Thank you.

3 THE COMMISSIONER: Okay. Ready to go?

4 MS. HALLETT: Yes, sir.

5 THE COMMISSIONER: Thank you.

6 MR. ENGELMANN: Good afternoon, Ms. Hallett.

7 MS. HALLETT: Good afternoon, Mr. Engelmann.

8 MR. ENGELMANN: I just have two questions  
9 left, and I might combine them. These are questions we put  
10 to all our witnesses. One is to give you an opportunity,  
11 if you so wish, to tell us about the impact your  
12 involvement in Project Truth prosecutions has had on you  
13 personally ---

14 MS. HALLETT: Yes.

15 MR. ENGELMANN: --- professionally, and if  
16 you want to comment on impacts of either your colleagues or  
17 others who may be involved that you've come to know; and  
18 then secondly, given your experience working for the  
19 Ministry of the Attorney General, if you have some  
20 recommendations or suggestions? You know what we're doing  
21 ---

22 MS. HALLETT: Yes.

23 MR. ENGELMANN: --- and your recommendations  
24 would be appreciated.

25 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. HALLETT :



1                   **MS. HALLETT:** Thank you.

2                   Mr. Justice Glaude, in terms of the impact  
3                   on me of my involvement in the Project Truth prosecutions,  
4                   I simply wish to say that the finding by Mr. Justice  
5                   Chadwick that I had wilfully failed to disclose to the  
6                   defence in the Leduc case, and the subsequent criminal  
7                   investigation of me, did have a great impact on my life,  
8                   both personal and professional. And I refer to these in  
9                   the last paragraph of my letter dated July 7<sup>th</sup> of 2001, to  
10                  Detective Denise LaBarge. And that letter is an exhibit at  
11                  this tribunal and I rely on it in terms of that impact on  
12                  me.

13                  What I most regret at this point is the  
14                  impact of Justice Chadwick's finding on the complainants in  
15                  the Leduc trial, whose testimony was obtained under the  
16                  harshest circumstances. And I further regret the  
17                  collateral impact that the Chadwick finding had on the  
18                  Charles MacDonald prosecution and on the complainants in  
19                  that case.

20                  And to those complainants on both of these  
21                  prosecutions in which I was involved, I would like to say I  
22                  am sincerely sorry about the outcome of both of those  
23                  prosecutions.

24                  In terms of recommendations that I would  
25                  make, I would simply ask you to consider an idea of mine

1 which is not in any way fully developed. I have been too  
2 busy, frankly, with trying to read the documents in  
3 preparation for my testimony here to refine a raw idea that  
4 I've had for some time now.

5 But I would like to read a few lines from  
6 the LeSage-Code report, which are the jumping-off points  
7 for my recommendation. And that is of course the report  
8 entitled, "Report of the Review of Large and Complex  
9 Criminal Case Procedures, authored by the Honourable  
10 Patrick J. Lesage and Professor Michael Code," and the  
11 report is dated November of 2008.

12 And I would refer to chapter 1 of the  
13 report, and in that chapter there is a discussion of the  
14 developments of the law that have had a huge impact on the  
15 smooth running of the criminal justice system. And these  
16 include the Charter and the seeking of remedies for  
17 breaches of Charter rights, reforms in the *Law of Evidence*,  
18 such as CON applications, and statutory reforms designed to  
19 protect the privacy of victims and witnesses and an example  
20 is given of the third-party record provisions in the  
21 *Criminal Code*.

22 And the author suggests that the criminal  
23 justice system has not quite kept pace with these reforms,  
24 and I would like to read from pages 16 and 17 of the Report  
25 at this time, and I quote:

1 "The avalanche of new and complex legal  
2 procedures, whether from the Charter,  
3 from the evidence law revolution or  
4 from continuous statutory amendments,  
5 has created a system with too many  
6 difficult and nuanced decision points.  
7 It is hardly surprising that errors are  
8 made in this new legal environment."

9 And I go on to page 17, and I pick up on  
10 that page, and I quote:

11 "However, the significant reforms to  
12 the system summarised above have  
13 created many new opportunities for  
14 conflict. As already noted, the way in  
15 which certain rights and remedies have  
16 been defined in the case law seems  
17 calculated to increase the potential  
18 for personal attacks as between  
19 counsel. In other words, instead of  
20 calming down the inherently combative  
21 nature of the adversary system by  
22 fostering respect and collegiality and  
23 cohesion among the parties, the reforms  
24 of the modern era have contributed to  
25 an environment of greater animosity.

1 This is a very serious development that  
2 must be stopped. When counsel attack  
3 each other on a personal level, the  
4 adversary system breaks down because  
5 nothing gets settled out of court.  
6 Every petty dispute is fought out in  
7 the courtroom in a hostile and  
8 provocative way, and the trial ceases  
9 to focus efficiently on the real issues  
10 in the case."

11 And I do underline that last clause; that  
12 "the trial ceases to focus efficiently on the real issues  
13 in the case", and I feel that this was the fallout and that  
14 the failure to continue to concentrate on the real issues  
15 in the case, in *Leduc*, was the result of an unfortunate  
16 attempt to resolve what was perceived as a Charter breach.

17 I believe that as the *Leduc* case  
18 illustrates, there are high stakes involved in the  
19 allegations and determination of whether there has been a  
20 breach of the Charter right to disclosure in a criminal  
21 case. In turn, there is huge pressure on individual Crown  
22 counsel in these cases to make the right decision in terms  
23 of what is disclosed and the timing of the disclosure, and  
24 there are huge consequences when the wrong decision is made  
25 by that Crown counsel.

1 I believe that this has resulted in the need  
2 for an overhaul of the disclosure mechanism in Ontario, and  
3 I have thought for some time that a single-window system  
4 for disclosure of criminal briefs to both counsel for the  
5 defence and the Crown is what should be developed. This  
6 would be a single window that both trial counsel -- both,  
7 the Crown and defence counsel would go to, to receive the  
8 same set of materials and to lead evidence as they sit fit  
9 in their respective trials.

10 On the other side of that window would be a  
11 multidisciplinary team, consisting of representatives from  
12 the police, the defence and the Crown, which would be  
13 responsible, particularly in complex cases, for going  
14 through the boxes of -- containing the briefs and other  
15 materials in relation to the case and deciding upon  
16 disclosure and both at the beginning of the case and on an  
17 ongoing basis.

18 And I believe that this kind of a system  
19 would create more of an even playing field for both of the  
20 trial counsel involved and would free up the individual  
21 Crown counsel in complex cases to concentrate on the issues  
22 in their cases, particularly the evidence of the  
23 complainants and how to introduce that evidence.

24 I also believe that such a system would  
25 create less incentive for allegations of failing to

1 disclose which have such high stakes in complex cases; in  
2 all criminal cases, in fact.

3 So those are my respectful submissions to  
4 the tribunal at this time. As I say, it's not a  
5 particularly refined recommendation in terms of how this  
6 would be implemented and what would be involved, but all I  
7 would say, I would call it the one-window -- the single-  
8 window system.

9 **THE COMMISSIONER:** Thank you very much.

10 **MR. ENGELMANN:** Thank you, Ms. Hallett.

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

12 **MR. ENGELMANN:** The exhibit referred to was  
13 3083, sir, that Ms. Hallett referred to on the impact  
14 issue.

15 **THE COMMISSIONER:** The LeSage Report?

16 **MR. ENGELMANN:** Yes.

17 **THE COMMISSIONER:** Okay.

18 **MR. ENGELMANN:** Three-zero-eight -- LaBarge  
19 letter.

20 **THE COMMISSIONER:** Oh, yes, the LaBarge  
21 letter, yes.

22 **MR. ENGELMANN:** Yes.

23 **THE COMMISSIONER:** We haven't filed the  
24 LeSage Report?

25 **MR. ENGELMANN:** No. No, that's a subject

1 matter of discussion this morning as well.

2 **THE COMMISSIONER:** All right.

3 **MR. ENGELMANN:** So 3083 was the exhibit.

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

5 **MR. ENGELMANN:** Ms. Hallett, my friends for  
6 various parties will have questions for you. They will  
7 identify themselves and let you know who they represent.

8 **THE COMMISSIONER:** And have you had a chance  
9 to canvass parties as to how long we are going to be?

10 **MR. ENGELMANN:** I did. A rough count was  
11 around four hours from most of them and then there were a  
12 couple of parties who said they would be three or four  
13 hours between them. That was the OPP and the OPPA.

14 **THE COMMISSIONER:** Four hours each?

15 **MR. ENGELMANN:** No, together. Together,  
16 between three and four hours.

17 **THE COMMISSIONER:** Okay.

18 **MR. ENGELMANN:** And I had approximately 3  
19 hours and 45 minutes to 4 hours, but I did not have an  
20 estimate from Mr. Lee at the time.

21 **THE COMMISSIONER:** Okay. Well, we'll refine  
22 that as we go.

23 **MR. ENGELMANN:** I can re-canvass this  
24 afternoon.

25 **THE COMMISSIONER:** Please do. Thank you.

1 Ms. Daley?

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

3 DALEY:

4 MS. DALEY: Thank you. Good afternoon, Ms.  
5 Hallett. We met yesterday. My name is Helen Daley. I'm  
6 counsel for the Citizens for Community Renewal. It's a  
7 local citizens group with standing at the Inquiry.

8 There's a number of topics I want to speak  
9 with you about. The first one has to do with the research  
10 and thinking that you've done on the historic sexual  
11 offence of gross indecency, right?

12 MS. HALLETT: Yes, m'hm.

13 MS. DALEY: You gave some evidence yesterday  
14 to Mr. Engelmann about that, and I wanted to revisit that  
15 and maybe just get a bit more detail from you on your  
16 thought process.

17 Obviously, you had invested time in  
18 researching the jurisprudence under that former section of  
19 the *Criminal Code*?

20 MS. HALLETT: That's right.

21 MS. DALEY: And had you ever had occasion to  
22 prosecute cases under that provision?

23 MS. HALLETT: Absolutely, I did.

24 MS. DALEY: And this is going to be a little  
25 bit of a "see spot run" kind of exercise.



1                   **MS. HALLETT:** Right.

2                   **MS. DALEY:** Because we're trying to lay out  
3 obviously for a non-lawyer audience what that charge  
4 entails and why you consider it significant.

5                   **MS. HALLETT:** Okay then.

6                   **MS. DALEY:** But for starters, I understand  
7 that charge existed up until the 1988 *Criminal Code*  
8 amendments?

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

10                  **MS. DALEY:** All right. And help me  
11 understand the consent element of that charge.

12                  I gather the reason that charge was  
13 significant in your mind is that there was no statutory  
14 defence of consent if the complainant were 21 or younger.  
15 Is that correct?

16                  **MS. HALLETT:** Under 21.

17                  **MS. DALEY:** Under 21.

18                  And to contrast that with the other  
19 available sexual offence charge, indecent assault male?

20                  **MS. HALLETT:** Yes.

21                  **MS. DALEY:** That would have had a consent  
22 age of 14. Is that correct?

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

24                  **MS. DALEY:** All right. So if a complainant  
25 was referring to incidents that happened prior to '88 and

1 he was older than 14 years of age but younger than 21, if  
2 an indecent assault male charge was laid, he'd be subject  
3 to a defence of consent. In other words ---

4 MS. HALLETT: A defence of consent could be  
5 raised.

6 MS. DALEY: Could be raised.

7 MS. HALLETT: That's right.

8 MS. DALEY: However, if the same set of  
9 facts had supported a charge or a charge had been laid of  
10 gross indecency, that person would not be subject to any  
11 defence of consent?

12 MS. HALLETT: The defence of consent would  
13 be -- that's correct, the defence of consent would not be  
14 available. How should I say?

15 Yes, in the scenario -- yes, in the scenario  
16 you've described, the defence of consent would not be  
17 available.

18 MS. DALEY: All right.

19 MS. HALLETT: Other than -- okay, there was  
20 a consent defence available between husband and wife.

21 MS. DALEY: All right.

22 If we are turning our minds to a non-spousal  
23 situation ---

24 MS. HALLETT: Yes.

25 MS. DALEY: --- a male on male situation ---

1 MS. HALLETT: Yes.

2 MS. DALEY: --- such as the ones we were  
3 dealing with here, no defence of consent if the charge is  
4 gross indecency, provided the complainant is under 21?

5 MS. HALLETT: That's correct.

6 MS. DALEY: So I take it from a Crown's  
7 perspective that would certainly simplify being able to put  
8 those -- prove those charges?

9 MS. HALLETT: Yes.

10 MS. DALEY: And, obviously, it's much easier  
11 on a victim or a complainant witness to give his evidence  
12 if he's not going to be subject to cross-examination on  
13 consent-type issues?

14 MS. HALLETT: Certainly, yes, I think that  
15 where you remove the defence of consent you're -- you're  
16 focussing on other elements that need to be proven and  
17 probably there's less time that the complainant has to  
18 spend on stand testifying because of that.

19 MS. DALEY: All right.

20 Now, in terms of those other elements, maybe  
21 I've misunderstood you, but is the concept -- again with  
22 the gross indecency charge -- I take it that's in a way a  
23 community standard-type of offence in the sense that the  
24 court has to look at whether the activity violated a norm  
25 of decency in the community is that ---

1 MS. HALLETT: That's right.

2 MS. DALEY: --- correct?

3 MS. HALLETT: M'hm.

4 MS. DALEY: And was it your thinking, based  
5 on your research, that the nature of the relationship -- in  
6 other words if it was a person in authority vis-à-vis a  
7 person who was subject to that authority, that would help  
8 the Crown satisfy that element? Was that your thought  
9 process?

10 MS. HALLETT: Yes that's correct. I think  
11 the exploitation of a power imbalance probably could be the  
12 basis for an inference that the conduct of the person on  
13 the upper part of that ---

14 MS. DALEY: Yes.

15 MS. HALLETT: --- power imbalance, that that  
16 conduct was a marked departure from what would be expected  
17 of the average Canadian in the circumstances.

18 MS. DALEY: I want to give you a few  
19 examples of relationships and I'd just ask you whether on  
20 your reading of the law and your experience in this area --  
21 -

22 MS. HALLETT: M'hm?

23 MS. DALEY: --- these are the types of  
24 relationships that might have been relevant had gross  
25 indecency charges been laid, and I'm drawing this -- these

1 examples from evidence we've heard.

2 What about a probation officer and a  
3 probationer? Would that be a situation where, in a gross  
4 indecency charge, the relationship might get the Crown over  
5 the burden of proof?

6 **MS. HALLETT:** I think the relationship would  
7 definitely be relevant. It would -- probably would also  
8 depend on the difference in age too.

9 **MS. DALEY:** All right.

10 **MS. HALLETT:** But definitely that  
11 relationship in itself seems to be a power imbalance that  
12 if exploited would probably be the basis for that charge.

13 **MS. DALEY:** Would you have the same answer  
14 to give if we were considering a teacher and a pupil?

15 **MS. HALLETT:** The same.

16 **MS. DALEY:** What about a park caretaker and  
17 a young person who is using the park?

18 **MS. HALLETT:** I -- I think a caretaker is in  
19 a position of authority, yes.

20 **MS. DALEY:** All right. And a priest and a  
21 parishioner?

22 **MS. HALLETT:** Absolutely, a young  
23 parishioner, yes.

24 **MS. DALEY:** All right. Thank you.

25 I'm going to move to my next topic and it's

1           what we've called "linkages" at other -- at other points in  
2           time in the Inquiry here, and what I'm going to ask you  
3           about is whether you were alive to certain linkages in the  
4           Project Truth cases that you were involved in.

5                           And you might need to have the moniker list  
6           handy, but I'll start with what I hope is an easy one and  
7           that's Mr. C-8, right? He was a complainant of yours in  
8           the Father Charles prosecution and you were aware he was  
9           also a complainant in the Marcel Lalonde prosecution even  
10          though that wasn't one of your cases, right?

11                           **MS. HALLETT:** And not even a Project Truth  
12          case.

13                           **MS. DALEY:** And not a Project Truth case.

14                           And there's another individual who -- whose  
15          -- has not asked for a moniker but his name Kevin Upper.

16                           **MS. HALLETT:** Yes.

17                           **MS. DALEY:** And he was a complainant of  
18          yours in the Father Charles case?

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

20                           **MS. DALEY:** And did you know he was also a  
21          complainant in the Lalonde case?

22                           **MS. HALLETT:** I -- I can't say that I knew  
23          that or I may have known it but I have -- had forgotten  
24          that.

25                           **MS. DALEY:** The third person who straddles

1 some cases is Mr. C-5?

2 MS. HALLETT: Yes, m'hm.

3 MS. DALEY: You had him as a complainant in  
4 the case against Father Charles?

5 MS. HALLETT: Yes.

6 MS. DALEY: And also in the case that you  
7 did against Malcolm MacDonald ---

8 MS. HALLETT: That's right.

9 MS. DALEY: --- correct?

10 Now, let me ask you a few questions just  
11 about C-5 and those two alleged abusers.

12 Were you aware, Ms. Hallett, of a  
13 relationship between Malcolm and Father Charles MacDonald?

14 MS. HALLETT: Yes.

15 MS. DALEY: You knew they had a friendship  
16 and a professional relationship?

17 MS. HALLETT: I knew of a friendship.

18 MS. DALEY: All right.

19 MS. HALLETT: The professional -- perhaps  
20 you could remind of that?

21 MS. DALEY: Malcolm was a solicitor and ---

22 MS. HALLETT: Yes.

23 MS. DALEY: --- at one point-in-time Charles  
24 was his client?

25 MS. HALLETT: Client, yes, m'hm.

1                   **MS. DALEY:** And did you ever have an  
2                   opportunity to speak with C-5 about that linkage, the fact  
3                   that he alleged to have been abused by both Malcolm and  
4                   Charles, two people who knew one another? Did that ever  
5                   come up in your meetings or dealings with him?

6                   **MS. HALLETT:** I'm not sure if I ever did  
7                   meet with that complainant.

8                   **MS. DALEY:** Right.

9                   **MS. HALLETT:** I wanted to meet with him,  
10                  certainly in anticipation of the preliminary inquiry for  
11                  Malcolm MacDonald, and I believe that there -- that the  
12                  officer was having difficulty finding him at that time so I  
13                  -- I -- there was a reason why I -- I did not meet with  
14                  him, in other words.

15                  **MS. DALEY:** All right. So it follows that  
16                  the opportunity never arose for you to talk to him about  
17                  whether ---

18                  **MS. HALLETT:** I could be wrong.

19                  **MS. DALEY:** --- about that coincidence?

20                  **MS. HALLETT:** I could be wrong, Ms. Daley.  
21                  I cannot recall meeting with that particular complainant  
22                  ever but it could be. There may be some documentation that  
23                  demonstrates that I did. It was my intention to do so, but  
24                  whether or not I ever was able to do that is another thing.

25                  **MS. DALEY:** Did you ever turn your mind to



1           whether or not, in C-5's case or Kevin Upper's case or  
2           indeed C-8's case, there was a connection amongst their  
3           alleged abusers or there was common ground amongst their  
4           alleged abusers?

5                   **MS. HALLETT:** I often put my mind to that  
6           possibility.

7                   **MS. DALEY:** Was it a factor that -- as a  
8           prosecutor, was it a relevant factor for the prosecution?

9                   **MS. HALLETT:** I think that's an interesting  
10          issue because it also arose in relation to the Claude  
11          Marleau allegations.

12                   **MS. DALEY:** Yes.

13                   **MS. HALLETT:** And what I saw was at least a  
14          close friendship among a number of men who seemed to be  
15          using the young people who one or the other of them had  
16          encountered professionally.

17                   **MS. DALEY:** Did you see that possibility  
18          arising as well in your Project Truth cases and the Lalonde  
19          case? In other words, these linkages that I've sort of  
20          drawn your attention to, you saw that that could possibly  
21          be a situation where the same thing is happening, that is  
22          to say older men are "grooming", to use that term ---

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

24                   **MS. DALEY:** --- and perhaps introducing  
25          young, vulnerable men to one another? You saw that as a

1 possibility?

2 **MS. HALLETT:** That -- that clearly, yes,  
3 appeared to be the case.

4 **MS. DALEY:** Did you ever have discussion  
5 with the investigators of Project Truth on that very point?  
6 In other words, whether they'd been able to develop any  
7 evidence to support your intuition that perhaps there was a  
8 connection?

9 **MS. HALLETT:** Well, I think that the  
10 connection among these men was -- was apparent, but whether  
11 or not there could be criminal charges based simply on that  
12 kind of a friendship with nothing more, is another issue.  
13 You know, in order to prove a conspiracy or even that  
14 people are parties to an offence, you have to have some  
15 evidence.

16 So I think that the investigators and myself  
17 were all aware of the -- of the association by way of  
18 friendship of the various -- these various men, and how  
19 they might be meeting these young people whether as  
20 probationers or as young offenders, but how -- but proving  
21 that there was a plan or concerted design to actually  
22 exploit these young people as opposed to a simply -- simply  
23 taking advantage of these opportunities as they came along  
24 is -- there is a distinction.

25 **MS. DALEY:** Short of laying additional

1 charges of a conspiracy nature, I'm assuming that as a  
2 prosecutor had any of these matters gone to trial ---

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

4 **MS. DALEY:** --- you could have attempted to  
5 lead evidence, if it was admissible and relevant, about the  
6 connections short of attempting to suggest a conspiracy?  
7 Would that -- it that something that might have helped you  
8 prove your case had you had the opportunity to be at trial?

9 **MS. HALLETT:** It may have. I'd have to --  
10 certainly, if I thought it was probative evidence I would  
11 have introduced it.

12 **MS. DALEY:** Right.

13 **MS. HALLETT:** But, at the same time, simply  
14 because a person has a friend and that friend may also be  
15 exploiting other young people does not necessarily make it  
16 admissible evidence.

17 **MS. DALEY:** One other name that I should  
18 have mentioned to you in connection with the linkages point  
19 is that of Mr. Silmsler because you had him as a complainant  
20 in your Father Charles prosecution. He was a complainant  
21 in -- in other matters as well again.

22 If you met Mr. Silmsler, did you ever have a  
23 chance to explore those connections with him?

24 **MS. HALLETT:** I'm not sure that I did meet  
25 Mr. Silmsler. I may have. I cannot recall that now. No I

1 don't think I ever did.

2 What I would have done I don't know. It's  
3 hard to say what I would have done.

4 **MS. DALEY:** That's a fair response.

5 In listening to your evidence, one of the  
6 things that occurred to me is that even though the Lalonde  
7 matter was not a Project Truth matter, as you point out,  
8 I'm assuming it would have been very helpful to you to know  
9 about occurrences in that case because it did involve some  
10 of your own complainants.

11 **MS. HALLETT:** Yes.

12 **MS. DALEY:** And I take it, again using  
13 hindsight, which is pretty helpful, that had there been a  
14 routine protocol for sharing information amongst the Crowns  
15 -- and I'm referring to information about the charges,  
16 transcripts once the complainants have testified -- that  
17 would have been of great assistance.

18 **MS. HALLETT:** Yes. Yes, I suppose it would  
19 have. I think you heard my evidence earlier, though, that  
20 I had asked my co-counsel to get up to speed in Lalonde for  
21 the purpose of the Dunlop issue and so sometimes there are  
22 -- there are times when the Crown wants to focus, as  
23 opposed to always just getting more and more information.

24 **MS. DALEY:** Yes.

25 **MS. HALLETT:** Sometimes you have to -- there

1 is an information overload and you either have to delegate  
2 responsibilities for, you know, who's going to be taking in  
3 all this other information, or you have to have a little  
4 more time.

5 MS. DALEY: On the subject of Officer Dunlop  
6 and the role, that's another factor here that made me think  
7 that global sharing of information about the cases in which  
8 Mr. Dunlop had had contact with witnesses would have been  
9 helpful to all the Crowns ---

10 MS. HALLETT: Yes.

11 MS. DALEY: --- who were ultimately  
12 involved?

13 MS. HALLETT: Yes, I agree with you. I wish  
14 that there had been an orientation package or brief  
15 available at the outset of these prosecutions to all Crowns  
16 involved in them that would have brought us all up to speed  
17 in terms of what Constable Dunlop's investigation had been.  
18 And that's why I said a couple of days ago I wish I had  
19 gotten that conspiracy brief as the first one and not the  
20 last one.

21 MS. DALEY: Understood. Now just a few more  
22 questions about Officer Dunlop's role.

23 Had you ever been involved in a comparable  
24 circumstance as a prosecutor?

25 MS. HALLETT: Never.

1                   **MS. DALEY:** All right, so this was a unique  
2                   experience for you and I'm assuming for the other  
3                   prosecutors who also dealt with it; correct?

4                   **MS. HALLETT:** Yes.

5                   **MS. DALEY:** And one of the latter exhibits  
6                   you looked at with my friend this morning is the notes that  
7                   were made at the very first pre-trial in MacDonald that you  
8                   attended with Mr. Pelletier and obviously, right off the  
9                   bat, in that circumstance, defence counsel was making  
10                  reference to the fact that two of your complainants, C-8  
11                  and Mr. Renshaw, who is also not monikered, got there  
12                  because of Dunlop and money, and that they had been  
13                  recruited by Dunlop et cetera, et cetera. So that's  
14                  something that you're being told very early on in the  
15                  MacDonald piece; correct?

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

17                  **MS. DALEY:** Now, I'm wondering whether, for  
18                  starters, did you have any conversations with  
19                  Mr. Pelletier, as he then was, who was transferring the  
20                  file to you, as to, "What is this Dunlop story and how have  
21                  you tried to deal with it? Do you have any ideas for how I  
22                  might deal with it?"

23                  **MS. HALLETT:** No. I don't think we did have  
24                  a sufficient strategy around Constable Dunlop, the Dunlop  
25                  issue. I was sort of leaving that to my co-counsel and, of

1 course, in retrospect we should have.

2 But I think that part of the problem is  
3 that, and I did I think allude to this a couple of days ago  
4 too, the perception of Constable Dunlop evolved from the  
5 beginning of the Project Truth investigations and from my  
6 involvement, my first involvement in 1998.

7 That perception evolved over the course of  
8 three years and so what Constable Dunlop was perceived as  
9 being at the end of that period was much different than he  
10 was perceived at the beginning.

11 And one must always be on guard for  
12 manipulation of a person's perception by the media and by  
13 others who have an interest in manipulating that  
14 perception.

15 **MS. DALEY:** I take it you would consider  
16 that defence counsel would have an interest in manipulating  
17 that perception?

18 **MS. HALLETT:** Yes.

19 **MS. DALEY:** By the time you were present at  
20 the pre-trial in MacDonald and these statements were made,  
21 had your own perception, the Crown's perception of Officer  
22 Dunlop's role, begun to change into a more problematic one?

23 **MS. HALLETT:** Yes, I think that we had to  
24 recognize at a certain point that we had to take an  
25 interest in what Constable Dunlop had been doing, given the

1       allegations that were arising out of Lalonde and the  
2       criminal investigation. That doesn't mean that one  
3       necessarily accepted the negative characterizations of  
4       Constable Dunlop but, in terms of their impact on the  
5       prosecutions, that was something that we had to deal with.

6               **MS. DALEY:** I suppose I could put it to you  
7       this way. Even if it was the case that Officer Dunlop had  
8       not tried to manipulate evidence ---

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

10              **MS. DALEY:** --- but had just been hearing  
11       the story from the various complainants, that was a problem  
12       that you had to manage---

13              **MS. HALLETT:** Yes.

14              **MS. DALEY:** --- regardless that he wasn't  
15       attempting to manipulate them; right?

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

17              **MS. DALEY:** And that problem could be  
18       labelled a contamination problem because you knew that  
19       Defence would be curious about that and would try to or  
20       would perhaps successfully suggest that it wasn't such a  
21       benign contact and perhaps the witness's evidence had been  
22       contaminated by discussing with other people; right?

23              **MS. HALLETT:** Yes.

24              **MS. DALEY:** I appreciate that in hindsight  
25       you wish you had a strategy. I'm just wondering if you



1 ever thought about this, and I'm not saying you should have  
2 but I just wondered if you did. Do you think there could  
3 have been any benefit by a Crown, maybe not you personally  
4 because you wouldn't want to be a witness, but a Crown  
5 meeting with Officer Dunlop and explaining to him that he  
6 was jeopardizing the cases by virtue of communicating with  
7 complainants and witnesses about their allegations? Is  
8 that something that could have been done?

9 **MS. HALLETT:** It definitely could have been  
10 and sometimes people get the message when it depends on the  
11 personality who is delivering the message. I guess we did  
12 leave it to the police officers to deliver that message to  
13 Constable Dunlop, sort of marine to marine.

14 **MS. DALEY:** Did you become aware that,  
15 unfortunately by virtue of a number of circumstances I  
16 don't need to bore you with, but Dunlop had -- Mr. Dunlop  
17 had lost faith and confidence in his own Force and was not  
18 receptive to their messages? Did you know that?

19 **MS. HALLETT:** Yes, I was aware of that.

20 **MS. DALEY:** Did Officer Hall, during the  
21 time you were involved, make you aware of his perception of  
22 Officer Dunlop and the fact that he was not getting  
23 cooperation from him?

24 **MS. HALLETT:** Yes, I was aware of that, that  
25 Officer Hall didn't think he was getting cooperation.

1                   **MS. DALEY:** At one point Officer Hall  
2 testified that he became very concerned because he had  
3 asked Constable Dunlop to acknowledge in writing that  
4 Dunlop had in fact handed over everything he had of  
5 relevance to any prosecution, and Mr. Hall told us that  
6 Office Dunlop promised on many, many occasions to do that  
7 but just never put pen to paper and ultimately refused.

8                   **MS. HALLETT:** Yes.

9                   **MS. DALEY:** Did you know about that?

10                   **MS. HALLETT:** Oh, I was aware of that.  
11 That's right. It occurred before -- I believe before I was  
12 involved in these cases. It may have occurred in '97 or  
13 early '98. I was aware of that attempt by Detective Hall  
14 to get that.

15                   **MS. DALEY:** Given that -- sorry, finish your  
16 answer please.

17                   **MS. HALLETT:** Well, you know, I'm not sure  
18 that anybody really is comfortable signing off in terms of  
19 things like that. I think it's a clear -- it can always be  
20 construed more as a -- how should I say, cover your ass  
21 kind of exercise as opposed to an attempt to really get  
22 what's important, you know.

23                   **MS. DALEY:** So, based on that comment, I  
24 assume that you weren't as troubled as Officer Hall was by  
25 Constable Dunlop's decision not to sign that document?

1                   **MS. HALLETT:** Well, yes, I could understand  
2 as a lawyer -- I can understand why, you know, you try to  
3 decline to sign those kind of documents as frequently as  
4 possible.

5                   **MS. DALEY:** All right. Did Officer Hall or  
6 anyone else involved in Project Truth ever ask you for your  
7 advice or input about dealing with Constable Dunlop and  
8 trying to secure his cooperation?

9                   **MS. HALLETT:** No, I don't -- no, I don't  
10 think so. Well, for one thing, I think there would have  
11 been a concern. I was concerned when Perry came to Crown  
12 Law Office - Criminal ---

13                   **MS. DALEY:** Yes.

14                   **MS. HALLETT:** --- on June 27<sup>th</sup>, the day ---

15                   **MS. DALEY:** Two thousand (2000).

16                   **MS. HALLETT:** --- that he ---

17                   **MS. DALEY:** Yeah.

18                   **MS. HALLETT:** --- 2000, that's right,  
19 because I was concerned about perhaps becoming a witness in  
20 the case and so I think that because, you know, he seemed  
21 to have additional material for me, I was -- I was being  
22 forced to, sort of, take that at that time and I didn't  
23 have any officers present. So I think that the Crowns  
24 would have been concerned about dealing with Constable  
25 Dunlop in that context. But it might have been helpful to

1 have some sort of liaison person speaking to Constable  
2 Dunlop in a -- perhaps a -- how should I say -- a delicate  
3 way ---

4 MS. DALEY: Right.

5 MS. HALLETT: --- about, you know, doing the  
6 right thing.

7 MS. DALEY: Because as you, I think,  
8 yourself observed, I mean, initially he was viewed as a  
9 local hero, a person who was very much interested to see  
10 justice done, and that is to say cases going to trial and  
11 yet, ironically, the impact of much of what he did was to  
12 the opposite effect, right?

13 MS. HALLETT: Yes, unfortunately.

14 MS. DALEY: All right.

15 One other -- just to wind up on that topic,  
16 in terms of the Victim Witness Assistance Program, I took  
17 it that a very important element of what they do,  
18 particularly in a multiple victim-multiple perpetrator  
19 scenario, is they can help victims or witnesses avoid  
20 having their evidence tainted by giving them guidance that  
21 they shouldn't be discussing evidence with one another or  
22 with any individual party. That's -- to your knowledge,  
23 that's one of the services that they provide to victims and  
24 witnesses; correct

25 MS. HALLETT: I think so.

1                   **MS. DALEY:** And did you get the impression  
2                   in the cases that you worked on -- I guess principally  
3                   MacDonald is the one I'm focussed on -- that the alleged  
4                   victims and witnesses in that case looked to the Dunlops  
5                   for support?

6                   **MS. HALLETT:** I -- yes, I was very much  
7                   aware of that and I do remember even discussing that with  
8                   one of the complainants in the Charles MacDonald case who  
9                   doesn't have a moniker, that is John MacDonald.

10                  **MS. DALEY:** Yes.

11                  **MS. HALLETT:** I remember having a meeting  
12                  with a number of the complainants on the Charles MacDonald  
13                  case, including John, and I remember saying that they  
14                  really should stay away from Constable Dunlop at that point  
15                  because of these concerns around alleged contamination and  
16                  -- and that message wasn't a happy one for those  
17                  complainants. They -- they felt that that was being very  
18                  unfair.

19                  **MS. DALEY:** Perhaps because they didn't see  
20                  an alternative?

21                  **MS. HALLETT:** That may be.

22                  **MS. DALEY:** And I guess this goes to some  
23                  evidence you gave earlier, that it was distressing to you  
24                  that the V/WAP Program wasn't engaged in Cornwall much  
25                  earlier than it was because by the time it did arrive, I

1       guess most of the preliminary hearings had already  
2       occurred; correct?

3                   **MS. HALLETT:** I -- I'm not quite sure where  
4       we were in terms of the prelims. I'll take your word for  
5       that.

6                   **MS. DALEY:** Certainly, by the time it did  
7       arrive, most of the complainants who were so inclined were  
8       talking to Dunlop and his family and, therefore, the  
9       opportunity to help them not taint their evidence was  
10      missed?

11                  **MS. HALLETT:** That may be. That may be.

12                  **MS. DALEY:** Some questions for you about the  
13      Nadeau website and the impact it had on your case.

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

15                  **MS. DALEY:** And I'll start by asking -- I  
16      assume it was important to you as the Crown to have the  
17      Leduc charges tried before a jury.

18                  **MS. HALLETT:** Yes.

19                  **MS. DALEY:** And can you just briefly explain  
20      why that was important to you?

21                  **MS. HALLETT:** I felt that the issues were  
22      appropriate for trial by the -- by a jury. I felt that  
23      given the allegations that -- that people from different  
24      backgrounds and experience would be well-suited to hear  
25      that evidence and make just conclusions on the evidence and

1           that it would, of course, it would tend -- how should I say  
2           -- I thought that a conclusion of a jury would have  
3           compelling effect on the community generally in terms of --  
4           -

5                       **MS. DALEY:**   Accepting ---

6                       **MS. HALLETT:**   --- finality.

7                       **MS. DALEY:**   --- the result.

8                       **MS. HALLETT:**   Exactly; finality of the  
9           result.

10                      Whereas, unfortunately, where you have a  
11           case that's tried by a judge alone, there can always be  
12           arguments made, you know, frivolous or otherwise, that the  
13           judge had some sort of vested interest or oblique motive in  
14           disposing of the case in a certain way.

15                      **MS. DALEY:**   That might be particularly the  
16           case in a community where, unfortunately, there's a will to  
17           believe that type of thing.  In other words, an inclination  
18           to believe that there has been a conspiracy involving  
19           justice, right?

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

21                      **MS. DALEY:**   Now, in terms of then the Nadeau  
22           -- Mr. Nadeau's website and its impact, I think we can look  
23           at this at the -- on the screen.  It's Exhibit 780.  Madam  
24           Clerk, if you could just let us all see that.

25                      I'm just showing you a very brief article

1 that appeared in the Toronto Star in January of '01 during  
2 the Leduc trial that deals with this, and the first three  
3 paragraphs are germane if you just want to ---

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

5 **MS. DALEY:** --- have a look there.

6 And, essentially, what is being reported on  
7 here is Mr. Justice MacKinnon's comments to Mr. Nadeau that  
8 he has, in fact, done damage by virtue of the website --  
9 the content of the website -- and that indeed that was an  
10 element in his decision to remove that case from the jury;  
11 correct?

12 **MS. HALLETT:** Yes.

13 **MS. DALEY:** And if you could -- Madam Clerk,  
14 if you could just show the witness page 2 of 2 of that  
15 exhibit.

16 This is some content of the first --  
17 actually, the first four paragraphs are of interest to me,  
18 so there's some information there about Mr. Nadeau that I'd  
19 just ask you to look at, please.

20 **MS. HALLETT:** The first four paragraphs?

21 **MS. DALEY:** Yeah. He says, amongst other  
22 things, that in his mind at least it's up to a paedophile  
23 to prove his innocence.

24 **MS. HALLETT:** Yes.

25 **MS. DALEY:** So clearly -- to your knowledge,



1 is that a comment that Mr. Nadeau made in court?

2 MS. HALLETT: Oh, I can't remember that.

3 MS. DALEY: All right. Perhaps that's  
4 something he said to the reporter.

5 MS. HALLETT: Yes, maybe.

6 MS. DALEY: All right.

7 In any event, did you form the view that his  
8 -- that he had a mindset that really didn't quite grasp the  
9 presumption of innocence and what was happening in the  
10 courtroom?

11 MS. HALLETT: To tell you the truth, that's  
12 -- I'm reacting to that line because I am rather astounded  
13 by it, but I cannot -- I cannot recall putting my mind to -  
14 - at that point, to what Dick Nadeau was thinking about the  
15 onus of proof in a criminal trial. I had a lot of other  
16 things on my mind.

17 MS. DALEY: Fair enough.

18 Did you ever become aware that, amongst  
19 other things, Mr. Nadeau had posted affidavits of Mr.  
20 Leroux -- the conspiracy brief person -- on his website?  
21 Did you know about that?

22 MS. HALLETT: I was aware that he was  
23 posting statements on the website.

24 MS. DALEY: All right.

25 MS. HALLETT: Yes, statements of

1 complainants ---

2 MS. DALEY: Of complainants.

3 MS. HALLETT: -- in criminal -- in these  
4 Project Truth matters.

5 MS. DALEY: All right.

6 If I've understood you correctly, your  
7 suggestion, internally, that an application should be  
8 brought to temporarily close that website was rejected, was  
9 that principally because it would look like the Crown  
10 suppressing free speech?

11 MS. HALLETT: I think that was one of the  
12 concerns, definitely, that Mr. Stewart and the others had  
13 about it; that perception. I'd have to refer to my notes  
14 in terms of what their other concerns were. I think, yes,  
15 that was an issue.

16 MS. DALEY: That was an issue ---

17 MS. HALLETT: Right.

18 MS. DALEY: --- all right.

19 In any event, the decision was there was  
20 really no remedy that the Crown could pursue at that time?

21 MS. HALLETT: That this was not something  
22 that we -- that the Crown should get involved in.

23 MS. DALEY: All right.

24 MS. HALLETT: And I must say this. It was  
25 Mr. Nadeau who did bring to our attention, ultimately, the

1 fact that Justice MacKinnon had had that previous  
2 experience with respect to Dunlop and -- Detective Dunlop  
3 and recommending charges, and it may be that kind of  
4 information and the outing of that kind of information that  
5 Mr. Segal, Mr. Lindsay and Mr. Stewart ---

6 **MS. DALEY:** Had in mind.

7 **MS. HALLETT:** --- had in mind.

8 **MS. DALEY:** I understand. Let me just pick  
9 up on that point for one moment. And I'm going to ask you  
10 now to think about the resurrection, so to say, of the  
11 Leduc charges in 2004 when Lidia Narozniak is dealing with  
12 it on behalf of the Crown.

13 **MS. HALLETT:** Yes.

14 **MS. DALEY:** Were you aware ultimately that  
15 the Crown conceded on the defence motion that was brought  
16 that had the stay not been granted by Mr. Justice Chadwick,  
17 the trial that had occurred up to that point before Mr.  
18 Justice MacKinnon would have to have been a mistrial as a  
19 result of his prior connection with Dunlop?

20 Did you know that that was the Crown's  
21 position?

22 **MS. HALLETT:** No, I don't think I did  
23 because I don't think that was what the decision had been  
24 in the Court of Appeal.

25 **MS. DALEY:** I don't think the Court of

1 Appeal touched on that issue. What I'm just trying to

2 ---

3 MS. HALLETT: Right.

4 MS. DALEY: --- draw your attention to is --

5 -

6 MS. HALLETT: Okay.

7 MS. DALEY: --- there was -- the Crown  
8 essentially agreed with the Defence in '04 that if Chadwick  
9 had ruled the other way ---

10 MS. HALLETT: Right.

11 MS. DALEY: --- that trial could not  
12 continue to its conclusion before MacKinnon, J. as a result  
13 of his conflict.

14 In other words, there would have to have  
15 been a mistrial. Is that something you knew?

16 MS. HALLETT: No, I'm not sure that I did  
17 know that. I don't think I did.

18 MS. DALEY: I wonder what your thinking was  
19 about that concept. Had the stay not been granted, in your  
20 mind as prosecutor could that trial have continued to its  
21 conclusion before Mr. Justice MacKinnon?

22 MS. HALLETT: Well, as I stated to the  
23 Court, I did advise Justice MacKinnon that if Detective  
24 Dunlop's conduct continued to be an issue in the case I  
25 didn't think that Justice MacKinnon could continue.

1                   That was the position that I took on the  
2 record. But of course Justice MacKinnon could have  
3 continued if Dunlop were not an issue in the case.

4                   **MS. DALEY:** All right. So that was the  
5 variable?

6                   **MS. HALLETT:** That was it. And that was a  
7 possibility because of the very minimal contact that  
8 Constable Dunlop had had, to my understanding, with ---

9                   **MS. DALEY:** At least as you knew about it at  
10 the time.

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

12                   **MS. DALEY:** Right? All right. My last area  
13 for you and I -- if I can have just maybe 10, five more  
14 minutes, I can finish this cross-examination -- is this.  
15 You looked at exhibit 2731 -- you might want to have that  
16 handy. Again that's a memorandum from Lidia Narozniak to  
17 John Pearson and others. And this is now in the context,  
18 Ms. Hallett, of the 2004 proceeding in Leduc.

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

20                   **MS. DALEY:** And you gave a little bit of  
21 evidence about this in chief. You did indicate that you'd  
22 read it to prepare to come here, and that you had some  
23 disagreement with it.

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

25                   **MS. DALEY:** There's another document that I

1 think is associated with this document that I would like  
2 you to look at. And Madame Clerk, that's 103008.

3 And I think it's in the cross materials and  
4 I know my friend Ms. Robitaille handed out copies; 103008.

5 **THE COMMISSIONER:** Thank you. Exhibit  
6 number 3231 is a document entitled "Top Six Disclosure  
7 Problems of the Crown."

8 **---EXHIBIT NO./PIECE NO. P-3231**

9 (103008) Notes 'Top Six Disclosure  
10 Problems of the Crown' undated

11 **MS. DALEY:** Now, Ms. Hallett, the reason I  
12 have drawn you here is that I thought that perhaps this was  
13 the list that's referred to in the last paragraph -- sorry,  
14 last sentence of the first paragraph of Exhibit 2731 where  
15 the authors say:

16 "We also attach a list of the most  
17 troubling aspects of delayed  
18 disclosure."

19 And this seems to be a list of ---

20 **MS. HALLETT:** Okay.

21 **MS. DALEY:** --- what they consider to be  
22 problems.

23 **MS. HALLETT:** Yes.

24 **MS. DALEY:** What I wanted just to do with  
25 you briefly is to step you through those and get your

1 comments.

2 MS. HALLETT: M'hm.

3 MS. DALEY: You have had -- have you had a  
4 chance to look at this new exhibit n the course of  
5 preparing to come here?

6 MS. HALLETT: Yes.

7 MS. DALEY: So the first of the top six  
8 problems has to do with the November 24<sup>th</sup>, '98 video of C-8,  
9 which they indicate is not disclosed until weeks before the  
10 prelim.

11 MS. HALLETT: Yes.

12 MS. DALEY: And could I get your comment on  
13 that? I mean, is there a reason why you were -- oh, I'm  
14 sorry, I misspoke. I've forgotten. I mixed up my cases.

15 This is C-22 we're talking about, not C-8.

16 MS. HALLETT: Oh yes.

17 MS. DALEY: I've mixed up your cases.

18 MS. HALLETT: Okay, yes.

19 MS. DALEY: Because C-8 was not a Leduc  
20 complainant. So this is C-22.

21 MS. HALLETT: Okay, yes.

22 MS. DALEY: It does seem to be the case that  
23 you were in possession of a video, from what I've seen, and  
24 you want to review it before disclosing it to the Crown, et  
25 cetera -- or disclosing it to the Defence.

1 I'm just wondering your response to this as  
2 a disclosure problem. Was there a reason for what you did?

3 **MS. HALLETT:** Yes. As I testified  
4 yesterday, I did not obtain that videotape or even the  
5 transcription of the videotape -- I didn't receive the  
6 transcription of the videotape and the brief that had been  
7 pulled together in relation to this allegation until I  
8 believe February the 18<sup>th</sup> of 1999.

9 And that is because I was waiting for it to  
10 come through from the police and that -- and I did disclose  
11 it as soon as I could upon my receipt of it.

12 **MS. DALEY:** Was it your position at some  
13 point in the Leduc matter that you wanted to actually see  
14 the videotapes before you disclosed them?

15 **MS. HALLETT:** Yes, I did. And I think  
16 that's important. I also want to get undertakings about  
17 their restricted dissemination and the return of them  
18 before I give them to the Defence.

19 **MS. DALEY:** All right. The second problem  
20 itemized here you have spoken about already in your  
21 testimony and that's volume 2.

22 **MS. HALLETT:** Yes.

23 **MS. DALEY:** And I think you acknowledge that  
24 that was just a mistake.

25 **MS. HALLETT:** It was. It was. And as soon



1 as I became aware of it I did enclose it. I think the  
2 correspondence - in the correspondence filed there's a  
3 letter and I'm telling Mr. Edelson, "I'm going to send you  
4 volume 3," and that was because I thought he had volume 2  
5 at that point.

6 **MS. DALEY:** All right. So that was an  
7 inadvertent mistake on your part?

8 **MS. HALLETT:** Yes, it was.

9 **MS. DALEY:** The third item refers to volume  
10 5, which was disclosed November 14, 2000 but it includes  
11 written statements taken the prior year.

12 **MS. HALLETT:** Yes. Well, the police  
13 officers had pulled that together. I believe it did  
14 contain mostly new statements that they had obtained but I  
15 guess there was some older material that was included.

16 I -- that had -- how should I say, I was  
17 simply getting that material at that time and handing it  
18 over as -- you know, as soon as possible after getting it  
19 that I could.

20 **MS. DALEY:** I don't want to backtrack but I  
21 suppose, just putting together some other evidence we've  
22 heard, a remedy for problem number 2 -- and that was the  
23 inadvertence on volume 2; a remedy for that would have been  
24 to maintain a disclosure log, perhaps, so that you knew ---

25 **MS. HALLETT:** A what?

1                   **MS. DALEY:** Well a log, a specific chart so  
2                   that you have in front of you every piece you've disclosed  
3                   on every day. Would that have been helpful?

4                   **MS. HALLETT:** I'm not sure that that would  
5                   have made that much of a difference. I'm not -- I really  
6                   don't know. My way of keeping track is to create  
7                   correspondence, cover letters for each item.

8                   And I'm not -- I know that other people may  
9                   have strong views about a disclosure register. I'm not  
10                  sure that -- I have never worked with a disclosure register  
11                  as a Crown.

12                  I do rely on the police. The police kept  
13                  one here in terms of keeping track of what was disclosed.  
14                  It's -- there are a lot of things that a Crown does have to  
15                  attend to. There's no -- and I'm not sure that I want to  
16                  necessarily get involved in more administrative work, I am  
17                  really concerned about the evidence.

18                  I want to make sure that disclosure is made.  
19                  I'm not sure if -- what I'm trying to say, Ms. Daley, is  
20                  that I'm not sure if a disclosure register in this case  
21                  would have helped me get Volume II to Mr. Edelson sooner.  
22                  I think that I became aware of the oversight when I was  
23                  making disclosure of Volume III and that's when I got it to  
24                  him. I'm not sure that I was necessarily going to be  
25                  checking my register ---

1 MS. DALEY: In any event.

2 MS. HALLETT: --- in any event.

3 MS. DALEY: Understood. In terms of the  
4 third item then, Volume V, my impression is that there was  
5 a little bit of a lag time before you received that stuff  
6 from the police.

7 MS. HALLETT: M'hm.

8 MS. DALEY: Is it part of the Crown's role,  
9 do you think, to occasionally shake the police's tree just  
10 to make sure that if they have something new, you've got it  
11 as soon as -- just as soon as possible?

12 MS. HALLETT: I think that's understood. I  
13 think that's understood, and I think that they're doing the  
14 best they can. I do believe that these officers,  
15 especially Dupuis, who is very diligent, was doing the best  
16 he could.

17 MS. DALEY: Were you ever aware of any  
18 reason they had for not giving you Volume V quicker?

19 MS. HALLETT: For not giving me what?

20 MS. DALEY: I guess it's Volume V; the  
21 materials in there that you don't quite get in a timely  
22 way.

23 MS. HALLETT: Well, you see this is just  
24 referring to one of the items. This includes witness  
25 statements taken as early as June 30<sup>th</sup>, 1999. That may have

1       been the oldest statement. I don't know how old. There  
2       may have been some more -- some much newer stuff, maybe  
3       stuff even from that summer, and it's just this one item  
4       that, you know, maybe has been overlooked and is included  
5       in the Volume.

6                   **MS. DALEY:** Right.

7                   **MS. HALLETT:** So I don't -- and I think,  
8       given Joe Dupuis' diligence, I am assuming that the content  
9       of Volume V was mostly recently collected material.

10                  **MS. DALEY:** What about the next item here;  
11       that's a statement made by one of your complainants on June  
12       9<sup>th</sup>, '98, but it's not disclosed until 11 months later,  
13       April '99. Do you have any comment to offer on that?

14                  **MS. HALLETT:** No, I don't, and it certainly  
15       wasn't because I was trying to withhold it from the  
16       defence. This has actually taken me by surprise, and I  
17       don't know whether it was in Volume II, which I -- which  
18       was the subject of my oversight. That may have been the  
19       case and that would explain perhaps why it was not  
20       disclosed until later. I'm not quite sure the reason why  
21       that wasn't disclosed.

22                  **MS. DALEY:** That's fair enough. Surely, it  
23       ought to have been and you would acknowledge that.

24                  **MS. HALLETT:** Yes.

25                  **MS. DALEY:** And the last item is apparently

1 a letter disclosed mid-trial. Is there an explanation that  
2 you can provide for that?

3 MS. HALLETT: Yes. This was a very unusual  
4 situation for me, in that civil counsel for C-16 contacted  
5 me very early on, in the month of July of 1998. And I  
6 don't know, you know, he -- we had a telephone  
7 conversation. He said he had been speaking with C-16 that  
8 day. They had had a long walk, long chat and as a result  
9 of which there were additional -- there's additional  
10 information in relation to this allegation that hadn't been  
11 -- that he hadn't told the police ---

12 MS. DALEY: So just to -- so it's clear, is  
13 that the content of the Langlois letter then, this  
14 additional information?

15 MS. HALLETT: Yes, that's right.

16 MS. DALEY: Okay.

17 MS. HALLETT: But there is a lag time  
18 between my obtaining or getting that -- having that  
19 telephone conversation and the letter coming to me.

20 MS. DALEY: All right.

21 MS. HALLETT: But in any case, I'm not -- I  
22 wasn't sure. He's going on about C-16. I'm just starting  
23 with these cases. There are a number of them. There are a  
24 number of accused names. There's a number of complainants'  
25 names, and I'm not even sure who he is talking about at

1           this point.

2                           And I was very brief with him. I said,  
3           "Please, what I'd like you to do is contact the  
4           investigator. Please contact Project Truth and advise them  
5           of this information so that they can re-interview C-16 and  
6           collect whatever exhibits exist in relation to his  
7           allegation" because this is what this defence -- or this  
8           civil lawyer was telling me.

9                           And I also, at that time, contacted  
10          Detective Seguin and let him know that this lawyer had  
11          called me. And I know that these calls were made -- how  
12          should I say -- my call was noted by Detective Seguin and  
13          also civil counsel, Mr. Langlois, who contacted Detective  
14          Seguin, and that was noted in Detective Seguin's notes.

15                          So what I wanted to do was to make sure that  
16          I wasn't receiving this information; that the investigators  
17          were receiving this information. They were better equipped  
18          to follow up on this, you know, further detail with respect  
19          to this allegation, but I wanted to make sure that it was a  
20          matter of record.

21                          And this is ultimately how defence counsel  
22          or Skurka and Campbell did find out about this contact with  
23          Mr. Langlois. However, the letter that Mr. Langlois -- the  
24          confirming letter that was later sent to me by Mr.  
25          Langlois, I left in my correspondence file.

1                   **MS. DALEY:** Oh, so the Langlois letter of  
2 this date was written to you as opposed to the OPP?

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

4                   **MS. DALEY:** All right. And it went to your  
5 correspondence file and, therefore, you weren't thinking  
6 about it for disclosure purposes?

7                   **MS. HALLETT:** That's right, but it was  
8 disclosed on request at the beginning of the trial. But  
9 the information about that was recorded in the officer's  
10 notes.

11                   **MS. DALEY:** Understood. All right.

12                                 And we've talked in great depth about the  
13 number one disclosure problem, so I'm not going to go back  
14 to that.

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

16                   **MS. DALEY:** Thank you for your testimony.  
17 Those are my questions.

18                   **MS. HALLETT:** Thank you.

19                   **THE COMMISSIONER:** Thank you. We'll take  
20 the afternoon break.

21                   **THE REGISTRAR:** Order. All rise. À  
22 l'ordre. Veuillez vous lever.

23                                 This hearing will resume at 3:35 p.m.

24 --- Upon recessing at 3:17 p.m./

25                                 L'audience est suspendue à 15h17

1 --- Upon resuming at 3:44 p.m./

2 L'audience est reprise à 15h44.

3 **THE REGISTRAR:** This hearing is now resumed.

4 Please be seated. Veuillez vous asseoir.

5 **SHELLEY HALLETT:** Resumed/Sous le même serment

6 **THE COMMISSIONER:** Thank you. Before we  
7 begin, Ms. Hallett, I should give a few words with respect  
8 to the Motion by Mr. Kozloff and the rest of the parties.

9 --- RULING BY/DÉCISION PAR JUSTICE NORMAND GLAUDE:

10 **THE COMMISSIONER:** So very briefly then.

11 As you all know, my authority in this  
12 Inquiry is derived from an Order-in-Council issued from the  
13 legislature. I have been appointed as an independent  
14 Commissioner and as a member of the judiciary, I remain  
15 independent from the legislature and from the parties.

16 My former chief, Chief Justice Lennox,  
17 always impressed upon judges that judicial independence is  
18 not a lifestyle but a social responsibility. That  
19 responsibility entails a respect for, on the one hand, the  
20 lawful authority of the legislature, and on the other hand,  
21 for the rights of the public and parties appearing before  
22 me.

23 I say this because, in balancing all of the  
24 interests, a Commissioner must carefully weigh all of the  
25 factors in rendering any such decisions. In this case, we



1 have the clear indication of the legislature, and that is  
2 for an expedient end to the Inquiry.

3 On the other hand, the request by the  
4 parties for a 30-day extension to permit the proper  
5 completion of their submissions, in my view, is not  
6 unreasonable. In coming to the decision to make that  
7 request of the Attorney General on behalf of the parties, I  
8 do so on the understanding that mine is a recommendation  
9 and, albeit a strong one, it is a recommendation  
10 nonetheless, and I shall be guided by the decision of the  
11 Legislature and of the Attorney General.

12 So I can advise you that my recommendation  
13 will be forwarded to the Attorney General today, and I  
14 shall advise the parties and the public if and when a  
15 decision is made and given to me. Thank you.

16 All right. Mr. Horn?

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
18 HORN:

19 MR. HORN: My name is Frank Horn. I  
20 represent the Coalition for Action, which is a citizens'  
21 group here in Cornwall that has been advocating for an  
22 inquiry such as this.

23 The first issue that I would like to canvass  
24 with you is to go back to the time when the -- when you  
25 were initially brought in to the Leduc case. Now, were

1       you, like, did Mr. Segal or somebody in his position come  
2       to you and say, "Do you want to volunteer for this  
3       assignment" or was it something that he says, "You do this,  
4       and I want you to do this."

5                   **MS. HALLETT:** I was volun-told.

6                   **MR. HORN:** Pardon?

7                   **MS. HALLETT:** I was volun-told, Mr. Horn.

8                                   **(LAUGHTER/RIRES)**

9                   **MR. HORN:** Okay. All right. Okay.

10                                   And I guess you were given a little bit of  
11                   insight as to what you were going to be facing?

12                   **MS. HALLETT:** No. I don't think anybody  
13                   could have given me any insight at that time into what I  
14                   was facing.

15                   **MR. HORN:** Okay. So when you came here, you  
16                   thought it was just going to be another major case  
17                   involving quite a controversial situation, but you've  
18                   handled those in the past.

19                   **MS. HALLETT:** Nothing quite like this, I  
20                   have to say.

21                   **MR. HORN:** But you didn't expect anything  
22                   different than anything you've seen before?

23                   **MS. HALLETT:** No. I expected a special  
24                   prosecution, which are -- they're always very difficult  
25                   because they do generally involve high-profile offenders

1 and sensational allegations.

2 MR. HORN: Okay. So, I mean, you knew that  
3 much. Did you get anybody to kind of fill you in on the  
4 lay of the land when you first came?

5 MS. HALLETT: Well, I relied on the officers  
6 for that, the Project Truth officers.

7 MR. HORN: And what was -- did you -- so  
8 they must have told you a little bit about the lawyers you  
9 were going to be facing and the judges that were going to  
10 be involved?

11 MS. HALLETT: Yes, I would get that kind of,  
12 you know, sort of informal information from them and their  
13 take on things, of course, yes.

14 MR. HORN: Now, one of the interesting  
15 things that happened was the fact that there was an  
16 election by the defence to have a judge and jury trial.  
17 Isn't that what happened?

18 MS. HALLETT: Yes. There was an election by  
19 the defence, yes.

20 MR. HORN: And that was to have a judge and  
21 jury trial?

22 MS. HALLETT: That's right.

23 MR. HORN: Okay. In a controversial case  
24 like this with the factual situation that is kind of  
25 sensational ---

1                   **MS. HALLETT:** Yes.

2                   **MR. HORN:** --- judge and jury would -- well,  
3 you wouldn't think it would be an appropriate decision on  
4 the part of the defence would it?

5                   **THE COMMISSIONER:** Well ---

6                   **MS. HALLETT:** That it wouldn't be?  
7 That -- well, there ---

8                   **MS. ROBITAILLE:** Objection, Mr.  
9 Commissioner.

10                   I'm not seeing how it could be relevant to  
11 your mandate at all to have this witness comment on  
12 strategic decisions or -- that's not even the correct word  
13 -- the propriety of certain decisions on the part of the  
14 defence.

15                   **THE COMMISSIONER:** Well, the decisions made  
16 are the decisions made. They're on the record. I don't  
17 know where he's getting at, but I don't think that it's a  
18 reflection on Mr. Leduc's counsel or anything like that, so  
19 I think we'll just leave it.

20                   **MS. ROBITAILLE:** Sorry, is your ruling that  
21 we are going to wait to see where Mr. Horn is going ---

22                   **THE COMMISSIONER:** Yes.

23                   **MS. ROBITAILLE:** --- to find out if it's  
24 relevant?

25                   **THE COMMISSIONER:** Yes.

1 MS. ROBITAILLE: Is that the ruling?

2 THE COMMISSIONER: Yes.

3 MS. ROBITAILLE: Thank you.

4 MR. HORN: Okay.

5 THE COMMISSIONER: So, Mr. Horn, what's the  
6 idea with -- what's the angle with the jury? What are you  
7 getting at?

8 MR. HORN: What I'm concerned about is that  
9 the decision was made to have a case like this tried in  
10 Cornwall with the sensational circumstances that were  
11 there.

12 THE COMMISSIONER: Yes.

13 MR. HORN: To pick a jury and to pick a jury  
14 in this environment.

15 THE COMMISSIONER: Well, okay, but Mr. Horn,  
16 the decision is the defendants.

17 MR. HORN: I understand that, but they made  
18 that decision -- she must have been ---

19 THE COMMISSIONER: "She" meaning?

20 MR. HORN: I'm talking about the Crown  
21 Attorney ---

22 THE COMMISSIONER: Ms. Hallett.

23 MR. HORN: --- must have taken that into  
24 consideration in how she was going to deal with this case.

25 THE COMMISSIONER: Okay, so they took --

1           that's fair.

2                   **MR. HORN:** Okay?

3                   **MS. HALLETT:** Yes.

4                   **MR. HORN:** All right.

5                   So the decision was to have a judge and jury  
6 trial in Cornwall. Is that right?

7                   **MS. HALLETT:** Yes, that was the election by  
8 the defence.

9                   **MR. HORN:** And with the Nadeau web ---

10                   **MS. HALLETT:** --- site.

11                   **MR. HORN:** --- web page ---

12                   **MS. HALLETT:** Yes.

13                   **MR. HORN:** --- and a lot of the other things  
14 that were circulating around in Cornwall and the name  
15 Dunlop being thrown around, this was a situation in which  
16 the jury would be one that you would have to be, you know,  
17 defence counsel would be very concerned about trying to  
18 find an impartial jury.

19                   **MS. HALLETT:** Yes, and that was expressed by  
20 defence counsel at the outset.

21                   **MR. HORN:** Okay, but to make that decision -  
22 --

23                   **THE COMMISSIONER:** What decision?

24                   **MR. HORN:** To make the decision for a judge  
25 and jury trial, is it possible that what they were really

1       trying to do was to, in your mind, trying to create a case  
2       to have the trial to be transferred into another  
3       jurisdiction?

4               **THE COMMISSIONER:** Ms. Robitaille, you don't  
5       even have -- no, no, no. It's okay. Mr. -- so what?

6               **MR. HORN:** Pardon? A change of venue.

7               **THE COMMISSIONER:** The defence has a right  
8       to apply -- well, first of all, has a right to a jury to be  
9       judged by its peers.

10              **MR. HORN:** Yes.

11              **THE COMMISSIONER:** And, if necessary, has a  
12       right to a change of venue. So ---

13              **MR. HORN:** But they have to have grounds for  
14       it and they have to create the -- I'm suggesting that they  
15       were creating the grounds for that by demonising Mr.  
16       Dunlop.

17              **THE COMMISSIONER:** Mr. -- so what?

18              **MR. HORN:** Pardon?

19              **THE COMMISSIONER:** You can't go -- how is  
20       that relevant to the institutional response of the Attorney  
21       General?

22              **MR. HORN:** Because the decisions that were  
23       made on disclosure -- on matters that she felt were not  
24       important ---

25              **THE COMMISSIONER:** Ms. Hallett.

1                   **MR. HORN:** Yes, Ms. Hallett ---

2                   **THE COMMISSIONER:** Yes.

3                   **MR. HORN:** --- thought were unimportant were  
4 considered very important by the defence. She thought they  
5 were not relevant; talking about Mr. Dunlop's contact with  
6 one of the ---

7                   **THE COMMISSIONER:** Complainant's mother.

8                   **MR. HORN:** Yes, that's right.

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

10                  **MR. HORN:** And she felt that that was not  
11 relevant, yet, a great deal was made of that.

12                  **THE COMMISSIONER:** First of all, first of  
13 all, I think the evidence so far is that the witness really  
14 didn't address her mind to whether it was relevant or not  
15 because, through inadvertence, she didn't make the  
16 connection.

17                  **MR. HORN:** Okay. In the decision in the  
18 Court of Appeal ---

19                  **THE COMMISSIONER:** Just a minute, Ms.  
20 Robitaille.

21                  **MS. ROBITAILLE:** Mr. Commissioner, beyond  
22 the concerns that I have with relevance, I do have a  
23 concern when counsel, in their questions, make allegations  
24 against fellow counsel, members of the Bar, and I would ask  
25 you to instruct Mr. Horn to be very careful when he makes



1           allegations, especially baseless ones.

2                   **THE COMMISSIONER:** Mr. Horn, do you  
3 understand that?

4           **MR. HORN:** Yes, I understand that.

5           **THE COMMISSIONER:** Well ---

6           **MR. HORN:** I'm saying that the decisions  
7 that were made was coming into a very controversial case in  
8 Cornwall, and I'm suggesting that the fact that Mr. Dunlop,  
9 the disclosure of Mr. Dunlop, became very important is  
10 because even though she felt that it wasn't important ---

11           **THE COMMISSIONER:** Ms. Hallett, the witness.

12           **MR. HORN:** Ms. Hallett didn't believe it was  
13 important, the defence made it important.

14           **THE COMMISSIONER:** Yeah.

15           **MR. HORN:** Because of the notoriety of Mr.  
16 Dunlop in the area, in this area.

17           **THE COMMISSIONER:** Okay.

18           **MR. HORN:** And that what -- okay.  
19 She does mention that fact that ---

20           **THE COMMISSIONER:** Who is "she"?

21           **MR. HORN:** I'm talking about Ms. Hallett.

22           **THE COMMISSIONER:** Right.

23           **MR. HORN:** --- did mention that the defence  
24 ---

25           **THE COMMISSIONER:** Out of respect, you

1           either say "the witness" or "Ms. Hallett", please.

2                       **MR. HORN:** --- defence could be  
3           manipulating. The media could be manipulating. The  
4           defence could be manipulating. She's made those comments  
5           so far. She has made those comments.

6                       **THE COMMISSIONER:** What comments?

7                       **MR. HORN:** The manipulation.

8                       **THE COMMISSIONER:** Have I missed something?  
9           Did you use the word "manipulation"?

10                      **MS. HALLETT:** I may have, Justice Glaude, in  
11           the context of possible manipulation. I wasn't sure if  
12           there was manipulation of the -- in the media, by the  
13           media.

14                      **MR. HORN:** Manipulation, media, and that  
15           this manipulation -- and she also said the defence. She  
16           didn't just say the media. She also mentioned the defence;  
17           there could have been manipulation taking place. She did  
18           mention that.

19                      **THE COMMISSIONER:** Okay.

20                      **MR. ENGELMANN:** Again, I'm not going to tell  
21           -- the witness is Shelley Hallett and if there is a  
22           document or a reference that Mr. Horn wants to take Ms.  
23           Hallett to, out of fairness to the witness, let's let her  
24           have the letter, the document or whatever it is my friend  
25           is referring to.

1                   **THE COMMISSIONER:** Okay.

2                   **MR. HORN:** It was her testimony.

3                   **THE COMMISSIONER:** Mr. Horn, if you wouldn't  
4 mind either refer to "she" as "the witness" or "Ms.  
5 Hallett".

6                   **MR. HORN:** Okay. Ms. Hallett, yes.

7                   **THE COMMISSIONER:** So that we understand  
8 where we're going.

9                   Number two, there has been -- you as a  
10 defence attorney know that your obligation is to defend  
11 your client to the best of your abilities.

12                   **MR. HORN:** That's right.

13                   **THE COMMISSIONER:** And within the four  
14 corners of the law.

15                   **MR. HORN:** That's right.

16                   **THE COMMISSIONER:** All right. So if you are  
17 going to make an allegation that the defence did something  
18 that was unlawful ---

19                   **MR. HORN:** I didn't say it was unlawful.

20                   **THE COMMISSIONER:** Okay. Immoral?

21                   **MR. HORN:** I didn't say it was immoral. I  
22 said it was a part of the strategy.

23                   **THE COMMISSIONER:** Okay.

24                   **MR. HORN:** It was a part of the strategy and  
25 Ms. Hallett did comment on that; that there was a

1 possibility that she didn't believe -- she said she  
2 initially thought that Mr. Dunlop was a hero but gradually  
3 he stopped being the hero that he initially started out to  
4 be, and she didn't know whether that was part of  
5 manipulation, the media or the Defence, and she said that.

6 **THE COMMISSIONER:** Okay, so what's your  
7 question?

8 **MR. HORN:** The question is, did you feel --  
9 did you think that that you had to, in your strategy, not  
10 disclose the matter -- the contact between Dunlop and the  
11 mother of one of the complainants because by doing that you  
12 would have been acknowledging the role Mr. Dunlop is  
13 playing in this case?

14 **MS. HALLETT:** The reason why ---

15 **MR. HORN:** You're saying he didn't play any  
16 role in this case?

17 **MS. HALLETT:** The reason -- that's right. I  
18 was not aware of any contact by Constable Dunlop with any  
19 witness in this case, in the Leduc case, and had I become  
20 aware of that, had those entries in the Dunlop notes and  
21 Will-Say come to my attention, I would have disclosed all  
22 information that I had in relation to Constable Dunlop to  
23 counsel for Mr. Leduc.

24 **MR. HORN:** Okay. If you had disclosed it,  
25 was that your acknowledging that Mr. Dunlop played a more

1 major part than he did?

2 **MS. HALLETT:** It was an -- no, it was simply  
3 a recognition that by that point in time, Constable Dunlop  
4 was a person of interest and that if he had had some  
5 contact with any witness in the Leduc case, I felt it was  
6 relevant and should have been disclosed.

7 **MR. HORN:** But you never did think it was  
8 relevant or should be disclosed, did you?

9 **MS. HALLETT:** Once I knew that there had  
10 been contact by Constable Dunlop with the mother of C-16, I  
11 certainly believed that anything that I had -- that the  
12 Crown had in its possession with respect to Constable  
13 Dunlop, his notes for example, and his Will-Say and any  
14 information that we have with respect to him, should be  
15 disclosed to the Defence. Yes, I did believe that; and I  
16 would have done so had I known that he had had that contact  
17 with C-16's mother.

18 **MR. HORN:** Okay. But you were -- when Mr.  
19 Edelson was making the applications for disclosure, you  
20 were trying to put some conditions on how he was going to  
21 use that information. What kind of conditions were you  
22 trying to put on it?

23 **MS. HALLETT:** Well, the undertaking -- I  
24 think it's a four-prong undertaking and I made it available  
25 to Cornwall Commission counsel, the one that was -- one of

1           them, that was signed by Mr. Edelson in relation to the  
2           videotape of C-22's investigative interview. I don't know  
3           whether that's available.

4                   **MR. HORN:** No, but just what ---

5                   **MS. HALLETT:** And it would be dated March  
6           17<sup>th</sup> of 1999.

7                   **MR. HORN:** How could it be used other than  
8           for him to inform himself as to what the statements  
9           contained? There can't be anything more to be used -- a  
10          Defence could use in that?

11                   **MS. HALLETT:** Oh, Mr. Horn, there's been --  
12          there are many examples of where those tapes have been  
13          disseminated in order to influence the decision of the  
14          witness to come forward and testify.

15                   It is the source of great humiliation in a  
16          small community that a videotape of a complainant talking  
17          about such things as anal intercourse or any sort of sexual  
18          conduct, it can cause great damage to a successful  
19          prosecution, the improper dissemination of that kind of  
20          information, that kind of videotape.

21                   **MR. HORN:** Okay. The ---

22                   **MS. HALLETT:** And I might add, you can  
23          imagine the harm that could flow from, for example, the  
24          posting of that kind of videotape on a website improperly,  
25          similar to the posting of the witness statements that were

1 made by Mr. Nadeau. But what if it went one further?

2 MR. HORN: M'hm, okay. And okay, when did  
3 you realize that there was a conflict with Judge McKinnon  
4 being on the bench in that case?

5 MS. HALLETT: Well, it would have been on  
6 February the 19<sup>th</sup>. Excuse me, when Mr. Nadeau was called as  
7 the witness, the first witness for the Defence on the stay  
8 application, that would be February 19<sup>th</sup> of 2001, before he  
9 even testified, he made an assertion in court and produced  
10 some letters---

11 MR. HORN: M'hm.

12 MS. HALLETT: --- to demonstrate that  
13 Justice McKinnon was in a conflict.

14 MR. HORN: That was the first time you knew  
15 about it?

16 MS. HALLETT: Yes, that was; and I'd wished  
17 that Mr. Nadeau had perhaps brought those to my attention  
18 at an earlier point in time. It might have made a  
19 difference in this case.

20 MR. HORN: Okay. Were you aware of his role  
21 in the disciplining of Mr. Dunlop?

22 MS. HALLETT: Not before that day.

23 MR. HORN: That was the first time you  
24 realized that?

25 MS. HALLETT: That's right.

1                   **MR. HORN:** The characterization of Mr.  
2                   Edelson and the Defence counsel screaming for disclosure,  
3                   that's the characterization that Sergeant Pat Hall made?

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

5                   **MR. HORN:** What does he mean by that?

6                   **MS. HALLETT:** Insisting, making an issue  
7                   about getting disclosure. You know, I think police  
8                   officers are entitled to use slang when they're talking to  
9                   each other. But I think that's what "screaming" means,  
10                  that is making very vigorous demands for disclosure.

11                  **MR. HORN:** And you were not going to be made  
12                  to do something just because they were demanding in such a  
13                  vigorous way? You were going to do the right thing?

14                  **MS. HALLETT:** Well, providing disclosure as  
15                  soon as possible was something that I wanted to do and I  
16                  intended to do and tried to do.

17                  **MR. HORN:** What did you think, what was the  
18                  -- in your mind why was the -- what was the purpose of  
19                  questioning jurors, prospective jurors, about their  
20                  involvement with Dunlop? What was your thinking on that?

21                  **MS. HALLETT:** Well, that wasn't my idea.  
22                  That was one of the questions that was -- that was one of  
23                  the questions that Defence counsel for Mr. Leduc wanted to  
24                  put to prospective jurors on the challenge for cause. And  
25                  I prepared a written argument why that argument shouldn't



1           have been put because I didn't understand the relevance of  
2           it either.

3                   **MR. HORN:** Because you always took the stand  
4           that Mr. Dunlop had really nothing to do with the Leduc  
5           case?

6                   **MS. HALLETT:** That's right; and I included  
7           that information in my factum, the factum that was filed  
8           with the court on the challenge for cause issue.

9                   **MR. HORN:** In the transfer of files usually  
10          from one defence counsel to another, do you usually ---

11                   **MS. HALLETT:** From one Crown to another?

12                   **MR. HORN:** No, one Defence counsel. You  
13          were dealing initially with Edelson, Mr. Edelson?

14                   **MS. HALLETT:** Yes.

15                   **MR. HORN:** And then Mr. Skurka?

16                   **MS. HALLETT:** And Campbell, yes.

17                   **MR. HORN:** And Campbell. Did you meet with  
18          them at any time, as soon as they become the new counsel  
19          and ask them if there's any issues that might -- that Mr.  
20          Edelson might -- information that he might have and that I  
21          might be able to help you on to make sure that whatever  
22          they got is everything that they need? Did you have any  
23          kind of a meeting?

24                   **MS. HALLETT:** We had -- I had a meeting with  
25          Mr. Skurka and Mr. Campbell on December 20<sup>th</sup> of 2000, just

1 before we started the trial on January 15<sup>th</sup> of 2001, and the  
2 purpose for that meeting was to discuss the case and the  
3 various issues that would arise and see if there were any  
4 problems in terms of issues, try and identify motions that  
5 would be made. Things -- we were trying to smooth the way  
6 for the commencement of the trial.

7 **MR. HORN:** Now when they -- when Mr. Edelson  
8 was demanding disclosure, was it really focused on just the  
9 Dunlop material or was it all material that you might have  
10 to disclose to him?

11 **MS. HALLETT:** No, I understood Mr. Edelson's  
12 request for disclosure in the summer of 1998 to be for the  
13 Crown brief. There had been a Crown brief that was  
14 prepared. I'm not sure if it was completed by the time  
15 that Mr. Leduc was charged, and so because the Crown brief  
16 hadn't yet been completed it was my understanding that  
17 there was some -- that Mr. Edelson wasn't getting the brief  
18 immediately upon his client being charged and he wanted --  
19 he was saying that he wanted that immediately.

20 **MR. HORN:** Did the Dunlop issue come up with  
21 Mr. Edelson?

22 **MS. HALLETT:** Yes, the Dunlop issue was  
23 raised by Mr. Edelson in a letter of April of the year 1999  
24 and that was -- he wanted the -- any information with  
25 respect to what Mr. Dunlop had prepared in relation to Mr.

1 Leduc when he represented the Church on the financial  
2 arrangement with Mr. Silmser.

3 **MR. HORN:** Okay, but ---

4 **MS. HALLETT:** And so we provided that to  
5 him. I asked the officers to pull together that material  
6 and it was provided to Mr. Edelson at that time. But there  
7 had -- there had never been any allegation made by  
8 Constable Dunlop as to Mr. Leduc having engaged in any  
9 sexual impropriety in relation to anyone in the community.

10 **MR. HORN:** But the whole idea of contact  
11 with prospective witnesses and complainants; was that ever  
12 the subject of those disclosure requests to you from Mr.  
13 Edelson?

14 **MS. HALLETT:** No, I don't think it ever was.  
15 I think that we were on -- we were both of the belief that  
16 that had never occurred, but I -- I don't know what was in  
17 his mind, but I wasn't aware of any requests for  
18 information on that.

19 **MR. HORN:** So as far as you understand, then  
20 the only time the whole issue of Mr. Dunlop's involvement  
21 came about in court that day -- that it was mentioned in  
22 court by the mother.

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

24 **MR. HORN:** And it was -- both sides were  
25 surprised.

1                   **MS. HALLETT:** I certainly was surprised.

2                   **MR. HORN:** But you don't -- did you have any  
3                   inkling that maybe the Defence was aware of this already?

4                   **MS. HALLETT:** Yes, that crossed my mind.

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

6                   **MR. HORN:** Okay, now, you understand our  
7                   position. Our group believes that there's a conspiracy  
8                   behind the things that have gone on and that's really our  
9                   focus in this Inquiry. That's what we have to ask these  
10                  kinds of questions and -- I lost my train of thought. Oh,  
11                  okay. You became aware of what Mr. Dunlop had gone  
12                  through. There was discipline. He was being disciplined  
13                  by his own police force ---

14                  **MS. HALLETT:** Yes.

15                  **MR. HORN:** --- and that he had gone through  
16                  a great deal of ---

17                  **THE COMMISSIONER:** Just a second. Just a  
18                  second. Just a second. He wasn't being disciplined by his  
19                  police force. It was the Commission.

20                  **MR. HORN:** Oh, yeah; the Police Commission.

21                  **THE COMMISSIONER:** Right.

22                  So the police force had taken the view that  
23                  he should be -- what's the word -- talked to.

24                  **MR. HORN:** Counselling.

25                  **THE COMMISSIONER:** Counselling, yes, right.

1 And so at that point, under Chief Shaver's reign, it was --  
2 there was no idea of punishment and the idea of taking him  
3 to the Complaint Commission was the Commission's idea.

4 MR. HORN: All right.

5 I understand that. The question I have is  
6 this. When he came to see you in ---

7 THE COMMISSIONER: Mr. Dunlop?

8 MR. HORN: Yeah, Mr. Dunlop came to see you  
9 at your office in Toronto.

10 MS. HALLETT: Yes.

11 MR. HORN: And he mentioned the fact that he  
12 wanted to, well, make sure the top cop and the top Crown  
13 Attorney knew what was going on due to the "games" over the  
14 last seven years. Do you remember that?

15 MS. HALLETT: Yes, I do.

16 MR. HORN: Okay.

17 MS. HALLETT: I remember him saying that,  
18 but I didn't -- I didn't take his reference to the top  
19 Crown Attorney being as a reference to me. I believed that  
20 he was referring to the Attorney General.

21 MR. HORN: Oh, so he -- you thought it was  
22 the Attorney General, not yourself?

23 MS. HALLETT: Oh, absolutely, yes.

24 MR. HORN: Oh.

25 (LAUGHTER/RIRES)

1                   **MR. HORN:** Oh, I was under the impression  
2                   that ---

3                   **MS. HALLETT:** I would have liked to have  
4                   thought ---

5                   **MR. HORN:** He trusted you.

6                   **MS. HALLETT:** I would have liked to have  
7                   thought I was the top Crown Attorney, but no, I believed he  
8                   was referring to the Attorney General.

9                   **MR. HORN:** But the way it was written, it  
10                  sounds like he was coming to you because he trusted you and  
11                  he wanted to give you the material because he didn't trust  
12                  anybody else.

13                  **MS. HALLETT:** I think that may have been the  
14                  case.

15                  **MR. HORN:** Because he's already given  
16                  material to other people and he doesn't know whether it's  
17                  going to get to the right hands.

18                  **MS. HALLETT:** Yes, I believe that he thought  
19                  that, but I don't really think that was a good idea. He  
20                  may have trusted me, but to bring the information in, in  
21                  that way -- as I testified earlier -- was ill-advised.

22                  **MR. HORN:** Did you get the impression that  
23                  when he was doing this that he must have been through a lot  
24                  to -- must have been through a lot of difficult times to  
25                  get to that point where he'd have to do it this way than

1 other ways?

2 **MS. HALLETT:** I believe that he had been  
3 through a lot.

4 **MR. HORN:** And some very difficult  
5 circumstances because he was a whistleblower.

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

7 **MR. HORN:** So you could identify with him  
8 and what happened to him and what happened to you.

9 **MS. HALLETT:** Yes, perhaps so. There are  
10 some similarities.

11 **MR. HORN:** When you were pushing for a  
12 conviction and -- I'm just saying -- I'm suggesting that  
13 the reason why is because you were -- you wanted  
14 convictions and there's forces that didn't want you to have  
15 convictions.

16 **MS. HALLETT:** Well, I simply wanted to  
17 conduct a prosecution fairly and was prepared to accept the  
18 outcome on, you know, a case heard on its merits.

19 **MR. HORN:** I'm suggesting to you that you  
20 were -- you were coming up against -- you were trying to do  
21 something that maybe not have been in the -- in the, you  
22 know, not in the works.

23 **THE COMMISSIONER:** I don't understand.

24 **MR. HORN:** I'm suggesting to you that  
25 Mr. Leduc was supposed to be acquitted.

1                   **MS. HALLETT:** I'm not sure what you mean by  
2                   that, Mr. Horn.

3                   **THE COMMISSIONER:** What are you ---

4                   **MR. HORN:** I'm suggesting that you were  
5                   coming into the situation in which you didn't realize the  
6                   forces that you were coming up against.

7                   **THE COMMISSIONER:** What forces are these?

8                   **MR. HORN:** I'm talking about the  
9                   institutional forces that were behind -- that she was  
10                  coming up against in trying to get a conviction in this  
11                  city ---

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

13                  **MR. HORN:** --- and that's what our position  
14                  is; that there is a -- there is a conspiracy and she was  
15                  coming up against it.

16                  **THE COMMISSIONER:** Well, sir, I respect the  
17                  fact that that is your position. If you're going to ask  
18                  this witness a question about "the forces" you have to tell  
19                  her what the forces are. Are you saying that Mr. Justice  
20                  MacKinnon was put on this case to make sure he was  
21                  acquitted? Are you saying that the Crown Attorney was in  
22                  on it? Are you saying that -- lay it out.

23                  **MR. HORN:** That's what ---

24                  **THE COMMISSIONER:** Lay it out.

25                  **MR. HORN:** --- we were suggest -- we have



1           been suggesting all along, that there was collusion between  
2           different people to make sure that this whole thing just  
3           went away.

4                       **THE COMMISSIONER:**   Okay, Ms. Robitaille?

5                       **MS. ROBITAILLE:**   Mr. Commissioner, I'm  
6           concerned that if an allegation is made against either  
7           Justice MacKinnon or Mr. Justice Chadwick, and if it's  
8           allowed to be made in the hearing room and advanced by any  
9           party, that they ought to be given notice.

10                      **THE COMMISSIONER:**   Okay.

11                      **MS. ROBITAILLE:**   I have a grave concern in  
12           that regard. They are not represented parties before you -  
13           --

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

15                      **MS. ROBITAILLE:**   --- and it's clear that --  
16           it's clear to me from the question posed that this is an  
17           argument that my friend seeks to advance and I think it's  
18           incumbent on us to slow down, put on the brakes, and make  
19           some decisions.

20                      **THE COMMISSIONER:**   Okay, thank you.

21                      First of all, members of the judiciary have  
22           not applied for standing. They're open to apply for  
23           standing at any time, but aside from that, all I want to do  
24           is to get out of Mr. Horn what he's getting at.

25                      And if he's going to put to the witness, try

1 to put those kinds of questions, I'm either going to stop  
2 him or listen to more objections. I'm just trying to get,  
3 to ascertain what Mr. Horn is really trying to say.

4 So we're way -- you're way ahead of us.

5 **MS. ROBITAILLE:** Thank you, Mr.  
6 Commissioner.

7 **THE COMMISSIONER:** All right.

8 Mr. Horn, you have to lay the groundwork.  
9 You can't just pick things out of the air and throw it on  
10 the wall and hope that it sticks.

11 **MR. HORN:** Okay.

12 **THE COMMISSIONER:** So do you have any  
13 evidence or any -- any evidence to show what sources were  
14 at work?

15 **MR. HORN:** The webpage contained a lot of  
16 information that was out there in the community.

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

18 **MR. HORN:** There have been much media  
19 coverage on this. There have been many statements that  
20 were made to the media by Mr. Dunlop and other people.  
21 This -- these were issues that had been raised in the  
22 community.

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

24 **MR. HORN:** I'm just wondering if she was  
25 aware that these were the issues. I'm talking about that

1 institutional organizations were going -- were banding  
2 together to stop anything happening.

3 **THE COMMISSIONER:** Oh, and what are ---

4 **MR. HORN:** And that's -- that has always  
5 been our contention.

6 **THE COMMISSIONER:** First of all, sir, we  
7 have the investigation on whether or not the church and the  
8 police and the Crown Attorney banded together, that's one.

9 **MR. HORN:** That's one, yes.

10 **THE COMMISSIONER:** And that's being  
11 investigated, right, but on the Leduc matter what have you  
12 got there? What basis do you have to ask those questions?

13 **MR. HORN:** Okay. Were you -- did you ever  
14 have the -- read the Fantino brief?

15 **MS. HALLETT:** Yes, I did.

16 **MR. HORN:** And based upon the Fantino brief,  
17 that was the basis of setting up the mandate. Did you  
18 know, the mandate for Project Truth?

19 **MS. HALLETT:** Yes. I led all of this  
20 evidence on the stay application in Leduc.

21 **MR. HORN:** Okay. And the mandate was put  
22 forth for this investigation and one of them -- one of the  
23 allegations by Mr. Dunlop was that there was a conspiracy  
24 among prominent people in the church and different  
25 prominent people in the city, those were part of the

1 mandate, right?

2 MS. HALLETT: Yes, I was aware of that  
3 allegation.

4 MR. HORN: Okay. So that's part of the  
5 mandate, you were aware of that?

6 MS. HALLETT: Well, I was aware of the  
7 allegation, but I don't think that conspiracy was part of  
8 the mandate. I don't think that -- as I recall the wording  
9 of the mandate, it was to look into allegations of sexual  
10 misconduct by various people in the Cornwall community, but  
11 I don't recall that the word "conspiracy" or an allegation  
12 of conspiracy was part of the wording of the mandate but I  
13 haven't looked at it for some time.

14 MR. HORN: Okay.

15 MS. HALLETT: I could -- am I incorrect, Mr.  
16 Horn?

17 MR. HORN: I believe that there is --  
18 there's mention in there of ---

19 MS. HALLETT: Is there, I'm sorry.

20 MR. HORN: --- conspiracy.

21 MR. ENGELMANN: If it helps, it's Exhibit  
22 331 and there is a reference to this issue.

23 MS. HALLETT: Is there?

24 MR. HORN: Yes.

25 MR. ENGELMANN: I'm just not sure what this

1 has to do with it.

2 **THE COMMISSIONER:** Oh, I know. I know.

3 Mr. Horn, I'm trying to give you as much  
4 latitude as I can.

5 **MR. HORN:** Okay. What I'm asking her, she  
6 came into this situation, she knew what -- she read all the  
7 documents, she was aware these were the issues that she was  
8 going to be facing and our suggestion is, is did she know  
9 that she was going to keep coming up against these  
10 institutions?

11 And that's the forces that we're saying were  
12 out there to make sure that this -- these charges just went  
13 away. And we've always alleged that and we've always felt  
14 that way.

15 **THE COMMISSIONER:** No, no. I know -- yes, I  
16 understand that. You have to ask her questions though.

17 **MR. HORN:** Okay.

18 **THE COMMISSIONER:** And so if you ask her,  
19 "Well, did you know you were up against all these  
20 institutions?", well, first of all, what institutions and  
21 in what way was she up against?

22 And so it doesn't suffice just to say  
23 there's a conspiracy. You know, you have to come down and  
24 say where -- this is the point I want to ask you about.

25 **MR. HORN:** Okay. Did you look at this as

1 just a case, I'm going to get a conviction, and I'm going  
2 to ignore all this other stuff?

3 **MS. HALLETT:** I'm sorry. Well, I looked at  
4 this as yes, a case. Not that I was going to get a  
5 conviction; that I was going to present the evidence in  
6 support of the allegations fully and fairly pursuant to the  
7 decision of the Supreme Court of Canada in *R. v. Boucher*.

8 And I was certainly aware of a background to  
9 the case in terms of various personalities and various  
10 allegations. But to the extent that I could, I wanted to  
11 rely on the evidence. That was what I had to do. I wanted  
12 to present the evidence; I wanted to make sure that the  
13 right evidence was collected and presented; and hear what  
14 the defence was and make arguments and final submissions,  
15 and I expected that it would be heard by a fair-minded  
16 judge.

17 And I was prepared to live with the outcome,  
18 whether it was a conviction or a finding of not guilty.

19 **MR. HORN:** And you believe that you had a  
20 strong case?

21 **MS. HALLETT:** Yes, I did.

22 **MR. HORN:** And you believe that if it had  
23 gone to court that there would have conviction? You  
24 believe that you could have got a conviction?

25 **MS. HALLETT:** Yes.

1                   **MR. HORN:** All right. Thank you.

2                   **MS. HALLETT:** You're welcome.

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

4                   Mr. Lee?

5                   **MR. LEE:** Good afternoon, sir.

6                   **THE COMMISSIONER:** Good afternoon.

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

8                   **MR. LEE:** Ms. Hallet, my name is Dallas Lee.  
9 I'm counsel for the Victims' Group.

10                   **MS. HALLETT:** Mr. Lee.

11                   **MR. LEE:** I have a few areas that I want to  
12 discuss with you.

13                   A couple of them to begin are just clearing  
14 up certain things that I need to clear up, and then towards  
15 the end of my examination I'm going to essentially ask you  
16 for some advice on a couple of areas that I'd to get your  
17 thoughts on.

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

19                   **MR. LEE:** If we can start very briefly,  
20 please, at Exhibit 3194. You have that before you?

21                   **MS. HALLETT:** I do.

22                   **MR. LEE:** And part of this document is the  
23 *R. v. Leduc* synopsis. Do you see that?

24                   **MS. HALLETT:** Yes.

25                   **MR. LEE:** And the first page of that

1 document isn't numbered but if you flip forward to page 5,  
2 please.

3 MS. HALLETT: Yes.

4 MR. LEE: And it looks like for the record  
5 it's going to be Bates page 336.

6 THE COMMISSIONER: M'hm.

7 MR. LEE: And, again, we'll be careful with  
8 monikers here.

9 MS. HALLETT: Yeah, thank you.

10 MR. LEE: And I just want to ask you your  
11 understanding of the facts for a minute.

12 If you look at the second full paragraph in  
13 the middle of the page, we're dealing with C-22. It begins  
14 in his first videotaped statement?

15 MS. HALLETT: Yes.

16 MR. LEE: Can you see that?

17 MS. HALLETT: Yes.

18 MR. LEE: And it reads:

19 "In his first videotaped statement to  
20 the police, C-22 advised that he was  
21 born and raised in Cornwall. He had  
22 been charged by Cornwall Police at 14  
23 years of age and was represented in  
24 court by Jacques Leduc. He pleaded  
25 guilty, with Leduc's assistance, to



1                   sexual assault and was put on probation  
2                   for nine months."

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

4                   **MR. LEE:** Do you see that?

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

6                   **MR. LEE:** And does that accurately reflect  
7 your understanding of the facts?

8                   **MS. HALLETT:** Yes, that's why I wrote it.

9                   **MR. LEE:** And there was -- the allegation  
10 made by C-22 is that that solicitor/client relationship was  
11 the genesis for his relationship later on with Mr. Leduc  
12 wherein the abuse occurred. Was that your understanding?

13                   **MS. HALLETT:** Yes, that's how he came to be  
14 working for Mr. Leduc, and led to their relationship --  
15 their sexual relationship.

16                   **MR. LEE:** Yes. And your understanding --  
17 and, again, I'm just basing it on your synopsis here -- but  
18 your understanding at the time was that C-22's information  
19 was that Mr. Leduc was his criminal defence counsel in  
20 relation ---

21                   **MS. HALLETT:** Yes.

22                   **MR. LEE:** --- to that charge?

23                   **MS. HALLETT:** Yes.

24                   **MR. LEE:** And it says here that he was 14  
25 years of age -- and I won't turn up a document for you, you

1 can take my word for the fact the date of birth of C-22 is  
2 1974.

3 MS. HALLETT: Okay.

4 MR. LEE: And so we're looking at about 1988  
5 here. Does that ---

6 MS. HALLETT: Okay.

7 MR. LEE: --- make sense to you?

8 MS. HALLETT: Yes.

9 MR. LEE: And it continues on:

10 "While on probation he committed a  
11 break-and-enter into a school, and was  
12 charged again by Cornwall Police.  
13 Again Leduc was his lawyer. C-22  
14 pleaded guilty and, again, was put on  
15 nine months probation."

16 Do you see that?

17 MS. HALLETT: Yes.

18 MR. LEE: And so your understanding was that  
19 the break-and-enter, the second criminal charge, occurred  
20 during the probation for the first criminal charge?

21 MS. HALLETT: That's right.

22 MR. LEE: And, again, Mr. Leduc represented  
23 him as his criminal defence lawyer?

24 MS. HALLETT: Yes. It was Mr. Leduc who  
25 asked for an extension of the probation.

1                   **MR. LEE:** Yes. And the second time around,  
2 by my math, C-22 would have been either 15 or 16?

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

4                   **MR. LEE:** Okay, thank you. And so, 15 or  
5 16, puts that roughly in 1989 or 1990?

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

7                   **MR. LEE:** One of my -- you can put that  
8 document away.

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

10                   **MR. LEE:** One of my clients is Robert  
11 Renshaw ---

12                   **MS. HALLETT:** Okay.

13                   **MR. LEE:** --- who you would know as one of  
14 the complainants against Charles MacDonald?

15                   **MS. HALLETT:** Yes.

16                   **MR. LEE:** And I'm wondering whether you're  
17 aware that Mr. Renshaw also made allegations of having been  
18 abused by Ken Seguin, a probation officer.

19                   **MS. HALLETT:** I probably knew it at one  
20 point, Mr. Lee. I have forgotten some of the details.

21                   **MR. LEE:** And, I take it, at the very least  
22 today, you are aware that Mr. Seguin died in 1993?

23                   **MS. HALLETT:** Yes.

24                   **MR. LEE:** Well before your involvement in  
25 Cornwall?

1                   **MS. HALLETT:** Yes.

2                   **MR. LEE:** And can I take it that you never,  
3 at any time as a Crown attorney, scrutinized allegations  
4 made against Mr. Seguin?

5                   **MS. HALLETT:** No.

6                   **MR. LEE:** You weren't involved in reviewing  
7 investigative materials, if any, by any police force in  
8 relation to allegations against Mr. Seguin?

9                   **MS. HALLETT:** He'd gone on to a higher  
10 court.

11                   **MR. LEE:** And, certainly, in relation to Mr.  
12 Renshaw's allegations, you never, at any point, assessed  
13 those for your -- for any reason?

14                   **MS. HALLETT:** No.

15                   **MR. LEE:** Can we look very briefly, please,  
16 at Exhibit 244?

17                   **THE COMMISSIONER:** This is a letter, from  
18 you to Mr. James Stewart, on April 19<sup>th</sup>, 2000.

19                   **MR. LEE:** This is a document that ---

20                   **MS. HALLETT:** Yes.

21                   **MR. LEE:** --- Mr. Engelmann took you to  
22 earlier today ---

23                   **MS. HALLETT:** Yes.

24                   **MR. LEE:** --- and he pointed you to the last  
25 paragraph on the first page, if you'll recall, and the last

1 sentence that was read out to you today is:

2 "I'm trusting that the unique features  
3 of this case, characterized by Neville  
4 himself in yesterday's proceedings as  
5 'too complicated to begin to address,'  
6 will ultimately prevent a stay on the  
7 basis of delay."

8 **MS. HALLETT:** Yes. I was ---

9 **MR. LEE:** Do you see that?

10 **MS. HALLETT:** --- hoping that would be the  
11 case.

12 **MR. LEE:** Is the complexity of the case a  
13 consideration on an 11(b) application?

14 **MS. HALLETT:** Yes, it is.

15 **MR. LEE:** Can you explain that a little bit?

16 **MS. HALLETT:** Well, the -- the court allows  
17 -- the courts allow a somewhat more -- how should I say, a  
18 leniency with respect to timelines for a complex case, as  
19 opposed to a more straight-forward or less complicated  
20 case, such as, for example, an assault, just a simple  
21 assault, or an impaired over 80 kind of charge.

22 So there are timelines -- the timeline is,  
23 generally, longer for -- in terms of disposing of the case,  
24 for a complex case as opposed to a simple case.

25 **MR. LEE:** And, if I give you an example, an

1 assault would have a shorter expected timeline than a  
2 murder?

3 **MS. HALLETT:** Yes.

4 **MR. LEE:** But I take it we can look,  
5 similarly, at two different murders, and a more complex  
6 murder case may have a longer expected timeline than a less  
7 complex murder case? Is that fair?

8 **MS. HALLETT:** Yes, but murder is a complex  
9 case generally speaking, so that would fall into that third  
10 category.

11 **MR. LEE:** The language that you use in that  
12 sentence is:

13 "I am trusting that the unique features  
14 of this case will ultimately prevent a  
15 stay on the basis of delay."

16 **MS. HALLETT:** Yes.

17 **MR. LEE:** And I'm wondering whether or not  
18 your opinion, in that regard, affected your management of  
19 this case in any way.

20 **MS. HALLETT:** That is because I recognized  
21 it as a complex case, I -- I took more time to do things?  
22 Is that what you're suggesting? Or ---

23 **MR. LEE:** Were you less concerned about  
24 delay issues, given the complexity of the case, and your  
25 feeling that that complexity would ultimately ---

1 MS. HALLETT: No ---

2 MR. LEE: --- serve to ---

3 MS. HALLETT: --- I don't think so. I was -  
4 - I recognized that this -- this was a very -- this was an  
5 old case.

6 It was getting -- the time was ticking, and  
7 it was -- it needed to be dealt with quickly but as I  
8 mentioned earlier, there were developments that were  
9 occurring that I felt I had no control over.

10 And that's why I -- I said that I -- I had  
11 to leave it to the -- how should I say, a recognition of  
12 this case ultimately by a court who might be hearing an  
13 11(b) application, that there were these unique features  
14 that made it complicated, a complex case, and that that  
15 would be considered in terms of the section 11(b)  
16 application.

17 MR. LEE: Despite your thinking that's  
18 encapsulated in this sentence, I take it you never wrote  
19 off the 11(b) issue entirely as ---

20 MS. HALLETT: No.

21 MR. LEE: --- being a non-issue?

22 MS. HALLETT: No. It was always going to be  
23 an issue.

24 MR. LEE: I'd like to take you to a page of  
25 the transcript from Monday. I don't think you need the

1 hard copy; I just have one question.

2 Madam Clerk, it's Volume 337, and page 106.

3 If we can look around line 9, when you get it up, Madam  
4 Clerk?

5 So, Ms. Hallett, this is during your  
6 examination in-chief with Mr. Engelmann, and he's asking  
7 you about the Claude Marleau allegations, and,  
8 specifically, he's asking you about some of the connections  
9 between the alleged perpetrators and the fact that Mr.  
10 Marleau -- Mr. Marleau's evidence was that he was,  
11 essentially, passed from one to another.

12 **MS. HALLETT:** Yes.

13 **MR. LEE:** And what I'm interested in is your  
14 answer beginning at line 16.

15 **MS. HALLETT:** Right.

16 **MR. LEE:** And you say:

17 "But whether or not that activity would  
18 be able to satisfy the elements of the  
19 offence of conspiracy, or even a party  
20 provision of the Criminal Code, was  
21 another thing."

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

23 **MR. LEE:** And what I want to ask you to  
24 expand on is your next answer, and -- because you continue:

25 "And I think that is an interesting



1                   issue, and maybe another issue that  
2                   might be the subject of a  
3                   recommendation."

4                   **MS. HALLETT:** Yes.

5                   **MR. LEE:** And I just was unclear on what you  
6                   meant by that.

7                   **MS. HALLETT:** Well, I remember being  
8                   perplexed by this issue at the time that I was dealing with  
9                   the -- Mr. Marleau's recommendation -- or allegations.

10                   The fact of -- this was -- this is not such  
11                   an uncommon scenario. I've dealt with the area in the area  
12                   of child prostitution, for a number of years, and it's not  
13                   uncommon for a young woman -- and, in this community, a  
14                   young man -- to be introduced to many different adults who  
15                   then take advantage of that young person. And it -- as in  
16                   the case of Mr. Marleau, it is certainly -- it can be very  
17                   exploitive of that young person.

18                   However, whether or not one can prove an  
19                   offence, under the existing criminal legislation, is  
20                   another thing. And so I -- I'm not sure whether there  
21                   might be some thought given by Parliament to the creation  
22                   of a Criminal Code offence, which recognizes this kind of  
23                   exploitation on the part of adults who might prey upon the  
24                   same young person, in the same way as Mr. Marleau, for  
25                   example, was exploited.

1 But, of course, we do have to deal with the  
2 defence of consent and the recognition that young people  
3 can also consent to doing certain things, if they wish.

4 I don't know. I find it -- it's a  
5 perplexing problem, and it's not one that I have, really,  
6 come with any answers to, to this Inquiry.

7 MR. LEE: And, certainly, in your  
8 examination, the Code, as it stood at the time, and as it  
9 stands now, didn't offer you an answer?

10 MS. HALLETT: Pardon me?

11 MR. LEE: It didn't offer you an answer?  
12 You didn't have ---

13 MS. HALLETT: No.

14 MR. LEE: --- an obvious section where you  
15 could slot in this fact scenario and ---

16 MS. HALLETT: No. No, it didn't, and maybe  
17 you can work on that, Mr. Lee.

18 MR. LEE: I stick to the civil side of  
19 things.

20 (LAUGHTER/RIRES)

21 MR. LEE: You also spoke during your  
22 examination in-chief, I can -- Madam Clerk, it's the same  
23 document. It's page 123. There we go.

24 And if we can look at line 11? And you said  
25 -- you're speaking about reviewing Crown briefs, and you

1 say:

2 "And what I found over the years is that, usually, the  
3 first brief that is brought to you still needs more work in  
4 terms of the police having to find more stuff, more  
5 documents, more evidence."

6 Do you see that?

7 **MS. HALLETT:** Yes.

8 **MR. LEE:** And you spoke at some length  
9 during your examination in-chief of the briefs that you  
10 reviewed and follow-ups you asked officers to do at various  
11 points in time.

12 **MS. HALLETT:** Yes.

13 **MR. LEE:** And I got the impression that that  
14 wasn't unique to your dealings with "Project Truth"  
15 officers?

16 **MS. HALLETT:** No, not at all.

17 **MR. LEE:** And do you see it as a role of the  
18 Crown, when reviewing a brief, to scrutinize the  
19 investigation itself?

20 **MS. HALLETT:** With a view to doing what?

21 **MR. LEE:** To determining whether or not  
22 leads have been followed, whether or not the information  
23 that you believe you need to give an opinion is before you,  
24 whether or not there is anything else that can be done?

25 **MS. HALLETT:** Yes, well I think that, yes,

1           that comes with the job, I think; certain -- making  
2           suggestions for further avenues of investigation.

3                   **MR. LEE:** And I take it it's something,  
4           certainly by the time you were working on Project Truth, it  
5           was something you were comfortable doing?

6                   **MS. HALLETT:** Yes.

7                   **MR. LEE:** And you had done it previously in  
8           your career, I take it?

9                   **MS. HALLETT:** Since the beginning.

10                   **MR. LEE:** And I take it you would agree with  
11          me that in order for a Crown opinion to be meaningful, it  
12          needs to be based on the fruits of a thorough  
13          investigation?

14                   **MS. HALLETT:** Yes.

15                   **MR. LEE:** Do you ever recall, in your time  
16          as a Crown, withholding an opinion pending further  
17          investigation? In other words, saying, "I'm not going to  
18          give you an opinion now because you need to go and do x, y  
19          and z first"?

20                   **MS. HALLETT:** Yes, I think that I've seen  
21          that situation, I've been in that. It's generally because  
22          the police will have come in the past and said, "Is this  
23          enough? Is this enough"? And I might look at it and say,  
24          "Well, no, I think maybe you should look into this, look  
25          for that, or why don't you consider this?"

1                   **MR. LEE:** You suggested at one point during  
2 your examination in-chief that even accused persons benefit  
3 from Crowns giving an opinion on the best information  
4 available. I'm paraphrasing but ---

5                   **MS. HALLETT:** Yes.

6                   **MR. LEE:** --- essentially, I got the  
7 impression that you thought there would be some finality to  
8 a Crown recommendation ---

9                   **MS. HALLETT:** Yes.

10                  **MR. LEE:** --- when you had all of the  
11 information?

12                  **MS. HALLETT:** Yes.

13                  **MR. LEE:** And you truly believe that?

14                  **MS. HALLETT:** I do.

15                  **MR. LEE:** You were asked a number of  
16 questions early on in your examination in-chief by Mr.  
17 Engelmann about your review of various Crown briefs and  
18 delays in that, relating to clergy members in particular.

19                  **MS. HALLETT:** Right.

20                  **MR. LEE:** Bishop LaRocque and some of the  
21 others.

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

23                  **MR. LEE:** Apart from the work that you had  
24 in preparing to start the Leduc trial on January 15<sup>th</sup> of  
25 2001, were there any other personal circumstances that

1           prevented you from working on the Crown briefs in late  
2           2000?

3                       **MS. HALLETT:** There were a couple of big  
4           things that were going on professionally. I had been asked  
5           to do this appeal in the *R. v. Bianco* case. And that was a  
6           substantial conviction appeal involving two armed  
7           robberies, and there many volumes of transcript to read and  
8           I had to file factum. Michael Code was the appellants'  
9           counsel in that case. It was the subject of a reported  
10          decision, so it was definitely a high maintenance kind of  
11          appeal.

12                      And I was also asked, on a rather urgent  
13          basis, to come in to develop -- help to develop -- be lead  
14          from my Ministry, Ministry of the Attorney General, on  
15          legislation that our Minister wanted to develop in relation  
16          to child prostitution. And that involved the apprehension  
17          of young people involved in prostitution and their  
18          detention, for a 30-day period, during which they could get  
19          drug rehabilitation and have some sort of immunity,  
20          isolation from their pimps before being allowed to be  
21          released.

22                      And of course this engaged all sorts of due  
23          process considerations and the Ministry wanted to be able  
24          to get started on this kind of legislation which had passed  
25          in the province of Alberta. And so I was liaising with

1 other counsel from the Children's Secretariat and from the  
2 Solicitor General, around developing that legislation and  
3 it was extremely complicated.

4 MR. LEE: You were working full-time at the  
5 end of 2000?

6 MS. HALLETT: Absolutely.

7 MR. LEE: Probably a little bit beyond full-  
8 time by the sound of it?

9 MS. HALLETT: Yes, yes, and, of course,  
10 getting ready for the Leduc trial.

11 MR. LEE: And you were working in earnest to  
12 get ready for that trial?

13 MS. HALLETT: Yes, I was.

14 MR. LEE: And the issues you had in late  
15 2000 dealing with briefs and trying to juggle work were  
16 related to your professional career and the busy times  
17 there?

18 MS. HALLETT: Yes.

19 MR. LEE: I told you when I began I would  
20 essentially try to pick your brain a little bit and try to  
21 get some advice.

22 There are a couple of issues that have come  
23 up several times throughout this Inquiry and that affect my  
24 clients directly.

25 The first one relates to criminal

1 proceedings going on at the same time as civil proceedings.

2 MS. HALLETT: Yes.

3 MR. LEE: And you spoke that there was an  
4 issue specifically with C-16 ---

5 MS. HALLETT: Yes.

6 MR. LEE: --- on the disclosure of a letter  
7 from his civil counsel.

8 MS. HALLETT: M'hm.

9 MR. LEE: I take it you've had, in the  
10 context of -- let's stick with historical sexual assaults,  
11 I take it you've had situations in the past where you've  
12 been dealing with criminal complainants who are also civil  
13 plaintiffs?

14 MS. HALLETT: Yes.

15 MR. LEE: And can you talk to me a little  
16 bit about the challenges that presents for you on the  
17 criminal side of things, and more specifically about how  
18 you approach that issue and how you deal with it ---

19 MS. HALLETT: M'hm.

20 MR. LEE: --- be it from a strategy  
21 perspective or from a witness preparation perspective? I'm  
22 trying to help the Commissioner out with the sort of the  
23 best practice approach to dealing with this issue because  
24 it comes up here.

25 MS. HALLETT: Yes, it does. It definitely



1           came up in Leduc because the Defence strategy was that the  
2           complainant, the main complainant, C-16 in Leduc, had made  
3           his complaint out of financial motivation, and that was  
4           demonstrated by the fact that he had launched this lawsuit  
5           against Mr. Leduc.

6                           And that was the subject of very vigorous  
7           cross-examination of that complainant at the trial. And  
8           the fact that he had launched his lawsuit and then  
9           escalated his allegations, that is -- and that relates to  
10          the letter I mentioned earlier that I received from his  
11          civil counsel ---

12                           **MR. LEE:** Yes.

13                           **MS. HALLETT:** --- who called me to say,  
14          "Listen, I've had this long walk with C-16 and he didn't  
15          tell the police everything, you know, there's more to it."  
16          But I believed this lawyer. It sounded as though C-16 was  
17          crying and very upset. It was, to me, an example of  
18          incremental disclosure, but of course it was susceptible to  
19          the interpretation that perhaps the Defence, or the civil  
20          counsel had somehow worked this up with his client in order  
21          to make a greater claim for damages.

22                           **MR. LEE:** The theory being the more severe  
23          the abuse, the higher the damages?

24                           **MS. HALLETT:** Yes, that's right. And I  
25          didn't believe that was the case, but it -- when that

1 happens, it certainly compromises the prosecution, and, as  
2 I say, that was the reason, I believe, why there was this  
3 kind of questioning of that complainant at the trial, even  
4 though the complainant had, by that time, just abandoned  
5 his interest in the lawsuit. He and his mother did testify  
6 that they weren't interested in money, that wasn't the  
7 reason for it.

8 **MR. LEE:** So what do you as Crown do about  
9 it?

10 **MS. HALLETT:** And I might add too that I did  
11 say to this lawyer, because he mentioned to me that his  
12 client needed counselling, needed some sort of therapy  
13 around what had happened to him. And I was saying, "Well,  
14 just be aware that any sort of counselling he may get may  
15 be the subject of an application for his confidential,  
16 therapeutic records, okay, on the trial."

17 **MR. LEE:** Yes.

18 **MS. HALLETT:** And so that's more or less  
19 saying, and I hate to be in that situation of recommending  
20 against counselling because it's not going to help the  
21 prosecution.

22 **MR. LEE:** Yes.

23 **MS. HALLETT:** And that's not in the long-  
24 term interests of the victim. And I suppose what I  
25 personally thought over the years is that it would be

1 better to proceed with the criminal prosecution and wait  
2 for -- to launch a lawsuit at the end.

3 MR. LEE: I take it also, in your  
4 experience, you've come to appreciate whether that may be  
5 ideal or not, it's not always going to happen.

6 MS. HALLETT: No, that's right.

7 MR. LEE: And there could be many reasons  
8 for that.

9 MS. HALLETT: Right.

10 MR. LEE: And I take it, the Crown trying  
11 one of these cases, would typically be of the view that a  
12 complainant in a criminal matter is entitled to justice in  
13 the criminal courts as much as he's entitled to justice in  
14 the civil courts.

15 MS. HALLETT: I don't see the criminal  
16 justice system as providing justice to the complainant.  
17 The justice system -- the criminal justice system is there  
18 to protect society from those who are found to be in breach  
19 of the Criminal Code. The justice towards the complainant  
20 may be a consideration at the end of the trial in terms of  
21 what the victim impact has been.

22 MR. LEE: I guess what I'm trying to get at  
23 is in the -- in the C-16 situation, prior to the prelim,  
24 let's say ---

25 MS. HALLETT: M'hm.

1                   **MR. LEE:** --- were you aware that he had  
2                   outstanding civil litigation?

3                   **MS. HALLETT:** Yes, I was; yes.

4                   **MR. LEE:** And you foresaw, I take it, that  
5                   it would be the subject of cross-examination.

6                   **MS. HALLETT:** No, I -- well, I foresaw when  
7                   I was speaking with the lawyer that this might be.

8                   **MR. LEE:** Right.

9                   **MS. HALLETT:** It wasn't -- it wasn't a huge  
10                  issue at that time. I didn't really think a lot about it  
11                  at that time.

12                  **MR. LEE:** Do you take steps in your  
13                  preparation of the witness for the prelim to warn him of  
14                  what's coming; to offer any advice to him or anything along  
15                  those lines?

16                  **MS. HALLETT:** No, I don't get into that.

17                  **MR. LEE:** Okay.

18                  And ---

19                  **MS. HALLETT:** Because he does have the right  
20                  to launch a lawsuit. And I -- and I did make this argument  
21                  in the Leduc trial. I felt that counsel -- Defence counsel  
22                  were going overboard because he does -- the complainant,  
23                  the victim does have the right and there's nothing -- there  
24                  should no -- there should not be any, how should I say,  
25                  criticism of a complainant for following through on his

1 civil rights to launch a lawsuit based on the harm that he  
2 has suffered at the hands of the perpetrator.

3 **MR. LEE:** And a ---

4 **MS. HALLETT:** And perhaps that should be the  
5 subject of an evidentiary rule. You're asking for my  
6 thoughts on that; there you go.

7 **MR. LEE:** It may have occurred to me in the  
8 past.

9 The other issue that we've dealt with is  
10 both delayed disclosure and incremental disclosure ---

11 **MS. HALLETT:** Yes.

12 **MR. LEE:** --- here and I'm wondering if you  
13 can speak to us a little bit about the challenges that  
14 presents for a Crown attorney and again, how you attempt to  
15 deal with that; whether at the investigative stage or as  
16 the prosecution goes along and if there's any advice you  
17 can offer on, perhaps, best practices for how to deal with  
18 that in historic sex abuses cases in particular.

19 **MS. HALLETT:** Ah, well, it is -- it's very  
20 difficult and of course, I'm aware of Detective Seguin's  
21 criticism that perhaps I was over-interviewing witnesses.  
22 Every time you interview a witness, you generate -- you may  
23 generate -- there's the potential for generating new  
24 information that must be disclosed and that, in turn, may  
25 lead to delay if it is substantial new information.

1           However, it is a fact of life that you do get new  
2           information all the time and you do disclose it to the  
3           Defence and I don't know that generally that should result  
4           in a delay or there should be some recognition that you  
5           have to interview, you have to meet with the victims in  
6           order to prepare them for trial; and it is a fact of life  
7           that there is going to be new information arising out of  
8           that. So -- and I think that perhaps the court -- the  
9           courts simply have to accept that that is a fact of life of  
10          the criminal justice system without allowing it to -- how  
11          should I say it, it must be balanced against the accused  
12          right to a trial within a reasonable time.

13                       **MR. LEE:** It's one of those things that is  
14          very difficult to put a hard and fast rule on.

15                       **MS. HALLETT:** Yes, it is.

16                       **MR. LEE:** Much like it's difficult to put a  
17          hard and fast rule on how many times a police officer  
18          should interview a complainant or a Crown should interview  
19          a complainant.

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

21                       **MR. LEE:** And I take it as a general  
22          principle, you would agree that, if possible, multiple  
23          interviews should be avoided.

24                       **MS. HALLETT:** Multiple investigative  
25          interviews ---

1                   **MR. LEE:** Yes, yes, that's what I ---

2                   **MS. HALLETT:** --- should be avoided. That  
3 doesn't mean that there can't be some touching base, as I  
4 mentioned ---

5                   **MR. LEE:** Yes.

6                   **MS. HALLETT:** --- and making yourself  
7 available for questions; information.

8                   **MR. LEE:** Multiple video statements, as an  
9 example, if they can be avoided ---

10                   **MS. HALLETT:** If they can be avoided, but in  
11 Leduc, as you may know, there were new -- there was  
12 incremental disclosure of substantial information which I  
13 believed should have been the subject of investigative  
14 videotapes in which I asked be made.

15                   **MR. LEE:** Yes.

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

17                   **MR. LEE:** Going to the severity of the  
18 abuse?

19                   **MS. HALLETT:** Yes, of course, and the  
20 allegation.

21                   **MR. LEE:** And that goes back to incremental  
22 disclosure and it wasn't something that was unfamiliar to  
23 you.

24                   **MS. HALLETT:** No, that's right. I do  
25 believe in the capturing of those allegations by videotape.

1                   **MR. LEE:** Yes.

2                   Thank you very much, ma'am. Those are my  
3                   questions.

4                   **MS. HALLETT:** You're welcome.

5                   **THE COMMISSIONER:** Thank you. Let's take a  
6                   short break.

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

9                   This hearing will resume at 5:05 p.m.

10                  --- Upon recessing at 4:53 p.m./

11                  L'audience est suspendue à 16h53

12                  --- Upon resuming at 5:07 p.m./

13                  L'audience est reprise à 17h07

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

16                  This hearing is now resumed. Please be  
17                  seated. Veuillez vous asseoir.

18                  **THE COMMISSIONER:** Oh, I thought you'd left  
19                  the building, Mr. Neville.

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

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

22                  **NEVILLE:**

23                  **MR. NEVILLE:** Good afternoon, Ms. Hallett.

24                  **MS. HALLETT:** Good afternoon, Mr. Neville.

25                  **MR. NEVILLE:** We know each other from the



1 past.

2 MS. HALLETT: Yes.

3 MR. NEVILLE: As you know, I represent, here  
4 at the Inquiry, Father Charles MacDonald and I also  
5 represent, although not perhaps relevant for your purposes,  
6 the Estate of Ken Seguin ---

7 MS. HALLETT: Okay.

8 MR. NEVILLE: --- and members of his family.

9 So I just have a few minutes of questions  
10 for you if I could. What I'd like to do is just start  
11 briefly and perhaps try to clear up this question of  
12 consent in the context of assault versus gross indecency  
13 because I'm not sure we've got it clearly from you as we  
14 could.

15 MS. HALLETT: I have those -- I believe I  
16 have a photocopy of that old provision in my trial bag at  
17 the back of the ---

18 MR. NEVILLE: Help yourself I'm in ---

19 MS. HALLETT: If I could ---

20 MR. NEVILLE: --- His Honour's hands.

21 MS. HALLETT: --- it might make it a bit  
22 easier.

23 MR. NEVILLE: Sure. Sure, I was going to  
24 use memos but that's fine.

25 MS. HALLETT: No, it's not a memo.

1                   **MR. NEVILLE:** No. Problem is we don't have  
2                   it, but that's fine. Whatever you're ---

3                   **THE COMMISSIONER:** I don't know what -- I  
4                   thought it was a provision of the Criminal Code.

5                   **MR. NEVILLE:** It is, sir, and it's actually  
6                   in some of the documents so I thought to just guide us, but  
7                   I'm not going to spend a whole long time on it. But if  
8                   she's comfortable; that's fine, but the problem is we don't  
9                   -- you don't have it and I don't have it.

10                  **THE COMMISSIONER:** Well, we'll see what ---

11                  **MR. NEVILLE:** I think it's a basic lawyer's  
12                  trial book.

13                  **THE COMMISSIONER:** Yeah.

14                  **(SHORT PAUSE/COURTE PAUSE)**

15                  **MS. HALLETT:** I thought my trial bag was at  
16                  the back of the room, but it's in the witness room, but I -  
17                  - somebody is getting it for me.

18                  **MR. NEVILLE:** Well, if there's something  
19                  that will make you more comfortable, Ms. Hallett, by all  
20                  means. I just -- just so you understand, I don't mean to  
21                  speak for the Commissioner but the problem is we won't have  
22                  what you have.

23                  **MS. HALLETT:** No, it's just the photocopy of  
24                  the 1980 excerpt of the Criminal Code ---

25                  **MR. NEVILLE:** Oh, okay.

1                   **MS. HALLETT:** --- that sets out the gross  
2                   indecent provision.

3                   **MR. NEVILLE:** Okay.

4                   **MS. HALLETT:** It might be a good idea to  
5                   have that.

6                   **MR. NEVILLE:** Well, I think we actually have  
7                   it ---

8                   **MS. HALLETT:** Oh, do you?

9                   **MR. NEVILLE:** --- in one of the documents  
10                  and that's why I wanted to ---

11                  **MS. HALLETT:** Oh.

12                  **MR. NEVILLE:** --- yes.

13                  **MS. HALLETT:** Okay.

14                  **MR. NEVILLE:** Could I just have the witness,  
15                  Commissioner, have before her two exhibits; 3120 and 3046.  
16                  The first, Commissioner, is one of the memos that was  
17                  discussed in her evidence in-chief authored by Ms. Venhola.

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

19                  **THE COMMISSIONER:** Three zero four six  
20                  (3046) and -- no, I don't have it.

21                  **MR. NEVILLE:** --- and the other is 3120,  
22                  sir.

23                  **THE COMMISSIONER:** Three one two zero  
24                  (3120).

25                  **MR. NEVILLE:** Three zero four six (3046),

1 Commissioner, is Ms. Hallett's letter to Mr. McConnery in  
2 July of 2001 and 3120 is a memo April 19<sup>th</sup>, '99 to Ms.  
3 Hallett from Ellie Venhola, among other things, on the  
4 topic of consent. For other counsel, Commissioner, the  
5 memo, 3120, is an exhibit, is also Document 106257 and the  
6 McConnery letter, Exhibit 3046, 109244.

7 **THE COMMISSIONER:** Is it -- I'm sorry --  
8 3120?

9 **MR. NEVILLE:** I have it. It may be my  
10 mistake.

11 **THE COMMISSIONER:** No, no, no, I'm just  
12 trying to find the book. Here we go. I have it as well.  
13 Okay. Here we go.

14 **MR. NEVILLE:** Are we set?

15 **THE COMMISSIONER:** Yes.

16 **MR. NEVILLE:** Do you have it there, Ms.  
17 Hallett?

18 **MS. HALLETT:** The Venhola?

19 **MR. NEVILLE:** Yes.

20 **MS. HALLETT:** Yes, I do.

21 **MR. NEVILLE:** Exhibit 3120 is a memo by your  
22 then articling student?

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

24 **MR. NEVILLE:** And if you look for us at the  
25 bottom of the first page, over to the top of the second,

1 Ms. Venhola reproduces section 149 and 149(a) which is an  
2 adjunct section; correct?

3 **MS. HALLETT:** Yes, the act of gross  
4 indecency.

5 **MR. NEVILLE:** Right.

6 And what I want to just address briefly, and  
7 I don't want to have a great long legal dissertation here,  
8 but I want to make sure it's clear to everybody, including  
9 those watching.

10 So we have the offence set out in section  
11 149 which simply make an act of gross indecency undefined -  
12 --

13 **MS. HALLETT:** Yes.

14 **MR. NEVILLE:** --- an offence?

15 **MS. HALLETT:** Yes.

16 **MR. NEVILLE:** All right.

17 And then we look at the companion section,  
18 149(a) and it says that 149, gross indecency:

19 "That section does not apply to  
20 any act committed in private between a)  
21 a husband and wife or any two persons  
22 each of whom is 21 years or more of  
23 age, both of whom consent to the  
24 commission of the act."

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

1                   **MR. NEVILLE:** All right.

2                   Then it says:

3                                "For the purposes of subsection  
4                                (1)"..."

5           Which is the one we just looked at:

6                                "An act shall be deemed not to  
7                                have been committed in private if it is  
8                                committed in a public place or if more  
9                                than two persons take part or are  
10                               present."

11                   **MS. HALLETT:** Yes.

12                   **MR. NEVILLE:** All right.

13                   Sub (b):

14                                "A person shall be deemed not to  
15                                consent to the commission of an act 1)  
16                                if the consent is extorted..."

17           And it gives ways of extorting consent:

18                                "...or is obtained by false and  
19                                fraudulent misrepresentations as to the  
20                                nature and quality of the act; or ii)  
21                                if that person..."

22           That is to say one of the participating two:

23                                "...and the other party to the  
24                                commission of the act knows or has good  
25                                reason to believe is mentally



1                   **MR. NEVILLE:** We can see the consent is even  
2                   a live issue where the people are both 21. For example, if  
3                   ---

4                   **MS. HALLETT:** Yes, yes.

5                   **MR. NEVILLE:** --- if it's extorted?

6                   **MS. HALLETT:** If -- yes, m'hm.

7                   **MR. NEVILLE:** Or one of the participants is  
8                   mentally handicapped?

9                   **MS. HALLETT:** Right.

10                  **MR. NEVILLE:** Okay.

11                  **MS. HALLETT:** Or committed in public.

12                  **MR. NEVILLE:** Right. Well, that doesn't  
13                  deal with consent normally.

14                  **MS. HALLETT:** Okay. Okay.

15                  **MR. NEVILLE:** It could, I suppose. It's  
16                  just a question of persuasion, I suppose.

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

18                  **MR. NEVILLE:** But the fact of the matter is  
19                  the factor of consent is one of a cluster of factors to be  
20                  considered as to whether the conduct is gross indecency.  
21                  Do you agree with that? Let's take the example I gave you.

22                  **MS. HALLETT:** I don't think so if the one  
23                  person is under the age of 21 and the other was older.  
24                  This provision, as I -- one of the reasons for this  
25                  provision, as I understood it, Mr. Neville -- and, you



1 know, I respect your opinion; you were back there then too  
2 -- was to protect young people from engaging prematurely in  
3 homosexual acts, and I believe that was one of the  
4 intentions of Parliament in respect of this provision, but  
5 it wasn't the only one.

6 **MR. NEVILLE:** No, I understand that.

7 All I'm trying to get at, Ms. Hallett, is  
8 this. We can see that in the wording of the statutory  
9 framework, consent is clearly an issue in some  
10 circumstances; right?

11 **MS. HALLETT:** Whether or not it's a defence  
12 is another ---

13 **MR. NEVILLE:** I didn't say it was a defence  
14 in the sense of this.

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

16 **MR. NEVILLE:** Let's ---

17 **MS. HALLETT:** Consent is -- yes.

18 **MR. NEVILLE:** Ms. Hallett, work with me.

19 **MS. HALLETT:** Consent was relevant.

20 **MR. NEVILLE:** Work with me here.

21 **MS. HALLETT:** Yes.

22 **MR. NEVILLE:** Okay. If the two parties are  
23 over 21, there can still be an issue of consent as itemized  
24 in the statute?

25 **MS. HALLETT:** Yes.

1                   **MR. NEVILLE:** Setting aside the vitiating  
2 factors for consent. If they're both over 21, by law  
3 there's no offence. They're both 21.

4                   **MS. HALLETT:** Right. Yes.

5                   **MR. NEVILLE:** It's in private.

6                   **MS. HALLETT:** If it's in private.

7                   **MR. NEVILLE:** There's nobody watching.

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

9                   **MR. NEVILLE:** It's not an offence?

10                  **MS. HALLETT:** In public, another thing.

11                  **MR. NEVILLE:** No, no.

12                  **MS. HALLETT:** Right.

13                  **MR. NEVILLE:** It's no offence.

14                  **MS. HALLETT:** Okay.

15                  **MR. NEVILLE:** There's not even a question of  
16 a defence; it's no offence.

17                  **MS. HALLETT:** Okay.

18                  **MR. NEVILLE:** Fair enough?

19                  **MS. HALLETT:** Yes.

20                  **MR. NEVILLE:** All right.

21                                So if we have one person under 21 ---

22                  **MS. HALLETT:** Yes.

23                  **MR. NEVILLE:** --- of two, and I gave you an  
24 example, they're effectively about three days apart ---

25                  **MS. HALLETT:** Yes.

1                   **MR. NEVILLE:** --- in private, having a  
2 consensual sexual act ---

3                   **MS. HALLETT:** Yes.

4                   **MR. NEVILLE:** --- I'm going to suggest to  
5 you that the question of consent by both, not extorted,  
6 true valid consent by both, is a factor as to whether it is  
7 grossly indecent.

8                   **MS. HALLETT:** That's -- that would be true.

9                   **MR. NEVILLE:** All right.

10                  **MS. HALLETT:** But if the older gentleman  
11 would have been charged, he would not be able to raise  
12 consent as a defence.

13                  **MR. NEVILLE:** No, I didn't call it a  
14 defence.

15                  **MS. HALLETT:** But it would be unlikely in  
16 that scenario that that person would have been charged.

17                  **MR. NEVILLE:** Well, you might be surprised.  
18 I'm just thinking back of other cases I've defended, and  
19 all I'm saying to you is ---

20                  **MS. HALLETT:** Yes. It was an issue, yes.

21                  **MR. NEVILLE:** --- it's not -- it's an issue  
22 ---

23                  **MS. HALLETT:** It's an issue.

24                  **MR. NEVILLE:** --- as to whether that sexual  
25 act between consenting parties is grossly indecent? Is

1 that not a fair summary?

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

3 MR. NEVILLE: That's fine.

4 Now, you would agree with me then, in the  
5 context of gross indecency, which applied up to 1988,  
6 right?

7 MS. HALLETT: M'hm.

8 MR. NEVILLE: If we looked again at the  
9 second page of the memo; do you have it?

10 MS. HALLETT: Yes, I have it here.

11 MR. NEVILLE: It talks about, for purposes  
12 of subsection (1) how consent does not take place; right?

13 "2(a) deemed not to have been  
14 committed in private. If it is  
15 committed in a public place or more  
16 than two persons take part..."

17 Et cetera; right?

18 MS. HALLETT: M'hm.

19 MR. NEVILLE: Now (b)(1):

20 "If the consent is extorted by  
21 force, threats, or fear of bodily harm  
22 or is obtained by false or fraudulent  
23 misrepresentation as to the nature and  
24 quality of the act..."

25 Those factors would vitiate what would be otherwise an

1           apparent consent. It's not consent if those factors are in  
2           play. Fair enough?

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

4                       **MR. NEVILLE:** Pardon me?

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

6                       **MR. NEVILLE:** Okay. Now, under the new  
7           section 265(3) that came into effect in 1988; right ---

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

9                       **MR. NEVILLE:** --- that section applied to  
10          all forms of assault, including sexual assault; right?

11                      **MS. HALLETT:** Okay.

12                      **MR. NEVILLE:** I'm sorry?

13                      **MS. HALLETT:** Okay. Very well.

14                      **MR. NEVILLE:** And under the 265(3) there was  
15          no consent where the complainant submitted or did not  
16          resist by reason of, among other things, the exercise of  
17          authority?

18                      **MS. HALLETT:** I'm taking your word for it.  
19          I don't have my *Criminal Code* in front of me,  
20          unfortunately, but I defer to your seniority in this area.

21                      **MR. NEVILLE:** There's a first.

22   **(LAUGHTER/RIRES)**

23                      **THE COMMISSIONER:** No, I think we commented  
24          on that before, Mr. Neville.

25                      **MR. NEVILLE:** The seniority, yes, sir. I

1 didn't think it had to do with knowledge. It might have  
2 had to with -- anyway ---

3 **MS. HALLETT:** As I say, I don't have my  
4 *Criminal Code* before me. If we are going to get into ---

5 **MR. NEVILLE:** Well, I'm not going into a big  
6 debate, but what I'm going to come to is this.

7 **MS. HALLETT:** Okay.

8 **MR. NEVILLE:** If you look at Exhibit 3046,  
9 it's your letter to Mr. McConnery.

10 Do you have it there?

11 **MS. HALLETT:** I do.

12 **MR. NEVILLE:** And if we look at page 2 of  
13 the text, starting almost dead in the middle of the page,  
14 you discuss with Mr. McConnery your view about the concept  
15 of consent in relation to previous opinions about gross  
16 indecency. Is that right?

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

18 **MR. NEVILLE:** Yes?

19 **MS. HALLETT:** Yes.

20 **MR. NEVILLE:** I'm sorry, I just couldn't  
21 hear you. I apologize.

22 And you correctly state, if I may say so, in  
23 the third -- the bottom paragraph, that:

24 "Essentially, the definition of gross  
25 indecency involves assessing the

1                   conduct between the parties as to  
2                   whether it constituted a marked  
3                   departure from decent conduct expected  
4                   of an average Canadian."

5                   Right?

6                   **MS. HALLETT:** Yes.

7                   **MR. NEVILLE:** Now, you then go on to suggest  
8                   that there might be a concept of power imbalance in  
9                   relation to consent; correct?

10                  **MS. HALLETT:** I'm sorry, I am having a hard  
11                  time ---

12                  **MR. NEVILLE:** Yes.

13                  **MS. HALLETT:** --- determining what ---

14                  **MR. NEVILLE:** Page -- page 2 of your letter.

15                  **MS. HALLETT:** Yes.

16                  **MR. NEVILLE:** Second-last paragraph.

17                  **MS. HALLETT:** Okay.

18                  **MR. NEVILLE:** "In other words, gross  
19                                indecency will be the appropriate  
20                                charge to be laid in circumstances  
21                                existing prior to 1998 where a person  
22                                in a position of trust or authority  
23                                exploited the power imbalance between  
24                                himself and a young person up to the  
25                                age of 18 (at least) for the purposes

1 of sexual gratification."

2 MS. HALLETT: Yes.

3 MR. NEVILLE: Right?

4 MS. HALLETT: Yeah.

5 MR. NEVILLE: Now, what if -- stopping  
6 there, what if the person in question is over 18, then  
7 what?

8 MS. HALLETT: What person in question, the  
9 alleged offender ---

10 MR. NEVILLE: Let's say there's two  
11 participants, one older and one younger, the younger being  
12 18 or 19.

13 MS. HALLETT: Right, m'hm.

14 MR. NEVILLE: What happens then? Are we  
15 still talking power imbalance, potentially?

16 MS. HALLETT: Well, that would be a  
17 determination to be made by the court in the circumstances.

18 MR. NEVILLE: Exactly.

19 Now, you cite a case at the top of page 3 --  
20 two cases, actually -- one is *Norberg v. Wynrib* in the  
21 Supreme Court of Canada.

22 MS. HALLETT: Yes.

23 MR. NEVILLE: That was a civil case  
24 involving a doctor-patient; correct?

25 MS. HALLETT: Yes.



1                   **MR. NEVILLE:** And the second case you cite  
2                   is the *Queen v. Matheson*.

3                   **MS. HALLETT:** Yes.

4                   **MR. NEVILLE:** In the Ontario Court of  
5                   Appeal.

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

7                   **MR. NEVILLE:** Are you able to confirm for  
8                   the Commissioner that *Matheson* was a sexual assault case?

9                   **MS. HALLETT:** Yes. As I recall ---

10                  **MR. NEVILLE:** Yes.

11                  **MS. HALLETT:** --- involving a psychiatrist?

12                  **MR. NEVILLE:** Yes, dealing with section  
13                  265(3) and the meaning of "exercise of authority".

14                  **MS. HALLETT:** Yes.

15                  **MR. NEVILLE:** Right?

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

17                  **MR. NEVILLE:** So what you were attempting to  
18                  do here was develop a thesis as to how those principles  
19                  could be carried over into gross indecency.

20                  **MS. HALLETT:** I felt that those cases, the  
21                  principles in those cases, would inform ---

22                  **MR. NEVILLE:** Right. That was your ---

23                  **MS. HALLETT:** --- the court.

24                  **MR. NEVILLE:** --- legal thesis, your opinion  
25                  that you were prepared to advance?

1 MS. HALLETT: Yes, it was.

2 MR. NEVILLE: All right.

3 You would agree with me that others may  
4 not agree with you?

5 MS. HALLETT: That's right.

6 MR. NEVILLE: I don't mean necessarily me.

7 MS. HALLETT: Probably not you.

8 MR. NEVILLE: It's a start.

9 (LAUGHTER/RIRES)

10 MR. NEVILLE: You suggested it might include  
11 even Mr. McConnery not agreeing with you, you see. In  
12 fairness to yourself, that's what you said.

13 MS. HALLETT: I -- that's absolutely true.

14 MR. NEVILLE: Just so it's clear that these  
15 legal memos, including the two we've looked at, including  
16 your letter ---

17 MS. HALLETT: Right.

18 MR. NEVILLE: --- are your opinions or  
19 opinions you were going to advance with the assistance of  
20 your student's memo.

21 MS. HALLETT: These ---

22 MR. NEVILLE: Is that a fair statement?

23 MS. HALLETT: --- were my legal arguments --

24 -

25 MR. NEVILLE: Right.

1                   **MS. HALLETT:** --- that I was intending to  
2                   advance, based on what I considered to be very good  
3                   research and my experience in my own prosecutions.

4                   **MR. NEVILLE:** Fair enough. All I want you  
5                   to agree with me, if you're prepared to, is that's what it  
6                   was. It doesn't represent necessarily the established  
7                   state of the law then?

8                   **MS. HALLETT:** Well ---

9                   **MR. NEVILLE:** Correct?

10                  **MS. HALLETT:** I'm sorry, I think I have to  
11                  disagree with you on that. I considered the offence of  
12                  gross indecency to cover a multitude of sins.

13                  **MR. NEVILLE:** I didn't say it didn't.

14                  **MS. HALLETT:** And it was one of the offences  
15                  that could be laid in relation to the exploitation of young  
16                  men in a homosexual context.

17                  **MR. NEVILLE:** Ms. Hallett, I'm sure you're  
18                  aware -- and we're getting awfully esoteric here -- but I'm  
19                  sure you're aware of the Latin expression *expressio unius?*

20                  **MS. HALLETT:** Yes, I'm acquainted with that.

21                  **MR. NEVILLE:** I'm sure you were.

22                                 So we look back at the Venhola memo,  
23                  Exhibit 3120, dealing with what vitiates consent in gross  
24                  indecency, sub (2)(b)(i), right?

25   "What vitiates consent is extorted

1 consent or misrepresentation as to the  
2 nature and quality of the act."

3 Right?

4 **MS. HALLETT:** Oh, but that -- no, I don't  
5 agree that *expressio unius* applies in this context.

6 **MR. NEVILLE:** Well, what I'm getting at, Ms.  
7 Hallett, is, contrary to 265(3), which replaced gross  
8 indecency among other things, it doesn't say anything about  
9 exercise of authority, it says it in the amendment, right?  
10 We find exercise of authority in the new 265(3) in the  
11 context of sexual assault. We don't ---

12 **MS. HALLETT:** Yes, but exercise of authority  
13 is not the only circumstance which could lead to a power  
14 imbalance that from which a court could infer that there  
15 had been exploitation by the person in that power  
16 imbalance.

17 Exercise of authority is only one  
18 circumstance that might lead a court to infer that the  
19 conduct was a marked departure of the decent conduct  
20 expected of the Canadian in the circumstances.

21 **MR. NEVILLE:** Exactly. It would have to be  
22 transposed into the definition, the court-developed  
23 definition of gross indecency, unlike indecent assault  
24 where exercise of authority is specified in the statute,  
25 right?

1                   **THE COMMISSIONER:** Well, I don't mean to  
2 interrupt here this great discussion, but sub (b) only  
3 talks about "a person shall not be deemed to" -- no ---

4                   **MR. NEVILLE:** No, shall be deemed.

5                   **THE COMMISSIONER:** "Shall be deemed to  
6 consent."

7                   **MR. NEVILLE:** "Not to consent."

8                   **MS. HALLETT:** "Not to consent."

9                   **THE COMMISSIONER:** "Not to consent," right.

10                  **MS. HALLETT:** Not to have been -- yeah.

11                  **THE COMMISSIONER:** Right. But that leaves  
12 open the whole issue of authority.

13                  **MR. NEVILLE:** Absolutely, sir.

14                  **THE COMMISSIONER:** So you're saying that  
15 what Ms. Hallett was doing is migrating the amendment to  
16 this section.

17                  **MR. NEVILLE:** Well, what I'm suggesting,  
18 Commissioner, is that her thesis is just that. It's a  
19 legal thesis. There is no established precedent for it in  
20 the jurisprudence dealing with gross indecency.

21                  **THE COMMISSIONER:** Okay, I understand.

22                  **MR. NEVILLE:** Is that a fair statement?

23                  **MS. HALLETT:** The law with respect to  
24 indecency has evolved quite a bit in the last number of  
25 years, as you probably know, Mr. Neville. And I did feel

1           that these arguments were open to be made to a Crown in the  
2           context of the Project Truth prosecutions and the offence  
3           of gross indecency.

4                   **MR. NEVILLE:** Ms. Hallett, I agree with you.  
5           All I'm ---

6                   **MS. HALLETT:** Okay.

7                   **MR. NEVILLE:** --- suggesting to you ---

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

9                   **MR. NEVILLE:** -- and ask you to agree with me  
10          if you would, there was no established case saying so in  
11          the context of gross indecency. It was an argument to  
12          advance.

13                   **MS. HALLETT:** Yes, it was an argument to  
14          advance.

15                   **MR. NEVILLE:** Do you know of a case, a  
16          binding authority, in the context of gross indecency?

17                   **MS. HALLETT:** I'm going to -- I want to  
18          reserve my opinion on that one, if I could. Maybe tomorrow  
19          morning I could respond to that question. I'd have to look  
20          at the case law again.

21                                There were cases where -- involving  
22          heterosexual couples, but in terms of the power imbalance,  
23          the exploitation of the power imbalance, I definitely was  
24          relying on *Norbert and Wynrib*.

25                   **MR. NEVILLE:** Right. A civil authority.

1                   **MS. HALLETT:** But in the context of the tort  
2                   of assault.

3                   **MR. NEVILLE:** Yes. Of assault.

4                   **MS. HALLETT:** Yes.

5                   **MR. NEVILLE:** Not gross indecency. Assault.

6                   **MS. HALLETT:** Yes, but in the context of an  
7                   assault, talking about that power imbalance and in that  
8                   case, of course, it was an addicted patient ---

9                   **MR. NEVILLE:** Right. But ---

10                  **MS. HALLETT:** --- who was providing sexual  
11                  favours for her doctor.

12                  **MR. NEVILLE:** Ms. Hallett, the tort pleaded  
13                  was assault.

14                  **MS. HALLETT:** Yes, but I feel ---

15                  **MR. NEVILLE:** The charge in the *Matheson*  
16                  case was assault.

17                  **MS. HALLETT:** That's right, but I think  
18                  there were broader principles that came out of *Norbert and*  
19                  *Wynrib* that had impact on the construction of what was  
20                  indecent conduct in the context of gross indecency.

21                  **MR. NEVILLE:** Was either the lawsuit or the  
22                  case of *Matheson* about the offence of gross indecency?

23                  **MS. HALLETT:** No.

24                  **MR. NEVILLE:** Thank you.

25                  Now, can we deal with something else?

1 Judicial pre-trials.

2 MS. HALLETT: Yes.

3 MR. NEVILLE: What did you see as their  
4 purpose?

5 THE COMMISSIONER: With respect to the  
6 MacDonald file?

7 MR. NEVILLE: Yes, sir.

8 THE COMMISSIONER: Okay.

9 MS. HALLETT: The one that I -- are you  
10 talking about the one specific one ---

11 MR. NEVILLE: Well ---

12 MS. HALLETT: --- that I went to ---

13 MR. NEVILLE: --- let me ask you this?

14 MS. HALLETT: --- with you or ---

15 MR. NEVILLE: Did you see judicial  
16 pre-trials as having as a function reviewing of the  
17 evidence with the judge?

18 MS. HALLETT: I have to say, Mr. Neville,  
19 that your approach in that ---

20 MR. NEVILLE: I'm not talking about my  
21 approach, Ms. Hallett, I'm asking about your view of  
22 judicial pre-trials. Did you see them as including the  
23 review of evidence with the judge?

24 MS. HALLETT: No, I frankly don't.

25 MR. NEVILLE: Okay. So you said -- indeed,



1 I took it down I think correctly, you did not see it as the  
2 place to discuss weaknesses in the evidence?

3 **MS. HALLETT:** No.

4 **MR. NEVILLE:** All right.

5 Can we ask the witness ---

6 **MS. HALLETT:** In fact, I felt when counsel  
7 has tried to do that, I -- and especially when I think that  
8 there aren't too many judges around who are going to hear  
9 the case, I do object to commentary on the evidence,  
10 because I'm not sure that that will somehow influence ---

11 **MR. NEVILLE:** Ms. Hallett, this case ---

12 **MS. HALLETT:** --- the ultimate trial judge's  
13 decision in the case, so I don't like a discussion of the  
14 weaknesses of the evidence in a judicial pre-trial  
15 conference.

16 **MR. NEVILLE:** Well, we're going to be here a  
17 long, time, Ms. Hallett. I'm trying to keep this brief.

18 This case was in the East Region; there had  
19 to be 40 judges. Justice Desmarais was the administrative  
20 judge hearing a JPT, is that fair?

21 **MS. HALLETT:** He was, yes.

22 **MR. NEVILLE:** Thank you.

23 Can we look at Document 109557?

24 **THE COMMISSIONER:** Exhibit 3232 is the  
25 letter to Mr. Justice Desmarais, dated June 25<sup>th</sup>, 1999, from

1 Robert Pelletier.

2 ---EXHIBIT NO./PIÈCE NO P-3232:

3 (109557) - Letter from Robert Pelletier to  
4 Justice Desmarais re: R. v. Charles  
5 MacDonald dated 25 Jun 99

6 **MR. NEVILLE:** I'm sorry to ask,  
7 Commissioner; I missed the number.

8 **THE COMMISSIONER:** Three two three two  
9 (3232).

10 **MR. NEVILLE:** Three two three two (3232)?

11 **THE COMMISSIONER:** Yes.

12 **MR. NEVILLE:** Thank you. You have it there,  
13 Ms. Hallett?

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

15 **MR. NEVILLE:** It's a letter from your  
16 predecessor on the file, now Justice Pelletier, to Justice  
17 Desmarais; this is indeed the file -- the letter, if you  
18 look at page 2, last paragraph, where he advises His Honour  
19 of your taking over the prosecution.

20 **MS. HALLETT:** Okay.

21 **MR. NEVILLE:** Do you see that?

22 **MS. HALLETT:** I just -- I'm reading before  
23 that though.

24 **MR. NEVILLE:** No, I'll come back to the  
25 start, I just want to confirm that basic point, on page 2.

1                   He seems to be notifying His Honour that  
2           you're now taking over?

3                   **MS. HALLETT:** Yes.

4                   **MR. NEVILLE:** And, indeed, you're cc'd on  
5           the letter?

6                   **MS. HALLETT:** Yes.

7                   **MR. NEVILLE:** All right. Let's look back at  
8           the first paragraph.

9                   Were you aware, Ms. Hallett, that there had  
10          been other judicial pre-trials involving Mr. Pelletier,  
11          prior to your first appearance in September of 1999?

12                   **MS. HALLETT:** I believe that there probably  
13          had been.

14                   **MR. NEVILLE:** All right. Mr. Pelletier says  
15          this:

16                                "Your Honour will recall that we had  
17                                previously undertaken to provide the  
18                                Court with transcripts of the  
19                                proceedings at the two preliminary  
20                                inquiries in this case. Enclosed are  
21                                those transcripts."

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

23                   **MR. NEVILLE:** Why did you think the judge  
24          wanted the transcripts?

25                   **MS. HALLETT:** Well, I would have thought it

1 was for the purpose of the Court having them in the event  
2 of cross-examination on previous statements made at the  
3 preliminary inquiry, and that's what I assumed was the  
4 reason for him sending them.

5 I -- this is the first, frankly, I've ever  
6 considered that those were made available to the judge to -  
7 --

8 MR. NEVILLE: He's the administrative judge.

9 MS. HALLETT: Yes.

10 MR. NEVILLE: Wasn't it the policy that the  
11 administrative judge, the JPT judge ---

12 MS. HALLETT: M'hm?

13 MR. NEVILLE: --- does not do the trial?  
14 You knew that?

15 MS. HALLETT: But he would provide them,  
16 presumably, to -- and make sure they're available on the  
17 file for whatever judge is going to hear the trial.

18 MR. NEVILLE: Ms. Hallett, I'm going to  
19 suggest to you that Mr. Justice Desmarais wanted to read  
20 the transcripts.

21 MS. HALLETT: Well, you were there,  
22 Mr. Neville; I wasn't.

23 MR. NEVILLE: No ---

24 MS. HALLETT: I ---

25 MR. NEVILLE: --- I was there in September,

1 and we'll get to that.

2 **MS. HALLETT:** I ---

3 **MR. NEVILLE:** This is well before,  
4 Ms. Hallett.

5 Mr. Pelletier is sending, at the judge's  
6 request, the transcripts. Are you suggesting to this  
7 Commission that you think it was simply to get them in the  
8 hands of the Court?

9 **MS. HALLETT:** I don't know. I wasn't there.  
10 I'm not -- I wasn't there.

11 **MR. NEVILLE:** Well ---

12 **MS. HALLETT:** And I don't see any allusion  
13 to a request by the judge for these. I know -- I don't  
14 know why he would have provided preliminary inquiry's --  
15 the transcripts, to the judge, other than for that purpose,  
16 because any other purpose, I would have thought, would be  
17 improper. I have to say that. You're asking my opinion --  
18 -

19 **MR. NEVILLE:** A judge -- you're -- all  
20 right.

21 Just so we all understand, Ms. Hallett,  
22 you're saying to our Commissioner, that in your view,  
23 having a judicial pre-trial judge be familiar with the  
24 transcript is improper?

25 **MR. TRUDELL:** Mr. Commissioner ---

1                   **THE COMMISSIONER:** First of all, sir, you  
2           have to come up to the microphone ---

3                   **MR. TRUDELL:** Sorry.

4                   **THE COMMISSIONER:** --- because the  
5           interpreters are going to throw coffee at you.

6                   **MR. TRUDELL:** I really don't think you need  
7           me to be involved here, but that -- that's not what Ms.  
8           Hallett said, in fairness.

9                   I mean, the question that he asked, she gave  
10          an answer, and I think it -- these people have known each  
11          other for a long time.

12                   I think Ms. Hallett should be able to answer  
13          the question and her answer should stand.

14                   **THE COMMISSIONER:** Mr. Neville?

15                   **MR. NEVILLE:** Well, Commissioner, I thought  
16          it was cross-examination. I'm suggesting the answer is  
17          somewhat odd -- can I put it, neutrally, in that fashion?

18                   **THE COMMISSIONER:** Well, that's not quite  
19          neutral, but ---

20   **( LAUGHTER/RIRES )**

21                   **MR. NEVILLE:** Let's say unexpected?

22                   **THE COMMISSIONER:** Unexpected.

23                   **MR. NEVILLE:** And may I refer to the third  
24          paragraph?

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

1                   **MR. NEVILLE:** "Your Honour has been  
2                                   provided with brief summaries of the  
3                                   allegations in relation to both sets of  
4                                   charges. If, however, the Court  
5                                   requires more information, please do  
6                                   not hesitate to communicate with us at  
7                                   your convenience."

8                   So it appears that Mr. Pelletier not only  
9                   has provided, already, summaries, he's inviting the Court  
10                   to inquire for more information, and, if I go back to the  
11                   first paragraph:

12                                   "We had previously undertaken to  
13                                   provide the Court with transcripts."

14                   **MS. HALLETT:** Well, Mr. Neville, you  
15                   obviously have information about this matter that I don't.

16                                   I wasn't privy to any earlier judicial pre-  
17                   trial conferences in this matter, and I don't know the  
18                   reason why ---

19                   **MR. NEVILLE:** Ms. Hallett ---

20                   **MS. HALLETT:** --- Mr. Pelletier was  
21                   providing these to the Court.

22                                   I've given what I thought was the  
23                   appropriate reason for providing them, and obviously these  
24                   are questions that perhaps you should put to Justice  
25                   Pelletier.

1                   **MR. NEVILLE:** Well, we may eventually do  
2                   that, Ms. Hallett. He wrote the letter; I didn't.

3                   **MS. HALLETT:** That's right, and ---

4                   **MR. NEVILLE:** And he ---

5                   **MS. HALLETT:** --- nor did I.

6                   **MR. NEVILLE:** And he "cc's" it to you, and  
7                   to me.

8                   **MS. HALLETT:** Right.

9                   **MR. NEVILLE:** But more importantly he  
10                  addresses it to the judge.

11                  **MS. HALLETT:** That's right; I see that.

12                  **MR. NEVILLE:** And says these are being  
13                  provided because there was an undertaking to provide them.

14                  **MS. HALLETT:** Yes. I don't know the reason  
15                  for that undertaking.

16                  **MR. NEVILLE:** Fine. Let's look at  
17                  Exhibit 3212.

18                  **THE COMMISSIONER:** Thirty-two ---

19                  **MR. NEVILLE:** The document number,  
20                  Commissioner, is 109469.

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

22                  **MR. NEVILLE:** Do you have it there?

23                  **MS. HALLETT:** Yes, I do.

24                  **MR. NEVILLE:** These are notes of the meeting  
25                  between yourself and Mr. Pelletier, I take it, with Ms.



1 Thomas?

2 MS. HALLETT: Made by Nadia Thomas ---

3 MR. NEVILLE: Yes.

4 MS. HALLETT: --- articling student ---

5 MR. NEVILLE: Right.

6 MS. HALLETT: --- yes.

7 MR. NEVILLE: I take it she was there, to

8 make these notes, and ---

9 MS. HALLETT: Yes, m'hm.

10 MR. NEVILLE: --- type them up?

11 MS. HALLETT: Yes.

12 MR. NEVILLE: Which took place on the 27<sup>th</sup> of

13 August?

14 MS. HALLETT: M'hm.

15 MR. NEVILLE: There's -- the first full

16 heading is:

17 "Issues to be determined at the  
18 pre-trial conference."

19 MS. HALLETT: Right.

20 MR. NEVILLE: Right?

21 MS. HALLETT: M'hm.

22 MR. NEVILLE: Okay.

23 "Item 3: Whether the Crown is  
24 proceeding on all charges."

25 MS. HALLETT: M'hm.

1                   **MR. NEVILLE:** What did you understand that  
2                   to mean?

3                   **MS. HALLETT:** Well, I think that we got into  
4                   a discussion with Mr. Pelletier about some of the strengths  
5                   and weaknesses of the evidence here, and so I guess that is  
6                   what is being alluded to here.

7                   **MR. NEVILLE:** Well, if, in fact -- if we  
8                   turn to page 2 ---

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

10                  **MR. NEVILLE:** --- and this should obviously,  
11                  if it doesn't have one already, Commissioner -- I can't  
12                  recall ---

13                  **THE COMMISSIONER:** Yes, it does.

14                  **MR. NEVILLE:** There is a review of all of  
15                  the named complainants, right ---

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

17                  **MR. NEVILLE:** --- some of -- many of whom  
18                  have monikers.

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

20                  **MR. NEVILLE:** Right?

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

22                  **MR. NEVILLE:** And, I take it, the  
23                  observations that are recorded there, or the pluses and  
24                  minuses, the strengths or weaknesses -- take your term, if  
25                  you wish -- as you wish -- are from Mr. Pelletier?

1                   **MS. HALLETT:** Yes.

2                   **MR. NEVILLE:** All right. So we can see, for  
3 example, that he refers to number 4, known to us as C-8.

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

5                   **MR. NEVILLE:** There's was a question -- two  
6 questions:

7                                "Should he be called? Should we  
8                                proceed on the 'funeral' incident?"  
9 Did he explain to you what that meant?

10                   **MS. HALLETT:** I became aware of what that  
11 was about.

12                   **MR. NEVILLE:** Okay. Did you become aware,  
13 at some point, Ms. Hallett -- it would have been after your  
14 tenure on the file ---

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

16                   **MR. NEVILLE:** --- that this person, C-8,  
17 admitted to having fabricated his entire story against  
18 Father MacDonald?

19                   **MS. HALLETT:** He didn't -- yes, I became  
20 aware of that in --- I believe that he told Mr. McConnery  
21 that.

22                   **MR. NEVILLE:** Yes. How did you become aware  
23 that he admitted fabricating the story?

24                   **MS. HALLETT:** He certainly didn't tell me  
25 that ---

1 MR. NEVILLE: No ---

2 MS. HALLETT: --- Mr. Neville.

3 MR. NEVILLE: --- I didn't suggest that. I  
4 just asked you did you become aware and you mentioned Mr.  
5 McConnery. I'm just asking how ---

6 MS. HALLETT: Right.

7 MR. NEVILLE: --- it was you became aware of  
8 C-8's admissions?

9 MS. HALLETT: I don't know how I became  
10 aware. I believe I took an interest, obviously, in the  
11 disposition of the Charles MacDonald case and that was a  
12 matter of interest to me that at such a late point in those  
13 proceedings that the complainant would have said that.

14 MR. NEVILLE: Well ---

15 MS. HALLETT: It's unfortunate that it  
16 happened so late in the proceedings.

17 MR. NEVILLE: Well, we can touch on that a  
18 bit more in a few minutes.

19 MS. HALLETT: M'hm.

20 MR. NEVILLE: Number 8, C-15?

21 MS. HALLETT: Yes.

22 MR. NEVILLE: Bullet point 2:

23 "His age is stated at the time of the  
24 offence may pose a problem."

25 MS. HALLETT: Yes.

1                   **MR. NEVILLE:** What did -- what were you  
2           advised that meant?

3                   **MS. HALLETT:** I'm sorry, I just can't recall  
4           exactly ---

5                   **MR. NEVILLE:** Fine. If you don't recall  
6           just ---

7                   **MS. HALLETT:** --- what Mr. Pelletier would  
8           have said.

9                   **MR. NEVILLE:** That's fine.

10                  **MS. HALLETT:** I -- well this is ---

11                  **MR. NEVILLE:** He's coming and he conducted  
12           these proceedings.

13                  **MS. HALLETT:** Yes.

14                  **MR. NEVILLE:** Number 9, that would be John  
15           MacDonald. He was the named complainant for Father  
16           Charles?

17                  **MS. HALLETT:** Yes. M'hm.

18                  **MR. NEVILLE:** He was one of, I should say,  
19           the named complainants, correct?

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

21                  **MR. NEVILLE:** The bullet point:

22                                "The concern is that of collusion  
23                                with Silmser?"

24                  **MS. HALLETT:** Yeah. I don't think ---

25                  **THE COMMISSIONER:** Potential. That's ---

1                   **MS. HALLETT:** Potential. And I didn't  
2 understand -- now, keep in mind, of course, that my  
3 articling student is taking these notes, and simply based  
4 on what Bob Pelletier is saying about problems that may  
5 arise in terms of the evidence, that that -- when I read  
6 that, I'm not understanding that to mean that Bob Pelletier  
7 told me that there had been collusion.

8                   **MR. NEVILLE:** Well, you ---

9                   **MS. HALLETT:** That that would be probably a  
10 defence. That would be one of the defences that would be  
11 raised here.

12                   **MR. NEVILLE:** Well, all of these  
13 observations you've told our Commissioner are likely being  
14 presented to you by Mr. Pelletier because you weren't at  
15 any of these proceedings and were just ---

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

17                   **MR. NEVILLE:** Okay. Fine.

18                   Next heading at the bottom, "Evidence we  
19 need to obtain."

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

21                   **MR. NEVILLE:** Who suggested these itemized  
22 things, Mr. Pelletier?

23                   **MS. HALLETT:** Well, it's certainly not me.

24                   **MR. NEVILLE:** Okay. Fine. One of them,  
25 bullet point 3:

1 "Anything to show that Father  
2 MacDonald said mass before he was  
3 ordained."  
4 That relates, Commissioner, to complainant  
5 Upper?

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

7 **MS. HALLETT:** Okay. Yes.

8 **MR. NEVILLE:** That was brought to your  
9 attention as evidence to seek presumably by Mr. Pelletier.

10 **MS. HALLETT:** Yes, I'm assuming that.

11 **MR. NEVILLE:** All right.

12 Let's look at the next page, page 3.

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

14 **MR. NEVILLE:** The second item, "Potential  
15 judges," what's that?

16 **MS. HALLETT:** I don't understand that.  
17 Maybe it's that these are possibly going to be the judges  
18 who would hear the matter, would likely be assigned to this  
19 trial.

20 **MR. NEVILLE:** All right.

21 Then the final item is "Things to be done."  
22 Correct?

23 **MS. HALLETT:** Yes.

24 **MR. NEVILLE:** Now, the joint indictment  
25 speaks for itself, and that was done. The second bullet:

1 "Determine whether to proceed on the  
2 Silmsers 'Bush' incident."

3 **MS. HALLETT:** Yes.

4 **MR. NEVILLE:** Did you understand from Mr.  
5 Pelletier that one of the allegations made by Mr. Silmsers  
6 had not been proceeded with?

7 **MS. HALLETT:** I ---

8 **MR. NEVILLE:** If you recall.

9 **MS. HALLETT:** I'm sorry. I ---

10 **MR. NEVILLE:** You don't recall?

11 **MS. HALLETT:** It's a little bit more detail  
12 than I'm really on top of right now in relation to that  
13 particular complainant.

14 **MR. NEVILLE:** All right. All right.

15 So let's put it this way. All these bullet  
16 points of things to do, I take it given the passage of time  
17 you're not able to tell us the significance of those now?

18 **MS. HALLETT:** It's very difficult right now.  
19 I do understand ---

20 **MR. NEVILLE:** That's fine.

21 **MS. HALLETT:** --- the bullet point with  
22 respect to courteous treatment of witnesses.

23 **MR. NEVILLE:** M'hm.

24 **MS. HALLETT:** That was one of the things  
25 that was flagged by Bob Pelletier.



1                   **MR. NEVILLE:** Okay. Let's look at Exhibit  
2                   3214, the minutes or notes of the pre-trial conference. Do  
3                   you have those there, Ms. Hallett?

4                   **MS. HALLETT:** Yes.

5                   **MR. NEVILLE:** Fine.

6                   **MS. HALLETT:** I don't have them, though, in  
7                   hard copy.

8                   **MR. NEVILLE:** In which, hard copy?

9                   **MS. HALLETT:** Is it the next one over?

10                  **THE COMMISSIONER:** Three two one four  
11                  (3214).

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

13                  **THE COMMISSIONER:** They're numbered on tabs.

14                  **MS. HALLETT:** Yes, thank you.

15                  **MR. NEVILLE:** You have it there now?

16                  **MS. HALLETT:** M'hm. Yes.

17                  **MR. NEVILLE:** The first item recorded, I  
18                  guess, by Ms. Thomas quoting me:

19                                 "Expected that the status and future  
20                                 of the prosecution was to be  
21                                 seriously considered in light of the  
22                                 evidence revealed at the preliminary  
23                                 inquiry."

24                                 Right?

25                  **MS. HALLETT:** Yes, that's what you said.

1                   **MR. NEVILLE:** Now, were you aware that Mr.  
2 Pelletier was going to reconsider some of these allegations  
3 or complainants based on the evidence at the preliminary  
4 inquiry? Were you advised of that?

5                   **MS. HALLETT:** No.

6                   **MR. NEVILLE:** All right.

7                   You didn't know that at all?

8                   **MS. HALLETT:** No. If he had made any  
9 undertakings, I assume that he would have advised me  
10 because I would be bound by those undertakings.

11                   **MR. NEVILLE:** All right.

12                   Well, I can tell you, Ms. Hallett, that we  
13 do have some documents authored by Mr. Pelletier that  
14 suggest that.

15                   **MS. HALLETT:** That he had made ---

16                   **MR. NEVILLE:** That the matter was to be  
17 assessed, and this in the context of the first three  
18 complainants, Silmsler, MacDonald and C-3.

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

20                   **MR. NEVILLE:** That the future of the  
21 prosecution was to be considered upon completion of the  
22 preliminary inquiry. Were you advised of that?

23                   **MS. HALLETT:** I cannot recall that, no.

24                   **MR. NEVILLE:** All right.

25                   **MS. HALLETT:** I don't know why Bob would

1 have just handed over the prosecution to me if that were  
2 the case. I considered that these were live cases that  
3 were going to proceed.

4 **MR. NEVILLE:** Well, let me ask you this, I  
5 don't want to take up unduly the time today because the  
6 Commissioner has the document. And you've alluded to the  
7 fact and the document that we're looking at right now  
8 reflects the fact that basically on a complainant by  
9 complainant basis I highlighted problem areas with each of  
10 them.

11 Is that fair?

12 **MS. HALLETT:** Mr. Neville, I remember you  
13 were pressing that way in the judicial pre-trial conference  
14 and I didn't consider it appropriate. That's all I can  
15 say.

16 I didn't consider that was the time or the  
17 place for that kind of submission.

18 **MR. NEVILLE:** Ms. Hallett, I'm going to try  
19 again.

20 **MS. HALLETT:** And I know ---

21 **THE COMMISSIONER:** Ms. Hallett, Ms. Hallett,  
22 whether it was appropriate or not, just answer the question  
23 please.

24 **MS. HALLETT:** Okay.

25 **THE COMMISSIONER:** Thank you.

1                   **MR. NEVILLE:** Ms. Hallett, Commissioner  
2           Glaude has the document to read for himself. All right?  
3                   **MS. HALLETT:** This document here?  
4                   **MR. NEVILLE:** Yes.  
5                   **MS. HALLETT:** Yes.  
6                   **MR. NEVILLE:** It's an exhibit.  
7                   **MS. HALLETT:** Yes.  
8                   **MR. NEVILLE:** And the document reflects that  
9           a number of let's call them issues or problems with  
10           virtually all of the named complainants are raised in front  
11           of the judge by myself in your presence and Mr. Pelletier?  
12                   **MS. HALLETT:** Yes, but I had ---  
13                   **MR. NEVILLE:** I just want you to confirm  
14           ---  
15                   **MS. HALLETT:** Yes.  
16                   **MR. NEVILLE:** --- that's what happened. All  
17           right?  
18                   **MS. HALLETT:** Yes.  
19                   **MR. NEVILLE:** All right.  
20                   And I'm going to go into each and every one.  
21           The document speaks for itself, Ms. Hallett. Right?  
22                   **MS. HALLETT:** Yes. And I do note I had a  
23           response.  
24                   **MR. NEVILLE:** Now, do you agree that the  
25           document also reflects -- and the Commissioner can look for

1           it and find it for himself -- a number of occasions using  
2           the initials R.P. for Mr. Pelletier ---

3                       **MS. HALLETT:** Okay.

4                       **MR. NEVILLE:** --- where he acknowledges  
5           certain issues or problem areas of concern with certain  
6           named complainants.

7                       **MS. HALLETT:** Yes.

8                       **MR. NEVILLE:** Is that a fair statement?

9                       **MS. HALLETT:** Yes.

10                      **MR. NEVILLE:** All right. Let's move on.

11                      **THE COMMISSIONER:** Just a second. And in  
12           some others he answers ---

13                      **MR. NEVILLE:** Yes.

14                      **THE COMMISSIONER:** He responds to your ---

15                      **MR. NEVILLE:** Absolutely. Absolutely.

16                      **THE COMMISSIONER:** Okay. So what's the  
17           point of all this, though?

18                      **MR. NEVILLE:** Well, we'll get to it, sir,  
19           shortly. It's taking longer than I thought it would, but -  
20           --

21                      **THE COMMISSIONER:** Okay. Well ---

22                      **MR. NEVILLE:** Ms. Hallett, I don't think it  
23           was made an exhibit, but I just wanted to complete the  
24           record. The Document Number, Commissioner, is 109466.

25                      **THE COMMISSIONER:** So, Ms. Hallett, just out

1 of interest while we're getting the document ---

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

3 **THE COMMISSIONER:** --- is it your view that  
4 there is nowhere in any proceedings getting up to --  
5 leading up to trial where the defence and the Crown get  
6 together with the judge and they discuss the evidence?

7 **MS. HALLETT:** I have been involved in  
8 situations where defence and a Crown would go to a judge  
9 and present the evidence or present the issue to get an  
10 indication of how the judge might rule on that issue.

11 But in terms of counsel presenting the  
12 weaknesses of the evidence for some determination at the  
13 JPC, I am not sure that I would consider that the right  
14 form for doing that. Obviously we have different thoughts  
15 on this.

16 **THE COMMISSIONER:** No, I just want to get it  
17 clear ---

18 **MS. HALLETT:** Right.

19 **THE COMMISSIONER:** --- because -- and maybe  
20 we'll hear from Mr. Pelletier, but my understanding in  
21 Ottawa, for example, is that they do get together and they  
22 read all of the documents and they do have a very serious  
23 discussion about the merits of the case. I may be wrong.

24 **MS. HALLETT:** Well, that may be, if that's  
25 the practice in that jurisdiction. I must say I have

1       resisted that kind of discussion where I have made a  
2       determination that I will proceed to trial. I remember  
3       being in a case involving a doctor in Toronto. I went to  
4       three judicial pre-trial conferences with Mr. Greenspan and  
5       he kept -- it seemed to me he was shopping around for an  
6       opinion.

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

8                   **MS. HALLETT:** But I resisted getting into a  
9       discussion of the merits of the case when I had made that  
10      determination that it was going to go to trial.

11                  **THE COMMISSIONER:** Okay. Well, that's fair.

12                  Do we have the exhibit? Thank you. Exhibit  
13      Number 3233, Pre-Trial Conference (2nd), October 22<sup>nd</sup>, 1999.

14      --- **EXHIBIT NO./PIÈCE NO. P-3233:**

15                  (109466) - Notes of Shelley Hallett re: Pre-  
16      Trial Conference (2nd) Charles MacDonald  
17      dated 22 Oct 99

18                  **MR. NEVILLE:** I'm just having you confirm  
19      for us, Ms. Hallett, that in fact there was a follow-up  
20      judicial pre-trial on the MacDonald file, again with  
21      Justice Desmarais on the 22<sup>nd</sup> of October 1999 involving  
22      yourself, myself, and looks like Detective Dupuis.

23                  **THE COMMISSIONER:** Whose notes are these?

24                  **MR. NEVILLE:** I was going to ask that, sir.

25                  **MS. HALLETT:** These do look like my notes.

1                   **MR. NEVILLE:** That was my next question.

2                   **MS. HALLETT:** Yes. M'hm.

3                   **MR. NEVILLE:** And one of the indications on  
4 page 2 of your notes, middle of the page, is "Judge alone  
5 in Cornwall."

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

7                   **MR. NEVILLE:** Okay. The final page of your  
8 notes, there's a reference as to possible motions. It's  
9 Bates page, Commissioner, 3071.

10                   **THE COMMISSIONER:** Yeah, but where ---

11                   **MR. NEVILLE:** See at the top, Section 7?

12                   **THE COMMISSIONER:** "Full answer in defence"?

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

14                   **MR. NEVILLE:** That's your short form for a  
15 Motion under Section 7 involving certain issues that are  
16 point form there, Ms. Hallett?

17                   **MS. HALLETT:** Yes.

18                   **MR. NEVILLE:** Okay. And the words, "stay  
19 under Section 24 of the Charter" is referred to.

20                   **MS. HALLETT:** Right.

21                   **MR. NEVILLE:** Okay. Below ---

22                   **MS. HALLETT:** In relation to specified  
23 counts.

24                   **MR. NEVILLE:** Yes, yes. Silmsen and  
25 MacDonald are ---



1                   **MS. HALLETT:** Right.

2                   **MR. NEVILLE:** --- mentioned in particular.

3                   About five entries from the bottom it says:

4                                 "Meeting with R.P. re not prosecuting  
5                                 [C-3] episode."

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

7                   **MR. NEVILLE:** What does that note represent?

8                   I'm going to suggest this to you, that ---

9                   **MS. HALLETT:** You tell me, Mr. Neville. You  
10                   were there. We lived this together.

11                   **MR. NEVILLE:** Well, I was there even a  
12                   little longer actually, as you know.

13                                 I'm going to suggest that you became aware,  
14                   Ms. Hallett, that Mr. Pelletier had not prosecuted an  
15                   allegation by C-3 of an event at the rectory in Apple Hill,  
16                   on the basis that in his view it was consensual. And you  
17                   were making a note, either to yourself or otherwise, as to  
18                   whether you were going to prosecute it, and there was a  
19                   concern of it vitiating undertakings or positions because  
20                   the event, for obvious reasons not having been led, was not  
21                   explored in cross-examination.

22                                 I'm translating what I'm suggesting your  
23                   notes stand for. Do you agree with that?

24                   **MS. HALLETT:** I'm sorry, I really ---

25                   **MR. NEVILLE:** Can't help?

1                   **MS. HALLETT:** --- cannot remember that much  
2 detail from that particular pre-trial conference.

3                   **MR. NEVILLE:** Right.

4                   **MS. HALLETT:** Obviously it relates to  
5 something that preceded my assuming carriage of this file,  
6 and both you and Mr. Pelletier, I think, know better about  
7 that.

8                   **MR. NEVILLE:** Does it indicate you were  
9 going to confirm with him those circumstances?

10                  **MS. HALLETT:** Yes, I believe that that's  
11 what it means.

12                  **MR. NEVILLE:** Right.

13                  **MS. HALLETT:** I was going to ---

14                  **MR. NEVILLE:** Have a meeting with him on  
15 that topic. Is that a fair way to describe it?

16                  **MS. HALLETT:** I think so.

17                  **MR. NEVILLE:** All right.

18                  **MS. HALLETT:** But this is just an example of  
19 why there aren't too many notes from me in any of these  
20 files. I generally prefer to type up things or get my  
21 students to do so because I do feel that there are various  
22 interpretations that can later be put on notes like this,  
23 and I don't trust them.

24                                So I can't really remember what these notes  
25 of mine represent; I'm sorry.

1                   **MR. NEVILLE:** I'm mindful of the time,  
2                   Commissioner. I won't finish in the next two minutes,  
3                   which is 5:58, so perhaps have 15, 20 minutes?

4                   **THE COMMISSIONER:** No, no. I've got to come  
5                   back at 7 o'clock.

6                   **MR. NEVILLE:** Oh, I'm talking in terms of  
7                   finishing Ms. Hallett.

8                   **THE COMMISSIONER:** All right.

9                   **MR. NEVILLE:** I thought she was over till  
10                  tomorrow, or she'll be back in ---

11                  **THE COMMISSIONER:** No, she ---

12                  **MS. HALLETT:** I'll be back.

13                  **MR. NEVILLE:** Oh, she's back; okay.  
14                  Tonight?

15                  **THE COMMISSIONER:** She's back tomorrow. No,  
16                  not tonight.

17                  **MR. NEVILLE:** No. That's what I thought.  
18                  No, I'm suggesting, in terms of my cross of her, that I  
19                  will finish in the morning.

20                  **THE COMMISSIONER:** Well, all right, but  
21                  tomorrow you're going to have to tell me or get to the  
22                  point as to what -- why we're doing all of this.

23                  **MR. NEVILLE:** Well, I think it will become  
24                  apparent when I get to subsequent documents, Commissioner,  
25                  including correspondence with Ms. Hallett.

1                   **THE COMMISSIONER:** Tomorrow. Thank you.

2                   Ms. Hallett, we'll see you tomorrow morning  
3                   at 9:30.

4                   For those who wish to stay for the ODE,  
5                   we'll be on at 7 o'clock.

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

8                   This hearing will resume at 7:00 p.m.

9                   --- Upon recessing at 5:58 p.m./

10                  L'audience est suspendue à 17h58

11                  --- Upon resuming at 6:04 p.m./

12                  L'audience est reprise à 18h04

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

15                  This hearing is now resumed. Please be  
16                  seated. Veuillez vous asseoir.

17                  **MS. SIMMS:** Good evening, Commissioner.

18                  **THE COMMISSIONER:** Good evening.

19                  **MS. SIMMS:** I'm here this evening to present  
20                  an Overview of Documentary Evidence with respect to  
21                  Jeannine Seguin. Jeannine Seguin was with the Stormont,  
22                  Dundas & Glengarry Board of Education from 1970 to ---

23                  **THE COMMISSIONER:** Excuse me, miss. We have  
24                  the, what I call the ---

25                  **MS. SIMMS:** Oh, yes.

1 THE COMMISSIONER: --- Manderville trot.

2 MS. SIMMS: I was going to do my regular  
3 introduction, but -- go ahead.

4 THE COMMISSIONER: All right.

5 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LALJI :

6 MS. LALJI: It doesn't matter to me, Mr.  
7 Commissioner, I can do it after the regular introduction or  
8 ---

9 THE COMMISSIONER: No, no, no, go ahead.

10 MS. LALJI: Should I just do it right now?

11 THE COMMISSIONER: Yes, yes.

12 MS. LALJI: Okay, just so that we have it on  
13 the record and ---

14 THE COMMISSIONER: Absolutely.

15 MS. LALJI: Okay. So the normal four  
16 points, as you refer to as the Manderville objections ---

17 THE COMMISSIONER: No, I call it now the  
18 Manderville trot.

19 MS. LALJI: Oh, all right. So the first  
20 one, the ODE itself is unavoidably Commission counsel's  
21 interpretation of what the documents appended to it say or  
22 mean; number two, the ODE cannot be used as a basis for a  
23 finding of misconduct nor to assist in making a finding of  
24 misconduct; number three, the ODE cannot be proffered for  
25 the truth of its content nor the contents of the documents

1 appended to it; and finally, the ODE cannot be used to  
2 bolster or detract from the credibility of a witness  
3 testifying before this Inquiry. Thank you.

4 **THE COMMISSIONER:** Thank you.

5 **MS. SIMMS:** So ---

6 **THE COMMISSIONER:** So you're going to stay?  
7 You drew the short straw, did you? All right, away we go.  
8 Thank you.

9 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SIMMS :

10 **MS. SIMMS:** So, Mr. Commissioner, I  
11 mentioned Madam Seguin was involved with the Board of  
12 Education from 1970 to 1981, and she has since passed away,  
13 is not available to testify here, so we are seeking to file  
14 an ODE with respect to documents that refer to her evidence  
15 or to documents that refer to her involvement in matters  
16 before the Inquiry.

17 And as we have always done, we've attempted  
18 to be neutral and thorough, and we have circulated a draft  
19 of the document to other parties for their comments.

20 **THE COMMISSIONER:** So, subject to the  
21 Cornwall Police Service's comments, we'll introduce it as  
22 an exhibit at this point, which will be Exhibit 3234.

23 **MS. SIMMS:** And the exhibit should be marked  
24 subject to publication ban.

25 **THE COMMISSIONER:** Yes, a very good point.

1 Thank you.

2 --- EXHIBIT NO./PIÈCE NO. P-3234:

3 Overview of Documentary Evidence of Jeannine  
4 Seguin

5 MS. SIMMS: And there is one name in the  
6 document regarding an individual that has been granted  
7 confidentiality measures here but has not yet been assigned  
8 a moniker.

9 THE COMMISSIONER: Right.

10 MS. SIMMS: So when we come to that, I  
11 suggest we use the next moniker ---

12 THE COMMISSIONER: Very well.

13 MS. SIMMS: --- for his name.

14 THE COMMISSIONER: Thank you.

15 MS. SIMMS: And before we read any ODE,  
16 there are just a few new documents to be entered.

17 THE COMMISSIONER: Yes.

18 MS. SIMMS: The first one is Document Number  
19 116756.

20 THE COMMISSIONER: Thank you, yes, that will  
21 be 3235, which is ---

22 MS. SIMMS: It's an examination for  
23 discovery of John Beveridge in the *Lavoie v. Sabourin*  
24 matter, dated October 22<sup>nd</sup>, 1999.

25 THE COMMISSIONER: Thank you.

1 --- EXHIBIT NO./PIÈCE NO. P-3235:

2 (116756) - Transcript of Examination for  
3 Discovery re: Dated 22 Oct 99

4 MS. SIMMS: And the next document is  
5 Document Number 118162.

6 THE COMMISSIONER: Thank you. Number 3236.

7 MS. SIMMS: This is a Standard-Freeholder  
8 article entitled, "Prominent educator dead at age 71."

9 THE COMMISSIONER: Thank you.

10 --- EXHIBIT NO./PIÈCE NO. P-3236:

11 (118162) - Standard-Freeholder Article  
12 'Prominent educator dead' at 71 dated 24  
13 Nov 99

14 MS. SIMMS: The next document is Document  
15 Number 118163.

16 THE COMMISSIONER: Exhibit 3237, which is a  
17 letter dated the 21<sup>st</sup> of February 2001, to Brenda MacDonald  
18 from John Beveridge.

19 MS. SIMMS: And that document attaches a  
20 Statement of Claim, Mr. Commissioner, and the name of the  
21 plaintiff is the name that I'd ask be ---

22 THE COMMISSIONER: All right.

23 MS. SIMMS: --- given the next moniker.

24 THE COMMISSIONER: So that's C-112.

25 MS. SIMMS: C-112? And, of course, it will



1 be marked subject to publication ban.

2 **THE COMMISSIONER:** It will.

3 --- **EXHIBIT NO./PIÈCE NO. P-3237:**

4 (118163) Letter from John Beveridge to  
5 Brenda MacDonald dated 21 Feb 01

6 **MS. SIMMS:** The next document is 119029.  
7 Did I miss one? Oh, I did. Thank you. One one eight  
8 eight one seven (118817). Sorry.

9 **THE COMMISSIONER:** Thank you. And that will  
10 be Exhibit 3238, a letter dated July 29<sup>th</sup>, 1997, addressed  
11 to Reginald Gilles Deslauriers from Eugène LaRocque,  
12 Bishop.

13 --- **EXHIBIT NO./PIÈCE NO. P-3238:**

14 (118817) - Lettre d'Eugène LaRocque à  
15 Gilles Deslauriers datée le 29 Jul 77

16 **MS. SIMMS:** Thank you. So the next document  
17 will be 119029. It's an interview of Madam Seguin dated  
18 March 17<sup>th</sup>, 1998, and it should be marked subject to  
19 publication ban.

20 **THE COMMISSIONER:** It's 3239. Thank you.

21 --- **EXHIBIT NO./PIÈCE NO. P-3239:**

22 (119029) Interview of Jeannine Seguin re:  
23 Andre Lavoie dated 17 Mar 98

24 **MS. SIMMS:** The next document is 200039.

25 **THE COMMISSIONER:** Thank you.

1                   **MS. SIMMS:** And it's an order in the C-112,  
2 the Sabourin matter.

3                   **THE COMMISSIONER:** Three two four zero  
4 (3240).

5                   **MS. SIMMS:** And marked subject to  
6 publication ban.

7                   **THE COMMISSIONER:** Yes.

8                   **--- EXHIBIT NO./PIÈCE NO. P-3240:**

9                                   (200039)Ontario Superior Court of Justice  
10                                   Order for C-112 dated 10 May 01

11                   **MS. SIMMS:** The next document is 200040.

12                   **THE COMMISSIONER:** Thank you.

13                   **MS. SIMMS:** And it's a Consent to Dismissal  
14 in the C-112, the Sabourin matter.

15                   **THE COMMISSIONER:** Three two four one  
16 (3241).

17                   **MS. SIMMS:** And should be marked subject to  
18 the publication ban.

19                   **THE COMMISSIONER:** Yes.

20                   **--- EXHIBIT NO./PIÈCE NO. P-3241:**

21                                   (200040)Ontario Superior Court of Justice  
22                                   Consent to Dismissal re: C-112 undated

23                   **MS. SIMMS:** The next is Document Number  
24 200045.

25                   **THE COMMISSIONER:** Yes. And that's a letter

1 dated November 15<sup>th</sup>, 2001, to Master Robert -- Robert  
2 Beaudoin from Kenneth Wright.

3 **MS. SIMMS:** And marked subject to  
4 publication ban.

5 **THE COMMISSIONER:** Three two four two  
6 (3242), yes.

7 --- **EXHIBIT NO./PIÈCE NO. P-3242:**

8 (200045)Letter from Kenneth Wright to Robert  
9 Beaudoin re: C-112 v. Sabourin  
10 dated 15 Nov 01

11 **MS. SIMMS:** The next, there's three  
12 documents that together comprise one statement, so I'm  
13 going to ask if the first document could be given the next  
14 exhibit number and then the subsequent ones be A and B. So  
15 the first Document Number is 737346.

16 Did I miss one again, Madam Clerk?  
17 Okay, 737346, 737347 and 737348.

18 **THE COMMISSIONER:** Thank you. Exhibit 3243  
19 is a statement, and the name of the witness, is that ---

20 **MS. SIMMS:** I believe that is a person who  
21 was at the school.

22 **THE COMMISSIONER:** Okay. Yeah, Gerald  
23 Labreque. A statement dated 10<sup>th</sup> day of October 1997. So  
24 that's Exhibit 3243.

25 --- **EXHIBIT NO./PIÈCE NO. P-3243:**

1 (737346) - Statement of a Witness Gerard  
2 Labreque dated 17 Oct 97

3 **THE COMMISSIONER:** Exhibit 3243A is a  
4 continuation of that statement.

5 --- **EXHIBIT NO./PIÈCE NO. P-3243A:**

6 (737347) - Continuation of Statement of  
7 a Witness re: Gerard Labreque dated 17  
8 Oct 97

9 **THE COMMISSIONER:** And 3243B is again a  
10 continuation of the statement.

11 --- **EXHIBIT NO./PIÈCE NO. P-3243B:**

12 (737348) - Continuation of Statement of  
13 a Witness re: Gerard Labreque dated 17 Oct 97

14 **MS. SIMMS:** Thank you.

15 And there's the same situation for the next  
16 three documents that are all one statement of Jean-Paul  
17 Scott. So the first Document Number is 737349, 737350 and  
18 then 737351.

19 **THE COMMISSIONER:** All right. Thank you.  
20 So Exhibit 3244 is the Statement of Jean Paul Scott taken  
21 on the 16<sup>th</sup> day of October 1997. Exhibit 3244A is page 2 of  
22 that and 3244B is the last page of the statement.

23 --- **EXHIBIT NO./PIÈCE NO. P-3244:**

24 (737349) - Statement of a Witness re:  
25 Jean Paul Scott dated 16 Oct 97

1 --- EXHIBIT NO./ PIÈCE NO. p-3244A

2 (737350) - Continuation of Statement of  
3 a Witness re: Jean Paul Scott dated 16  
4 Oct 97

5 ---EXHIBIT NO./ PIÈCE NO. P-3244B

6 (737351) - Continuation of Statement of a  
7 Witness re: Jean Paul Scott dated 16 Oct 97

8 MS. SIMMS: Those are all the documents, Mr.  
9 Commissioner.

10 THE COMMISSIONER: Thank you.

11 MS. SIMMS: So I will read in the Overview.

12 --- OVERVIEW OF DOCUMENTARY EVIDENCE OF JEANNINE

13 SÉGUIN/SURVOL DE LA PREUVE DOCUMENTAIRE DE JEANNINE SÉGUIN

14 MS. SIMMS: "Jeannine Séguin began working  
15 for the Stormont, Dundas and Glengarry Board of Education  
16 in 1970. She retired from Cornwall in 1981, following  
17 which she was seconded to a position in Ottawa for two to  
18 three years."

19 Exhibit 3239 and Exhibit 1785.

20 "She originally taught French as a second  
21 language and French as a first language. From then on, she  
22 was completely en français and became Department Head later  
23 on."

24 Exhibit 3239.

25 "Séguin was transferred to St Lawrence

1 School and became the Vice-Principal of both shifts, then  
2 the French shift, then Principal of St-Laurent School. She  
3 was appointed to be a Principal in 1973 or 1974."

4 Exhibits 3239 and 3235.

5 "Other documents note that Séguin was the  
6 Principal of La Citadelle High School from 1973 to 1980."

7 Exhibits 1183, or sorry, 1883, 1785.

8 "At one point in time, St-Lawrence High  
9 School became La Citadelle. At first, the same building  
10 served both English and -- St-Lawrence served both English  
11 and French students. There were split shifts. Later a new  
12 building was built."

13 Exhibit 92.

14 "In an application for employment with Adult  
15 Probation and Parole, Nelson Barque indicated he had worked  
16 as a substitute teacher at La Citadelle High School from  
17 September 1971 to October 1971. He lists Séguin as his  
18 immediate supervisor. She is also listed as a reference on  
19 Barque's 'data sheet' in respect of his position. He notes  
20 that he performed this role for one month and a half."

21 Exhibit 881 and 889.

22 "Bishop Eugène LaRocque wrote to Father  
23 Gilles Deslauriers on July 29<sup>th</sup>, 1977. This letter  
24 indicates that Father Deslauriers was assigned to pastoral  
25 duties at La Citadelle High School. In this letter, Bishop

1 LaRocque noted that there will be over 100 French Catholic  
2 students at La Citadelle and that Séguin, the Principal,  
3 was encouraging them to take all means to ensure a Catholic  
4 presence in evangelisation of the future leaders of the  
5 country and the Church."

6 Exhibit 3238.

7 "In 1986, following allegations of sexual  
8 abuse made by Benoît Brisson against Father Deslauriers,  
9 the Cornwall Police Services initiated an investigation. A  
10 number of persons interviewed alleged that both - alleged  
11 both that Father Deslauriers had abused them and that they  
12 first met Father Deslauriers while being a student at La  
13 Citadelle and/or through involvement in the R<sup>3</sup> Program.

14 Jeannine Séguin was one of the people  
15 interviewed by the Cornwall Police Service in relation to  
16 the Father Deslauriers investigation. According to the  
17 will states of Constable Herb Lefebvre and Sergeant Ronald  
18 Lefebvre of the CPS, Séguin was interviewed on June 25<sup>th</sup>,  
19 1986. The interview took place at Séguin's cottage in  
20 Bainsville."

21 Exhibit 76, 1883 and 1785

22 "Both will states indicate that Séguin  
23 stated that she was the Principal of La Citadelle High  
24 School from 1973 to 1980. The will state of Sergeant  
25 Lefebvre also outlines some additional employment history.

1 According to his will state, Séguin stated she was co-  
2 ordinator at the School Board from 1980 to 1981 and then  
3 from 1981 to 1983, was seconded to Ottawa."

4 Exhibit 1883 and 1785.

5 "Constable Lefebvre's will state indicates  
6 that Séguin told them it was her idea to bring a priest to  
7 La Citadelle. Sergeant Lefebvre's will state indicates  
8 that it was Séguin's idea to bring Father Deslauriers to La  
9 Citadelle. Sergeant Lefebvre's will state goes on to state  
10 that Séguin had 'seen the Bishop (LaRocque) and asked for a  
11 priest that he (priest) could be placed on the School Board  
12 payroll.'

13 Sergeant Lefebvre's will state continues,  
14 indicating that Séguin then went to Rosaire Léger, Director  
15 of Education, to see if she could put a priest on the  
16 payroll and called a meeting with all department heads and  
17 asked them to cut some of their budget to give a budget to  
18 the priest."

19 Exhibit 1883, 1785.

20 "According to Sergeant Lefebvre's will  
21 state, Séguin stated that the Bishop called her and told  
22 her that she could have Father Deslauriers."

23 Exhibit 1785.

24 "Both Constable Lefebvre's and Sergeant  
25 Lefebvre's will states indicate that Séguin described



1 Father Deslauriers as being sure of himself, influential,  
2 dedicated and that he believed he had the truth.

3 According to Sergeant Lefebvre's will state,  
4 Séguin also indicated that she had confidence in Father  
5 Deslauriers. It also noted that Father Deslauriers was  
6 admired by teachers."

7 Exhibit 1883 and 1785.

8 "Both will states also indicate that during  
9 her tenure at La Citadelle High School, Séguin stated that  
10 she never got a complaint from any of the students (about  
11 Deslauriers)."

12 Exhibit 1883, 1785.

13 "The will state of Constable Lefebvre  
14 indicates that Séguin told him that Father Deslauriers went  
15 to see her when he was told to leave the Diocese."

16 Exhibit 1883.

17 "On this same point, according to Sergeant Lefebvre's will  
18 state, Séguin indicated that one night, Father Deslauriers  
19 went to her place after being told by the Bishop to leave  
20 (the parish). She stated that she didn't know what had  
21 happened."

22 Exhibit 1785.

23 "His will state goes on, indicating that  
24 Séguin stated that she called Bishop Proulx and arranged to  
25 have Father Deslauriers stay 'at the cottage'. Séguin was

1 living with Bishop Proulx's sister."

2 Exhibit 1785.

3 "The will states of both Constable Lefebvre  
4 and Sergeant Lefebvre note that Séguin was told by  
5 Deslauriers that we was asked to leave because he was being  
6 accused of being the cause of a separation between two  
7 people. She also called Dr. Corbeil because she thought  
8 Father Deslauriers was going crazy and Dr. Corbeil came  
9 over to speak to Father Deslauriers."

10 Exhibit 1785 and 1883.

11 "According to the will states of both  
12 Constable Lefebvre and Sergeant Lefebvre, Father  
13 Deslauriers stayed at Séguin's residence for two to three  
14 days and then went to the cottage."

15 Exhibit 1785 and 1883.

16 "Both will states indicate that Séguin told  
17 the officers that Father Deslauriers 'thought he knew  
18 everything; psychologist, sexologist, et cetera'."

19 Exhibit 1785 and 1883.

20 "It is recorded in the will states of both  
21 Sergeant Lefebvre and Constable Lefebvre that Séguin took  
22 Father Deslauriers to Montreal in May to get his driver's  
23 licence because he only had an Ontario Driver's Licence.  
24 On the trip, he told her, 'Je n'ai pas fait ce que l'évêque  
25 m'accuse.' "

1 I apologize for my French.

2 Exhibit 1785 and 1883.

3 "She called Luc D'Iorio, lawyer, to act on  
4 Deslauriers' behalf."

5 Exhibit 1785.

6 "While in Montreal, Séguin took Father  
7 Deslauriers to a treatment centre somewhere around Michel-  
8 Normandin Park."

9 Exhibit 1785 and 1883.

10 "During the time that Séguin was Principal  
11 at St. Lawrence, or La Citadelle, Robert Sabourin was a  
12 teacher on her staff. He was on the French language  
13 shift."

14 Exhibit 3239.

15 "In or about March 14<sup>th</sup>, 1996, André Lavoie  
16 provided a witness statement to CPS officer Constable Heidi  
17 Sebalj. In his statement, he alleged he was sexually  
18 abused by 'an authority figure', his former high school  
19 teacher at St. Lawrence, La Citadelle High School. When  
20 asked the name of his school teacher, the transcript of the  
21 interview reads 'his name is *inaudible*'.

22 Constable Sebalj's notes include a reference  
23 to Robert Sabourin. In Lavoie's statement, he alleges that  
24 this abuse began in 1967 and that, among other locations,  
25 this abuse took place within the school and while

1 accompanying Sabourin to Timmins to a teachers' convention.

2 In his interview with Constable Sebalj,  
3 Lavoie also indicated, among other things, that the police  
4 could ask Jeannine Seguin where Sabourin was teaching in  
5 Montreal."

6 Exhibit 92 and 93.

7 "The notes of Constable Sebalj outline her  
8 attempts to locate and interview Seguin. She first  
9 attempted to contact Seguin on March 18<sup>th</sup>, 1996 and was  
10 unsuccessful due to there being no answer. It would appear  
11 from the officer's notes that she placed her card in  
12 Seguin's door on March 19<sup>th</sup>, 1996."

13 Exhibit 93.

14 "According to Constable Sebalj's notes, on  
15 August 29<sup>th</sup>, 1997 John Beveridge, Assistant Director of  
16 Education, also confirmed that Seguin was the principal at  
17 the time. On September 3<sup>rd</sup>, 1997 Gerry Samson,  
18 Superintendent of Education, in a conversation with  
19 Constable Sebalj identified Seguin, among others, as one of  
20 the 'key people'.

21 According to the notes, Samson said that she  
22 was principal of the French High (School) and 'was there at  
23 the time and after S. (Sabourin) left'."

24 Exhibit 93.

25 "Constable Sebalj's notes of her

1 conversation with Samson also suggest that he indicated  
2 that Sabourin's wife Aline, who is deceased, brought  
3 printed photos to the principal's attention. The notes  
4 indicate 'never seen photos'. According to the notes of  
5 Samson's account the principal (Seguin) confronted  
6 Sabourin. 'S. (Sabourin) no option'. The photos involved  
7 'HS (high school) students'. The notes also indicate 'left  
8 teaching'."

9 Exhibit 93.

10 "According to Constable Sebalj's notes,  
11 Samson provided a phone number and address for Seguin."

12 Exhibit 93.

13 "On September 3<sup>rd</sup>, 1997 Constable Sebalj also  
14 attempted to contact Seguin by phone and left a card in the  
15 door at the address provided by Samson."

16 Exhibit 93.

17 "Later that day, she spoke to Seguin. She  
18 requested a meeting with Seguin be held on September 4<sup>th</sup>."

19 Exhibit 93.

20 "According to her notes, on September 4<sup>th</sup>,  
21 1997 Constable Sebalj received a call from Seguin, who  
22 wished to cancel their appointment on the basis that the  
23 'Association' would get a lawyer to attend with her. Among  
24 other things, the notes further indicate the following:  
25 'Don't want to hide. Doesn't know law (therefore protect).

1           Wants to help.'

2                           It appears from the notes that Seguin would  
3           be away in Europe until the end of September."

4                           Exhibit 93.

5                           "Constable Sebalj's notes suggest that the  
6           union retained Roger Beaudry to assist Seguin."

7                           Exhibit 93.

8                           "On September 8<sup>th</sup>, 1997 Constable Sebalj  
9           spoke to Beaudry, who advised that Seguin wanted to meet,  
10          but with counsel present, to ensure accuracy and  
11          completeness. According to the note, he indicated that  
12          regarding the photos all she knows is the information  
13          received from S.'s (Sabourin's) dead spouse. Therefore she  
14          is 'not the gold mine of information thought to be'. The  
15          notes further indicate the following:

16                           'No direct knowledge of photos. Was  
17                           not approached by any v (victims). Did  
18                           not speak to S. (Sabourin) re photos.  
19                           Official reason for resignation,  
20                           medical reasons, depression, mental  
21                           stress. Has no info to officially  
22                           contradict.'

23                           Constable Sebalj suggested she write a  
24           statement. It was agreed that Beaudry would forward one.  
25           Seguin would be away for four weeks in Europe."

1 Exhibit 93.

2 "On October 16<sup>th</sup>, 1997 Constable Sebalj's  
3 notes indicate that she spoke to Jean-Paul Scott, since  
4 retired, but Superintendent of Education at the time of  
5 Sabourin's resignation. According to the witness  
6 statement, Scott indicated that Sabourin was confronted by  
7 his wife or Seguin and that he had resigned as a teacher  
8 from the Stormont Dundas Glengarry School Board.

9 He further indicated that Seguin would have  
10 been the most involved with Sabourin and that Sabourin left  
11 the school after her intervention."

12 Exhibits 1264, 3244 and 93.

13 "On October 17<sup>th</sup>, 1997 Constable Sebalj's  
14 notes indicate that she spoke to Gerard Labreque, who was  
15 the head of the French section at La Citadelle and was in  
16 charge of Sabourin. Sabourin had informed Labreque that he  
17 was taking a sabbatical year because he was suffering from  
18 depression. Sabourin indicated he had talked to Seguin  
19 about this.

20 Labreque notes that Sabourin had had a few  
21 arguments with Seguin in the past. According to the  
22 witness statement, Labreque had discussed Sabourin's  
23 departure with Seguin, who indicated it was a blessing.  
24 Labreque was surprised and Seguin told him to come into her  
25 office. She informed him of the situation and told him

1 that Sabourin was sick and that he had been caught in a  
2 sexual abuse case, that there were incriminating photos and  
3 that this had happened before."

4 Exhibits 1263, 3243 and 93.

5 "According to Constable Sebalj's notes,  
6 Labreque also stated that S. (Sabourin) and J.S. (Jeannine  
7 Seguin) appeared to have conflict. He also stated that he  
8 believed that J.S. (Jeannine Seguin) has more information  
9 as she was directly involved."

10 Exhibits 1263, 3243 and 93.

11 "On October 2<sup>nd</sup>, 23<sup>rd</sup> and 28<sup>th</sup>, 1997 Constable  
12 Sebalj and Beaudry spoke regarding setting up a meeting  
13 with Seguin."

14 Exhibit 93.

15 "On October 30<sup>th</sup>, 1997 Constable Sebalj  
16 interviewed Seguin in relation to the allegations against  
17 Sabourin. Roger Beaudry was present at the interview."

18 Exhibit C-333 and Exhibit 93.

19 "According to the witness statement, Seguin  
20 indicated that Sabourin was a very good French teacher and  
21 that he was very dedicated, participating in numerous  
22 activities within the school."

23 Exhibit C-333.

24 "Seguin recalls that one morning Sabourin  
25 called in sick. Later that day, Sabourin's wife asked to



1 meet with Seguin. At this meeting, Sabourin's wife  
2 informed her that her husband had had sexual relations with  
3 students. When asked by Seguin what proof there was,  
4 Sabourin's wife indicated that her son had found some  
5 pictures but that she (Sabourin's wife) had torn them up.

6 Seguin told her she could not fire a teacher  
7 without evidence. Seguin was willing to help but indicated  
8 to Sabourin's wife that she felt that if she accused  
9 Sabourin without evidence, she would be accused by her  
10 professional association. Seguin advised Sabourin's wife  
11 that she should convince her husband that he was sick and  
12 that he should resign on his own."

13 Exhibit C-333.

14 "According to the witness statement, after  
15 the meeting Seguin contacted the vice-principal and told  
16 him what she had learned. Sabourin's wife had made Seguin  
17 promise at the meeting that she would not tell anyone that  
18 she was the one who disclosed this information.

19 Seguin and the vice-principal looked at the  
20 'loi scolaire'. She called her professional association,  
21 the secretary general, and was informed that she should  
22 meet with Sabourin but that she could not confront him with  
23 the allegations. She was to convince him to quit, leave  
24 teaching and get treated.

25 Seguin was told by the Association that this

1 was the best way to proceed because if the local AEFO" --

2 I don't know if I can try that,

3 Mr. Commissioner.

4 **THE COMMISSIONER:** Where's that now, sorry?

5 **MS. SIMMS:** L'Association ---

6 **THE COMMISSIONER:** That's the AEFO,

7 l'Association des Enseignants Franco-Ontariens.

8 **MS. SIMMS:** Thank you.

9 "...complained, they would not know what to  
10 do."

11 Exhibit C-333.

12 "A few days after (he had called in sick for  
13 a few days), Sabourin asked Seguin if he could come see  
14 her. This would have occurred around the end of April or  
15 the beginning of May. Sabourin met with Seguin and the  
16 vice-principal and told them he was sick. Seguin told him  
17 he needed to take some time because he was going through a  
18 nervous breakdown.

19 She asked him to quit because she wanted to  
20 be able to hire someone in case he could not return for the  
21 next school year. Seguin convinced Sabourin that if he  
22 quit (1) he made it easier for himself; (2) he was doing a  
23 service for the students; (3) that she would replace him  
24 for the rest of the year; (4) that he would go see a doctor  
25 to ask for help; and (5) that his family would be happy."

1 Exhibit C-333.

2 "According to the witness statement, Seguin  
3 indicated that she worried about this for some time  
4 afterwards. She called at one point to speak to Sabourin's  
5 wife when she believed Sabourin would not be there. Seguin  
6 asked her if she was going to follow through and get her  
7 husband to resign.

8 On May 30<sup>th</sup> or 31<sup>st</sup> the Sabourin's attended  
9 Seguin's home and gave her the letter of resignation. She  
10 never heard from him again. No students or parents ever  
11 came to see her."

12 Exhibit C-333.

13 "Seguin asked the vice-principal if had  
14 heard of any allegations and he indicated he knew of a few  
15 students. Seguin informed the superintendent of the  
16 information about Sabourin. Jean Paul Scott was the  
17 superintendent at the time."

18 Exhibit C-333.

19 "Seguin confirmed that Sabourin resigned  
20 effective May 31<sup>st</sup>, 1976. She also discussed the impact the  
21 date of resignation would have had at the time on finding a  
22 replacement."

23 Exhibit C-333.

24 When Sebalj asks where the personnel file is  
25 stored, Seguin indicated that she stored these files in her

1 office. She also notes that the storage decision was left  
2 up to the principal. Seguin indicated that the personnel  
3 file belonged to the school board but that the principal  
4 was a delegate and ensured the file was kept up to date.

5 She also indicates that if someone leaves  
6 the school because of a resignation, transfer, retirement,  
7 et cetera, the file goes back to the school board."

8 Exhibit C-333.

9 "Sebalj notes that she has information  
10 saying that Sabourin's employment file was destroyed.  
11 Seguin indicated that she is surprised but the decision  
12 whether files were destroyed was not hers to make.

13 Seguin further indicated that it's possible  
14 that there was a law or rule that the board had to destroy  
15 the files."

16 Exhibit C-333.

17 "According to the witness statements  
18 Sabourin's classroom had little rooms in it. It used to be  
19 the principal, the vice-principal and the orientation  
20 offices.

21 Seguin stated that Sabourin stored all the  
22 audio-visual equipment in those little rooms. She could  
23 not recall who asked for or when the locks were placed on  
24 these little rooms."

25 Exhibit C-333.

1                   "When asked about C-112, Seguin recalled  
2                   him, but noted that he would often speak with Mr. Renaud,  
3                   the vice-principal. Seguin never received any allegations  
4                   against Sabourin.

5                   Seguin believes that Sabourin went to work  
6                   for the Association Canadienne francaise de l'Ontario. She  
7                   believes someone from that office called her for a  
8                   reference. She told them he was a good worker and a good  
9                   teacher.

10                  He was working for the development of a  
11                  community centre where he wanted to start a cinematography  
12                  centre. Seguin told them that Sabourin would be good with  
13                  that."

14                  Exhibit C-333.

15                  "According to the witness statements, Seguin  
16                  never confronted Sabourin with the allegations. She  
17                  attended Sabourin's wife's funeral a year before the  
18                  interview. She said the woman was a saint to stay with  
19                  him."

20                  Exhibit C-333.

21                  "Seguin also discussed the question of his  
22                  'employment card' where it was written that Sabourin's  
23                  reasons for leaving was 'mutual consent'. She indicated  
24                  that she often wrote this in the file because she did not  
25                  want the teacher to come back and say 'you pretty much

1 forced me to resign'."

2 Exhibit C-333.

3 "Seguin indicated to Constable Sebalj that  
4 she learned for the first time about the allegations  
5 against Sabourin when Constable Sebalj called. Seguin  
6 indicated she had heard from students talking about  
7 Sabourin after he left the school."

8 Exhibit C-333.

9 "Constable Sebalj spoke to C-112 on October  
10 30<sup>th</sup>, 1997 with regard to allegations against Sabourin.  
11 Constable Sebalj's notes indicate that C-112's name among  
12 others came up during her other interviews.

13 According to her notes of a conversation  
14 with C-112, he noted the following:

15 'I was taken out of class because he  
16 was a pervert. Complained to  
17 principal (Seguin). If get together  
18 advises he'll make a statement but  
19 doesn't want to go to court. I don't  
20 care if she did not believe me. Not  
21 at all interested in court.'

22 The notes further indicate, among other  
23 things, that he agreed to give a statement to assist others  
24 but was unable to give a date. He would call when  
25 available."

1 Exhibit 93.

2 "On March 17<sup>th</sup>, 1998 counsel for the school  
3 board, John Bell, interviewed Seguin. John Beveridge,  
4 assistant to the director of education, was also present at  
5 this interview.

6 The interview was in relation to:

7 'A claim of alleged sexual assault by  
8 one former student, Andre Lavoie'."

9 Exhibit 3239.

10 "During the course of the interview, she  
11 outlined her employment history with the former Stormont  
12 Dundas Glengarry Board of Education and noted that while  
13 she was principal at St. Laurent School, Sabourin was a  
14 teacher on staff."

15 Exhibit 3239.

16 "Sabourin, she indicated, chose to be in the  
17 French-Language shift which was her shift and taught  
18 'Francaise by the cinema'."

19 Exhibit 3239.

20 "Seguin indicated that she thought she met  
21 Sabourin for the first time at an end-of-year party when  
22 she was appointed principal or vice-principal. The party  
23 was hosted by her and was held at her cottage."

24 Exhibit 3239.

25 "She outlined her knowledge of the

1       circumstances surrounding Sabourin's departure from the  
2       board's employ. Seguin explained, among other things, that  
3       she thought it was in 1976 that Sabourin's wife called her  
4       and said she would like to meet with her after four o'clock  
5       that day.

6                        She later noted she was not certain about  
7       the year; it could have been 1974. She thought it was a  
8       Monday."

9                        Exhibit 3239.

10                      "She indicated that Sabourin's wife told her  
11       that for the good of the students she should not keep her  
12       husband working at the school."

13                      Exhibit 3239.

14                      "Seguin stated she told me she had  
15       discovered from her son what was going on with Mr. Sabourin  
16       in his classes, but I didn't know that. That was the first  
17       time I had heard of it. It was the wife who told me that."

18                      Exhibit 3239.

19                      "When asked to explain what Sabourin's wife  
20       told her, Seguin explained that his wife said that Seguin  
21       should look into the situation and make sure that he  
22       (Sabourin) would not come back into the school situation.

23                      When Seguin asked if there was any good  
24       reasons, 'She told me that he was a homosexual'. According  
25       to the interview notes, Seguin told her that she (Seguin)



1 did not have any proof and could not fire a teacher just  
2 like that. She also indicated that Sabourin's wife 'tied  
3 her hands' in that she said she did not want Seguin to  
4 'ever tell anybody'."

5 Exhibit 3239.

6 "According to Seguin, Sabourin's wife had  
7 seen pictures from her son. Seguin said that she did not  
8 describe the photos, that she did not know the exact words  
9 but:

10 'It was clear in my mind, and I  
11 immediately told my vice-principal, and  
12 he didn't know either, but it was very  
13 clear in my mind that it was sexual  
14 behaviour that was not normal'.

15 She further indicated that his wife  
16 described that Sabourin would have:

17 'Boys that would be going in his room  
18 and he would have sexual relations with  
19 them.'

20 This would take place at school."

21 Exhibit 3239.

22 Seguin indicated that Sabourin's wife told  
23 her that Sabourin admitted what the son had told her was  
24 true; that she showed him the pictures and:

25 'He admitted when he saw the pictures.'

1                   The interview suggests that Seguin asked  
2                   Sabourin's wife why she did not bring the pictures to her  
3                   because she 'would have proof'. According to the interview  
4                   transcripts, Sabourin's wife told Seguin:

5                                'He tore it into pieces during the  
6                                night when I was sleeping so I couldn't  
7                                see the pictures'."

8                   Exhibit 3239.

9                   "Seguin further stated that she had never  
10                  seen pictures, that she didn't know if they were boys, that  
11                  the photos were not described to her, and that she did not  
12                  ask that they be described to her, and that she did not  
13                  speak to Sabourin's son who was a student at St. Lawrence  
14                  School because she thought it would be embarrassing for  
15                  him."

16                  Exhibit 3239.

17                  "Later in the week, after speaking with  
18                  Sabourin's wife, she met with Sabourin. She recalled:

19                                'He was crying and wasn't saying much.'

20                                When asked if she said something to him like  
21                                'I know you've been doing these -- I know you've been doing  
22                                things with boys', she said she did not, and indicated that  
23                                the only thing she told him was that she thought he was  
24                                having a nervous breakdown and that he should leave  
25                                teaching for the time present."

1 Exhibit 3239.

2 "The notes of Seguin's interview suggests  
3 that Jerome Duplante, brother-in-law of vice-principal  
4 Jules Renaud, wanted to take Seguin before a disciplinary  
5 committee for the teaching union because he thought she was  
6 forcing Sabourin to resign.

7 Jules Renaud told him you had better not get  
8 involved in that."

9 Exhibit 3239.

10 "According to the notes of the interview,  
11 after her meeting with Sabourin he did not come back for  
12 the rest of the year. She had someone replace him.

13 It would appear that he was told to take as  
14 long as he needed and in the middle of May Seguin told him  
15 that the last of May would be the last date for his  
16 resignation or for his confirmation for the next year.

17 She said:

18 'If you're not feeling well and if you  
19 think that you will not be in a position, I think it would  
20 be only fair to the students to know right away that you're  
21 not coming back so that I can hire another teacher for the  
22 next coming year.'

23 Exhibit 3239.

24 "According to the interview, he delivered a  
25 resignation to Seguin at the end of May. His wife

1 accompanied him."

2 Exhibit 3239.

3 "The notes of the interview also seem to  
4 suggest that Sabourin, accompanied by his wife, came to see  
5 her on a Good Friday at the cottage.

6 He was crying and yelling in front of her  
7 and she said, 'Robert, you are sick. You have to resign.  
8 There is no two ways about it'."

9 Exhibit 3239.

10 "When asked whether she told him she knew  
11 that he'd been doing these things with the boys, she  
12 replied, 'No' because his wife had told her not to divulge.

13 She thought that by saying he was sick and  
14 needed a doctor, not just a medical doctor but a  
15 psychiatrist, 'He would catch on to it'."

16 Exhibit 3239.

17 "During the interview there was a discussion  
18 about whether or not she told Sabourin that if he did not  
19 resign she would have to fire him."

20 Exhibit 3239.

21 "She indicated that she was convincing him  
22 to retire from teaching, not just from her school. This is  
23 because if it was true, what his wife told her, she was not  
24 going to shift him to another school so that there would be  
25 other victims."

1 Exhibit 3239.

2 "Seguin indicated that she told her vice-  
3 principal, Jules Renaud, what she learned from Sabourin's  
4 wife.

5 She said his reaction was to say:

6 'We have no alternative and we can't  
7 keep that man for our board. Not only  
8 for our board, but I don't think that  
9 this man should be working for any  
10 board'."

11 Exhibit 3239.

12 "With respect to who else she may have told  
13 what she heard from Sabourin's wife, she indicated the  
14 following:

15 'I called Jean and said to Jean I knew  
16 that he was trustee for the catholic  
17 board and that he was there always  
18 after school. I said I wanted to meet  
19 you very early the next morning. I  
20 told him that and I said I think that  
21 you should notify your superintendent  
22 which was Mr. Scott at the time, and he  
23 said, I agree with you and I said I  
24 want you to stay here to be a witness  
25 of what I want to tell Jean and

1 Scott'."

2 Exhibit 3239.

3 "According to the notes of the interview,  
4 Seguin was asked whether Renaud gave any indication that he  
5 had already known that Sabourin, 'Had been doing these  
6 things'.

7 She said, 'No, he never told me', and noted  
8 that she had seen a boy who she indicated could be C-112 go  
9 to meetings in the office with Mr. Renaud. They had an  
10 understanding if a young boy or young girl wanted to see  
11 him, rather than Seguin, it was all right and vice versa.  
12 She said there was a young gentleman who'd go very often:

13 'I presume that he would go for advice  
14 to Mr. Renaud, where he was more at  
15 ease with him'."

16 Exhibit 3239.

17 "Seguin was also asked about her  
18 recollection of Andre Lavoie. She noted:

19 'Lavoie doesn't ring a bell, but from  
20 what I gathered I know there was a  
21 rather blonde fellow who was always  
22 with Mr. Sabourin. It could be him.'

23 She went on to indicate she could not  
24 identify him."

25 Exhibit 3239.

1                    "She stated that Renaud never told her that  
2                    he has suspicions that Sabourin was engaging in improper  
3                    activity with boys."

4                    Exhibit 3239.

5                    "When asked what Scott's reaction was when  
6                    she told him, she stated that he said:

7                    'I think you did wise. We have no  
8                    alternative. We had to convince him to  
9                    leave. I had a feeling that he was  
10                   going to resign and had the feeling,  
11                   and it's only a feeling, that he knew  
12                   why he was going to resign, but he  
13                   never told me and I never told him'."

14                   Exhibit 3239.

15                   "When asked whether any of the people she  
16                   spoke to, Scott, Renaud, or the general secretary of the  
17                   AEFO, urged her to notify the police, she responded:

18                   'There was no question of it. We  
19                   thought it was something inside the  
20                   school at the time. Today it would be  
21                   different.'

22                   She said that at the time it never dawned on  
23                   her that she should go to the police. She wanted to keep  
24                   it within his own family. She was worried about Sabourin's  
25                   son, and did not want anyone else to know. She commented:

1                   `If others in the school discovered  
2                   that, can you imagine the son, the type  
3                   of life he would have?'

4                   Seguin, Renaud and Scott all agreed:

5                   `We should convince him not only to  
6                   leave the school but to leave education  
7                   and never go back'."

8                   Exhibit 3239.

9                   "Seguin offered to help Sabourin find  
10                  another job. She found him a job as an animator in  
11                  Kingston at a military college."

12                  Exhibit 3239.

13                  "During the interview, there was a  
14                  discussion of whether efforts were made to determine the  
15                  identity of the boys that Sabourin was alleged to have  
16                  abused. She indicated that Renaud was not aware that  
17                  `anything was going on'. She also indicated that she told  
18                  Renaud that if any student went to him she would like to be  
19                  made aware it, unless he promised the boy not to repeat it.  
20                  She also indicated that Mr. Renaud never referred anyone to  
21                  her."

22                  Exhibit 3239.

23                  "She did not hear rumours that people knew  
24                  or that certain students were identified. When asked about  
25                  whether the student body knew about what was alleged to be



1 going on, she replied that most of the time the student  
2 government was very open. She met with the student  
3 government once a month, but they never mentioned anything  
4 pertaining to that type of activity. 'If they knew, they  
5 never told me'."

6 Exhibit 3239.

7 "When asked whom else she might have spoken  
8 to about this matter since the time Sabourin resigned,  
9 Seguin noted she spoke to the general secretary of the  
10 Canadian Teachers Federation, a lawyer for the AEF0, and  
11 the police."

12 Exhibit 3239.

13 "Lavoie initiated a statement of claim  
14 against Sabourin and the UCDSB. John Beveridge, whose  
15 title at the time was Assistant to the Director of  
16 Education of the Upper Canada District School Board, was  
17 examined for discovery in relation to that action on March  
18 17<sup>th</sup>, 1998. During the examination for discovery, counsel  
19 for the board's insurer reviewed the information contained  
20 in the statement of Seguin taken by the board on March 17<sup>th</sup>,  
21 1998."

22 Exhibit 3235.

23 "In a May 23<sup>rd</sup>, 2000, settlement conference  
24 brief in the matter of Andre Lavoie and Robert Sabourin and  
25 the UCDSB, it is noted that C-112 told Lavoie that he had

1           complained about Sabourin's conduct to Seguin.

2                           According to this brief, in 1997 C-112  
3           advised Lavoie that he had met Sabourin as he was the  
4           photographer for the school year book. He said Sabourin  
5           had found nude photos of C-112 on a roll of film, which  
6           also contained photos of C-112's mother.

7                           Sabourin threatened to tell people that C-  
8           112's mother took the nude photos unless C-112 complied  
9           with Sabourin's wishes. C-112 complied, and later told  
10          Seguin that Sabourin had abused him. According to C-112,  
11          Seguin told him not to attend Sabourin's classroom any  
12          more, but rather to go to the library."

13                          Exhibit 96.

14                          "The brief indicates that the conversation  
15          between C-112 and Seguin purportedly took place in 1974 or  
16          1975 when C-112 was in grade 11. The date is not known  
17          with any precision."

18                          Exhibit 96.

19                          "C-112 was a student at La Citadelle High  
20          School. On February 14<sup>th</sup>, 2001, he initiated a statement of  
21          claim against Sabourin, the Estate of Jeannine Seguin,  
22          Deceased, and the Upper Canada District School Board, in  
23          relation to alleged abuse by Sabourin.

24                          He alleged that Sabourin sexually abused him  
25          in 1974 or 1975, while he was a student at that school. He

1       alleged that he told his mother in 1974 or 1975 about the  
2       alleged abuse and that his mother told Seguin."

3                   Exhibit 3237.

4                   "In his statement of claim, C-112 indicated  
5       that Seguin told him that she would only take action  
6       against Sabourin if he was prepared to go to court over the  
7       matter.

8                   According to the statement of claim, C-112  
9       did not have:

10                           'The courage to comply with Jeannine  
11                           Seguin's demands.'

12                   As well, Seguin ordered C-112 to continue  
13       the class in which he was a student of Sabourin's, but not  
14       attend his class. Instead he was ordered to audit the  
15       class from the school library and to take all tests in  
16       Sabourin's class."

17                   Exhibit 3237.

18                   "C-112 further indicated in his statement of  
19       claim that Sabourin continued to teach at the school for  
20       the duration of C-112's tenure at the school."

21                   Exhibit 3237.

22                   "C-112 also indicated that Seguin forced him  
23       to have a meeting with Father Gary Ostler. Father Ostler  
24       allegedly took C-112 for a short car ride and at the  
25       conclusion of the drive told C-112's mother that her son

1 should not be believed and needed help."

2 Exhibit 3237.

3 "The action against Robert Sabourin, the  
4 Estate of Jeanine Seguin, Deceased, and the Upper Canada  
5 District School Board was settled, and as against the  
6 Estate of Jeannine Seguin and the Upper Canada District  
7 School Board, it was dismissed without costs."

8 Exhibits 3242, 3241 and 3240.

9 "According to a article in the Cornwall  
10 Standard Freeholder, Seguin died at the age of 71."

11 Exhibit 3236.

12 **THE COMMISSIONER:** Thank you.

13 **MS. SIMMS:** And that's all.

14 **THE COMMISSIONER:** Thank you very much.

15 So we can adjourn until tomorrow morning at  
16 9:30. Thank you.

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

19 This hearing is adjourned until tomorrow  
20 morning at 9:30 a.m.

21 --- Upon adjourning at 7:46 p.m./

22 L'audience est ajournée à 19h46

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Dale Waterman, CVR-CM