

**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 145**

**Held at :**

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

Wednesday, October 3, 2007

**Tenue à:**

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

Mercredi, le 3 octobre 2007

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Maya Hamou	Commission Counsel
Mr. John E. Callaghan Mr. Mark Crane	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Suzanne Costom Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm Mr. R. William Duncan	The Children's Aid Society of the United Counties
Mr. Steven Canto	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. William Carroll	Ontario Provincial Police Association
Mr. John Westdale	Mr. Jos Van Diepen
Mr. Frank T. Horn Mr. Ian Paul	Mr. Carson Chisholm

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

2 L'audience débute à 9h33

3 **THE REGISTRAR:** This hearing of the Cornwall  
4 Public Inquiry is now in session. The Honourable Mr.  
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good morning  
8 all. Good morning.

9 **MS. HAMOU:** Good morning, Mr. Commissioner.

10 Before we start, I'd just like to introduce  
11 somebody who may be new here, Mr. William Duncan,  
12 representing the CAS.

13 **THE COMMISSIONER:** Thank you. Good morning,  
14 sir.

15 **MS. HAMOU:** So I guess we will move on to  
16 our next witness, Mr. Jamie Marsolais. If Madam Clerk  
17 could please affirm the witness.

18 **JAMIE MARSOLAIS:** Affirmed/Sous affirmation solennelle

19 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF BY MS.  
20 HAMOU:

21 **THE COMMISSIONER:** Good morning, sir.

22 **MR. MARSOLAIS:** Good morning, Your Honour.

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

24 **MR. MARSOLAIS:** I am nervous but I think  
25 I'll be okay.

1                   **THE COMMISSIONER:** Good for you and we'll  
2                   try to help you out on that.

3                   **MR. MARSOLAIS:** Okay.

4                   **THE COMMISSIONER:** We have some water.  
5                   We're going to ask you a number of questions. I want you  
6                   to take your time and give me the best answer you can. If  
7                   there's something you don't understand or you feel  
8                   uncomfortable about, just talk to me and we'll work things  
9                   out.

10                  **MR. MARSOLAIS:** Okay.

11                  **THE COMMISSIONER:** If you ever need a break,  
12                  let me know.

13                  **MR. MARSOLAIS:** Okay. Thank you.

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

15                  **MS. HAMOU:** Mr. Marsolais, I'd like to echo  
16                  the Commissioner's comments and if you don't understand one  
17                  of my questions, please let me know and I'll try to  
18                  rephrase, and the same goes for the other counsel here.

19                                 If you can't hear me very well, there's a  
20                  microphone beside you and you can raise the volume.  
21                  Perfect.

22                                 So Mr. Marsolais, I'd like to thank you for  
23                  coming before the Commission this morning and I understand  
24                  you're a member of the Victims Group represented by Mr.  
25                  Dallas Lee?

1                   **MR. MARSOLAIS:** I am.

2                   **MS. HAMOU:** And Mr. Marsolais, I believe  
3 that in preparation for your testimony before the Inquiry,  
4 you were explained the mandate of this Inquiry?

5                   **MR. MARSOLAIS:** Yes, I was.

6                   **MS. HAMOU:** Mr. Marsolais, you will be  
7 speaking to us this morning as a victim of child sexual  
8 abuse. Is that correct?

9                   **MR. MARSOLAIS:** Yes, it is.

10                  **MS. HAMOU:** Great. So this morning we'll  
11 start with a few background questions.

12                  Mr. Marsolais, what is your date of birth?

13                  **MR. MARSOLAIS:** The 7<sup>th</sup> of March 1972.

14                  **MS. HAMOU:** And where were you born?

15                  **MR. MARSOLAIS:** In Cornwall.

16                  **MS. HAMOU:** Did you grow up in Cornwall?

17                  **MR. MARSOLAIS:** Yes, I did.

18                  **MS. HAMOU:** In what area?

19                  **MR. MARSOLAIS:** I first started out in the  
20 northern part of Cornwall and then I spent a large part of  
21 my childhood growing up in the west end.

22                  **MS. HAMOU:** Which schools did you attend  
23 while in Cornwall?

24                  **MR. MARSOLAIS:** I have attended several  
25 schools; Sainte-Thérèse School. I attended Precious Blood



1 in Glen Walter and Nativity School in Cornwall. I attended  
2 St. Francis de Sales School, St. Columban's West School,  
3 and for grades 6, 7 and 8, Notre-Dame School, and then La  
4 Citadelle for high school.

5 **MS. HAMOU:** So Mr. Marsolais, can you  
6 explain to me how come you attended so many different  
7 schools in the city?

8 **MR. MARSOLAIS:** I moved around a few times  
9 as a child growing up and then I had a problem in one  
10 school whenever I was growing up. So I changed after grade  
11 3 to a school that was close by and then that school was a  
12 50/50 school, half French, half English, and I had always  
13 attended French school. So after a year there, they  
14 figured I'd lose some of my French. So I had to return to  
15 a French school after that. So those were some of the  
16 reasons behind it.

17 **MS. HAMOU:** Okay. Do you have any siblings?

18 **MR. MARSOLAIS:** Yes, I do. I have a sister.

19 **MS. HAMOU:** Okay. And were you raised by  
20 both your parents?

21 **MR. MARSOLAIS:** No, I wasn't. I was raised  
22 solely by my mom.

23 **MS. HAMOU:** Okay. Now, I understand you  
24 left school at a young age. Can you tell us about that?

25 **MR. MARSOLAIS:** Yes. I left school at 16

1 years old. I had met a girl and she had a lot of the anger  
2 and issues I did growing up. I know now after several  
3 years later and we kind of just were trying to run away  
4 from things and so we both had dropped out of high school  
5 and she became pregnant and we had our first son whenever I  
6 was 16 and she was 15, and we had moved to Alexandria for a  
7 year. It's a community about half hour from here and we  
8 kind of isolated ourselves for a while before returning to  
9 Cornwall.

10 Then eventually we had two other children  
11 together and then we separated in 1996.

12 **MS. HAMOU:** Okay. Can you tell me which  
13 grades you were in when you left school?

14 **MR. MARSOLAIS:** I was in grade 10.

15 **MS. HAMOU:** And did you return for upgrading  
16 courses later?

17 **MR. MARSOLAIS:** I did later on in life, but  
18 I had never completed my upgrading because the college  
19 course I wanted to take, they were offering it in January  
20 and I hadn't finished my upgrading yet but I had high  
21 enough marks that they accepted me into the course. So I  
22 never did get an equivalency for high school.

23 **MS. HAMOU:** And where did you take this  
24 course?

25 **MR. MARSOLAIS:** I took it at St. Lawrence

1 College here in Cornwall.

2 MS. HAMOU: Okay. And what subject was it  
3 in?

4 MR. MARSOLAIS: It was called "Real Property  
5 Appraisal and Assessment".

6 MS. HAMOU: Okay. Now, can you tell me  
7 about your job progression after you finished that course?

8 MR. MARSOLAIS: After I finished that  
9 course, well, I'll take you back to my last semester of  
10 college.

11 They were offering -- everyone had to do a  
12 week of co-op in their last semester of college and I never  
13 knew where the assessment office was here in Cornwall for  
14 the government because I always thought I'd be a property  
15 appraiser. And then having a family, I was told it was  
16 probably easier to go the assessment route and have a  
17 guaranteed income and so on, and pension.

18 So after I found out where the office was at  
19 132 Second Street East, I opted to do my co-op in  
20 Brockville. So I drove back and forth there every day for  
21 a week, and then whenever I graduated from school, I got a  
22 call from the Assessment Commissioner here in Cornwall.

23 MS. HAMOU: Mr. Marsolais, can I just take  
24 you back for a moment?

25 MR. MARSOLAIS: No problem.

1                   **MS. HAMOU:** You said you didn't want to work  
2 at the 132 Second Street location. Can you explain why?

3                   **MR. MARSOLAIS:** Because one of my  
4 perpetrators, Richard Hickerson, that was where his office  
5 was whenever he worked for -- it was formerly known as  
6 Manpower. Now it falls under Human Resources and Skills  
7 Development Canada and that's where some of the abuse had  
8 taken place.

9                   **MS. HAMOU:** I see. So Mr. Marsolais, did  
10 you stay in this line of work?

11                   **MR. MARSOLAIS:** I stayed in this line of  
12 work. I got a call after I was done my course from the  
13 Assessment Commissioner offering me a summer contract in  
14 Cornwall. So I had accepted that because I knew I had to  
15 get a foot in the door. So I did work for the summer. It  
16 was mostly out on the road. The first part of the contract  
17 was enumeration work because the assessment office had  
18 handled that.

19                   And then after that, I wasn't employed by  
20 them for two years until 1996. Then there was a lot of  
21 retirements coming up and so on, so they had 13 contract  
22 openings in Cornwall. So I accepted one of those to start  
23 my career and then there was some openings all over the  
24 province.

25                   So I went for an interview for a permanent

1 position and I was the second person to get a permanent  
2 position out of the 13 contract people and they asked us to  
3 give our choices of where we wanted to go because they were  
4 interviewing for Cornwall, Brockville, Pembroke and a few  
5 other places. So I put Pembroke first because it was the  
6 farthest from Cornwall at that time and everyone was kind  
7 of wondering why and, you know, I guess they all found out  
8 now after I went public.

9 **MS. HAMOU:** Did you tell your employer at  
10 the time why you turned down the position in Cornwall?

11 **MR. MARSOLAIS:** No, I didn't.

12 **THE COMMISSIONER:** So are you still working  
13 now in Pembroke?

14 **MR. MARSOLAIS:** No, I'm not.

15 **THE COMMISSIONER:** Okay. We'll get to that.  
16 Sorry.

17 **MS. HAMOU:** Can you tell us what you're  
18 doing now?

19 **MR. MARSOLAIS:** Right now, I'm only working  
20 part time for an agency out of Toronto called The  
21 Gatehouse. They hired me to do some of the administration  
22 work for a mentorship program in Cornwall because they got  
23 funding through Phase II of this Inquiry actually to bring  
24 up some services to Cornwall and they asked me to do some  
25 administration and I've accepted that. And by working part

1 time for them, it gives me a lot of flexibility to sit on a  
2 lot of the committees I'm sitting on right now.

3 MS. HAMOU: Okay. We'll come back to that a  
4 little later in your testimony if you wish.

5 MR. MARSOLAIS: Okay.

6 MS. HAMOU: I'd like to ask you about your  
7 family. You have kids of your own as you've mentioned.  
8 Can you tell me how many and how old they are?

9 MR. MARSOLAIS: Yes, I have four children.  
10 My oldest son is going to be 19 in a month. I have a 16  
11 year-old son. I have a 12year-old daughter and a seven  
12 year-old daughter.

13 MS. HAMOU: And do those kids live with you  
14 currently?

15 MR. MARSOLAIS: I just separated last fall  
16 from my second long relationship, whom I have my fourth  
17 daughter with. So prior to that, my two youngest from my  
18 first marriage and my daughter from -- that her and I had  
19 together were always staying with us, but then ever since  
20 the separation, my first wife has my two children with them  
21 -- with her. I kind of had asked her to pick up the slack.  
22 They had always stayed with me and I was going through a  
23 rough time after the separation and I was still going  
24 through the criminal process through courts.

25 MS. HAMOU: Mr. Marsolais, I'd like to take

1           you back now, if we can, to your childhood?

2                       **MR. MARSOLAIS:**   Okay.

3                       **MS. HAMOU:**   Your mother I understand was a  
4           single parent?

5                       **MR. MARSOLAIS:**   Yes, she was.

6                       **MS. HAMOU:**   What did you do when she was at  
7           work and you weren't in school?  Who would take care of  
8           you?

9                       **MR. MARSOLAIS:**   I spent a lot of time at my  
10          grandparents' house.  They owned a boarding house on Amelia  
11          Street.

12                      **MS. HAMOU:**   Can you describe this boarding  
13          house?  How did it work?

14                      **MR. MARSOLAIS:**   They had -- I believe they  
15          could accommodate up to 12 or 13 boarders.  It had several  
16          bedrooms.  The boarders would pay weekly and they would be  
17          fed breakfast, lunch and supper as long as they attended  
18          there at the time of those meals, and they would pack their  
19          lunch for them and they would do their laundry and so on.  
20          And they paid one set price for all that.

21                      **MS. HAMOU:**   Now, you've indicated you would  
22          spend a lot of time there.  Did you spend any time with the  
23          boarders who were at the house?

24                      **MR. MARSOLAIS:**   I did, yes.  I especially  
25          spent a lot of time during the summer whenever I was out of

1 school. I had some friends who lived on that street whom I  
2 didn't go to school with because they were going to schools  
3 in that area, so I would spend the summer around those  
4 friends mostly.

5 **MS. HAMOU:** Can you tell me what you would  
6 do with those boarders?

7 **MR. MARSOLAIS:** I went trick or treating  
8 with some; played games; went to the movies. I would just  
9 hang out with several of them because I thought it was  
10 cool. A lot of them were 18, 19, 20 and I was quite young.

11 **MS. HAMOU:** Now, Mr. Marsolais, I understand  
12 one of these boarders was your abuser. Can you tell us a  
13 little more about this?

14 **MR. MARSOLAIS:** Yes. The one abuser was  
15 James Lewis. He stayed in the basement with another  
16 boarder and his brother, Joseph Hall, and I spent a lot of  
17 time around James. He didn't quite have 100 percent mental  
18 capacity so he was younger than his age.

19 **MS. HAMOU:** How old was he at the time?

20 **MR. MARSOLAIS:** He would have been around  
21 19, 20.

22 **MS. HAMOU:** And how old were you at the  
23 time?

24 **MR. MARSOLAIS:** About -- whenever it began,  
25 I was 9, so 9 and 10. He is about 10 years older than I



1 am.

2 **MS. HAMOU:** So I understand there were  
3 several occurrences of abuse?

4 **MR. MARSOLAIS:** Yes, there was.

5 **MS. HAMOU:** Okay. And can you also tell me  
6 about your alleged abuser who I understand was a friend of  
7 Mr. Lewis?

8 **MR. MARSOLAIS:** Yes, he used to come to the  
9 boarding house. Richard Hickerson was his name. He used  
10 to work for what was known as Manpower, I am not sure if I  
11 can use that term here.

12 **THE COMMISSIONER:** Yes.

13 **MR. MARSOLAIS:** It was known as Manpower at  
14 the time. It's just because I know they are a privately  
15 run office now and they may have an issue with me calling  
16 it that. He used to come there to try to help some of the  
17 boarders find employment and so on.

18 And he started a close relationship with  
19 James Lewis and then eventually I found out later, I didn't  
20 quite understand the relationship they had together, but  
21 they were actually, you know, homosexual relationship. And  
22 whenever Richard Hickerson had committed suicide, he  
23 actually had left his estate to James Lewis.

24 **MS. HAMOU:** Did you know this at the time  
25 that they were engaged in a homosexual relationship?

1                   **MR. MARSOLAIS:** No, I was quite young. I  
2 just, you know, thought they were friends and, you know,  
3 and they spent a lot of time together.

4                   **MS. HAMOU:** Can you tell me how old Mr.  
5 Hickerson would have been at that time?

6                   **MR. MARSOLAIS:** How old?

7                   **MS. HAMOU:** Approximately.

8                   **MR. MARSOLAIS:** I was quite young. He was  
9 around 50 probably at the time he was, you know, he was  
10 already starting to -- well he was fairly grey at that  
11 time.

12                   **MS. HAMOU:** Mr. Marsolais, I understand, in  
13 our preparation, you wanted to speak of one of the  
14 incidents that occurred with Mr. Hickerson without going  
15 into great detail?

16                   **MR. MARSOLAIS:** M'hm.

17                   **MS. HAMOU:** I will let you go ahead with  
18 that if you wish.

19                   **MR. MARSOLAIS:** Okay. The first incident of  
20 abuse with either James Lewis or Richard Hickerson was --  
21 I'd went to the Old Port Theatre which still operates now  
22 in Cornwall with James Lewis' brother Joe and Richard  
23 Hickerson.

24                   As I was sitting there in the theatre; it  
25 was summer time, I had shorts on and so on. And he had his

1 arm around me and he began to slide his fingers underneath  
2 the elastic of my underwear. So I was kind of surprised  
3 and shocked. It was the first instance of abuse so I was -  
4 - I didn't really know how to feel. And he leaned over to  
5 me and whispered to me, "Does that feel good?" And I  
6 turned and said, "I don't know".

7 So the reason why I'm sharing this story is  
8 because those three words I had to beat myself up over for  
9 over 20 years because that's where it had started and I  
10 thought I had let it happen. Had I handled it  
11 differently, you know, things could have changed. So that  
12 was quite, you know, I had to come to terms with that. But  
13 that was something that haunted me that certain episode and  
14 that I saw at night while I slept and so on for so many  
15 years.

16 I just thought that was important to share  
17 that and how some incidents really scar people and that,  
18 you know, I had to accept that, you know. It didn't matter  
19 what I said at that time and I was only nine years old.

20 **MS. HAMOU:** Mr. Marsolais, did you know what  
21 was happening at the time?

22 **MR. MARSOLAIS:** No He was someone I had  
23 looked up to and I didn't have a male influence in my life  
24 and someone I actually started to care for and spend time  
25 with and no, I didn't know. I was quite confused.

1                   During that time, things just didn't feel  
2 right but I didn't think that someone would harm me,  
3 especially someone that supposedly cares about you. So,  
4 no, I didn't realize it was wrong at that time what was  
5 happening.

6                   **MS. HAMOU:** Mr. Marsolais, you indicated  
7 previously that the abuse started at the age of nine by  
8 both Mr. Lewis and Mr. Hickerson?

9                   **MR. MARSOLAIS:** Yes.

10                  **MS. HAMOU:** Can you tell me how long this  
11 lasted?

12                  **MR. MARSOLAIS:** Until I was 11. I know by  
13 the time I turned 12 it was done.

14                  **MS. HAMOU:** Now, Mr. Marsolais, I'd like to  
15 get into some of the impacts that have occurred as a result  
16 of these allegations of abuse and the abuse you suffered by  
17 Mr. Lewis.

18                  **THE COMMISSIONER:** Before we go there, can  
19 we talk about how did it finish? Did you stop it or did  
20 they lose interest?

21                  **MR. MARSOLAIS:** Actually, I had stopped -- I  
22 had stopped hanging around them. I think by the time I was  
23 12, I realized there was something up and I didn't see  
24 Richard Hickerson anymore because like I stopped going to  
25 see him at work and so on. And I'd still stop by my

1 grandparents' house. They sold their boarding house  
2 whenever I was 14. But between 12 and 14, I just didn't go  
3 in the basement; just didn't hang out with them; something  
4 just didn't feel right.

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

6 **MS. HAMOU:** So before we start with the  
7 impacts, did you report these allegations of abuse?

8 **MR. MARSOLAIS:** Sorry, do you mean at that  
9 time?

10 **MS. HAMOU:** Sorry, I should have expressed  
11 myself.

12 **MR. MARSOLAIS:** No, that's okay.

13 **MS. HAMOU:** Have you reported to police  
14 authorities?

15 **MR. MARSOLAIS:** I have. I reported the  
16 abuse at the hands of James Lewis in 2005.

17 **MS. HAMOU:** Okay. After the Inquiry had  
18 started?

19 **MR. MARSOLAIS:** Two weeks after the mandate  
20 of this Inquiry actually.

21 **MS. HAMOU:** Okay. Did you ever speak of  
22 these allegations of abuse to a teacher, a friend, parent?

23 **MR. MARSOLAIS:** No. There was only one  
24 incident I recall.

25 Whenever I was 19 and I was very, very

1 intoxicated and I kind of broke down and I'd mentioned  
2 something to a friend of mine, but she had never brought it  
3 up after and I've never spoken about it since after that;  
4 so until I started to deal with it after I turned 26.

5 **MS. HAMOU:** Can you tell me what led you to  
6 finally report these allegations?

7 **MR. MARSOLAIS:** I think it was a little  
8 easier seeing that everything that was going on in  
9 Cornwall. The spotlight was on type thing and people were  
10 actually starting to talk about abuse.

11 So I felt that I should come forward and  
12 report the allegations because I knew that James Lewis was  
13 now under house arrest for possession of child pornography.  
14 So I knew that he was still active in some way. So I just  
15 wanted to try to protect other children because he is still  
16 fairly young at 45.

17 **MS. HAMOU:** And what happened with Mr.  
18 Hickerson?

19 **MR. MARSOLAIS:** He had committed suicide.

20 **MS. HAMOU:** Prior to your reporting?

21 **MR. MARSOLAIS:** Yes.

22 **MS. HAMOU:** And without going into the  
23 details as it is not part of our mandate, can you just tell  
24 me the conclusion of the James Lewis report?

25 **MR. MARSOLAIS:** Yes. He had pled guilty in

1 court. I spoke at his sentencing hearing and his sentence  
2 was six months less a day. And they put his house arrest,  
3 he was, I believe, about a year-and-a-half into a three-  
4 year term of house arrest.

5 So they put that on hold while he served his  
6 sentence and then now he's under house arrest again because  
7 he served his time. He served, I believe, 118 days in  
8 prison. He was let out for good behaviour, I guess,  
9 although he was segregated so I can't see how he can have  
10 good behaviour.

11 **MS. HAMOU:** Now, we'll go back to the  
12 impacts if we may, Mr. Marsolais?

13 **MR. MARSOLAIS:** Okay.

14 **MS. HAMOU:** I understand your schooling  
15 suffered. Can you explain to us a little about that?

16 **MR. MARSOLAIS:** Well, I recall shortly after  
17 the abuse, I think some of the anger started to set in  
18 because I was always a student who had an average around 90  
19 or low 90s.

20 And then all of a sudden, in Grade 7, my  
21 average had dropped to the high 60s and I started to get  
22 into a bit of trouble. It was the first time I'd seen the  
23 inside of the principal's office is that year and I never  
24 kind of came back from that. And then eventually I ended  
25 up dropping out in Grade 10.

1                   **MS. HAMOU:** And did anybody question those  
2 marks dropping?

3                   **MR. MARSOLAIS:** I did speak to my teacher  
4 and principal about it. I recall I can't remember -- see I  
5 don't think it was a long discussion back then. There was  
6 -- people didn't dig or want to talk about sexual abuse or  
7 even think it existed really. So I mean I think it was  
8 more, you know, try to pull up your socks and get things  
9 back up to where they were.

10                  **MS. HAMOU:** Now, Mr. Marsolais, I understand  
11 the abuse has also had an effect on you as a parent?

12                  **MR. MARSOLAIS:** Yes, it has. I mean, part  
13 of the impacts of this was I ended up leaving home and  
14 having children way too young. I was still a child myself  
15 at 16. Especially my oldest son who was around at that  
16 time, I mean, I haven't had the greatest relationship with  
17 him.

18                  **MS. HAMOU:** Take your time.

19                  **MR. MARSOLAIS:** I've been trying to make up  
20 for that now, but it's hard to -- I can't give him back  
21 those years. I mean, I drank heavily from the time I was  
22 16 and I just wasn't the best influence or the best parent.  
23 I was too young to know how to parent someone in the proper  
24 way. My 16 year-old son who is here today, you know, him  
25 and I were always closer. You know, he liked to play



1 hockey. He was a tough kid and so on, whereas my oldest I  
2 saw a lot of me in him. So I wanted to toughen him up a  
3 bit. I wasn't violent with him or anything, but I think I  
4 was hard on him at that age. I didn't want him to be weak  
5 like I was or I perceived myself as being.

6 I've made a lot of mistakes parenting, you  
7 know. It's never too late to start over, but I can't give  
8 them back those years either. So everything trickles down.

9 **MS. HAMOU:** Mr. Marsolais, have there been  
10 any medical effects on you?

11 **MR. MARSOLAIS:** Yes, there has been. After  
12 I finally accepted I had been abused, after I had already  
13 gone through a marriage and so on, and she had never known  
14 of the abuse, I started a second significant relationship  
15 that lasted nine years, the one that just ended last fall,  
16 actually.

17 I kind of opened up to her and I finally got  
18 some counselling. At first I was -- I had went to a few  
19 counselling sessions and I thought, you know, I'd feel  
20 better, but I'd walk out of there crying and I wouldn't  
21 feel great at all. So I thought, you know, I don't know  
22 why I'm doing this. I don't feel any better. So I would  
23 take a step back for a while and then I'd try to deal with  
24 it, and then finally I realized I had to do that. I had to  
25 go down to go back up again.

1                   So the counsellor I had, he had eventually  
2                   retired from the hospital, and then I found a new  
3                   psychologist at the hospital and I've been seeing him ever  
4                   since. Now I just see him every now and then to make sure  
5                   I'm staying on an even keel because I found a lot of my  
6                   healing in helping others and being involved.

7                   But they had diagnosed me with PTSD, Post  
8                   Traumatic Stress Disorder and severe depression. I'm on  
9                   antidepressants now. I was -- I used to take a small  
10                  amount for about seven years, and last year, before the  
11                  criminal proceedings and so on, I had, you know, a few  
12                  periods of being severely down again. I had a couple  
13                  instances with panic attacks and do so on where I was  
14                  hospitalized. So that boosted me up to the maximum amount  
15                  of antidepressants.

16                  And now that I don't have any drug benefits,  
17                  you know, I had lowered that a little while back, which I  
18                  probably shouldn't have because then I finally went to see  
19                  my psychiatrist so I would be able to get a new  
20                  prescription, and he said it's not a good time with the  
21                  oncoming testimony at the Inquiry and so on. He had given  
22                  me some free samples to try to help out because they're  
23                  quite costly, actually.

24                  So now I still take the maximum amount and  
25                  hopefully -- I'm hoping sometime to eventually wean off of

1 that because they have their side effects as well as far as  
2 sexual drive and, you know, always being exhausted and  
3 tired. I've gained quite a bit of weight as well.

4 **MS. HAMOU:** Mr. Marsolais, have you  
5 struggled with any addiction issues?

6 **MR. MARSOLAIS:** Yes, I have. I've struggled  
7 with alcohol. I started at 14. I got quite heavily  
8 intoxicated a few times, actually, and then by the time I  
9 was 16, I was drinking regularly, and then by the time I  
10 was 18 and able to get in the bars and stuff, because I was  
11 a fairly big guy so I would pass as 19, then I began  
12 drinking very heavily, actually, and I have for years.  
13 I've just been under control for the past two years about,  
14 although some old habits are hard to break. So in the past  
15 couple of years there has been a few rough instances where  
16 -- you know, so I had to remind me of the path I was going  
17 down again to deal with it.

18 **MS. HAMOU:** Mr. Marsolais, I would like to  
19 touch upon a few items before we move on.

20 **MR. MARSOLAIS:** Do you want me to carry on  
21 with the addictions first?

22 **MS. HAMOU:** Sure, go ahead.

23 **MR. MARSOLAIS:** Are we still on that  
24 category?

25 **MS. HAMOU:** Yes, yes.

1                   **MR. MARSOLAIS:** Okay. That also caused a  
2 sexual addiction that I never realized I had until about a  
3 year ago, and now being on the antidepressants actually has  
4 helped with that quite a bit.

5                   But that had caused me to make quite a few  
6 unhealthy choices in life and dangerous ones. I have slept  
7 with exotic dancers and escorts in the past because of  
8 this, because there was no attachment and it was kind of a  
9 quick fix for that addiction. It's not something I'm proud  
10 of and it's not anything I've shared with anybody until  
11 recently, but I think it's something important to say here  
12 in a forum like this so that people can understand. I  
13 don't mind sharing that part. So it's something else that  
14 I've had to cope with and deal with.

15                   I actually had to go and be tested just so I  
16 can feel safe about future partners and so on.

17                   **MS. HAMOU:** Mr. Marsolais, I was going to  
18 move on to the next issue.

19                   I want to get into some of the reasons why  
20 you didn't report your allegations of child sexual abuse,  
21 and if you wish, we'll go through a few of the steps.

22                   As you were a child, as the abuse was  
23 ongoing, why didn't you report at that time?

24                   **MR. MARSOLAIS:** Well, at that time I was  
25 very confused. As I said earlier, I didn't understand what

1 was happening. Here's someone that -- or two people,  
2 actually, that supposedly cared about me, and they were a  
3 male influence in my life. I was a very soft and weak  
4 child and very, you know, kind of clingy and, you know, for  
5 affection and so on. You know, I really wanted to make  
6 them happy.

7 They've abused that though, and I really  
8 didn't understand between nine and eleven what was  
9 happening. Something just didn't feel right, but it was  
10 like it can't be wrong, you know. It's kind of making  
11 these people happy and they're saying, you know, "Don't  
12 talk about this to anyone. They just won't understand the  
13 special bond we have." I just -- I was really too young to  
14 comprehend at that time.

15 **MS. HAMOU:** And when you were a little  
16 older, in your teenage years, before you had your first  
17 child, why didn't you come forward at that time?

18 **MR. MARSOLAIS:** By that time there was a lot  
19 of shame and guilt, anger.

20 You know, if your friends -- especially  
21 being a man, if your friends are bragging about losing  
22 their virginity to some girl, you know, on the high school  
23 cheerleading squad, you're not really going to own up to  
24 losing yours to a man. I mean, I had to struggle with  
25 sexuality at that time. I knew I was attracted to women,

1 but I kept trying to say to myself, "I must be gay because  
2 I allowed it to happen". I went back. I spent time there.  
3 Part of me could have actually enjoyed it. So that was a  
4 really rough stretch through the teenage years.

5 **MS. HAMOU:** And once you were a little  
6 older, once you were 16 years old, had your first child?

7 **MR. MARSOLAIS:** By then it was like, you  
8 know, walk it out and move on with life. There was still  
9 some of the same issues. I was drinking a lot to cope and  
10 there was still a lot of shame and guilt and wondering if  
11 people would believe me. I mean, here's someone with  
12 stature in the community, you know, who's well respected.

13 **MS. HAMOU:** Mr. Marsolais, did you hear of  
14 the Project Truth investigations that were going on in  
15 Cornwall?

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

17 **MS. HAMOU:** Okay. And did you feel ready to  
18 come forward at that time?

19 **MR. MARSOLAIS:** Not at that time. I was  
20 still fairly young. There was no way I would have shared  
21 this with anybody. So at that point I had never shared  
22 with anyone. It was just a matter of keeping -- pushing it  
23 back and pushing it back.

24 **MS. HAMOU:** And, once again, can you tell me  
25 why you finally decided to come forward?

1                   **MR. MARSOLAIS:** I came forward after I had  
2 finally sought counselling because I finally started to  
3 realize the effects that it had on me and some of the  
4 choices I had made stemmed from that. People just don't  
5 start to realize that all of a sudden. You know you're  
6 doing things and making bad choices but don't realize why,  
7 and then I finally started counselling, and then I prepared  
8 for about six months in counselling ready to go public,  
9 because part of the reason why I wanted to go public with  
10 it as well was you hear a lot of rumours in Cornwall.

11                   Everyone knew that there was a lot of  
12 rumours, innuendo and so on, and I just wanted people to  
13 know that there were victims out there though and some  
14 people had to put a face to that so that people weren't  
15 just walking around and saying, "Well, I know there's  
16 people out there. I think there's this. I think there's  
17 that." So I just wanted to put some fact to everything.

18                   **MS. HAMOU:** Mr. Marsolais, I'm approaching  
19 the tail end of my questions.

20                   I wanted to ask you if there were any other  
21 impacts you would like to talk about and I would like to  
22 ask you about your recommendations.

23                   Mr. Commissioner, Mr. Marsolais has  
24 indicated to me he wanted to take a few minutes before he  
25 went into his recommendations to review his notes.

1                   **THE COMMISSIONER:** Sure.

2                   Are there any other impacts that you want to  
3 talk about before we take a break?

4                   **MR. MARSOLAIS:** Would you mind if I just  
5 take a quick look here then on the impacts?

6                   **THE COMMISSIONER:** Sure. Go ahead.

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

8                   **MR. MARSOLAIS:** Actually, I didn't really  
9 get into relationships as far as the impacts. I had went  
10 through a marriage without even accepting the fact I had  
11 been abused or disclosing to my spouse at that time. It  
12 took a toll on two long relationships now.

13                   Now I feel I'm in a better place, having  
14 accepted what's happened and, you know, gone from victim to  
15 survivor mode.

16                   But there's a problem with intimacy as well  
17 in these areas. I mean, you're taught at a young age that  
18 intimacy is something that's selfish and for one's  
19 pleasure. So that was -- that took a toll on my first  
20 marriage.

21                   As far as my second relationship, I mean, I  
22 had learned that it was something greedy and for the taking  
23 instead of something to share with someone, and that all  
24 compounded into our family life.

25                   **MS. HAMOU:** Mr. Marsolais, were there any



1 other impacts you would like to share with us?

2 **MR. MARSOLAIS:** No, I think I've covered  
3 them. Thank you.

4 **THE COMMISSIONER:** All right.  
5 So would you like a few minutes now and then  
6 we ---

7 **MR. MARSOLAIS:** Yeah, I would, if you  
8 wouldn't mind, Your Honour.

9 **THE COMMISSIONER:** Not a problem.  
10 Let's take 15.

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

13 This hearing will resume at 10:15.

14 --- Upon recessing at 10:05 a.m./

15 L'audience est suspendue à 10h05

16 --- Upon resuming at 10:20 a.m./

17 L'audience est reprise à 10h20

18 **THE REGISTRAR:** This hearing is now resumed.  
19 Please be seated. Veuillez vous asseoir.

20 **MS. HAMOU:** Mr. Commissioner?

21 **THE COMMISSIONER:** Yes.

22 **MS. HAMOU:** Before I move on to the  
23 recommendation, I just want to point out a few questions  
24 for Mr. Marsolais.

25 **JAMIE MARSOLAIS, Resumed/Sous le même serment**

1 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.  
2 HAMOU (cont'd/suite):

3 MS. HAMOU: Mr. Marsolais, you were involved  
4 in a criminal proceeding in the James Lewis case. Were you  
5 also involved in civil proceedings?

6 MR. MARSOLAIS: Yes, I am, against the  
7 federal government as far as Richard Hickerson's  
8 involvement.

9 MS. HAMOU: And this is ongoing?

10 MR. MARSOLAIS: Yes, it's ongoing presently.

11 MS. HAMOU: Okay.

12 MR. MARSOLAIS: And ---

13 MS. HAMOU: Mr. Marsolais, also ---

14 THE COMMISSIONER: Just a minute.

15 And?

16 MR. MARSOLAIS: Should I touch on that a  
17 bit, just because some of the people's feelings regarding -  
18 --

19 MS. HAMOU: Go ahead.

20 MR. MARSOLAIS: --- you know, a lot of the  
21 comments that are out there about victims after money and  
22 so on.

23 THE COMMISSIONER: Okay.

24 MR. MARSOLAIS: You know, I've never once  
25 said, "No, it's not about the money" or so on because

1 actually part of it is. I mean, people should be  
2 compensated for damage done by other people.

3 If someone is hit by a drunk driver and  
4 they're in a wheelchair, I mean, we're ready to throw the  
5 book at them, compensate that person forever. So just  
6 because the scars aren't evident, it doesn't mean the scars  
7 aren't there. There's still impacts on their life and  
8 there's -- I mean, I don't have drug benefits now. You  
9 know, there's just so much that people pay a big price  
10 because of sexual abuse. So I just felt it was important  
11 to state that.

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

13 **MS. HAMOU:** Mr. Marsolais, I'll move on to  
14 my final question and I would ask that you please give the  
15 Commissioner and counsel your recommendations for this  
16 Commission. I understand you have some paper with you. If  
17 you want to refer to your notes, that's okay.

18 **MR. MARSOLAIS:** Okay. Actually, before  
19 going on, is it okay to just clarify one thing from  
20 earlier?

21 **THE COMMISSIONER:** Sure.

22 **MR. MARSOLAIS:** Whenever you had asked about  
23 employment at the assessment office and then Your Honour  
24 had asked if I was still employed by the -- well, it was  
25 the Province at the time and now it's called MPAC, and I

1 had said no, and the reasoning behind that is because  
2 whenever I was in Pembroke and then I had separated while  
3 there, and my ex-wife had come back to Cornwall and brought  
4 the children. So I had to try to get a transfer back since  
5 Pembroke was two and a half hours away. And after I had  
6 returned to the area, I had gone off on sick leave for a  
7 while. I was finding it hard to be there, and then  
8 eventually I had left because I still hadn't dealt with  
9 everything, still hadn't had counselling so, and I was  
10 finding it hard even to walk into that building on most  
11 days. I've always tried to cover things up with humour and  
12 so on, but it was just really draining at that point.

13 Thank you.

14 **MS. HAMOU:** Okay.

15 **THE COMMISSIONER:** Thank you.

16 Recommendations?

17 **MR. MARSOLAIS:** Okay. First of all, Your  
18 Honour, I know a few of these, especially the first ones,  
19 are probably for another time and place. I just feel it's  
20 important to state them.

21 As far as federally, I mean, we have an age  
22 of consent of 14 years old in Cornwall, so I mean that you  
23 know, to me, condones some forms of pedophilia. I know  
24 there are things in the federal government they're working  
25 on now. I have spoken to our MP in Cornwall here, Guy

1           Lauzon, and I know they had brought a motion forward to  
2           raise that to 16. So I think it's important for everyone  
3           to back that.

4                     Our laws in sentencing, I mean, obviously  
5           we're not applying the proper sentence to these laws -- to  
6           these convictions. It's not a deterrent for perpetrators  
7           and whenever stealing satellite signals is seen as  
8           something that's worse than sexually abusing someone, I  
9           think we have a real problem with priorities in this  
10          country.

11                    I think there needs to be some public  
12          awareness as far as TV commercials and ads and so on. I  
13          mean, they have things against drinking and driving, to  
14          stop smoking and so on.

15                    Something that I find -- over the past two  
16          years, I remember whenever I first came forward and  
17          everything was starting with the Inquiry, and the one thing  
18          everyone had said, "People don't talk about sexual abuse.  
19          It's so taboo." And now with the involvement in Cornwall,  
20          I just haven't been hearing that anymore because in  
21          Cornwall people are choosing to talk about it finally. So  
22          I think that needs to be talked about, you know, throughout  
23          the country though. So there does need to be more  
24          awareness.

25                    As far as education goes, I'm talking about

1 education for parents, communities, victims on services out  
2 there, schools. I made a lot of the bad choices in life  
3 while I was an angry teenager. So if we can get in the  
4 schools and prevent a lot of those choices from being made  
5 before the children reach 16 and they're abusing drugs and  
6 alcohol and they're allowed to drop out of school, and  
7 having a counsellor sitting in a high school waiting for a  
8 student to come to them is just not going to happen. So we  
9 actually have to get into the classrooms and approach these  
10 children.

11 As well, education for perpetrators  
12 themselves, they have to be educated in a different way. I  
13 mean, if there's any signs of it, they have to be educated.  
14 They have to be monitored and they have to want to make a  
15 conscious effort to not harm anyone.

16 Now, as far as Cornwall itself, there is  
17 some work going on as far as the Inquiry and there is some  
18 priorities here that I feel very strongly about, and  
19 actually a few of them I have been asked to take a lead on:  
20 a first-response centre for Cornwall, which is something I  
21 think is very, very needed in the community because a lot  
22 of people don't know where to go or they're confused about  
23 services; as well as a Men's Safe House in Cornwall, a  
24 youth centre that's been a pet project of our Police Chief,  
25 Dan Parkinson, for a while and he's currently working on

1 that.

2 Then there also needs to be something done  
3 in the workplace. A short time ago I worked for a billion  
4 dollar company in Canada, and sure they had a line to call  
5 if anyone needs, you know, help with counselling and so on  
6 but, I mean, they had devoted the start of every staff  
7 meeting every month to talk about health and safety issues  
8 in the workplace. So why not devote time to make sure  
9 their employees are okay and maybe have -- especially  
10 larger companies be responsible and maybe have some  
11 pamphlets there of where to get help, services available,  
12 because basically everyone has to take care of each other.

13 And I would kind of like to see, if nothing  
14 else at the end of this Inquiry is, if there's no specific  
15 projects, some kind of Cornwall Trust Fund maybe, that  
16 could be set up with the people of Cornwall at the head of  
17 that and kind of deciding what Cornwall needs with input  
18 from the whole city.

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

20 **MR. MARSOLAIS:** And so possibly have those  
21 funds available to deal with this.

22 The spotlight is on Cornwall now. It's time  
23 for Cornwall to be a model for the rest of the province and  
24 a centre of excellence whenever it comes to sexual abuse,  
25 since people are finally talking about abuse and we have

1 the ear of the province like we've never had before.

2 And now for people in the community. I  
3 think it's time for us all to not just tolerate diversity,  
4 but embrace it. I mean, some people dream of having that  
5 great career and the big house and the fancy car, but we  
6 all breathe the same air and bleed the same colour of  
7 blood, and anything that is done, anything that we now  
8 have, has been a gift from people in the past. So now it's  
9 our time to do something now to give to people in the  
10 future. And it's going to benefit everyone.

11 I've got a quote from a Marvyn Novick who is  
12 an expert from Toronto on poverty and I heard him speak a  
13 few weeks back. And he said:

14 "When the tide comes in, it comes in  
15 for all the boats, so all the boats  
16 rise. There's not some that stay  
17 down."

18 If you could just bear with me for a moment,  
19 Your Honour, I'd like to talk a bit about the people in  
20 Cornwall who are making a difference.

21 There are several committees that I sit on.  
22 The Community Action Network Against Abuse as well as  
23 PrevAction committee, a newly formed committee, and several  
24 sub-committees. I would just like to thank a few people  
25 that are really trying to make a difference in Cornwall



1 now.

2 As far as here, we have the Parkers and the  
3 Emonds, who have spent a lot of time here and are really  
4 caring people.

5 We have Chief Dan Parkinson, our Bishop  
6 Paul-André Durocher, Gail Kaneb, Bernadette Clement, Pat  
7 Finucan, Chris Francis. These are all people who sit on  
8 PrevAction with me, people with big hearts and who really  
9 want to make a difference.

10 I'm sorry, there's also Richard Allaire on  
11 our committee and we have Lucie Beauregard, Denise  
12 Paquette, Diane Plourde, Rachel Vivarais, Debbie Fortier,  
13 Verna Leger, and then we have Sarah Kaplan and Angèle Lynch  
14 and Bob Smith. These are all people that are trying to  
15 make a difference so it's not all negative in Cornwall,  
16 there is positive change starting.

17 I'd also like to thank the Advisory Panel  
18 from the Inquiry and the staff from the Inquiry who have  
19 all been excellent and have brought a lot of positive  
20 change to Cornwall.

21 A special "thank you" to three professionals  
22 who I'm honoured to call friends now who have been very  
23 helpful in the past year or so. Mehroon Kassem, she's the  
24 lead of the Social Planning Council of Cornwall; Sheila  
25 Tallon, who is the director of the Victim and Witness

1 Assistance Program, and Angela Gallant from The Gatehouse.  
2 I'm honoured to call these people a friend and anytime,  
3 even if they are busy, they always seem to take time out  
4 for me

5 I'd like to thank my four children, Jamie,  
6 Joshua, Sidney (phonetic) and Brianna (phonetic) for their  
7 support, as well as my mom and sister and my girlfriend,  
8 Marilyn.

9 I've got a very special thank you to a  
10 Constable Marc Ste-Marie from the Montréal police on one  
11 long, cold night whenever I took a long drive because I  
12 didn't want to have anything to do with Cornwall, and I was  
13 in a tough situation, he was truly my guardian angel. And  
14 I brought him back a plaque a few months ago to thank him  
15 for that, because heroes come in all different forms and if  
16 not for him I may not be here. Thank you.

17 **THE COMMISSIONER:** Thank you very much.

18 **MS. HAMOU:** Thank you very much Mr.  
19 Marsolais. Those are all my questions.

20 You will now hear from counsel for the other  
21 parties who will ask you some questions.

22 **MR. MARSOLAIS:** Okay. Thank you.

23 **THE COMMISSIONER:** Mr. Canto.

24 **MR. CANTO:** Thank you, Commissioner. Good  
25 morning, Mr. Marsolais.

1                   **MR. MARSOLAIS:** Good Morning.

2                   **MR. CANTO:** My name is Steven Canto. I'm  
3 one of the lawyers here representing The Citizens for  
4 Community Renewal. It is a group of concerned citizens  
5 with standing at this Inquiry. They are determined to  
6 promote needed institutional reforms so as to ensure  
7 further protection of children and justice for all. I have  
8 no questions for you and on my behalf and on my client's  
9 behalf, we thank you very much. Good luck.

10                   **MR. MARSOLAIS:** Thank you.

11                   **THE COMMISSIONER:** Thank you.

12                   Mr. Horn, do you have any questions?

13                   **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**  
14 **HORN:**

15                   **MR. HORN:** I just have some questions, Mr.  
16 Marsolais.

17                   You gave a list of a number of people who  
18 have helped. Did you include in that list the names of  
19 Helen Dunlop, Perry Dunlop and Carson Chisholm for having  
20 the courage to go forth and do the things that they did in  
21 order to have this Public Inquiry?

22                   **MR. MARSOLAIS:** No. I've never personally  
23 met Helen Dunlop and I was strictly referring to people  
24 that I sit on committees with right now that I know  
25 personally and that I know are making a difference.

1 I have a lot of respect for the Dunlops and  
2 Carson Chisholm and everything that they and their families  
3 have been through and I feel very sorry for them.

4 **MR. HORN:** Do you feel that -- were you here  
5 during any of the testimony of Helen Dunlop?

6 **MR. MARSOLAIS:** I was here for only  
7 portions.

8 **MR HORN:** Okay, and her version of events  
9 were ones that showed that there was a great deal of  
10 difficulty for an individual to come forth in order to do  
11 something like this. What ---

12 **MS. HAMOU:** Mr. Commissioner, I'd just like  
13 to raise an objection. I don't think Mr. Marsolais has  
14 spoken of the Dunlops or the Chisholms in his testimony.  
15 He's told us that he doesn't know them personally and has  
16 not had contact with them. I think this line of  
17 questioning is inappropriate.

18 **THE COMMISSIONER:** Thank you. Mr. Horn?

19 **MR. MARSOLAIS:** Well, actually, I -- sorry.

20 **THE COMMISSIONER:** Mr. Horn. There's an  
21 objection, do you want to respond to it?

22 **MR. HORN:** Do you have -- have you had  
23 contact with the Chisholms at least? Or the Dunlops?

24 **MR. MARSOLAIS:** I do know Carson Chisholm  
25 though. I've met him on a few occasions and spoken to him.

1 I've never been to his home or anything but I have met him  
2 and he has showed me support in the past, and you know, I  
3 appreciate that.

4 **MR. HORN:** Thanks, That's all the questions  
5 I have.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Bennett is not here. Mr Duncan?

8 **MR. DUNCAN:** Good morning, Mr. Commissioner.

9 Mr. Marsolais, my name is Bill Duncan. I'm  
10 representing the Children's Aid Society this morning.

11 **MR. MARSOLAIS:** Yes.

12 **MR. DUNCAN:** I don't have any questions for  
13 you, sir, but on behalf of the CAS I simply want to commend  
14 you and thank you for coming forward with your evidence  
15 this morning. That's all.

16 **MR. MARSOLAIS:** Thank you.

17 And I'd personally like to thank Peter  
18 Chisholm, the attorney for the CAS, for being an admirable  
19 man. He was concerned that I would be uncomfortable  
20 because he was James Lewis' attorney in the criminal  
21 matters, and I have a lot of respect for that. Thank you.

22 **MR. DUNCAN:** Thank you for your comments,  
23 sir.

24 **THE COMMISSIONER:** Thank you.

25 Messrs. Rose or Rouleau?

1                   **MR. ROSE:** Thank you Mr. Commissioner, no  
2                   questions.

3                   **THE COMMISSIONER:** Thank you.  
4                   Mr. Thompson?

5                   **MR. THOMPSON:** Thank you, Mr. Commissioner.  
6                   No questions from the Ministry. I want to thank you, Mr.  
7                   Marsolais.

8                   **THE COMMISSIONER:** Thank you.  
9                   Mr. Sherriff-Scott?

10                  **MR. SHERRIFF-SCOTT:** I have no questions,  
11                  thank you.

12                  **THE COMMISSIONER:** Thank you.  
13                  Mr. Crane?

14                  **MR. CRANE:** Nothing, thank you.

15                  **THE COMMISSIONER:** Thank you.  
16                  Ms. Costom?

17                  **MS. COSTOM:** Good morning Mr. Commissioner.  
18                  Good morning, sir.

19                  **MR. MARSOLAIS:** Good morning.

20                  I am Suzanne Costom, I am one of the lawyers  
21                  for the O.P.P, the Ontario Provincial Police, at this  
22                  Inquiry, and I'd like to thank you for having shared your  
23                  experience with us in such a candid and forthcoming way;  
24                  and a thoughtful way. I'm certain that your testimony is  
25                  going to be of great assistance to many and I want to wish

1           you good luck in the future. I have no questions for you.

2                   **MR. MARSOLAIS:** Thank you.

3                   **THE COMMISSIONER:** Thank you.

4                   Mr. Carroll?

5                   **MR. CARROLL:** Nothing, thank you.

6                   **THE COMMISSIONER:** Thank you.

7                   The school boards aren't here. Mr. Lee?

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

9                   **MR. LEE:** Thank you, Mr. Commissioner.

10                   Jamie, I just have a couple of areas that I  
11           want to try to clarify things.

12                   **MR. MARSOLAIS:** Sure.

13                   **MR. LEE:** I think I may have heard you  
14           mention it but I'm not sure and I want to make sure it's on  
15           the record. Can you tell us about the locations of abuse  
16           by Richard Hickerson?

17                   **MR. MARSOLAIS:** They were at the Manpower  
18           offices at 132 Second Street East. The Port Theatre of  
19           Lamoureux Park, which is close to the civic complex here in  
20           Cornwall. Those are the areas I recall.

21                   **MR. LEE:** In terms of the Manpower building,  
22           do you have any idea or can you help us with how many times  
23           you may have been abused there?

24                   **MR. MARSOLAIS:** In a statement I had filed  
25           previously, it was about a dozen times or so.

1                   **MR. LEE:** You also touched very briefly on -  
2                   - you mentioned Post Traumatic Stress Disorder at one  
3                   point. Have you been diagnosed by a medical professional  
4                   with that?

5                   **MR. MARSOLAIS:** Yes I have, by Dr. Wayne  
6                   Nadler.

7                   **MR. LEE:** Do you have any other diagnoses  
8                   stemming from the abuse?

9                   **MR. MARSOLAIS:** No, just the depression.

10                  **MR. LEE:** Depression and P.T.S.D.?

11                  **MR. MARSOLAIS:** Yes, sir.

12                  **MR. LEE:** Have there been any -- in terms of  
13                  the medical impacts, you have told us a lot about impacts,  
14                  but in terms of medical impacts, have there been any other  
15                  medical impacts you can think of?

16                  **MR. MARSOLAIS:** There was a few instances of  
17                  panic attacks where I had to be hospitalized.

18                  **MR. LEE:** When was that?

19                  **MR. MARSOLAIS:** The one was during the  
20                  criminal proceedings last year and one previous to that. I  
21                  don't recall when.

22                  **MR. LEE:** And the other question I wanted to  
23                  ask you in the last area was, is looking back -- and one of  
24                  the reasons you're here is to help us understand or help  
25                  the Commissioner understand some of the barriers to



1 reporting and some of the reasons you couldn't come forward  
2 and you discussed that with Ms. Hamou.

3 Looking back on it now, whether you want to  
4 phrase it in terms of recommendations or just suggestions,  
5 is there anything looking back on your own childhood that  
6 might have been -- could have helped, that could have been  
7 done differently that might have made it easier for you at  
8 that time?

9 **MR. MARSOLAIS:** Well, the biggest thing I  
10 think is probably having people go into the schools and see  
11 the signs and educate children, age appropriately of  
12 course, and also just talking about it and having the  
13 awareness campaigns. People know it's there and it exists  
14 and people will talk about it a little easier. If it's  
15 taboo and it's not talked about, then people just don't  
16 want to bring it up.

17 **MR. LEE:** Mr. Marsolais, those are the only  
18 questions I have. Thank you very much.

19 **MR. MARSOLAIS:** Thank you.

20 **THE COMMISSIONER:** Ms. Hamou, do you have  
21 any further questions of this witness?

22 **MS. HAMOU:** Mr. Marsolais, I don't have any  
23 further questions and once again I'd like to thank you for  
24 coming here.

25 **MR. MARSOLAIS:** Thank you.

1                   **THE COMMISSIONER:** Thank you.

2                   I echo that sentiment, sir. I think that  
3 not only are you a survivor, I think that you have in your  
4 mind a holistic way of looking at what the City of Cornwall  
5 can and will do I'm sure through your leadership and the  
6 leadership of others.

7                   I think that there's a lot of people that  
8 should be proud of you, your family and children, and I  
9 think that when you go to bed at night, I hope that you can  
10 pull on the experience that you're living throughout this  
11 community as a security blanket to know that you're doing  
12 well.

13                   Thank you very much.

14                   **MR. MARSOLAIS:** Thank you, Your Honour.

15                   **THE COMMISSIONER:** Okay. So you may step  
16 down.

17                   **MR. ENGELMANN:** Just before you leave, Mr.  
18 Marsolais, I want to thank you as well for not only giving  
19 your evidence but all the work that you've been doing in  
20 Phase II. It's remarkable and thank you very much, sir.

21                   **MR. MARSOLAIS:** Okay. Thank you.

22                   **MR. ENGELMANN:** Mr. Commissioner, the next  
23 area that the Commission would like to go into is the  
24 alternative process for Mr. Leroux.

25                   **THE COMMISSIONER:** Yes.

1                   **MR. ENGELMANN:** I've spoken to counsel and  
2 I've also spoken to our document staff and I'm wondering if  
3 we could perhaps -- it's 10:40. I believe we could have  
4 everything together and ready to go by about 11:15.

5                   **THE COMMISSIONER:** Yes.

6                   **MR. ENGELMANN:** If that would suit you, sir?

7                   **THE COMMISSIONER:** Sure.

8                   **MR. ENGELMANN:** And we could just start with  
9 the process right then.

10                   **THE COMMISSIONER:** Terrific. All right. So  
11 let's adjourn until 11:15 then.

12                   **MR. ENGELMANN:** Thank you.

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

15 --- Upon recessing at 10:40 a.m. /

16                   L'audience est suspendue à 10h40

17 --- Upon resuming at 11:37 a.m. /

18                   L'audience est reprise à 11h37

19                   **THE REGISTRAR:** This hearing is now resumed.  
20 Please be seated. Veuillez vous asseoir.

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

22 --- **ALTERNATIVE PROCESS FOR CROSS-EXAMINATION OF MR. RON**  
23 **LEROUX/ PROCESSUS ALTERNATIF POUR CONTRE-INTERROGATOIRE DE**  
24 **M. RON LEROUX:**

25                   **MR. ENGELMANN:** Mr. Commissioner, I think we

1 are now ready to proceed with the alternative process for  
2 Mr. Leroux.

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

4 **MR. ENGELMANN:** You will recall, sir, that  
5 his cross-examination ended during the course of the cross-  
6 examination by the CCR.

7 **THE COMMISSIONER:** Yes, with Mr. Manson.

8 **MR. ENGELMANN:** After we had watched some  
9 videotapes, Mr. Manson had asked some questions and, of  
10 course, there was the motion brought by Mr. Leroux to have  
11 him excused and after we appeared on that motion two or  
12 three times, you gave an oral decision to allow him,  
13 because of his medical issues, not to proceed with further  
14 cross-examination.

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

16 **MR. ENGELMANN:** And I'm reminded -- I'm not  
17 sure if that was done earlier this week in my absence, sir,  
18 but I believe you have reasons ---

19 **THE COMMISSIONER:** We did.

20 **MR. ENGELMANN:** --- you wished to give on  
21 that.

22 **THE COMMISSIONER:** I did give reasons.

23 **MR. ENGELMANN:** I'm sorry?

24 **THE COMMISSIONER:** I did give the reasons.

25 **MR. ENGELMANN:** Okay. I was not here.

1                   And, Mr. Commissioner, in accordance with  
2                   your instructions to the parties, I did send a note to all  
3                   of them asking that they provide a written outline of where  
4                   they intended to go, to have that to us by last Friday, the  
5                   28<sup>th</sup>. With a couple of exceptions, counsel did do that. I  
6                   believe something was received from the Ministry of  
7                   Corrections after that on Monday. I believe as well  
8                   something was also received late from the Ministry of the  
9                   Attorney General, again, I think perhaps on Monday.

10                   This morning, I received notice from Mr.  
11                   Horn on behalf of the Coalition that he too wanted to take  
12                   part in this alternative process and, again, I had had no  
13                   prior notice.

14                   So I bring this to your attention. I am not  
15                   sure why things were late or why I'm getting something  
16                   today, but it may be something you wish to address with  
17                   counsel.

18                   **THE COMMISSIONER:** Right.

19                   **MR. ENGELMANN:** With respect to Mr. Horn and  
20                   his client, you should also be aware that I believe you  
21                   granted them standing after Mr. Leroux was examined.  
22                   Having said that, he may have a position to take. I  
23                   understand he wants to refer to three documents and I'll  
24                   let him speak when it's his turn. I just wanted to bring  
25                   up those outline facts.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. ENGELMANN:** And other than that, I think  
3 now we have all the documents that we believe counsel are  
4 going to be using, all of the exhibits that they referred  
5 to, and hopefully things will go fairly quickly from a  
6 document point of view.

7                   **THE COMMISSIONER:** Perfect. Thank you.

8                   **MR. ENGELMANN:** Thank you.

9                   **THE COMMISSIONER:** Mr. Canto?

10                  **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CANTO:**

11                  **MR. CANTO:** Thank you, Mr. Commissioner.

12                               As you know, the CCR commenced its cross-  
13 examination of Mr. Leroux. That was not completed due to  
14 your ruling.

15                               Had counsel been permitted to continue its  
16 cross-examination, we would have clarified the following  
17 points.

18                               The first one with respect to the interview  
19 conducted by the Ontario Provincial Police dated February  
20 the 7<sup>th</sup>, 1997. A video was played with respect to this  
21 interview and in attendance was, obviously, Mr. Leroux and  
22 Mr. Dunlop's counsel, Charles Bourgeois. And there are two  
23 points within this video where Mr. Leroux is providing  
24 information concerning his affidavit.

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

1                   **MR. CANTO:** And in response to being asked  
2 questions pertaining to specific individuals on Mr.  
3 Leroux's lists of perpetrators, he specifically turns to  
4 Charles Bourgeois and states the following, "Somebody else  
5 will have him". And then a few minutes later, "Someone  
6 else has him".

7                   Now, what counsel would have liked to  
8 explore is why Mr. Leroux gave those answers, particularly  
9 if -- not saying that he was coached, but why did he look  
10 at Charles Bourgeois?

11                   Second point is with respect to his trip to  
12 Florida with Mr. Carson Chisholm and in particular with  
13 respect to his evidence where he explained that Carson  
14 Chisholm and himself spoke to several individuals in Fort  
15 Lauderdale and the fact that during this trip, Carson  
16 Chisholm attempted to interrogate some of these  
17 individuals.

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

19                   **MR. CANTO:** And also during this trip and  
20 during these interrogations, Carson Chisholm had a binder  
21 with pictures of individuals. And we would have liked to  
22 explore also the fact that -- or it's our understanding  
23 that during his interrogation of individuals, Mr. Carson  
24 Chisholm paid these individuals for information.

25                   The third point that we would have liked to

1 clarify is that testimony came out that Mr. Leroux felt  
2 pressured by Mr. Dunlop with respect to, in not so many  
3 words, fabricating some allegations.

4 We would have liked to turn your attention  
5 to Exhibits 568 and 571, which appear to show that Mr.  
6 Leroux was not being pressured at all by Mr. Dunlop with  
7 respect to his allegations.

8 **THE COMMISSIONER:** Thank you.

9 **MR. CANTO:** If you recall this video, the  
10 questions that we're referring to were not leading; they  
11 were sort of open-ended questions. So it's -- there is  
12 some point to be made that he wasn't pressured all the time  
13 with respect --

14 **THE COMMISSIONER:** He was not pressured?

15 **MR. CANTO:** He wasn't pressured by Mr.  
16 Dunlop all the time.

17 **THE COMMISSIONER:** All of the time?

18 **MR. CANTO:** All of the time, sorry.

19 **THE COMMISSIONER:** So you are saying that  
20 there are some times that he was?

21 **MR. CANTO:** Yes. And some times that he  
22 wasn't. And we just wanted to put on the record that in  
23 this specific instance, it did not occur.

24 **THE COMMISSIONER:** Okay.

25 **MR. CANTO:** And the last point that we



1 would've liked to address with Mr. Leroux is his motivation  
2 for fabricating the fact that he believed Mr. Dunlop was  
3 pursuing something valuable.

4 **THE COMMISSIONER:** Something?

5 **MR. CANTO:** Valuable. Those were his words.

6 And that the Dunlops made him feel good,  
7 important, and like he was doing something. And I'm making  
8 specific reference to the transcript of June 28th, page 25,  
9 line 19. And we would've liked to explore why he gave that  
10 answer and what were the underlying reasons for that  
11 answer.

12 **THE COMMISSIONER:** Okay.

13 **MR. CANTO:** And that is all. Thank you very  
14 much.

15 **THE COMMISSIONER:** Thank you.

16 Mr. Horn?

17 **MR. HORN:** Yes, sir.

18 **THE COMMISSIONER:** Before we begin, sir,  
19 there are a couple of questions I would like to ask you.

20 First of all, I guess I need an explanation  
21 as to why you did not follow the instructions, you were not  
22 able to follow the instructions, to have your material in  
23 by Friday -- last Friday. So we will start with that.

24 **MR. HORN:** I have no excuse other than Mr.  
25 Paul and I went through the documents in regards to Mr.

1           Leroux, and we had a discussion about it yesterday, and we  
2           thought that there were three documents that should be --

3                   **THE COMMISSIONER:** But you have no --

4                   **MR. HORN:** -- yes.

5                   **THE COMMISSIONER:** Okay.

6                   **MR. HORN:** But --

7                   **THE COMMISSIONER:** So you have no excuse?

8                   **MR. HORN:** No excuse other than that we were  
9           -- we only got together yesterday to discuss what we would  
10          be doing today because he was here yesterday, and after he  
11          finished here, we got together and discussed an area that  
12          we should be questioning -- we would have questioned Mr.  
13          Leroux on that ---

14                   **THE COMMISSIONER:** So there was no attempt  
15          to meet the deadline?

16                   **MR. HORN:** Pardon?

17                   **THE COMMISSIONER:** You made no attempt to  
18          meet the deadline?

19                   **MR. HORN:** Well, the deadline being  
20          yesterday?

21                   **THE COMMISSIONER:** No. No. The deadline  
22          being --

23                   **MR. HORN:** Last --

24                   **THE COMMISSIONER:** -- last Friday.

25                   **MR. HORN:** No, we didn't.

1                   We only found out about these documents in  
2                   the last couple of days and we decided that these -- we  
3                   just zeroed in these areas that we wanted to question him  
4                   on.

5                   **THE COMMISSIONER:** So you decided that  
6                   yesterday -- as of last Friday, you weren't going to cross-  
7                   examine. Is that what you are telling me?

8                   **MR. HORN:** I don't know if we were going to.  
9                   It's just that we were -- we're trying to -- what's  
10                  happening is that there's a number of cases -- in fact, Mr.  
11                  Paul is right in the middle of a trial right now. I had a  
12                  trial yesterday and we're trying to juggle things so we can  
13                  get things going and organizing ourselves in order to be  
14                  here.

15                  **THE COMMISSIONER:** I can understand that.

16                  **MR. HORN:** So what we have done is zeroed in  
17                  on a narrow area that we thought that he should be  
18                  questioned on and that's only in regard to his criminal  
19                  record.

20                  **THE COMMISSIONER:** No, but -- okay.

21                  Mr. Horn, I understand, and we talked about  
22                  that before that you're coming in this late and that you  
23                  and Mr. Paul may have some scheduling problems, but that  
24                  doesn't excuse the fact that last Friday somebody should  
25                  have been working on this and at least phoned Commission

1           counsel and say, "Look, I'm going to be late" or "Is there  
2           anything we can do to take care of that?" And so you have  
3           given nothing.

4                       And so how could we proceed if we did not  
5           have rules?

6                       **MR. HORN:** Well, I can just -- all I can say  
7           is that the area is something that probably other counsel  
8           have looked at also themselves and it's just the whole  
9           question of his criminal record.

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

11                      **MR. HORN:** I'm sure the police are aware of  
12           it and, you know, so it's ---

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

14                      **MR. HORN:** -- it's something that the police  
15           -- counsel for the police would know about and ---

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

17                      **MR. HORN:** -- because it's something that  
18           would be very pertinent as to his credibility.

19                      So, I mean, we would be just questioning him  
20           on that and I'm sure the police would also be doing the  
21           same thing. After all, they're the police, you know,  
22           they're --

23                      **THE COMMISSIONER:** All right.

24                      So there is that, and the second thing is  
25           you weren't here for the examination in-chief. So how have

1           you prepared for the cross-examination?

2                       **MR. HORN:** By looking at transcripts and  
3 just the area that we were going to question him on is  
4 regarding the record.

5                       **THE COMMISSIONER:** Okay.

6                       **MR. HORN:** That's it. That was all. That  
7 was the only area that we -- and the fact that there was a  
8 bail hearing, and there was some question as to whether he  
9 had falsified his record; that he gave false information at  
10 the bail hearing.

11                      **THE COMMISSIONER:** All right. Go ahead.

12                      **MR. HORN:** Okay. Well, the documentation  
13 that I am referring to ---

14                      **THE COMMISSIONER:** Just -- Mr. Horn?

15                      **MR. HORN:** Yes.

16                      **THE COMMISSIONER:** This is like the last  
17 shot across the bough ---

18                      **MR. HORN:** Okay, I understand.

19                      **THE COMMISSIONER:** --- in the sense that  
20 from now on in you have to follow the rules.

21                      **MR. HORN:** Okay.

22                      --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. HORN:

23                      **MR. HORN:** The document that I'm referring  
24 to is 716082 and that is the criminal record; 111 --

25                      **THE COMMISSIONER:** Hold it.

1                   **MR. HORN:** --- 058, which refers to a bail  
2 hearing that he was involved in -- Mr. Leroux was involved  
3 in -- and there was a police report, 735433.

4                   **THE COMMISSIONER:** All right. Just a second  
5 now.

6                   So, Madam Clerk, could we enter the first --  
7 let us go and -- so the next exhibit is the criminal  
8 record.

9                   So Exhibit Number P-675 is the next exhibit,  
10 which is the criminal record as of February 9th -- no, I  
11 don't know what date -- but, in any event, showing two  
12 convictions, one in 1980 and one in 1993.

13 ---EXHIBIT NO./PIÈCE NO. P-675

14                   Criminal Record check for Mr. Leroux  
15 dated 09 Feb 97

16                   **THE COMMISSIONER:** And the next exhibit,  
17 Madam Clerk? Exhibit 676, is what? What is going on here?  
18 This looks like -- this is -- where Mr. Leroux is a witness  
19 in a bail hearing?

20                   **MR. HORN:** That's right. He was a witness  
21 at a bail hearing and I understood that he was questioned  
22 on his criminal record.

23 ---EXHIBIT NO./PIÈCE NO. P-676

24                   Fax transmission from CPS Cst Emma  
25 Wilson-King to Mr. Lorne McCornnery re

1 transcript Leroux matters dated 29 Mar  
2 02

3 **THE COMMISSIONER:** All right.  
4 What is this now? Hang on a second. Okay,  
5 that's fine.

6 Six-seventy-seven (677) is a general  
7 occurrence report related to this line of questioning.  
8 Okay.

9 **MR. HORN:** And then the other one is 735433.  
10 It's a police report that regards ---

11 ---EXHIBIT NO./PIÈCE NO. P-677

12 CPS General Occurrence Report Re Ron  
13 Leroux Dated 31 Oct 01

14 **THE COMMISSIONER:** Yes. That is Exhibit  
15 677. Yes.

16 **MR. HORN:** I would have just questioned him  
17 on these matters and just on the question of credibility.

18 **THE COMMISSIONER:** Okay. That's fine.

19 **MR. HORN:** That would have been all I would  
20 have done.

21 **THE COMMISSIONER:** Thank you.

22 **MR. HORN:** Thank you.

23 **THE COMMISSIONER:** Mr. Lee?

24 **MR. LEE:** Mr. Commissioner, we wrote to  
25 Commission counsel on Friday of last week to advise that we

1 are choosing not to participate in this process. We prefer  
2 to respond to Mr. Leroux's evidence as necessary during the  
3 course of the institutional response phase and, of course,  
4 in submissions.

5 **THE COMMISSIONER:** Yes. Thank you.

6 Mr. Chisholm?

7 --- **FURTHER SUBMISSIONS BY/REPRÉSENTATIONS SUPPLÉMENTAIRES**  
8 **PAR MR. STEVEN CANTO:**

9 **MR. CANTO:** I'm sorry, Mr. Commissioner, I  
10 realized that I made a mistake when giving my -- offering  
11 the position of the CCR with respect to one point.

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

13 **MR. CANTO:** I believe it was the third point  
14 with respect to ---

15 **THE COMMISSIONER:** Hold on a second.

16 **MR. CANTO:** Yes.

17 **THE COMMISSIONER:** Yes. Okay.

18 **MR. CANTO:** --- ith respect to Exhibits 568  
19 and 571.

20 **THE COMMISSIONER:** Yes.

21 **MR. CANTO:** I do stand corrected.

22 I should not have said that Mr. Dunlop did  
23 pressure him during that time -- during the video.  
24 Actually if -- throughout the entire video, it does not  
25 show that there was any manipulation by Mr. Dunlop during



1           that time.

2                         **THE COMMISSIONER:**   Okay.

3                         **MR. CANTO:**    So instead of being 50-50,  
4           really, it's -- there is no manipulation.  There is no  
5           pressure placed by Mr. Dunlop on Mr. Leroux during the  
6           videos.

7                         **THE COMMISSIONER:**  That's you view?

8                         **MR. CANTO:**    That's my view, yes.

9                         **THE COMMISSIONER:**  Okay.  Fine, thank you.

10                        **MR. CHISHOLM:**  Good morning, sir.  I would  
11           not have cross-examined Mr. Leroux based upon his evidence  
12           to the point where he stopped.

13                        **THE COMMISSIONER:**  Thank you.

14                        **MR. CHISHOLM:**  Thank you.

15                        **THE COMMISSIONER:**  Mr. Rose or Rouleau.

16           There we go.

17           --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ROULEAU:

18                        **MR. ROULEAU:**  Good morning.

19                        **THE COMMISSIONER:**  Good morning.

20                        **MR. ROULEAU:**  Three points we would have  
21           liked to canvass with Mr. Leroux.

22                                 Point number one being in reference to the  
23           transcript of Volume 121 of the evidence, pages 68, 69 and  
24           70.  And this is where Mr. Leroux testifies about meeting  
25           Mr. Emile Robert during the course of dog training.

1 And if you go to that transcript ---

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

3 **MR. ROULEAU:** --- page 68, at the bottom,  
4 line 25. Mr. Engelmann asked him:

5 "But you could have done that too,  
6 sir."

7 -- in reference to going to Corrections and disclosing.  
8 And he says:

9 "I did. I did to the best of my  
10 ability. I did".

11 And a bit further on, page 69, line 10:

12 "Couldn't you have spoken Ken's boss as  
13 well?"

14 And this is where he explained that he met  
15 Mr. Emile Robert at the dog-training classes. So we would  
16 have put that to him, number one, and we would have  
17 referred to Exhibit 5778 which is the discovery transcript  
18 of August 20, 2003.

19 **THE COMMISSIONER:** Five-seventy-eight (578)?

20 **MR. ROULEAU:** Five-seven-seven-eight (5778)  
21 is the transcript -- the discovery transcript.

22 **THE COMMISSIONER:** Is it an exhibit?

23 **MR. ROULEAU:** I believe it is.

24 **THE COMMISSIONER:** You are giving four  
25 numbers for the exhibits and we are not in the four digits

1           yet.

2                           **MR. ROULEAU:** A -- cinq sept sept A (577A).

3                           **THE COMMISSIONER:** A -- cinq sept sept A  
4           (577A).

5                           **MR. ROULEAU:** I believe the transcript came  
6           in two parts, that's why ---

7                           **THE COMMISSIONER:** C'est ça. Okay.

8                           **MR. ROULEAU:** Do you understand?

9                           **THE COMMISSIONER:** Okay. Yes, I do. I  
10          sometimes do.

11                           All right, so in what -- okay, I have the  
12          document, so where do you want me to turn to?

13                           **MR. ROULEAU:** Pages 156 and 157.

14                           **THE COMMISSIONER:** It's in Document B, I  
15          think. Okay.

16                           **MR. ROULEAU:** I am being told, Mr.  
17          Commissioner, that it would be 577B.

18                           **THE COMMISSIONER:** Yes. I am already there.

19                           **MR. ROULEAU:** Okay. But it's in any event  
20          pages 156 and 157.

21                           **THE COMMISSIONER:** That's where we have it,  
22          yes.

23                           **MR. ROULEAU:** And we would have pointed to  
24          Mr. Leroux that on one side in the transcript, the CPI  
25          transcript, he is referring to disclosure of Ken Seguin but

1 in the discovery transcript, and that's line 12 of page  
2 156, he is referring to disclosure of Nelson Barque ---

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

4 **MR. ROULEAU:** --- which is something  
5 different. And we would have pointed out ---

6 **THE COMMISSIONER:** Just a second, just a  
7 second.

8 **MR. ROULEAU:** Sure.

9 **THE COMMISSIONER:** Well, it doesn't -- it's  
10 not mutually -- I mean it could have been other Friday  
11 nights when Emile Robert showed up, but there is that.

12 **MR. ROULEAU:** There is that.

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

14 **MR. ROULEAU:** You understand. Most  
15 important is page 157, lines 4 to 11.

16 **THE COMMISSIONER:** Yes.

17 **MR. ROULEAU:** And also the bottom of page  
18 156, lines 22 to 26, where it is clear that he never got  
19 the courage to actually disclose.

20 **THE COMMISSIONER:** Yes.

21 **MR. ROULEAU:** And he never did, never spoke  
22 to Emile Robert in any way, shape or form.

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

24 **MR. ROULEAU:** And the last suggestion we  
25 would have put to him on that subject, and there is nothing

1 in the documents, but we would have suggested to him that  
2 Emile Robert had no idea who he was at the time.

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

4 **MR. ROULEAU:** So that would be point one.

5 **THE COMMISSIONER:** Okay.

6 **MR. ROULEAU:** Point two is the fact that the  
7 removal of Ken Seguin's personal phone book by Mr. Leroux -  
8 --

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

10 **MR. ROULEAU:** --- following Ken Seguin's  
11 death made it more difficult for probation to respond or to  
12 know what was going on.

13 **THE COMMISSIONER:** To know in which way?

14 **MR. ROULEAU:** What we would have wanted to  
15 establish, and I'll bring you to the transcript, is that  
16 Mr. Leroux knew that in that book, many names of  
17 probationers were there ---

18 **THE COMMISSIONER:** Yes.

19 **MR. ROULEAU:** --- all right? And I believe  
20 you will find that -- Volume 121 of the CPI transcript ---

21 **THE COMMISSIONER:** Yes.

22 **MR. ROULEAU:** --- page 49, lines 10 to 16:

23 "Were you familiar with some of the  
24 names in this book?"

25 Answer of Mr. Leroux:

1 "Yes."

2 "And did you know some of the names to  
3 be either probationers or former  
4 probationers of Mr. Seguin?"

5 "Yes."

6 And you have to consider what he had just  
7 said before page 48, lines 16 to 19, when Mr. Engelmann  
8 asked him:

9 "Why did you take the book?"

10 And his answer is:

11 "I figured maybe they'd investigate,  
12 pick up some of the names out of there  
13 and make trouble through some people.  
14 I don't know."

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

16 **MR. ROULEAU:** So I suggest to you we would  
17 have put to him that he made it more difficult for  
18 everybody to investigate and he knew about it when he  
19 decided to pick up the book.

20 **THE COMMISSIONER:** And where did the book  
21 end up?

22 **MR. ROULEAU:** Well, according to the  
23 testimony of Mr. Leroux ---

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

25 **MR. ROULEAU:** --- it was given to Gerald

1 Renshaw to be given to Doug Seguin.

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

3 **MR. ROULEAU:** I know it's a document that we  
4 have. I am not sure if it was entered into exhibit, but  
5 it's a document.

6 **THE COMMISSIONER:** So it would have been  
7 seized by the police or in the ordinary course ---

8 **MR. ROULEAU:** It would have been seized by  
9 the police, or if Mr. Leroux had any concerns, for example,  
10 if he had any concerns that he wanted to disclose, it was  
11 fine to disclose to Emile Robert. Why not give the book to  
12 Emile Robert or give the book to Probation?

13 **THE COMMISSIONER:** Okay.

14 **MR. ROULEAU:** So that something can be done  
15 about it. Somebody can see.

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

17 **MR. ROULEAU:** That would be the second  
18 point.

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

20 **MR. ROULEAU:** Third and last point would  
21 have been the two-sided personality of Mr. Seguin.

22 We would have put -- or would have liked to  
23 put to Mr. Leroux the fact that he was privy to both; both  
24 sides of Mr. Seguin in the sense that he knew what Mr.  
25 Seguin was up to, but he also considered him as a good

1 person. And I will simply refer you to, again, 577B which  
2 is the discovery transcript, page 162.

3 **THE COMMISSIONER:** Page 162, yes.

4 **MR. ROULEAU:** One-sixty-two (162).

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

6 **MR. ROULEAU:** And what is being asked is:

7 "Did you tell Seguin about Barque's  
8 abuse on you?"

9 And he says:

10 "I never even told Seguin; never told  
11 him."

12 "You know why?"

13 And that's line 6 on page 162.

14 "He was in the same boat. He was doing  
15 it."

16 So he had -- he knew about the dark side of  
17 Mr. Seguin. But if you go to page 168 ---

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

19 **MR. ROULEAU:** Yes.

20 **THE COMMISSIONER:** He said, "He didn't even  
21 know I was on parole I don't think".

22 **MR. ROULEAU:** I believe he means on  
23 probation.

24 **THE COMMISSIONER:** Okay.

25 **MR. ROULEAU:** Because he was on probation.



1                   **THE COMMISSIONER:** Okay.

2                   **MR. ROULEAU:** And that's one of the reasons  
3 why he says that he didn't disclose. One, Seguin thought  
4 highly of him and he didn't want to disclose the fact that  
5 he was on probation to Mr. Seguin, and number two, he knew  
6 Seguin was in the same boat.

7                   So he knew the dark side of Mr. Seguin, but  
8 on the other hand, at page 168 at the bottom of the page,  
9 lines 25 and 26, he says that he loved Ken, that he was a  
10 super guy. And page 169, line 7, he says he trusted Ken  
11 Seguin, and again lines 15 and 16 of page 169, this was --  
12 "this guy was a nice guy I mean". And he went even further  
13 when he testified here and that's the point we would have  
14 liked to raise with him or amplify, is that on pages 162  
15 and 163 of the transcript of June 26<sup>th</sup>, 2007, which is  
16 Volume 120, at the bottom of the page, Mr. Engelmann ---

17                   **THE COMMISSIONER:** What page again?

18                   **MR. ROULEAU:** One sixty-two (162).

19                   **THE COMMISSIONER:** Yes.

20                   **MR. ROULEAU:** One sixty-three (163).

21                   **THE COMMISSIONER:** Yes.

22                   **MR. ROULEAU:** At the bottom of the page,  
23 he's being asked about -- and that's lines 23-24, he's  
24 being asked about his relationship with Mr. Seguin, and he  
25 says they were just friends.

1                   On the next page, he again says he really  
2 likes Ken and he says the following: "He was a super human  
3 being."

4                   And that's the point -- and again, later on  
5 in lines 15 and 16, "My wife loved to feed him." So his  
6 wife -- he mentions his wife also appreciated Ken.

7                   So we would have made the point that had he  
8 not been close within the circle close to friends of Ken  
9 Seguin, it would have been difficult for somebody to know  
10 what Mr. Seguin was up to.

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

12                   **MR. ROULEAU:** Thank you.

13                   **THE COMMISSIONER:** Thank you.

14                   Mr. Thompson?

15                   Mr. Lee?

16                   **MR. LEE:** I just want to know, Mr.  
17 Commissioner, I'm having a bit of a hard time following  
18 without the screen always being on with the documents. I  
19 think the clerk is lagging a little bit behind because of  
20 the speed of counsel, and I would just ask if we can slow  
21 down a bit and let the documents get up there. I can  
22 imagine the public is having the same issue I am.

23                   **THE COMMISSIONER:** Terrific. Thank you.

24                   --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. THOMPSON:

25                   **MR. THOMPSON:** Good afternoon, Mr.

1 Commissioner.

2 **THE COMMISSIONER:** Good afternoon, sir.

3 **MR. THOMPSON:** Mr. Leroux, in various  
4 statements, affidavits and interviews has made serious --  
5 exceptionally serious allegations against the local Crown  
6 attorney, Murray MacDonald. Such allegations call into  
7 question the integrity of the person responsible for the  
8 prosecution of crime in Cornwall and suggest that the  
9 administration of justice in Cornwall is corrupt as a  
10 result.

11 My friend, Commission counsel, took Mr.  
12 Leroux through some of his statements wherein Mr. Leroux  
13 retracted allegations that Murray MacDonald was in a clan  
14 of pedophiles, if you will. It's my intent today to go  
15 through those other statements or affidavits or interviews  
16 wherein Mr. Leroux either implies or states explicitly that  
17 Murray MacDonald was in this so-called clan, and further to  
18 explore how his name came to be included in such  
19 statements, affidavits and interviews.

20 The first document I'd like to reference is  
21 Document number 711382. It's an exhibit, number 564.

22 **THE COMMISSIONER:** All right. So let's ---

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

24 **THE COMMISSIONER:** All right. So this is  
25 the Affidavit dated October -- well, it's not really an

1 affidavit.

2 **MR. THOMPSON:** I believe it's an unsworn  
3 Affidavit dated October 31<sup>st</sup>.

4 **THE COMMISSIONER:** It's unsworn and  
5 unsigned.

6 **MR. THOMPSON:** Right.

7 **THE COMMISSIONER:** Well, there may be one  
8 that's laying around that was signed. In any event,  
9 there's no place for a signature and there is no signature  
10 on this document.

11 **MR. THOMPSON:** That's right.

12 **THE COMMISSIONER:** Okay. Madam Clerk, if  
13 you can put that up? Which ---

14 **MR. ENGELMANN:** There is a -- sorry -- this  
15 is sworn somewhere in a handwritten form. I can search in  
16 a minute.

17 **THE COMMISSIONER:** Okay.

18 **MR. THOMPSON:** Five seven six (576).

19 **MR. ENGELMANN:** Five seven six (576).

20 **THE COMMISSIONER:** All right. So you still  
21 want to refer to 564 though?

22 **MR. THOMPSON:** I think that would be easier,  
23 yes.

24 **THE COMMISSIONER:** Fine. That's fine. In  
25 what portion?

1                   **MR. THOMPSON:** Paragraph 28, which is Bates  
2                   number 7043558.

3                   The paragraph reads:

4                                 "Ken Seguin advised me also that Rory  
5                                 was present as well as a bunch of VIPs.  
6                                 He also advised that Murray MacDonald,  
7                                 Crown attorney, was there."

8                   This is in reference to this supposed VIP  
9                   meeting in late August or early September of 1993.

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

11                   **MR. THOMPSON:** My friend, Mr. Manson, took  
12                   Mr. Leroux to this statement in his cross-examination and  
13                   Mr. Leroux did state that he had never seen -- that Murray  
14                   MacDonald had never been at Ken Seguin's home and he'd  
15                   never seen Murray MacDonald go from Ken Seguin's to Malcolm  
16                   MacDonald's.

17                   I would have further asked him that in fact  
18                   Ken Seguin never advised him that Murray MacDonald was  
19                   there as well; suggested to him that that was false, and I  
20                   would have explored how that came to be included in the  
21                   statement such as whether it was through influence of  
22                   others such as Mr. Dunlop or Mr. Bourgeois, or whether it  
23                   was as a result of his own interest in being -- feeling  
24                   like he was accomplishing something as he testified  
25                   earlier, whether he enjoyed being in the spotlights or what

1 was his motivations for having included that statement.

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

3 **MR. THOMPSON:** In the same document, I would  
4 turn to paragraph 37, which is the following page. In that  
5 document, it states -- that paragraph, it states:

6 "I later that day with my wife and son,  
7 Dustin, returned to Wilson's Funeral  
8 Home to talk with Ron Wilson. He, Ron  
9 Wilson, stated that they were all into  
10 it up to their necks. He specifically  
11 named Claude Shaver, Bishop LaRocque,  
12 Malcolm, Father Charlie, and then he  
13 stopped. He then stated that they will  
14 eventually get to the bottom of all of  
15 it. I stated that there were others.  
16 He stated, 'Oh, yes'. Ron Wilson then  
17 repeated the names of Claude Shaver,  
18 Bishop LaRocque, the Catholic Church,  
19 the Diocese of Alexandria, Malcolm  
20 MacDonald and Father Charles MacDonald;  
21 has been into it up to their necks and  
22 they will get to the bottom of it. I  
23 left shortly thereafter."

24 In that paragraph, there is no mention of  
25 Murray MacDonald, and I would contrast that paragraph with

1 a paragraph in the next document, which is Document number  
2 719664. It's Exhibit 567, paragraph 38, which is at Bates  
3 page 7071766.

4 This is an Affidavit sworn November 13<sup>th</sup>,  
5 1996. Paragraph 36 states -- sorry, 38 states:

6 "I later that day with my wife and son,  
7 Dustin, returned to Wilson's Funeral  
8 Home to talk with Ron Wilson. He, Ron  
9 Wilson, stated that they were all into  
10 it up to their necks. He specifically  
11 named Claude Shaver, Bishop LaRocque,  
12 Malcolm, Father Charlie, a Crown  
13 attorney, and then he stopped. He then  
14 stated that they will eventually get to  
15 the bottom of all of it. I stated  
16 there were others. He stated, 'Oh,  
17 yes'. Ron Wilson then repeated the  
18 names of Claude Shaver, Bishop  
19 LaRocque, the Catholic Church, the  
20 Diocese of Alexandria, Malcolm  
21 MacDonald, Father Charles MacDonald and  
22 a Crown attorney; has been into it up  
23 to their necks and they will get to the  
24 bottom of it. I left."

25 I would have asked him whether he meant

1 Murray MacDonald through his reference to a Crown attorney.

2 I would have suggested to him that this  
3 statement differed from the paragraph in the previous  
4 statement. I would have suggested to him that this  
5 statement is false, at least insofar as it references  
6 Murray MacDonald. I would have asked him questions about  
7 how that addition came to be included in this statement,  
8 whether it was through the influence of others or his own -  
9 - as well as his own motivations.

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

11 **MR. THOMPSON:** Further in the same document,  
12 I would have turned to paragraph 28, which is Bates page  
13 7071764. The first part of paragraph 28, it reads:

14 "On the Sunday morning, at  
15 approximately 8:30 a.m., myself and Ken  
16 are having a coffee in Ken backyard..."

17 And at the very bottom it says:

18 "I observed Murray..."

19 Put the page, please. Thank you.

20 "...MacDonald exit Ken's back door. I  
21 clearly observed Murray in the  
22 backyard."

23 This is in reference again to that late  
24 August or early September supposed VIP meeting.

25 I would have suggested to Mr. Leroux that



1 that is false and I would have explored with him how his  
2 story changed from him being advised by Mr. Seguin that  
3 Murray MacDonald was there, to him now having seen Mr.  
4 Murray MacDonald.

5 And, again, the motivations for the change  
6 in story and whether there's any influence for him to  
7 change that story.

8 The next document is Document Number 720044,  
9 Exhibit 569, page 3, which is Bates page 7072750.

10 The first line of the first paragraph, it  
11 states:

12 "The clan used to meet at a motel in  
13 Fort Lauderdale called the Salt Air."

14 The second paragraph reads:

15 "There was also a priest from  
16 Rochester, New York, that would come to  
17 the Salt Air. His name was Richard  
18 Orlando. I observed Bishop Eugene  
19 LaRocque, Claude Shaver, Murray  
20 MacDonald, Father MacDonald, Ken Seguin  
21 and Ron Wilson on Birch Avenue in Fort  
22 Lauderdale, Florida. Birch Avenue is a  
23 known pick-up spot for young male  
24 prostitutes."

25 I would have suggested to him that that

1 statement was false and that Murray MacDonald will testify  
2 he had never been to Florida up to that point in his life,  
3 and for clarity, he will testify that all of the statements  
4 that suggest that he was involved in any sort of clan of  
5 pedophiles are patently false.

6 Again, I would have explored with him to  
7 what extent influences brought to bear on him adding that -  
8 - making that statement and what, if any, motivation he had  
9 to make such a statement.

10 The next document is 704042, Exhibit Number  
11 570. This is a statement of Ron Leroux signed December 7<sup>th</sup>,  
12 1997, looking at page 3, which is Bates page 7013915.

13 **MR. ENGELMANN:** Just for the record, sir, I  
14 believe this should be 1996. There's a change at the end  
15 of this and I think we resolved that this was December of  
16 '96.

17 **THE COMMISSIONER:** Yes, there is a change  
18 there.

19 **MR. THOMPSON:** Thank you. I agree.

20 This is an identical paragraph and I would  
21 simply suggest that that too is false and explore the  
22 motivations and influence in terms of that paragraph.

23 The next document is 712799, Exhibit Number  
24 572, looking at Bates page 7048582. This is a videotaped  
25 interview of Mr. Leroux with Officers Anthony and Bell and

1 counsel Charles Bourgeois. At the bottom of the page it  
2 says:

3 "Ah..."

4 This is from Bell.

5 "...I -- I guess he would have been.

6 You've discussed that. Oh -- sorry --

7 our -- our -- oh yes, Salt Air and..."

8 On the following page:

9 "Okay. Richard Orlando. I observed --

10 I've observed Bishop Eugene LaRocque,

11 Claude Shaver, Murray MacDonald. He's

12 an ex -- he's a Crown attorney. Is he

13 ex now or still? Still is."

14 That is in reference to, again, the Salt Air  
15 Hotel in Fort Lauderdale. And, again, I would have  
16 suggested to him that that is false, explored his  
17 motivations and any influence on him in making such a  
18 statement.

19 The next document is 716192, Exhibit Number  
20 571, looking at Bates page 7060053. So it reads:

21 "See any Crown attorneys there?

22 Yeah.

23 Do you remember who?

24 Yeah. Malcolm's son or Milton's son.

25 Murray MacDonald?

1                               Yeah."

2                               This again is a reference to this supposed  
3                               VIP meeting in late August-September, 1993. I would have  
4                               suggested to him that that statement is false and explored  
5                               the motivations and influence on him in making such a  
6                               statement.

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

8                               **MR. THOMPSON:** The final document I'd like  
9                               to turn to is 712804. It's Exhibit 574. It's Bates page  
10                              7048791 and it reads:

11                             "On Sunday morning, in late August of  
12                             1993, okay, you mentioned in your video  
13                             statement that you observed Murray  
14                             MacDonald exit from Ken's back door and  
15                             in the backyard.

16                             Yeah.

17                             In 1993, how did you know Murray  
18                             MacDonald?

19                             I met him with Ken or Malcolm and I  
20                             knew he was a district attorney.

21                             Dropping down to the next individual,

22                             Officer Genier:

23                             "What conversations did you participate  
24                             in, if any, concerning Murray  
25                             MacDonald?"

1 I had seen him at Ken's. I was  
2 standing right near him. I was just  
3 introduced to him. I knew him anyway  
4 but he said, 'You know Murray  
5 MacDonald'.  
6 And you met him when? Was it right  
7 then and there?  
8 No, no. I knew him from before.  
9 Twenty-six years I've lived in the  
10 area.  
11 And when were you introduced to him?  
12 Ken introduced me to him in his  
13 backyard. I had seen him come down  
14 there with -- when the chief of police  
15 was there and uh ---  
16 And how often would this have happened  
17 that you met him there?  
18 A few times; three, four times. I had  
19 seen him from -- from my house to his  
20 house. It's only one door over.  
21 They'd sit out and talk or something or  
22 they'd go to the island and hang out  
23 with Malcolm.  
24 And how long of a span would these few  
25 times be?"

1 I'm just going to read a little bit longer.

2 "Oh, maybe two summers that I really  
3 noticed, you know, just from the guys  
4 having -- starting talking about his  
5 problem there. It was just he was  
6 being more company coming around like  
7 out to the island. They had a VIP  
8 dinner uh -- and uh, there was quite a  
9 gang that showed up there, chief of  
10 police, another police officer, uh, Ron  
11 Wilson, uh, uh, a priest, the bishop,  
12 and they take three-four boat loads  
13 over back and forth between Ken's boat  
14 and Malcolm's boat and then some left  
15 from the marina.

16 So you, you say you're introduced to  
17 Ken in August of '93?

18 I was introduced to -- introduced to --  
19 uh, sorry, Murray -- Murray MacDonald.

20 Sorry. You were introduced to Murray  
21 MacDonald in August of '93 -- '92 --  
22 '92 -- uh, '93; correct?

23 Correct."

24 And then further down the page, Leroux, it

25 says:

1 "And it would be roughly last week in  
2 August, first week in September, in  
3 that area."

4 And then further down, Officer Genier:

5 "Who else is there when you're  
6 introduced to him?

7 M'hm, Ken on my left. M'hm, just Ken  
8 that morning; just Ken. I don't know  
9 if he was the first one that had  
10 arrived there. Then I left. I left  
11 and went over to the house and they  
12 just stand out there talking."

13 I would have suggested to him that these  
14 statements are incorrect and false and that his story was  
15 first that he was advised that he had seen Murray MacDonald  
16 there. That had been changed to him witnessing Murray  
17 MacDonald there and finally changed to him being introduced  
18 to Murray MacDonald there and going over to Ken Seguin's  
19 house on multiple occasions.

20 Murray MacDonald will deny all of these  
21 allegations and I would have explored again the motivation  
22 for including those allegations and what influence was  
23 brought to bear on him in including them.

24 And those are my submissions.

25 **THE COMMISSIONER:** Thank you.

1                   We'll take the lunch break and come back at  
2                   2:00.

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

5                   This hearing will resume at 2:00 p.m.

6                   --- Upon recessing at 12:27 p.m. /

7                   L'audience est suspendue à 12h27

8                   --- Upon resuming at 2:04 p.m. /

9                   L'audience est reprise à 14h04

10                  **THE REGISTRAR:** This hearing is now resumed.

11                  Please be seated. Veuillez vous asseoir.

12                  **THE COMMISSIONER:** Thank you.

13                  Mr. Engelmann?

14                  **MR. ENGELMANN:** Mr. Commissioner, I'm not  
15                  sure where you are in the batting order. I just ---

16                  **THE COMMISSIONER:** Mr. Thompson had  
17                  finished, I believe.

18                  **MR. ENGELMANN:** Yes.

19                  **THE COMMISSIONER:** And then we would be up  
20                  to lawyers for Monsieur Leduc. I don't think there's  
21                  anyone here today.

22                  **MR. ENGELMANN:** No.

23                  **THE COMMISSIONER:** So we would be up to Mr.  
24                  David Sherriff-Scott for the diocese.

25                  **MR. ENGELMANN:** Okay. So just one comment



1 before we start. Mr. Westdal is here for Mr. van Diepen.  
2 You'll recall that Mr. van Diepen has limited standing.

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

4 **MR. ENGELMANN:** And he wished to make some  
5 submissions. I don't know where you want to fit him in in  
6 the order. He says it will be about 10 minutes.

7 **THE COMMISSIONER:** For submissions?

8 **MR. ENGELMANN:** He would be about 10  
9 minutes.

10 **THE COMMISSIONER:** As in preparing -- giving  
11 me ---

12 **MR. ENGELMANN:** Yes.

13 **THE COMMISSIONER:** --- some cross-  
14 examination.

15 **MR. ENGELMANN:** Right.

16 **THE COMMISSIONER:** All right. I don't care.

17 **MR. ENGELMANN:** Maybe we could have him go -  
18 - maybe we should let him go now and ---

19 **THE COMMISSIONER:** Okay. And so while we're  
20 at this junction, I think there was some discussion as to  
21 when we would be resuming on next Tuesday.

22 **MR. ENGELMANN:** Yes.

23 **THE COMMISSIONER:** And I think it should be  
24 official now that we will start at 10 o'clock on Tuesday  
25 morning.

1                   **MR. ENGELMANN:** Yes, and I haven't had a  
2 chance to speak to all counsel. A couple have asked me  
3 questions about next week. I will be available right after  
4 we finish this afternoon to speak to counsel if they have a  
5 few minutes.

6                   **THE COMMISSIONER:** Terrific. Thank you.

7                   **MR. ENGELMANN:** Thank you.

8                   **THE COMMISSIONER:** Okay. Mr. Westdal?

9                   **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WESTDAL:**

10                  **MR. WESTDAL:** Thank you.

11                  **THE COMMISSIONER:** Good afternoon, sir.

12                  **MR. WESTDAL:** I wasn't here this morning. I  
13 anticipated this taking place tomorrow and so I've just  
14 come in at the eleventh hour, but I appreciate you being  
15 able to slot me in at this time.

16                  **THE COMMISSIONER:** Perfect.

17                  **MR. WESTDAL:** As you know, I'm counsel for  
18 Joss van Diepen who is a probation officer. Had I been  
19 given the opportunity to cross-examine Mr. Leroux, I would  
20 have touched on three areas.

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

22                  **MR. WESTDAL:** The first being the assignment  
23 of the Morrisburg territory from Ken Seguin to Mr. van  
24 Diepen.

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

1                   **MR. WESTDAL:** The second would be Mr. van  
2 Diepen's presence at what I might call certain hot spots, which  
3 I'll get into.

4                   And the third would be an alleged encounter  
5 between Mr. van Diepen and Mr. Leroux at the Seguin funeral  
6 alleged to have taken place at Ron Wilson's Funeral Home.

7                   So focussing briefly on the transfer of the  
8 Morrisburg territory, just to put that in context for you,  
9 you might recall during Mr. Leroux's testimony on June 27<sup>th</sup>,  
10 he spoke about a fractured relationship between Ken Seguin  
11 and van Diepen. And as part of that, he raised the fact  
12 that the Morrisburg territory, which had been previously  
13 the responsibility of Mr. Seguin, he raised the fact that  
14 it was transferred to Mr. van Diepen.

15                   And as evidenced on that point about how  
16 that transfer occurred was that, and I'll quote -- and  
17 perhaps it's best to just make reference to the transcript.  
18 It's Volume 121. It's the June 27<sup>th</sup> ---

19                   **THE COMMISSIONER:** I have it. What page?

20                   **MR. WESTDAL:** Page 71.

21                   **(SHORT PAUSE/COURTE PAUSE)**

22                   **THE COMMISSIONER:** Yes.

23                   **MR. WESTDAL:** And I believe just scrolling  
24 down it's not -- oh, sorry, on page 70.

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

1                   **MR. WESTDAL:** Okay. Yes, sorry, the very  
2 top of 71. Thank you.

3                   His response to that was:

4                                "And Joss applied and he got it or he  
5                                went to his boss or something and took  
6                                his territory from him; and a company  
7                                car, and a government car. So he lost  
8                                that."

9                   I'd certainly seek to explore with Mr.  
10 Leroux his understanding of that and in particular when he  
11 uses the words, "he took his territory". I would want to  
12 hear from Mr. Leroux whether he was aware of anything  
13 criminal or quasi-criminal in that transfer taking place.

14                                And I would suggest to him that there  
15 absolutely was nothing improper about that transfer.  
16 Nothing comes out in the transcript on June 27<sup>th</sup> and the  
17 issue is explored again the following day, June 28<sup>th</sup>. The  
18 transcript there is -- it's Volume 122 and I don't know  
19 whether there's a need to go to it, but again, there is  
20 nothing there to suggest that there was anything improper  
21 about that transfer.

22                                **(SHORT PAUSE/COURTE PAUSE)**

23                   **MR. WESTDAL:** The second point I would  
24 explore with Mr. Leroux was Mr. van Diepen's presence at  
25 Ken Seguin's house, Malcolm MacDonald's summer residence or

1 St. Andrews Parish House. In the affidavit of November  
2 13<sup>th</sup>, which is Exhibit 567, Mr. van Diepen is included on a  
3 list of individuals who he says were present at those  
4 locations. But then on June 28<sup>th</sup>, in his testimony before  
5 this Inquiry ---

6 **THE COMMISSIONER:** Where do you see an  
7 Exhibit 567?

8 **MR. WESTDAL:** Five sixty seven (567). I  
9 understand it's paragraph six.

10 **THE COMMISSIONER:** Oh yes, number 33.

11 **MR. WESTDAL:** Number 33.

12 On June 28, when Mr. Leroux is giving  
13 evidence before this Inquiry, he advised that he didn't see  
14 Mr. van Diepen at these places. And I would draw the  
15 Inquiry's attention to the June 28<sup>th</sup> transcript which is  
16 Volume 122 and on page 100 and then 104, he confirms that.  
17 So the top of 104, we see -- which is on the screen:

18 "van Diepen was not there, just lunched;  
19 this guy had nothing to do with these three  
20 places".

21 One-zero-four (104) is on the screen but  
22 also on 100 there's -- page 100, there's a similar  
23 reference. Thirty-three (33), so sorry, it's on 101, the  
24 thread starts on 100 and on 101, he ---

25 **THE COMMISSIONER:** Okay, so ---

1                   **MR. WESTDAL:** Mr. van Diepen is number 33 on  
2 the list and there is some confusion about whether it's 25,  
3 but then it's 33 and then that's later confirmed on page  
4 104.

5                   **THE COMMISSIONER:** No, what he is asking him  
6 is:

7                                   "Look at the list."

8                   And he says:

9                                   "From 1 to 25?"

10                  And then I say:

11                                  "No, no. It's more than that, there  
12 are 33."

13                  **MR. WESTDAL:** Okay.

14                  **THE COMMISSIONER:** Okay. So then he goes  
15 through and says:

16                                  "All right. Which ones on the list  
17 weren't there?"

18                  And then I think it goes down to 104 where he says ---

19                                  **MR. WESTDAL:** To van Diepen.

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

21                                  **MR. WESTDAL:** Yes.

22                                  **THE COMMISSIONER:** Okay.

23                                  **MR. WESTDAL:** We'd want to explore, I mean,  
24 if his evidence is now that van Diepen wasn't there and yet  
25 he deposed to it, how did his name get on the list?

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

2                   **MR. WESTDAL:** His evidence was that he  
3 didn't prepare that affidavit and I would want to explore  
4 with him, "Well, was van Diepen's name -- did it appear in  
5 the affidavit the first time and he just signed off in an  
6 effort to assist in this or was van Diepen's name suggested  
7 to him beforehand?"

8                   He then advised whoever was taking notes  
9 regarding the preparation of the affidavit and, "That's how  
10 it occurred". I'd certainly want to nail down because we  
11 do have an inconsistency that van Diepen was not there.

12                   **THE COMMISSIONER:** But there are many other  
13 alternatives ---

14                   **MR. WESTDAL:** There, so what ---

15                   **THE COMMISSIONER:** --- you want to know  
16 under what circumstances did the name van Diepen show up?

17                   **MR. WESTDAL:** Absolutely.

18                   **THE COMMISSIONER:** Okay.

19                   **MR. WESTDAL:** Yes.

20                   The third area I would have touched on was  
21 the encounter between -- the alleged encounter between  
22 Leroux and van Diepen at Ken Seguin's funeral. I think I  
23 would have prefaced it by exploring the nature of the  
24 relationship between the two. And I would have suggested  
25 to Leroux that he and Mr. van Diepen were mere

1 acquaintances. They were not friends. They were not  
2 professional colleagues. And I'd suggest that Mr. van  
3 Diepen would never have confided or shared confidences with  
4 Mr. Leroux.

5 I would have then turned my attention to his  
6 statement on June 27<sup>th</sup> which is -- sorry, statement which  
7 came up in the -- on the transcript of June 27<sup>th</sup>, that's  
8 Volume 121.

9 **THE COMMISSIONER:** What page?

10 **MR. WESTDAL:** And page 65, right at the top  
11 there, where Mr. Leroux states regarding this exchange,  
12 that he got into just a little argument about something:

13 "Not even sure anymore what the hell I  
14 said. We got into a little bit of an  
15 argument; something about work --  
16 paperwork that he had left behind or  
17 something like that. And I said, 'You  
18 know we had a discussion of it'".

19 I would want to explore with Mr. Leroux  
20 exactly what paperwork we're talking about here. I would  
21 put it to him that Mr. van Diepen would not be confiding in  
22 him about paperwork. We don't know what kind of paperwork  
23 he is talking about, but in terms of this kind of  
24 closeness, this confiding about documentation that may have  
25 existed regarding Ken Seguin, is something we believe did



1 not occur. And I'd want to explore that with him.

2 I also would question Mr. Leroux about where  
3 this discussion actually took place. Mr. van Diepen's  
4 evidence is going to be that there was a discussion but it  
5 didn't take place at Ron Wilson's Funeral Home. It  
6 certainly had nothing to do with paperwork. That actually  
7 took place at St. Andrews Church near the front doors. So  
8 I would want to just nail down that and see if his memory  
9 is any better; whether that tweaks his memory.

10 The final point about that encounter is in  
11 that same transcript on page 67 ---

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

13 **MR. WESTDAL:** --- at the very top. There is  
14 discussion about van Diepen allegedly saying to Leroux that  
15 he had warned Seguin and the question is the warning about  
16 what? And his responses about his fooling with his young  
17 parolees, I would put it to Mr. Leroux that this is purely  
18 an assumption on his part.

19 Later in the transcripts, Mr. Leroux  
20 comments and it's at the very bottom -- not of the  
21 transcript but of the screen -- Leroux says:

22 "Told him to watch his step."

23 The allegation that van Diepen warned Seguin  
24 to stop fooling around with young parolees and then  
25 confided in Leroux that he said that is -- it just does not

1 add up in our view.

2 And I don't want to make argument now. I  
3 won't. But I need to explore that. And I would suggest  
4 that his response is going to be, "No, that's not what he  
5 said". At most it was, "Watch your step".

6 There are two parts here that are rather  
7 sensational.

8 If we talk about paperwork and his evidence  
9 was going to be perhaps it was a confession or some sort,  
10 and there is an allegation to stop fooling around with the  
11 young parolees, these really are juicy elements to this  
12 story.

13 And I would have picked up on Mr. Manson's  
14 cross-examination where he did suggest to Mr. Leroux that  
15 some of the more compelling aspects were perhaps included  
16 later to make this a little bit juicier a story, and I  
17 would certainly want to explore that with him. And we  
18 would be submitting that those things did not occur and  
19 were added merely to spice up the situation.

20 That's all I would have explored with him.

21 **THE COMMISSIONER:** Thank you.

22 **MR. WESTDAL:** Thanks for the opportunity.

23 **THE COMMISSIONER:** Thank you.

24 Mr. Sherriff-Scott?

25 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:

1                   **MR. SHERRIFF-SCOTT:** It'll just take me a  
2 second here to organize my books. Thank you, sir.

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

4                   **MR. SHERRIFF-SCOTT:** Just a brief digression  
5 on the subject of the process, Commissioner.

6                   What I would intend to do is to give you a  
7 flavour of what I might have done had he been here. I  
8 wouldn't want to face a sort of *Browne v. Dunn* argument at  
9 a later point that I didn't do it here at this point in  
10 time, and thus I shouldn't be arguing on it later. There  
11 are certain things I might have done if he were here live  
12 and pursued more vigorously and down certain lines that I  
13 may not have otherwise.

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

15                  **MR. SHERRIFF-SCOTT:** And so with that  
16 caution, I would say that the basic premise or theory of  
17 points in pursuance of which I would have examined him are  
18 as follows.

19                  First, that there is no question that Mr.  
20 Leroux lied to public institutions and it would have been  
21 my submission both to him, and the points I would have  
22 pursued are that he lied deliberately and calculatingly and  
23 that he had an enormous amount to hide and to gain by doing  
24 so.

25                  My basic theory is sort of more on Ockham's

1 Razor. It's sort of the most obvious reason why one might  
2 lie and I would have put these propositions to him. He had  
3 a lot to hide and by making himself important, he dodged  
4 what he had to hide and he succeeded in doing it quite  
5 craftily, I submit.

6 And I would say and pursue in my theory with  
7 him that not only did he lie to protect himself by creating  
8 stories not only about others and their activities, I would  
9 put it to him that his own abuse is a story, and I would  
10 suggest that in doing these things, he attacked many  
11 innocent people. And then he came here and attempted to  
12 explain his lies with more lies. And the basic  
13 proposition, which I would have pursued on that theory, was  
14 that he attempted to lay everything at the foot of Mr.  
15 Dunlop.

16 And while I have points to discuss with Mr.  
17 Dunlop in terms of what he did, I think Mr. Leroux lied  
18 about Mr. Dunlop for his own purpose; that he lied to  
19 protect himself and then when he was exposing his lies, he  
20 lied about the reason he lied.

21 Lies breed lies, and that would have been  
22 the sort of goal of the cross-examination in terms of  
23 various iterations. I would have started more specifically  
24 with his allegations against Kevin Maloney, one of my  
25 clients. I would have started by putting to him Kevin

1 Maloney's statement that was given to the police, which is  
2 Document Number 111534, and I would have marked that as an  
3 exhibit. I would have put various propositions in the  
4 statement, to him.

5 **THE COMMISSIONER:** Exhibit 678.

6 **MR. SHERRIFF-SCOTT:** Thank you.

7 **THE COMMISSIONER:** Audio-taped interview  
8 report of Reverend Kevin Joseph Maloney on the 17<sup>th</sup> of  
9 September, 1998.

10 **--- EXHIBIT NO./PIÈCE No. P-678:**

11 (111534) Transcript of Audio-taped  
12 Interview Report - Reverend Kevin  
13 Joseph Maloney with OPP S.T. Seguin and  
14 D.C. Genier dated September 17, 1998

15 **MR. SHERRIFF-SCOTT:** And I would have  
16 started on this subject, Commissioner, around pages 12 and  
17 13, and I don't propose to read these to you, but I will  
18 give you my references on the subject.

19 They start with the sort of basic ancillary  
20 and introductory points about what Kevin Maloney had to say  
21 about Ron Leroux and, in particular, that when he was asked  
22 if he knew who he was, he confirmed that they went to the  
23 same grade school. I would have confirmed these details  
24 with Mr. Leroux; that they went to different high schools  
25 because of jurisdictional boundaries within the city and

1           that Mr. Maloney -- Kevin Maloney -- Father Maloney would  
2           have seen Mr. Leroux around town while they were in high  
3           school. And that less so following high school, just as a  
4           method of introducing how Mr. Leroux already knew who  
5           Father Maloney was.

6                           I would have put it to him that what he knew  
7           of him was that he was a pleasant person who had never  
8           offered him offence and then I would have switched to the  
9           statements and materials that Mr. Leroux offered to Mr.  
10          Dunlop in connection with Kevin Maloney.

11                          And here, for the record, sir, because it's  
12          a sort of negative proposition, we don't need to turn the  
13          documents up, but I'll give you my references. I would  
14          have taken him through the sort of metamorphosis of his  
15          statements with Mr. Dunlop.

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

17                          **MR. SHERRIFF-SCOTT:** And how the allegation  
18          that ultimately he backed off here at the Commission about  
19          Father Maloney, was not in a number of statements as the  
20          documents progressed in their metamorphosis, starting with  
21          Exhibit 563, which is an October 10<sup>th</sup>, 1996 document already  
22          marked. There is no mention of Kevin Maloney in that  
23          document.

24                          Then there is an October 11<sup>th</sup> document, and I  
25          wasn't certain from my review whether or not that had been

1 marked. And so if we can turn up Document Number 716128.  
2 I'll just check. Mr. Engelmann gave me on accordance,  
3 which -- sorry -- would equate to the Commission's 716092.  
4 It is a handwritten document of the 11<sup>th</sup> of October.

5 **THE COMMISSIONER:** Let's see if that's an  
6 exhibit already.

7 **MR. SHERRIFF-SCOTT:** Yes.

8 **THE COMMISSIONER:** Is it? No, it's not.

9 **THE COMMISSIONER:** What is this document?  
10 Exhibit 679 is what here?

11 **MR. SHERRIFF-SCOTT:** He is not mentioned,  
12 that is to say Father Maloney is not mentioned in this  
13 document.

14 **MR. SHERRIFF-SCOTT:** It appears to be a  
15 handwritten statement with Ron Leroux's signature in the  
16 margin of each page, Commissioner.

17 **--- EXHIBIT NO./PIÈCE No. P-679:**

18 (716092) Handwritten notes of Perry  
19 Dunlop re Ron Leroux dated October 11,  
20 1996

21 **THE COMMISSIONER:** All right, at ---

22 **MR. SHERRIFF-SCOTT:** And then there is no  
23 final sign-off, but it looks like Mr. Dunlop's signature  
24 and/or Mr. Bourgeois and Mr. Leroux's signature in the  
25 marginal page of each reference with no final sign-off.

1                   This is from the notes of Mr. Dunlop, and  
2                   there are questions in particular at the last page about  
3                   who Mr. Leroux might have seen at Ken Seguin's, et cetera.  
4                   Father Maloney is not mentioned in the document at all.

5                   Then I would have taken him to the documents  
6                   that progressed, including Document Exhibit 576 where he  
7                   was, in fact, mentioned for the first time.

8                   **THE COMMISSIONER:** I'm sorry, which number  
9                   again?

10                  **MR. SHERRIFF-SCOTT:** It is Exhibit 576,  
11                  Commissioner.

12                  **THE COMMISSIONER:** Thank you.

13                  **MR. SHERRIFF-SCOTT:** This is the handwritten  
14                  document which is a sworn document of Mr. Leroux, where  
15                  there are for the first time, sir, lists of names.

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

17                  **MR. SHERRIFF-SCOTT:** And at the third page  
18                  of the document for the first time, Father Kevin Maloney's  
19                  name appears, but it's not attached to any specific  
20                  allegation or details. This is the long list of people at  
21                  paragraph 6.

22                  **THE COMMISSIONER:** Oh, right, sorry, yes.

23                  **MR. SHERRIFF-SCOTT:** Yes.

24                  And there's no detail, no allegation of any  
25                  specificity.



1                   **THE COMMISSIONER:** Yes, well ---

2                   **MR. SHERRIFF-SCOTT:** He says there are  
3 people but doesn't relate any details about what abuse they  
4 perpetrated, other than, you know ---

5                   **THE COMMISSIONER:** No, but he does throw him  
6 in with the clan of pedophiles.

7                   **MR. SHERRIFF-SCOTT:** Yes, yes, yes, of  
8 course.

9                   **THE COMMISSIONER:** Okay.

10                  **MR. SHERRIFF-SCOTT:** But he says, "This is  
11 the clan" as he described it, which many of these names he  
12 admitted he never knew or saw anything untoward about, but  
13 he includes them in this list, devoid of any specificity is  
14 my point.

15                  **THE COMMISSIONER:** Okay.

16                  **MR. SHERRIFF-SCOTT:** This is the first phase  
17 in the metamorphosis, the other documents having made no  
18 mention of him whatsoever.

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

20                  **MR. SHERRIFF-SCOTT:** And I would have put to  
21 him that this was consistent with Mr. Dunlop arriving with  
22 his book of photographs for the first time.

23                               Then there are two other documents of even  
24 date which are November 13, 1996 and they are Exhibits 565  
25 and 566 respectively and -- this is only for your note --

1 they are to the same effect, no details, same sort of  
2 allegation. He's just part of the list.

3 **THE COMMISSIONER:** Yes. Okay.

4 **MR. SHERRIFF-SCOTT:** And then there is  
5 Exhibit 567 ---

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

7 **MR. SHERRIFF-SCOTT:** --- which is to the  
8 same effect, another document of the same date.

9 And so in all of the documents that he  
10 prepares with Mr. Dunlop over the months of October and  
11 November, at the highest, he's mentioned in the context of  
12 this group without any detail and it's only later that the  
13 story which he retreated from, in part, here about Kevin  
14 Maloney was articulated in December.

15 So picking up on the fact that these  
16 documents followed this kind of metamorphosis, I would then  
17 have chided him that his purpose here was to set the record  
18 straight and I would have put to him a number of  
19 propositions, including the following, which I submit he  
20 would have agreed to: that he never saw Kevin Maloney  
21 sexually abuse anyone; that he never saw him sexually abuse  
22 a minor person; that it was wrong to call him a pedophile  
23 or to say he witnessed sexual improprieties; and that this  
24 was all the truth notwithstanding what he had recorded  
25 before, which he retreated from in part.

1 I would also have put to him that he never  
2 saw him at either Ken Seguin's or Malcolm MacDonald's or at  
3 any other venue giving rise to any concern.

4 Then I would have switched to another  
5 subject ---

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

7 **MR. SHERRIFF-SCOTT:** --- which is what I  
8 would describe as David Silmser's telephone calls to Ken  
9 Seguin in December of 1992 and following.

10 And the reason I would have pursued this  
11 line of questioning, the point I would be ultimately  
12 searching for is -- although I would be reluctant or  
13 reticent to use Mr. Leroux's evidence to try and  
14 corroborate anything -- it is consistent with the evidence  
15 of Malcolm MacDonald and Ken Seguin and their statements in  
16 early '93 and late '92, in which they contend that David  
17 Silmser was repeatedly calling Ken Seguin, searching for  
18 money.

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

20 **MR. SHERRIFF-SCOTT:** And in this regard, I  
21 would have taken Mr. Leroux to Exhibit 562 -- and picking  
22 up, just by way of brief digression, on what the witness  
23 said this morning, maybe there's nothing wrong with looking  
24 for money when you're a victim and you've been wronged, but  
25 what is wrong is lying about it.

1 And so I would have started with Exhibit 562

2 ---

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

4 **MR. SHERRIFF-SCOTT:** --- which is where Mr.  
5 -- and you needn't turn it; I can just summarize these  
6 points for you -- which were Mr. Leroux said that in  
7 December of 1992 is when he saw Ken Seguin walking out on  
8 the ice and was severely depressed, and that he took him  
9 then to Florida. And here in the transcript he summarizes  
10 -- and I would have just put this as confirmatory because  
11 he had already testified to it, and he repeated it here,  
12 that Mr. Seguin told him that he was facing the risk of  
13 investigation in connection with Mr. Silmser's allegation  
14 and that Mr. Seguin told Mr. Leroux that Ms. Silmser,  
15 beginning in December of 1992, co-terminus with Mr. Silmser  
16 going to the police and the diocese in Ottawa, began  
17 calling Mr. Seguin on the telephone and threatening reports  
18 and demanding money.

19 And then what Mr. Leroux would have  
20 confirmed, I submit, and did in his earlier testimony, was  
21 that these phone calls continued through the winter and  
22 spring months and ultimately later into the fall of '93  
23 when Mr. Seguin took his own life. And I would have used  
24 those to establish the proposition that I articulated at  
25 the beginning, that this would be a point offered in

1 connection with Mr. Silmser's lack of credibility on this  
2 issue when he testified here.

3 Then switching back to another point which  
4 involves the relationship with Mr. Dunlop and the meetings  
5 with him, here I would have explored what I call -- and I  
6 averted to at the beginning -- which are the motives for  
7 lying being self-protection. And I would have put a number  
8 of propositions to him, which he basically confirmed in the  
9 June 27<sup>th</sup> transcript, and so I'll just give you these  
10 points: that when Mr. Dunlop arrived, we know -- and Mr.  
11 Leroux had said himself that C-8 had told Mr. Dunlop where  
12 to find Mr. Leroux; that in the fall of '96, Mr. Dunlop  
13 made telephone contact with Mr. Leroux and asked him to  
14 talk about Mr. Seguin et al and what went on at his home,  
15 and that in response to that request, Mr. Leroux refused to  
16 become engaged in the discussion with Mr. Dunlop. And I  
17 say that's a telling refusal.

18 Next, that there was a second phone call,  
19 which he confirmed at page 89 of that transcript of June  
20 27<sup>th</sup> here before you, again where he refused.

21 And then there was the discussion with Mr.  
22 Bourgeois at page 90 of the transcript, sort of like Caesar  
23 being offered the crown three times, but this time he  
24 accepts in response to Mr. Bourgeois suggesting, among  
25 other things, that there may be an obstruction of justice

1 and in which Mr. Leroux demands that -- Mr. Bourgeois  
2 essentially demanded that he speak to Mr. Dunlop.

3 So I would then take him through a number of  
4 propositions which were he didn't want to talk to these  
5 people, and that he was through with Cornwall, and that, as  
6 he said in his evidence here, he didn't want anything to do  
7 with Mr. Dunlop because he, "saw what was coming" and was  
8 concerned about that.

9 And then I would have moved to the basic  
10 proposition, which I have advanced, he changed his mind.  
11 Notwithstanding that he said he didn't want anything to do  
12 with Mr. Dunlop and notwithstanding his good reasons in his  
13 mind for not doing so, he eventually met with him and began  
14 discussions.

15 And I say the evidence offered here for that  
16 was false and disingenuously so, and I would have put that  
17 to him. He was reluctant, refused, but ultimately agreed,  
18 notwithstanding the fact that he confirmed these things,  
19 and I would have put these to him: 1) he spent a lot of  
20 time away from his home, many weeks or days and weeks; 2)  
21 he said it caused him to be unable to fulfil contracts; 3)  
22 he lost work and began losing money and began having  
23 difficulty; 4) to pay bills and business expenses; and 5)  
24 he was away from his wife a lot, who he didn't want to be  
25 away from; and 6) to use his own words in the end, "lost a

1 good deal".

2 And all of this happened, I would put to  
3 him, reluctantly so. He did all these things. He  
4 travelled to Toronto, to Cornwall, to Florida, many  
5 meetings, et cetera, spent his own money and suffered these  
6 difficulties, he says, reluctantly so.

7 And then I would have brought him to Mr.  
8 Dunlop -- the allegations against Mr. Dunlop that he  
9 repeated here before this Commission. "He hounded me  
10 constantly," he said, "coerced me constantly". These, I  
11 would have put to him, that he was intimidated and felt  
12 threatened, that he said that he signed his statements,  
13 although he didn't read them or only scanned them, that he  
14 said that when he raised concerns about inconsistencies,  
15 these were essentially brushed off on the assurance that  
16 others would corroborate these pieces of information, and  
17 that he basically said he was coerced and intimidated into  
18 the lies that he referred to here and the recantation that  
19 he went through.

20 And then I would have attempted to, with  
21 him, explore just why he did that, just what was the threat  
22 and the intimidation and the coercion. "What was the screw  
23 that Mr. Dunlop had to turn", I would have put to him.

24 And what I would have put to him was, first,  
25 Mr. Dunlop, as he said here, told him the Seguin matter was

1 being treated as a possible murder/suicide. And I would  
2 have suggested to him that he was fearful and intimidated  
3 on his own inference drawing that he may somehow be a part  
4 of that investigation.

5 And in support of that, Commissioner I would  
6 have referred to him, his transcript in an examination for  
7 discovery, Exhibit 577, I believe it is 577A, at pages 177,  
8 178 -- yeah -- and it's, sorry, 'B'.

9 **THE COMMISSIONER:** Yeah.

10 **MR. SHERRIFF-SCOTT:** This is where he's  
11 being examined in the context of his own civil law suit.

12 **THE COMMISSIONER:** Yes. So -- oh, okay.

13 **MR. SHERRIFF-SCOTT:** I'm sorry. I don't  
14 have it on the screen ---

15 **THE COMMISSIONER:** No, it's not.

16 **MR. SHERRIFF-SCOTT:** --- and I don't have a  
17 hard copy. I'll just wait for the -- thank you.

18 The proposition I would have put to him,  
19 Commissioner ---

20 **THE COMMISSIONER:** Okay.

21 **MR. SHERRIFF-SCOTT:** Do you have the  
22 document, sir?

23 **THE COMMISSIONER:** I do, but it's not on the  
24 screen yet but ---

25 **MR. SHERRIFF-SCOTT:** Okay. Well, I can give



1 you what I would've referred to, if you prefer. It's  
2 question 1361, at page 178, towards line 4.

3 **THE COMMISSIONER:** One seventy-eight (178),  
4 yeah, okay.

5 **MR. SHERRIFF-SCOTT:** "Why weren't you  
6 thinking about that?"

7 And then he answers -- now, this is in a  
8 different context but I submit it would have made my point  
9 and forced him to agree to it.

10 "I was thinking more about I'm going to  
11 be charged for murder here. I was the  
12 first on the scene. The police had two  
13 years to talk to Ken. Why didn't they?  
14 They didn't. Why didn't they go and  
15 investigate him?"

16 Et cetera. So he's adverted in another  
17 context of being fearful that he may be exposed -- sorry,  
18 thank you -- and when Mr. Dunlop arrives, and there is some  
19 suggestion. So Mr. Leroux says that this may implicate him  
20 in the context of the death of Mr. Seguin. That's one  
21 point of fear which intimidates him and by which he feels  
22 coerced.

23 Second, I would have put to him -- and I  
24 believe, sir, that he would have readily jumped at these  
25 points because they're consistent with his theory of

1 coercion.

2 Second, I would have suggested Mr. Dunlop's  
3 lawyer basically, one might say, aggressively threatened  
4 him with obstruction of justice, to use the language of Mr.  
5 Leroux, which was another thing he felt intimidated by.

6 But then I would have said to him there was  
7 a lot more that he was intimidated by. Whether or not Mr.  
8 Dunlop said it -- although I think he probably would try  
9 and say Mr. Dunlop did -- and that would be this: That C-8  
10 told Mr. Dunlop about Mr. Leroux; that C-8 told Mr. Dunlop  
11 where to find Mr. Leroux.

12 And as we heard from C-8, he told Mr. Dunlop  
13 all about Mr. Leroux, including, as C-8 alleged, his own  
14 abuse grooming and sexual exploitation from the time he was  
15 a minor, and that had lived with him in a relationship of  
16 exploitation and abuse for nearly 12 years; that their  
17 break up, as Mr. Manson established with him, was a bitter  
18 one; and that he eventually had pointed firearms at C-8 to  
19 keep from moving away.

20 This I would have suggested to him, whether  
21 Mr. Dunlop said it or not, in fact, and I have my doubts,  
22 Mr. Leroux would have inferred that Mr. Dunlop knew all of  
23 this, and was very fearful for his personal wellbeing, and  
24 the potential administration of justice consequences, I  
25 would have put to him.

1                   Then I would have taken him to a number of  
2 statements, in addition, which are additional points, which  
3 I suggest he was fearful of when Mr. Dunlop landed on his  
4 doorstep.

5                   The first would have been -- and if I just  
6 may call it up -- and I've referred to this, Commissioner.  
7 It's already in the evidence through C-8, and it is Mr.  
8 Dunlop's Exhibit 624 statement taken in the first instance  
9 from Mr. C-8, in June of 1996.

10                   **THE COMMISSIONER:** Hang on a sec.

11                   **MR. SHERRIFF-SCOTT:** And you can just take  
12 my points if you wish. I don't need you to -- I'm not  
13 going to read the document into the record.

14                   **THE COMMISSIONER:** Okay.

15                   **MR. SHERRIFF-SCOTT:** You'll there, sir --  
16 because I did this with C-8 and took him through the  
17 chronology of the statements -- but paragraphs 4,5 and 6 of  
18 that document are where he begins to tell Mr. Dunlop of his  
19 own exploitation by Mr. Leroux.

20                   Then I would've -- this is all confirmatory  
21 of his fears and why he is intimidated and ultimately,  
22 therefore, why he lies. Then I would have moved to what  
23 was marked as Exhibit C-605, which is the June 24<sup>th</sup>, '96  
24 document, again, emanating from Mr. Dunlop. And I would've  
25 put the same type of propositions to the witness. And the

1 pages here, sir, are not numbered -- well, the last couple  
2 of pages are -- but it would've been -- my copies got cut  
3 off page numbering, page 4 and 5. Page 4 doesn't have a  
4 number on it, but the rest of the pages are numbered. So  
5 if you can follow the sequence you will be able to find the  
6 reference. It starts at page 4, towards the bottom of the  
7 page:

8 "I lived with a guy since I was 15  
9 years old at his residence; Ron  
10 Leroux."

11 Sorry. Did I make a mistake?

12 **THE COMMISSIONER:** Well, let us just -- all  
13 of this evidence was heard in camera. So we don't want to  
14 necessarily indicate ---

15 **MR. SHERRIFF-SCOTT:** The source, yes.

16 **THE COMMISSIONER:** Yes.

17 **MR. SHERRIFF-SCOTT:** Okay. Fair enough.  
18 I'll try and make sure that we don't say anything here that  
19 may identify.

20 Then I would've gone to the document which  
21 is Exhibit 611.

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

23 **MR. SHERRIFF-SCOTT:** This is the police  
24 statement given ---

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

1                   **MR. SHERRIFF-SCOTT:** --- by the same  
2 individual ---

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

4                   **MR. SHERRIFF-SCOTT:** --- in which he refers  
5 to when Mr. Dunlop was told about information pertaining to  
6 Mr. Leroux.

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

8                   **MR. SHERRIFF-SCOTT:** And I would've put that  
9 to him as confirming the fears that he had.

10                  **THE COMMISSIONER:** Yes.

11                  **MR. SHERRIFF-SCOTT:** And I would've also put  
12 another proposition to him, that what he was intimidated  
13 and felt coerced by was his perceived knowledge that Mr.  
14 Dunlop had and, indeed, as Mr. Manson demonstrated through  
15 his cross-examination by referring to the will-say of Mr.  
16 Dunlop, this is exactly what Mr. Dunlop's will-say says he  
17 believed.

18                  Mr. Dunlop's will-say, at Exhibit 579, page  
19 44 of 110, is the document that says:

20                               "Before I even met him, I believed he  
21                               was a pedophile, the undercover  
22                               operator."

23                  Et cetera. Do you recall that reference?

24                  **THE COMMISSIONER:** Yes.

25                  **MR. SHERRIFF-SCOTT:** So I would've finished

1 with that and said to him -- anyway, that would have  
2 demonstrated Mr. Dunlop knew precisely what I said he knew,  
3 and I would have said to him that's what he felt coerced  
4 by.

5 And what I would have attempted to lead him  
6 to do is to turn further against Mr. Dunlop by blaming him  
7 for coercion and intimidation, and suggest to him that Mr.  
8 Dunlop threatened the disclosure of all this information.  
9 And I would've done that in attempt to get him to buy into  
10 that proposition because I believe it to be a false one and  
11 I believe he would have lied and accepted that as a  
12 proposition. At which time I would've attempted to rebuke  
13 him for that lie and said to him that what he was doing was  
14 turning on Mr. Dunlop in an effort to protect himself here  
15 at this Inquiry.

16 And then, in terms of protecting himself, I  
17 would've gone through a number of documents to show  
18 additional information he was concerned about, in terms of  
19 his own life. And those would have been -- and I'll just  
20 list them for you; the March 3rd, 1997 statement of C-8.  
21 And I'll just see if I have an exhibit number for this.

22 What I'll do is just -- I'll just use,  
23 because it becomes enormously repetitive, sir, I'll just  
24 use Exhibit 612 which is a C document ---

25 **THE COMMISSIONER:** Yes.

1                   **MR. SHERRIFF-SCOTT:** --- to the same  
2 purpose. And I'll just give you the page references I  
3 would have put to the witness.

4                   **THE COMMISSIONER:** Yes.

5                   **MR. SHERRIFF-SCOTT:** Pages 1, 2, 3, 4 and 8.  
6 These are details of the alleged abuse by him.

7                   I would have then, sir, taken him to a  
8 statement of an individual and if I can just speak to my  
9 friend for a moment.

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

11                  **MR. SHERRIFF-SCOTT:** This individual, his  
12 name is here and he is not -- he is neither a victim nor an  
13 accused and I just want to make sure that we take  
14 appropriate precautions.

15                  This is a document on which I gave notice  
16 which is Document 112597 and sir; there's just an  
17 individual from whom a statement was taken.

18                  **THE COMMISSIONER:** Yeah. Let's have a peek  
19 at it? Exhibit Number 680.

20                  **MR. SHERRIFF-SCOTT:** And this individual's  
21 statement, I would have put in its totality to the witness  
22 because, if I can just summarize, it talks about what I  
23 would describe to him as his grooming of young people at  
24 his own residence. And I would have reminded him of the  
25 prior testimony of another witness who lived with him, who

1 said that before he began residing with him, there were  
2 young men hanging around Mr. Leroux' residence. The  
3 inference being they were being groomed. This is a  
4 statement of May 18<sup>th</sup>, -- sorry -- April 28<sup>th</sup>, 1998.

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

6 **MR. SHERRIFF-SCOTT:** And in particular pages  
7 1 and 2.

8 **MR. ENGELMANN:** Just give me a moment, sir.

9 Given -- I don't know if we should have this  
10 person's name mentioned and I'm again not sure. Perhaps my  
11 friend could explain the relevance of this statement.  
12 Obviously we're not trying to -- as we've said many times -  
13 - suggest that allegations of sexual abuse are true or did  
14 take place. And I just -- I'm not sure where my friend's  
15 going with this particular statement.

16 And I think out of an abundance of caution,  
17 we should protect the name for the time being. It's not  
18 someone that the Commission has contacted in any way.

19 **THE COMMISSIONER:** Okay. And ---

20 **MR. ENGELMANN:** I have a concern about the  
21 use my friend is trying to make of the document. Assuming  
22 the witness was here, I would probably be rising at this  
23 point, say "What are we doing?"

24 I understand the issue with respect to C-8  
25 and his use of allegations made by C-8 ---



1 THE COMMISSIONER: M'hm.

2 MR. ENGELMANN: --- when taking statements  
3 and perhaps an intimidation factor in other things.

4 I don't, at least at present, see the  
5 relevance of this document for what my friend is trying to  
6 do. And given that, as I said, the role of this  
7 Commission, and concern about getting into allegations in  
8 whether they're true or not ---

9 THE COMMISSIONER: Okay.

10 MR. ENGELMANN: --- we have no idea what of  
11 happened with this.

12 THE COMMISSIONER: Thank you.

13 Mr. Sherriff-Scott ---

14 MR. SHERRIFF-SCOTT: Yes?

15 THE COMMISSIONER: --- okay. So, what's the  
16 -- and without getting into any details here about this  
17 document ---

18 MR. SHERRIFF-SCOTT: Yes.

19 THE COMMISSIONER: --- what's the purpose of  
20 putting this?

21 MR. SHERRIFF-SCOTT: My theory is that the  
22 individual, Mr. Leroux, had an enormous amount to hide. I  
23 am not contending them. I'm not offering this for the  
24 truth of its content.

25 THE COMMISSIONER: M'hm.

1 MR. SHERRIFF-SCOTT: It's an allegation.

2 THE COMMISSIONER: M'hm.

3 MR. SHERRIFF-SCOTT: Just like the  
4 allegations of the other people we heard in various  
5 statements that were made and who testified to the same  
6 effect ---

7 THE COMMISSIONER: M'hm.

8 MR. SHERRIFF-SCOTT: --- unproven, untried.

9 THE COMMISSIONER: M'hm.

10 MR. SHERRIFF-SCOTT: And so this is no  
11 different I submit than the allegations we heard from C-8.  
12 They're allegations. And what I'm contending is that  
13 individual was fearful of allegations proven or not, that  
14 he'd be facing them, and that's why he lied.

15 THE COMMISSIONER: When did he lie?

16 MR. SHERRIFF-SCOTT: Mr. Leroux?

17 THE COMMISSIONER: Yeah.

18 MR. SHERRIFF-SCOTT: Where did he lie?

19 THE COMMISSIONER: No, no, no, when?

20 MR. SHERRIFF-SCOTT: Well I submit he lied  
21 in his various statements ---

22 THE COMMISSIONER: M'hm.

23 MR. SHERRIFF-SCOTT: --- many times which he  
24 confirmed here in terms of his own recanting.

25 THE COMMISSIONER: M'hm.

1                   **MR. SHERRIFF-SCOTT:** And I suggest here he  
2                   lied -- he lied to you.

3                   **THE COMMISSIONER:** No, I understand that but  
4                   what I'm saying is that you're saying he would have things  
5                   to hide.

6                   **MR. SHERRIFF-SCOTT:** Yes.

7                   **THE COMMISSIONER:** All right. Well, this  
8                   statement was taken in '98.

9                   **MR. SHERRIFF-SCOTT:** Yes, it was.

10                  **THE COMMISSIONER:** So he wouldn't know that  
11                  someone's making an allegation about him before that.

12                  **MR. SHERRIFF-SCOTT:** No, I would say these  
13                  are illustrative of his past, of allegations that he might  
14                  be afraid of facing.

15                  **THE COMMISSIONER:** But if he doesn't know of  
16                  them ---

17                  **MR. SHERRIFF-SCOTT:** Well ---

18                  **THE COMMISSIONER:** --- then you're going to  
19                  the truth of the contents.

20                  **MR. SHERRIFF-SCOTT:** Well, no, no. I  
21                  suggest that these -- I would put to him ---

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

23                  **MR. SHERRIFF-SCOTT:** --- that this is an  
24                  allegation that you may have faced and you were worried  
25                  about it. Now, he may have said no.

1                   But my theory is that there was more than C-  
2                   8 he was worried about hiding and that there were other  
3                   allegations that may have come out or which he may have  
4                   been afraid, in his own mind, of Mr. Dunlop advertently or  
5                   inadvertently revealing or that he may have to face.

6                   **THE COMMISSIONER:** Well, there is no  
7                   indication here as to a timeframe.

8                   **MR. SHERRIFF-SCOTT:** No, the individual has  
9                   an age -- the individual was born in the early '60s.

10                  **THE COMMISSIONER:** Right.

11                  **MR. SHERRIFF-SCOTT:** And he refers to -- if  
12                  you read the whole statement, I think the inference is that  
13                  he is a young person and it says actually at page 2,  
14                  Commissioner, in the middle of the page.

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

16                  **MR. SHERRIFF-SCOTT:** "How old would you  
17                  have been?" And then he answers.

18                  So this would have -- if the age of 15 is  
19                  right, this would have been late seventies. And I would  
20                  have put it to the witness.

21                  **THE COMMISSIONER:** Yeah. No, I -- we've got  
22                  to go back to the thing, sir.

23                  **MR. SHERRIFF-SCOTT:** I'm sorry?

24                  **THE COMMISSIONER:** No, I'm not prepared -- I  
25                  need you to convince me a little more that this is relevant

1 and probative to the allegation -- to support your  
2 position. And so, there would have to be a connection that  
3 he knew about this and I don't see it.

4 **MR. SHERRIFF-SCOTT:** Well, only he could  
5 tell us if he knew about it. And only he could tell. My  
6 theory is that Mr. Leroux had a lot to hide and that he was  
7 fearful of being exposed.

8 **THE COMMISSIONER:** Yes.

9 **MR. SHERRIFF-SCOTT:** And that he does -- the  
10 only way we'd know what he was afraid of being exposed to  
11 is if he were here to tell us. And I would have put this  
12 to him as something you were afraid of.

13 In other words, either this specifically or  
14 a pattern of behaviour or allegations of behaviour like  
15 this, and I would suggest that there was evidence from C-8  
16 who said that in advance of him coming there, this was a  
17 place where young men were going.

18 **THE COMMISSIONER:** Right. But this has  
19 nothing to do with the residence. See there is no ---

20 **MR. SHERRIFF-SCOTT:** Well, it talks about  
21 relationships with younger people and it's an allegation.  
22 I think I would have been entitled to put it to him, to  
23 challenge him on this.

24 **THE COMMISSIONER:** I don't know. I don't  
25 think so. In fact, unless you want to argue some other

1 point, I'm going to say no.

2 **MR. SHERRIFF-SCOTT:** Fair enough. Well  
3 that's my point on that.

4 My friend reminds me that this is taking  
5 place in the context of the assessment of C-8's allegations  
6 by the OPP. In other words, these interviews, now that  
7 would have to come from the police, but our information is  
8 this document -- this statement is taken as a result of the  
9 abuse allegations tendered to the OPP by C-8 against him.

10 **THE COMMISSIONER:** Yes.

11 **MR. SHERRIFF-SCOTT:** So it is within that  
12 environment that this allegation is made; in the context of  
13 the police's investigation.

14 **THE COMMISSIONER:** Okay. And so, I say  
15 that, in the absence of Mr. Leroux knowing of -- there be a  
16 connection of his knowing of this, I won't accept.

17 **MR. SHERRIFF-SCOTT:** But I couldn't have  
18 connected him to it, unless I had him here in the box to  
19 put it to. I mean I would have put it to him to say you  
20 are aware of this individual and I would have put things to  
21 him on the subject of this issue and suggested to him it's  
22 something that he was concerned about.

23 **THE COMMISSIONER:** Well, you're right; you  
24 may be right, but I don't know that if he would have said  
25 yea or nay, then that would have taken care of his

1 document. And so I think this is one of the disadvantages  
2 of not having him here and so 680 will not become an  
3 exhibit at this time.

4 **MR. SHERRIFF-SCOTT:** Thank you.

5 I would have then moved on to the  
6 allegations of the witness, Mr. Renshaw, who did testify  
7 here.

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

9 **MR. SHERRIFF-SCOTT:** And I would have put to  
10 him what Mr. Renshaw said about Mr. Seguin and parties at  
11 which Mr. Leroux was present.

12 **THE COMMISSIONER:** Yes.

13 **MR. SHERRIFF-SCOTT:** And you may recall, I  
14 put to Mr. Renshaw that one of the purposes of those  
15 parties may have been to, and I used the words "promote  
16 sexual interaction between probationers and people  
17 including Mr. Leroux". And he said that may have been one  
18 of the purposes. I would have put that to him as another  
19 issue about which he was fearful.

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

21 **MR. SHERRIFF-SCOTT:** And so that's what I  
22 would have done on my theory of his motives and his  
23 rationale for dishonesty.

24 Then I would have turned to the subject of  
25 Bishop LaRocque.

1 THE COMMISSIONER: M'hm.

2 MR. SHERRIFF-SCOTT: And I would have done  
3 the same thing in terms of the metamorphosis of his  
4 statements.

5 THE COMMISSIONER: M'hm.

6 MR. SHERRIFF-SCOTT: And I would have  
7 started with Exhibit 563 which makes no mention of him at  
8 all. Then I would have moved to the October 11<sup>th</sup> document  
9 that we just marked as Exhibit 679.

10 THE COMMISSIONER: M'hm.

11 MR. SHERRIFF-SCOTT: Where although he has  
12 mentioned, there is no mention of abuse by him.

13 THE COMMISSIONER: Let me just see that.  
14 Right, okay. Where does ---

15 MR. SHERRIFF-SCOTT: This is the one with  
16 Mr. Leroux' signature on the top.

17 THE COMMISSIONER: Yes, I have it. I just  
18 want to see where it is. "The Bishop went to the party  
19 because ..." Okay, page 2?

20 MR. SHERRIFF-SCOTT: Yes.

21 THE COMMISSIONER: Okay, so there is ---

22 MR. SHERRIFF-SCOTT: This he's mentioned,  
23 but ---

24 THE COMMISSIONER: He is mentioned, and it's  
25 as related to him by Malcolm MacDonald.



1                   **MR. SHERRIFF-SCOTT:** Right. And this is an  
2 issue on which he recanted, but this is the only mention of  
3 him.

4                   **THE COMMISSIONER:** Yes.

5                   **MR. SHERRIFF-SCOTT:** The first document  
6 makes no mention. The second is a false mention and no  
7 mention of abuse or allegations of abuse.

8                   **THE COMMISSIONER:** Well, falsely.

9                   **MR. SHERRIFF-SCOTT:** A recanted allegation.

10                  **THE COMMISSIONER:** Well, it really, you  
11 know, it's not an allegation per se because what he's  
12 saying is that Malcolm told me this.

13                  **MR. SHERRIFF-SCOTT:** Well ---

14                  **THE COMMISSIONER:** Now, if it were -- it  
15 would be -- you know, maybe we're splitting hairs here, but  
16 I don't know that his evidence -- his evidence in the end  
17 was Bishop LaRocque wasn't there at Malcolm's. Right?

18                  **MR. SHERRIFF-SCOTT:** Right.

19                  **THE COMMISSIONER:** Okay, but he doesn't say  
20 here I saw him at Malcolm's. It could be that Malcolm told  
21 him that, but he didn't recant that Malcolm didn't tell him  
22 that. Do you see what I'm saying?

23                  **MR. SHERRIFF-SCOTT:** Well, yes, I see what  
24 you're saying. I think that I could have dealt with that  
25 in cross-examination and got him to admit that this is a

1 fabrication.

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

3 **MR. SHERRIFF-SCOTT:** I mean he admitted that  
4 the meeting on the island, as he described it later, that's  
5 the VIP meeting, was a falsehood. My submission to you and  
6 toward questions to him would have been that this is what  
7 he was referring to.

8 **THE COMMISSIONER:** Right.

9 **MR. SHERRIFF-SCOTT:** And it doesn't matter  
10 how you slice it, it was a lie. I mean whether he says  
11 Malcolm said it or whether he said that he saw it, which he  
12 later did, in fact, say that he saw the Bishop getting out  
13 of the car and getting onto the boat and all of that stuff,  
14 which is a change from this. But in any event, the whole  
15 context is a falsehood, and I would have -- I was going to  
16 be offering this on that point but, secondly and more  
17 specifically pertaining to Bishop LaRocque, that there was  
18 no allegation of abuse here.

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

20 **MR. SHERRIFF-SCOTT:** I would have then  
21 switched to the October 31<sup>st</sup> sworn document at Exhibit 576  
22 and here, just if I can call up the page, the pages ---

23 **THE COMMISSIONER:** Page 3 is -- "I can  
24 advise and have witnessed to a clan of pedophiles, which  
25 includes Bishop Eugene LaRocque"; it's there.

1                   **MR. SHERRIFF-SCOTT:** Yes. No, I would have  
2 started with page 12 which is the Cameron's Point issue.

3                   **THE COMMISSIONER:** Right. M'hm.

4                   **MR. SHERRIFF-SCOTT:** Interestingly, you see  
5 in the development of these statements that he mentions, he  
6 contends that Bishop LaRocque was at Cameron's Point, but  
7 he doesn't say he was abused by him here. He just says he  
8 witnessed all the things, which in the end he says he  
9 didn't witness, but he doesn't contend and deal with his  
10 own abuse, notwithstanding he is dealing specifically with  
11 Cameron's Point.

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

13                   **MR. SHERRIFF-SCOTT:** And I would have then  
14 moved to Exhibit 567.

15                   **THE COMMISSIONER:** Yes.

16                   **MR. SHERRIFF-SCOTT:** And where again ---

17                   **THE COMMISSIONER:** I'm sorry, 567?

18                   **MR. SHERRIFF-SCOTT:** Yes, sir, which is a  
19 November 13<sup>th</sup>, '96 document.

20                   **THE COMMISSIONER:** Yes.

21                   **MR. SHERRIFF-SCOTT:** And here again he  
22 refers to the ritualistic abuse but doesn't talk about his  
23 own abuse or contend that he was abused there.

24                   **THE COMMISSIONER:** Now, where is that?

25                   **MR. SHERRIFF-SCOTT:** It's at paragraph 15.

1                   **THE COMMISSIONER:** Yes.

2                   **MR. SHERRIFF-SCOTT:** He talks about -- if we  
3 could just enlarge that -- he talks about the fact that  
4 people perpetrated acts of abuse on him who are the people  
5 he enumerates earlier, including the Bishop, but doesn't  
6 talk about it happening at Cameron's Point. And this is  
7 where he is talking about the candles and so forth, which  
8 we know to be untrue, but this is how the thing is  
9 developing.

10                   At first, there is the reference to  
11 Cameron's Point and no abuse at all by him or by LaRocque  
12 of him. Then we have Cameron's Point in the same paragraph  
13 where he contends of abuse by LaRocque but not linked to  
14 Cameron's Point. And eventually the metamorphosis is "the  
15 full monty", if I can use that expression, where he says he  
16 was abused.

17                   **THE COMMISSIONER:** Well, it is getting  
18 closer in the sense that in his ---

19                   **MR. SHERRIFF-SCOTT:** Yes, yes, oh,  
20 absolutely. He has linked them here to abuse but ---

21                   **THE COMMISSIONER:** And to abuse to himself?

22                   **MR. SHERRIFF-SCOTT:** Yes, to himself, yes.

23                   **THE COMMISSIONER:** Yes.

24                   **MR. SHERRIFF-SCOTT:** But not -- he doesn't  
25 talk about Cameron's Point being the place where it

1           happened. So the transition is from basically nothing  
2           moving slowly in this direction, and the statements are  
3           becoming more detailed or more dramatic. And it's  
4           ultimately the December 1<sup>st</sup> statement where he talks about  
5           the whole story.

6                         Then what I would have done here in specific  
7           terms, because of the fact that he had recanted, is I would  
8           have put to him a number of propositions, but most  
9           importantly, on the institutional response here in terms of  
10          the investigation on this complaint, which ultimately  
11          graduates from this to the full story about the Bishop,  
12          where he, in Exhibit 574, which is a statement he gave to  
13          the police -- if we could call that up at page 11.

14                        Now, at the bottom of the page, Commissioner  
15          ---

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

17                        **MR. SHERRIFF-SCOTT:** --- the officers start  
18          to ask him -- they're investigating his allegation of abuse  
19          at Cameron's Point by the bishop. And so they start asking  
20          him questions and they ask him, "Help us out here. Be more  
21          specific", they say towards where you see Genier at the  
22          bottom of the page:

23                                 "Can you be more specific?"

24                                 And he talks about the bishop. And you'll  
25          see then over at page 12 he talks at the bottom of the

1 page, Genier is -- first of all, he starts to describe  
2 Cameron's Point and the whole background to this, but at  
3 the bottom of the next page, he says:

4 "What specifically happened between you  
5 and Larocque?"

6 And then he describes the business of the falsehoods of the  
7 sheets and the candles and so forth, and -- but really what  
8 I want to draw your attention to is most offensive, and I  
9 would have put to him as a profound dishonesty and  
10 difficulty, is over at page 14 at the bottom of the page.  
11 The police officer is specifically attempting to elicit  
12 from this man corroborating evidence about what was going  
13 on there:

14 "Did you recognize or do you recognize  
15 anybody when you say he had candles, et  
16 cetera, the identity of any of those  
17 kids?"

18 The officer is obviously, I would have  
19 submitted to him, searching for corroborative evidence of  
20 Leroux's story in the context of the investigation of his  
21 own specific allegation about the bishop. "Help us out  
22 here." And what does he say? "There were sheets over  
23 them." So he lies to protect his lie. In other words,  
24 having told this grotesque lie about the candles and the  
25 sheets, he then says, "Well, I couldn't identify anybody

1 because they were covered in sheets". And I would have put  
2 that to him as a demonstration of his dishonesty in terms  
3 of the issue, that the moment he was asked for details, he  
4 started to lie.

5 **THE COMMISSIONER:** Just a second. Okay. Do  
6 you have much longer, sir?

7 **MR. SHERRIFF-SCOTT:** About 20 -- 15 minutes.

8 **THE COMMISSIONER:** Let's take a break.

9 **MR. SHERRIFF-SCOTT:** Okay.

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

12 --- Upon recessing at 3:13 p.m./

13 L'audience est suspendue à 15h13

14 --- Upon resuming at 3:29 p.m./

15 L'audience est reprise à 15h29

16 **THE REGISTRAR:** This hearing is now resumed.  
17 Please be seated. Veuillez vous asseoir.

18 **THE COMMISSIONER:** There you are.

19 **MR. SHERRIFF-SCOTT:** I'm here. You thought  
20 I was gone?

21 (LAUGHTER/RIRES)

22 **THE COMMISSIONER:** Mr. Sherriff-Scott's not  
23 here.

24 **MR. SHERRIFF-SCOTT:** Big smile?

25 **THE COMMISSIONER:** Not at all. Not at all.

1                   **MR. SHERRIFF-SCOTT:** Okay. Just finishing  
2 the issue, Commissioner, as I would have with the witness  
3 pertaining to Bishop Larocque, I would have put the  
4 bishop's statement to him, which is document -- which is  
5 not an exhibit in these proceedings yet -- 703260.

6                   And I would have put various propositions to  
7 him arising from that, which I am sure you can guess at.  
8 Among others ---

9                   **THE COMMISSIONER:** All right.

10                   Exhibit Number 680 is a statement of Eugene  
11 Larocque, date of the interview, 18<sup>th</sup> of December 1998.

12                   **--- EXHIBIT NO./PIÈCE NO. P-680:**

13                                   (703260) Transcript of Audio-taped  
14                                   Interview Report - Bishop Eugene  
15                                   Larocque with OPP T.F. Smith and P.R.  
16                                   Hall dated December 18, 1998

17                   **MR. SHERRIFF-SCOTT:** And just as a general  
18 proposition emanating from the statement at large,  
19 Commissioner, I would have used that and I would have  
20 suggested to him that the allegations about Cameron's  
21 Point, Fort Lauderdale and all other allegations were false  
22 and that they were fabricated.

23                   I would have put to him and asked him if he  
24 knew that in the period of the late '50s and early '60s  
25 Eugene Larocque lived in London, Ontario and was not an



1 active person in this diocese until 1974.

2 And I would have put to him that his  
3 allegations against Eugene Larocque were falsehoods.

4 And then I would have referred him to his  
5 evidence which he gave here, which was to this effect, in  
6 summary, that between 18 and 20 years after he contends he  
7 was abused at Cameron's Point, he attended a confirmation  
8 on behalf of a friend and took the friend's daughter there  
9 where he says he saw the bishop for the first time.

10 Then I would have pointed out to him that in  
11 his testimony and statements, various iterations,  
12 "Cameron's Point was a dark night" and the incident in  
13 which he alleges against the bishop was a brief one, and  
14 that 20 years having passed, he was mistaken. I would have  
15 contended that it was a falsehood outright but,  
16 alternatively, that he was mistaken.

17 I would have then moved to deal with the  
18 allegations against Father MacDougald and I would have put  
19 his statement to him to the same purpose, and that is  
20 Document Number 703816 ---

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

22 **MR. SHERRIFF-SCOTT:** --- which is an  
23 interview of July 30<sup>th</sup>, 1999 conducted by the OPP.

24 **THE COMMISSIONER:** Thank you.

25 I'm sorry ---

1                   **MR. SHERRIFF-SCOTT:** It says "Statement of -

2                   --

3                   **THE COMMISSIONER:** No, I'm sorry, Madam  
4 Clerk, what did you ---

5                   **THE REGISTRAR:** I just have it numbered  
6 703277.

7                   **MR. SHERRIFF-SCOTT:** Yes, it's the same  
8 document. Thank you.

9                   **THE COMMISSIONER:** Okay. Exhibit 681 is an  
10 audio-taped interview report of Monsignor Donald B.  
11 MacDougald. Date of interview, the 30<sup>th</sup> of July 1999.

12                   **--- EXHIBIT NO./PIÈCE NO. P-681:**

13                                   (703277) Transcript of Audio-taped  
14                                   Interview Report - Monsignor Donald B.  
15                                   MacDougald with OPP J.B. Dupuis dated  
16                                   July 30, 1999

17                   **MR. SHERRIFF-SCOTT:** I would have put the  
18 statement to him, Commissioner, at large, for the same  
19 purpose that the allegations are denied. I would have  
20 suggested his allegations are falsehoods and used this  
21 document for that purpose.

22                                   I would have also referred him to his  
23 interview with the OPP -- that is to say Mr. Leroux's own  
24 interview with the OPP -- in November of 1997 marked as  
25 Exhibit 574 at page 8 of 129.

1 THE COMMISSIONER: I'm sorry, page 8?

2 MR. SHERRIFF-SCOTT: Page 8. You have a  
3 page 8 of 129?

4 THE COMMISSIONER: No, no, no, I do. I do.  
5 I'm just trying to do too many things here.

6 MR. SHERRIFF-SCOTT: Yes, that's okay.

7 THE COMMISSIONER: Okay.

8 MR. SHERRIFF-SCOTT: And this is where he  
9 recounts his allegations against Father MacDougald, and  
10 you'll see he talks about what happened. He's being asked  
11 by Genier and he says:

12 "He was nice at first. He was nice at  
13 first and they -- they touched me. He  
14 just touched me and -- and I was a  
15 little older when this -- when he  
16 touched me. That was also at the boys'  
17 school."

18 And then on the next page, and I would simply draw the  
19 witness's attention to -- down toward -- through most of  
20 that page and where, in particular, at the middle of the  
21 page the officer asks exactly what happened. He said:

22 "Just touched me. He just -- just  
23 touched me while I was standing there  
24 and I froze. It was just like touch  
25 your backside. When you're talking, he

1 would kind of fondle you and it was  
2 over the clothes.

3 Do you remember that, Ron?

4 Yes, yes..."

5 He says:

6 "...over the clothes.

7 Do you remember anybody else being  
8 around?

9 No."

10 And then he talks a bit about other details,  
11 and then he comes back on the next page, Commissioner, page  
12 10. The officer comes back to details and he asks him:

13 "Did it ever happen again?"

14 Then the officer wants him to come back to describe what  
15 happened, and he says at the top of page 11:

16 "So it was touching, kind of happened  
17 maybe twice with each one."

18 And he's referring to Cameron and MacDougald here.

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

20 **MR. SHERRIFF-SCOTT:** "Kind of happened  
21 maybe twice with each one.

22 Was it here? Did it last long? Was he  
23 touching you ---

24 No, just a few seconds, a few minutes  
25 and -- and then he sort of digressed.

1 He said you don't play with yourself  
2 and, you know, (inaudible). You just -  
3 - like, you're priests -- just your --  
4 he's a priest and figure, well, maybe  
5 he's just a..."

6 Well, this is sort of incomprehensible, but  
7 there it is.

8 "And at the same time, he's touching  
9 you exactly where or where exactly?  
10 You said the back of the shoulders and  
11 where else?"

12 He says:

13 "(inaudible) backside or something, you  
14 know, and it's just -- you just freeze  
15 because you're afraid."

16 So I would have put that to him as being  
17 entirely contradictory to his evidence that he gave before  
18 you here. First of all, I would have put it to him that it  
19 was a falsehood outright, and then it contradicted what he  
20 testified to here for the Inquiry.

21 **THE COMMISSIONER:** Okay.

22 **MR. SHERRIFF-SCOTT:** I would have then moved  
23 on to the allegations against Father Cameron, and I would  
24 have done the same thing with both Cameron and MacDougald  
25 with respect to the metamorphosis of the statements. If

1       you look at them, the statements are bare at the beginning  
2       and sort of as they travel through their metamorphosis, the  
3       allegation grows. It goes from nothing to they are on the  
4       list of clan members, to I was abused by these people  
5       without detail, to finally, in its latest stage, the  
6       allegations which come out about being touched in an  
7       alleged confessional circumstance, and I would suggest to  
8       him that this would demonstrate that the allegations were  
9       fiction or created.

10               And those are the same statements I would  
11       have referred to as the ones I took you through with Eugene  
12       Larocque.

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

14               **MR. SHERRIFF-SCOTT:** I would have done a  
15       couple more things with him on the subject of Father  
16       Cameron. I would have put Father Cameron's statement to  
17       him, which is Document 703296, for the same purpose.

18               **THE COMMISSIONER:** Thank you. Exhibit  
19       number 682 is an audio taped interview report of the  
20       Reverend Bernard A. Cameron, 3<sup>rd</sup> of August 1999.

21       **--- EXHIBIT NO./PIÈCE No. P-682:**

22                       (703296) Transcript of audio taped  
23                       interview report - Reverend Bernard A.  
24                       Cameron with OPP JB Dupuis dated 03 Aug

25                       99

1                   **MR. SHERRIFF-SCOTT:** And then I would have  
2 reminded him of his -- the various positions in various  
3 statements to the police and others and here where he said  
4 that the person that abused him first was Cameron, and then  
5 it was McDougal. I would have put to him in the statements  
6 that Father Cameron wasn't ordained until 1958, a year or  
7 two after he said the allegations occurred, and wasn't even  
8 at St. Columban's at the same time as Father McDougal and,  
9 in any event, came after McDougal, not vice versa, which is  
10 all contained in the statement of both Cameron and  
11 McDougal.

12                   The last thing I would have done with him  
13 would have related to both these gentlemen as well, and  
14 you'll recall that in the final version of his statements  
15 to Mr. Dunlop about Cameron's Point in all of its sort of  
16 grotesque detail, one thing he says in all of those  
17 statements was that McDougal and Cameron were there and  
18 threatened him. And he recanted that position here and,  
19 therefore, I would have taken him to his various statements  
20 where he had said that and rebuked him to demonstrate that  
21 those were lies and that he lied not only to Mr. Dunlop but  
22 to public institutions investigating his very complaints.

23                   And as I said at the outset, there may have  
24 been other things that I would have done, but this is sort  
25 of the executive overview.

1 Thank you.

2 **THE COMMISSIONER:** Thank you.

3 All right. So it's 20 to 4:00. Mr.  
4 Callaghan, how are you doing?

5 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CALLAGHAN:

6 **MR. CALLAGHAN:** Good afternoon, Mr.  
7 Commissioner.

8 **THE COMMISSIONER:** Good afternoon, sir.  
9 So we have three more parties?

10 **MR. CALLAGHAN:** Cornwall Police.

11 **THE COMMISSIONER:** We have you -- three more  
12 parties?

13 **MR. CALLAGHAN:** Right. I'm sorry. I  
14 thought you said which party. I thought ---

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

16 **MR. CALLAGHAN:** I thought I had been here  
17 long enough.

18 (LAUGHTER/RIRES)

19 **MR. CALLAGHAN:** But yes, three more parties.  
20 I've talked to my friends. I will try to truncate my --  
21 not that that's always the best, but I recognize we're  
22 short here on time and -- but I do recognize in terms of  
23 today.

24 **THE COMMISSIONER:** Okay.

25 **MR. CALLAGHAN:** I recognize we have



1 tomorrow, although I think many of us, to be very frank,  
2 would be wise to use the time to hone our skills for next  
3 week so that we make good use of that time.

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

5 **MR. CALLAGHAN:** I had -- I take what you  
6 said earlier that this -- you know, you didn't want final  
7 submissions.

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

9 **MR. CALLAGHAN:** Not every inconsistency.  
10 We're here to give a flavour and I will try to move and  
11 perhaps not hit all the points that I intended to so that  
12 we can get through today, to allow everybody to get on with  
13 that other very important business for next week.

14 I would have started today obviously just to  
15 say what I did and I'll repeat a little bit what I said  
16 when we did this last time. Obviously -- and I think Mr.  
17 Sherriff-Scott has stolen my phrase that we were just going  
18 to get a flavour. It's not a substitute for cross-  
19 examination and we're not going to hit every inconsistency.

20 The purpose of this cross-examination would  
21 have been obviously to educate you, educate the public and,  
22 to a degree, to educate Mr. Leroux because either Mr.  
23 Leroux is mistaken or there is a lot that he didn't know  
24 was going on. When he was dealing with, for example, Mr.  
25 Dunlop and Mr. Bourgeois, I said as an example that, for

1 example, he has said that he didn't know that Mr. Dunlop  
2 had a claim. He didn't know that that claim was amended on  
3 November 15<sup>th</sup> of 1996. Yet, he swore an affidavit which is  
4 almost identical to that claim in November 13<sup>th</sup>, 1996. So  
5 some of this would have been to educate Mr. Leroux.

6 Mr. Commissioner, I take it that the aides-  
7 mémoire were not shared with you? I don't know whether  
8 they were.

9 **THE COMMISSIONER:** No.

10 **MR. CALLAGHAN:** Okay. So what I had  
11 intended to do is I had intended -- I had seven points,  
12 again, which I will try to move gingerly through, and the  
13 first was we have heard recantations of Mr. Leroux, and I  
14 would have wanted to review with him Document 728063, which  
15 I believe I gave notice on.

16 **THE COMMISSIONER:** There it is.

17 **MR. CALLAGHAN:** And I would have ---

18 **THE COMMISSIONER:** I'm sorry. Hang on.  
19 That's Exhibit number 683 which is a letter to Douglas  
20 Seguin and the Honourable Mr. Eves.

21 **MR. CALLAGHAN:** I think actually, sir, it's  
22 a letter to the Honourable Ernie Eves from Douglas Seguin.

23 **THE COMMISSIONER:** Oh, yeah, you're right.  
24 Okay. Thank you. And it's dated June 23<sup>rd</sup>, 2002.

25 --- EXHIBIT NO./PIÈCE No. P-683:

1 (728063) Letter from Douglas Seguin to  
2 The Honourable Mr. Eves re Garry Guzzo  
3 dated 23 Jun 02

4 **MR. CALLAGHAN:** Right.

5 And my purpose would have been to explore  
6 with him some of the comments here because some of the  
7 comments in Mr. Seguin's letter are prescient as to some of  
8 the testimony we've had here today, and I think -- not to  
9 bolster Mr. Leroux per se -- I agree in many respects with  
10 what my friend from the -- from the Diocese says, but there  
11 is an awful lot here that he seems to be telling Mr. Seguin  
12 long before he came to provide this at the -- provide  
13 testimony at this Inquiry, and I'm at page 7 of the letter,  
14 sir.

15 **THE COMMISSIONER:** Okay.

16 **MR. CALLAGHAN:** And I think we're one page  
17 back, Madam Clerk.

18 And I would have reviewed with the witness -  
19 - a little further down, Madam Clerk -- starting, "Another  
20 signatory", and here Mr. Seguin is talking to the Premier  
21 about, I guess, his investigation. I'm not certain. But I  
22 would have asked whether or not Mr. Leroux had spoken to  
23 Mr. Seguin at length and I would have put to him that much  
24 of what is in this letter is consistent as to what he's  
25 testified to.

1 And I'll read:

2 "Another signatory, R.L., ..."

3 Which I assume to be Ron Leroux and I would have asked that  
4 question.

5 "...had already given a statement to  
6 the OPP officers. He indicated no  
7 wrongdoing by the diocesan priest or my  
8 brother. He just told me on at least  
9 10 occasions over the last eight years  
10 that my brother did not abuse anyone  
11 including himself. He added that..."

12 **THE COMMISSIONER:** Who ---

13 **MR. CALLAGHAN:** "...C-8, along with Perry  
14 Dunlop and Charles Bourgeois had made  
15 up the stories. Perry Dunlop and  
16 Charles Bourgeois travelled to Maine  
17 and contacted him. For three days,  
18 they kept him in a motel, paying all  
19 his costs for the purpose of changing  
20 his statement to the OPP by building up  
21 a fabricated story that would pass a  
22 lie detector test."

23 I would have stopped there and I obviously  
24 would have asked whether that was the attendance on October  
25 11<sup>th</sup> or the attendance on October 31<sup>st</sup> when they were in

1 Cornwall.

2 "They did this by repeatedly hammering  
3 him with their story, a story that  
4 slowly, bit by bit, changed until they  
5 got the story they wanted. Dunlop and  
6 Bourgeois had the man repeat these  
7 fabricated facts until it nearly  
8 destroyed him, but he did not change  
9 his statement to the police. The  
10 signatory said he paid thousands of  
11 dollars for psychologists to overcome  
12 the psychological harm that they did."

13 And then it goes on:

14 "I would have pointed out to him that  
15 the..."

16 Let me read the next paragraph actually.

17 "But Dunlop..."

18 Sorry.

19 **MR. ENGELMANN:** Please, for a moment. I  
20 would have probably objected to this going in if Mr. Leroux  
21 had been here.

22 Having said that, I don't want to waste a  
23 lot of time with this. There are a lot of facts here that  
24 are inconsistent with the facts as we know them. Mr.  
25 Seguin will be coming as a witness. So it would be

1 interesting to ask him some questions. This is Doug  
2 Seguin, all right?

3 **THE COMMISSIONER:** Yes.

4 **MR. ENGELMANN:** For example, I don't think  
5 there's a lot of point in reading this. He can ask if --  
6 he could have put to Mr. Leroux, "If this is something that  
7 you would have told Mr. Seguin or how would you have known  
8 this?", or whatever.

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

10 **MR. ENGELMANN:** But, for example, for the  
11 purposes of changing his statement to the OPP. I mean, he  
12 hadn't given a statement to the OPP yet in October of 1996  
13 when he met with Perry Dunlop and Charlie Bourgeois.

14 So there's a lot here that is of concern,  
15 and it will be interesting to put some of this to Mr.  
16 Seguin who wishes to testify and will be testifying. I  
17 don't see a purpose in reading this in any great detail.

18 Sir, a lot of the facts here that -- you  
19 know, it seemed to be inconsistent with many things. So I  
20 appreciate if he says what he wants to use it for, that's  
21 fine. I don't see any point in reading this letter. Mr.  
22 Seguin will be here and he can give the evidence.

23 **MR. CALLAGHAN:** Mr. Commissioner, I would  
24 have thought that's exactly the purpose of this.  
25 Obviously, what we're talking about is the opportunity to

1 have crossed Mr. Leroux ---

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

3 **MR. CALLAGHAN:** --- with respect to his  
4 prior statements regarding his dealings with Mr. Dunlop,  
5 which is very key. This is what we spent a considerable  
6 amount of time on. I would have attempted to establish  
7 that much of what was said in this letter is consistent, in  
8 fact, with what was testified. Whilst things like what has  
9 been said by Mr. Engelmann may be true, he goes on to talk  
10 about that they went over the statement over and over again  
11 so he could pass a lie detector test. That's very  
12 consistent with what he stated to this Inquiry in volume  
13 122 of the testimony.

14 **THE COMMISSIONER:** Yes, but ---

15 **MR. CALLAGHAN:** And I think that at some  
16 point I would have used this as a tool, and I would've  
17 pointed out to him that what he says, for example, in the  
18 next paragraph:

19 "They flew us to Toronto on numerous  
20 occasions; drive the signatory to  
21 Toronto; all lodging, food and drink  
22 paid for; and then to Newmarket to work  
23 on a statement with Charles Bourgeois."

24 It may not be exact; it's very consistent  
25 with what's been testified to today, or -- said they used

1 something that looked like a lie detector test, whatever  
2 that would've been, while making all -- making little  
3 changes in wording to give a different meaning to what he  
4 said.

5 He already told Mr. Manson that the clan  
6 comments starts off is -- they were all like a clan of  
7 Scottish men and it becomes a clan of pedophiles.

8 **THE COMMISSIONER:** All right. No ---

9 **MR. CALLAGHAN:** And I would've ---

10 **THE COMMISSIONER:** No, not quite. It  
11 started off with a clan of Scots ---

12 **MR. CALLAGHAN:** Right.

13 **THE COMMISSIONER:** --- then it went to a  
14 clan of homosexuals, and then it went to a clan of  
15 pedophiles.

16 **MR. CALLAGHAN:** Well, I was truncating that,  
17 but that was the metamorphis.

18 **THE COMMISSIONER:** All right.

19 But help me out here. You see, here is a  
20 letter that Doug Seguin ---

21 **MR. CALLAGHAN:** M'hm.

22 **THE COMMISSIONER:** --- is sending off  
23 saying, "This is what...". Well, there is part of it that,  
24 "This is what he told me." Right? "He" being Leroux.

25 **MR. CALLAGHAN:** Ron Leroux.



1                   **THE COMMISSIONER:** Okay. But then there is  
2 other stuff that he throws in, being the author.

3                   **MR. CALLAGHAN:** Sure.

4                   **THE COMMISSIONER:** Okay. So ---

5                   **MR. CALLAGHAN:** I'm not suggesting --  
6 obviously -- had Mr. Leroux been here, obviously, we  
7 would've been able to go through this and dissected it.  
8 But I think the difficulty is that you may well hear from  
9 Mr. Dunlop. You may well hear from Mr. Bourgeois ---

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

11                   **MR. CALLAGHAN:** --- that the recantation  
12 isn't true.

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

14                   **MR. CALLAGHAN:** And I would've gone through  
15 and said, "Hold on. Much of this has been told to someone  
16 back in 2002".

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

18                   **MR. CALLAGHAN:** And some of it is very  
19 consistent with what he testified here. In fact, it's  
20 almost identical.

21                   The point I was going to make is in this  
22 sentence, he says, "They did this over and over again"  
23 until the changes fit the statement. He had to repeat the  
24 statement over and over again until they thought he could  
25 pass a lie detector test.

1 He stated here, on June 28, volume 122, he  
2 said -- and this is before he goes to Orillia. He goes:

3 "Before you went over to Orillia, Mr.  
4 Leroux, Bourgeois had stayed up very  
5 late with me. We went through  
6 documents. He's reading them to me.

7 THE COMMISSIONER: All right.

8 MR. LEROUX: This is what you're going  
9 to say or this is what you're going to  
10 say here. This is what you're going to  
11 say here. This is what you're going to  
12 say here.

13 Okay?

14 MR. LEROUX: And over, and over, and  
15 over."

16 That's very consistent with what he's  
17 telling Mr. Seguin.

18 THE COMMISSIONER: M'hm.

19 MR. CALLAGHAN: And I would've put to him if  
20 that's the case.

21 THE COMMISSIONER: M'hm.

22 MR. CALLAGHAN: And I would've put it to  
23 him:

24 "I would've gone down."

25 And I'll do this quickly. The next paragraph:

1 "I would've gone down."

2 They also brought him down to Fort Lauderdale to further  
3 juice up their fabricated story. He testified to that  
4 here.

5 **THE COMMISSIONER:** Whoa, whoa. Not to  
6 further juice up their fabricated story.

7 **MR. CALLAGHAN:** Well, he testified, and it  
8 goes down under Carson Chisholm, that he travelled to Fort  
9 Lauderdale with the book of pictures to go and see what he  
10 could get; he was sent into various bars. Again, very  
11 consistent.

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

13 **MR. CALLAGHAN:** And it goes on:

14 "They coerced him to doing this by  
15 having a former friend, C-8, threaten  
16 him with charges of abuse and theft."

17 **THE COMMISSIONER:** Well ---

18 **MR. CALLAGHAN:** That ---

19 **MR. ENGELMANN:** I do not mean to be standing  
20 up, but I just -- it's not consistent at all.

21 This is under Dunlop and Bourgeois, we know,  
22 and there's a separate section under Carson Chisholm. So  
23 this author is suggesting that Bourgeois and Dunlop brought  
24 him down to Fort Lauderdale. I mean, you know -- anyway.

25 If it was a cross-examination, as I said,

1 I'd be checking a lot, but I'll leave it go. I just think  
2 we're not getting anywhere by reading things that aren't  
3 consistent.

4 **MR. CALLAGHAN:** Well, that's the point of  
5 cross-examination; it may not be consistent. And that's  
6 what I'm trying to say is maybe it is inconsistent. Maybe  
7 we -- I was trying to illustrate to you, Mr. Commissioner -  
8 --

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

10 **MR. CALLAGHAN:** --- he comes here; he  
11 recants; he tells a story. He tells a story much in the  
12 same tone about what happened with Doug Seguin. And you  
13 can weigh that at the end of the day, but I would have put  
14 that to him. And I don't want to give you submissions here  
15 today ---

16 **THE COMMISSIONER:** No.

17 **MR. CALLAGHAN:** --- but I would've put this  
18 to him.

19 **THE COMMISSIONER:** Okay.

20 **MR. CALLAGHAN:** And maybe I can leave it and  
21 do it at the end of the day.

22 **THE COMMISSIONER:** You can leave it at the  
23 end of the day, but the difficulty I have is this, is that  
24 we are not -- this is a substitute cross-examination.

25 **MR. CALLAGHAN:** M'hm.

1                   **THE COMMISSIONER:** There are things in this  
2 letter where Mr. Seguin attributes comments to Mr. Leroux.

3                   **MR. CALLAGHAN:** Right.

4                   **THE COMMISSIONER:** Then there is  
5 inflammatory -- very strong language that may or may not  
6 help in all of this. And so I'll just say to you that you  
7 made your point.

8                   **MR. CALLAGHAN:** Okay.

9                   **THE COMMISSIONER:** The letter is in evidence  
10 and I'll see you at the end of the day.

11                   **MR. CALLAGHAN:** That's fair enough.

12                   And, again, I mean, as you point out, this  
13 is a substitute. I can accept it at that level. This is a  
14 substitute, we'll move on for the sake of speed.

15                   The other thing -- the next thing I would  
16 have probably done having sort of set up and obviously  
17 asked him did he discuss it with anybody else because this  
18 is something that had not been dealt with that he  
19 discussed; you know his stories and the recantation of his  
20 stories with anybody else, I would have covered that.

21                   But I would have then obviously moved into  
22 the chronology. And I must confess that I would have gone  
23 through the chronology in a little detail because I find  
24 reading the record a little fuzzy as exactly what happened.  
25 I think that it would be very helpful to the Commission at

1 the end of the day to have a calendar of ---

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

3 **MR. CALLAGHAN:** --- of events so that we  
4 knew exactly where he is on what occasion. I would have  
5 actually asked him does he have any receipts. I know it's  
6 hard to imagine but does he have -- does he keep his old  
7 Visa bills?

8 Perhaps we can put this back together as to  
9 when is he in Maine? When is he in Newmarket? When does  
10 he go to Florida? And what I would have done, and I'll do  
11 it quickly as I possibly can here, I will just touch on a  
12 little of what I would have put to him as to the chronology  
13 as I understood it.

14 I would have asked that you be shown  
15 Document 1091453.

16 **THE COMMISSIONER:** Is it already an exhibit?

17 **MR. CALLAGHAN:** Sorry, that's a Bates page.  
18 I'm sorry. The Doc. No. is 116241 but it's a big doc and  
19 we've been using Bates pages; all right. They're going to  
20 give me the whole thing. Yes, those are Dunlop's notes,  
21 sir. We hadn't needed it all but if you could give it to  
22 them, we could do the one exhibit. It's probably easier --  
23 -

24 **THE COMMISSIONER:** We are using it in any  
25 event.

1                   **MR. ENGELMANN:** Lots of monikers and all  
2 sorts of confidentiality issues.

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

4                   **MR. ENGELMANN:** It is subject to a  
5 publication ban.

6                   **THE COMMISSIONER:** So it's ---

7                   **MR. CALLAGHAN:** It's page 14 and 15 of the  
8 document.

9                   **THE COMMISSIONER:** Just a minute. Are we  
10 going to deal with this issue now? Are we putting in the  
11 whole thing? If we are, is it a "C" or is it just a  
12 publication ban on it?

13                   **MR. CALLAGHAN:** We've been putting in  
14 excerpts. I propose we'll just put in the excerpts, sir,  
15 to move things along much quicker, unless ---

16                   **THE COMMISSIONER:** Okay.

17                   **MR. ENGELMANN:** That's fine.

18                   **MR. CALLAGHAN:** I mean we'll obviously put  
19 it all in when Mr. Dunlop gets here.

20                   **THE COMMISSIONER:** Yes.

21                   **MR. CALLAGHAN:** But that's been the  
22 protocol.

23                   **THE COMMISSIONER:** Okay. So Madam Clerk,  
24 you've got the excerpt and we will ---

25                   **MR. CALLAGHAN:** Yes.

1                   **THE COMMISSIONER:** All right, so Exhibit No.  
2                   684 is an excerpt of Officer Dunlop's notes dated October  
3                   1<sup>st</sup>, 1996, which is a statement from ---

4                   **--- EXHIBIT NO./PIÈCE No. P-684:**

5   (116241 1091453-54) Handwritten notes  
6   of Perry Dunlop re Ron Leroux Dated 01-  
7   02-03 Oct 97

8                   **MR. CALLAGHAN:** It's dated October 1<sup>st</sup>, '96,  
9                   and then it seems to have the October 2<sup>nd</sup>, '96, sir, and  
10                  October 3<sup>rd</sup>, '96.

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

12                  **MR. CALLAGHAN:** And all I would have done is  
13                  I would have just articulated to Mr. Leroux that there  
14                  appears to have been phone calls, as he's articulated and  
15                  I'm just trying to get the timing, October 3<sup>rd</sup>, '96:

16   "Spoke to Cindy Leroux, told her that I  
17   wanted to talk to Ron and her. She  
18   said Ron had heart problems, hard time  
19   settling down after call last night."

20                  So I would have put to him that he obviously  
21                  spoke to Mr. Dunlop on October 2<sup>nd</sup> so as to sort of help out  
22                  the chronology. "Told me Ron was a Probation Officer"; I'm  
23                  not sure I would have had much to ask because I don't know  
24                  what that means.

25                  And then you see further down:



1 "Spoke to Ron Leroux 7:00 p.m. Said  
2 Ottawa Police, OPP had seen him. Gave  
3 a statement. Said he had nightmares  
4 about finding Ken dead. I told him  
5 that my life had been in turmoil for  
6 these years and that I wanted to get to  
7 the bottom of this. Said I just..."

8 **THE COMMISSIONER:** Where do you see that?

9 **MR. CALLAGHAN:** Go to the back.

10 I think that she's got a double -- pages 14  
11 and 15 is what I asked.

12 **THE COMMISSIONER:** Okay, we need another  
13 page because that's ---

14 **MR. ENGELMANN:** Right at the bottom, sir,  
15 the page that's on the screen.

16 **THE COMMISSIONER:** Right, but -- here we go.

17 **MR. CALLAGHAN:** Okay. At the bottom of  
18 this:

19 "...said I wanted the truth. That's all.  
20 It's for the children I'm doing this  
21 for. He said he would meet with me."

22 And I would have obviously put a few  
23 questions to him about the perception that Mr. Dunlop  
24 pursued in that obviously he didn't tell him about the  
25 lawsuit, for example, which he's already testified to.

1 I would have tried to place the call with  
2 Mr. Bourgeois. During the testimony, Mr. Leroux, and I  
3 think it was raised today and I won't go back to it; he  
4 says that Mr. Bourgeois calls him and that's why he  
5 eventually agrees to meet him.

6 And we know the meeting, as I will show in a  
7 second, happens October 7<sup>th</sup>. So I would have tried to place  
8 that call.

9 For the record, Volume 121, page 90 is what  
10 was read to you earlier about charged with obstruction,  
11 which was the call that he seems to suggest led to him to  
12 cooperate.

13 Madam Clerk, if I can get page 19 of that  
14 same document, and this will be a note of October 7<sup>th</sup>, '96.

15 **MR. ENGELMANN:** That will be Bates page  
16 1091458, I believe.

17 **MR. CALLAGHAN:** Right. So it's the 19<sup>th</sup> page  
18 of the document, we'll just add and then and I'll then  
19 leave that.

20 **THE COMMISSIONER:** Thank you, so this --  
21 pardon me? No, no, first of all, that would be different  
22 exhibits.

23 All right, so this is -- Exhibit 685 is  
24 extract of a note from Mr. Dunlop and it says Maine, 7<sup>th</sup> of  
25 October 1996.

1 --- EXHIBIT NO./PIÈCE No. P-685:

2 (116241 1091458) Handwritten notes of  
3 Perry Dunlop re Ron Leroux dated 07 Oct  
4 96

5 **MR. CALLAGHAN:** Right.

6 And I would have just pointed out to him  
7 that the first part of the note said:

8 "Went to his house, 17 Pleasant Street.  
9 Wife Cindy was there. Cindy's sister,  
10 Debbie, was there. We all watched the  
11 *Fifth Estate* tape. Went upstairs,  
12 talked."

13 And I would have -- Mr. Manson covered it,  
14 didn't show him the note. He doesn't remember the *Fifth*  
15 *Estate*. He didn't -- said he wouldn't have watched it with  
16 his sister Cindy -- his wife's sister, Cindy, for family  
17 reasons, but there it is in the note.

18 And then I would have pointed out that he  
19 said "Spoke about people at Ken's..." and he lists a number  
20 of people but nowhere does he list either Claude Shaver or  
21 Stuart McDonald. And I would have filled out how long that  
22 conversation was; what was the purpose; what was the tenor  
23 of the conversation; what Mr. Dunlop was trying to achieve  
24 in the conversation as far as Mr. Leroux was concerned.

25 I would have then moved on and just sort of

1 covered that period because, again, I think the record is  
2 somewhat muddy about what happened between October 7<sup>th</sup> and  
3 11<sup>th</sup> in Maine.

4 We know that there is one statement taken at  
5 that time, at least, which is Exhibit 563. I would have  
6 asked the circumstances about it. I would have tried to  
7 determine exactly was this the circumstances when alcohol  
8 has been taken? Is this the circumstances when tape  
9 recorders were going, because it's somewhat unclear.

10 I won't take you to it, but I would have  
11 pointed out that the only mention of, for example, Claude  
12 Shaver is that he is referred to; there's no mention of  
13 ever seeing him in that statement.

14 I would have then taken him to the new  
15 Exhibit 679, that Mr. Sherriff-Scott put in, and I would  
16 have asked how this came about, the date after October 10<sup>th</sup>,  
17 in which when asked about Claude Shaver, he seems to refer  
18 to what is the VIP meeting. Which -- and I would have  
19 suggested to him that's exactly what he is referring to.  
20 He is referring to a party the summer before Ken Seguin  
21 killed himself.

22 "Malcolm, Ken Seguin and Father Charles  
23 MacDonald, Ron Wilson and Claude Shaver  
24 met at Ken's house. It was going to be  
25 a big VIP party at Malcolm's cottage."

1                   Now, he said that that VIP meeting didn't  
2 happen, and I would have quizzed him, at quite some length,  
3 as to how it, all of a sudden, October 10<sup>th</sup>, there is no  
4 reference to this and October 11<sup>th</sup> there is now reference.  
5 So that's something that obviously others can be asked if  
6 they come.

7                   I am a little uncertain then about the  
8 October 31<sup>st</sup>. We know that Mr. Bourgeois is in Maine  
9 because he swears the Affidavit. Again, I would have asked  
10 under what circumstances was he in Maine; how long was he  
11 in Maine, all those questions which I'm not sure are on the  
12 record as of yet. And even -- you know -- did he come down  
13 with this handwritten thing filled out or was it done in  
14 his presence? It's obviously not his handwriting he said,  
15 because he made notes.

16                   I would have obviously reconfirmed that he  
17 said he never read anything; whether that's believable, I  
18 certainly would have asked him that on numerous occasions.

19                   I then would have taken him -- and I'm not  
20 going to do it now, Mr. Commissioner, as I spoke about, but  
21 I would have taken him to the metamorphous of some of those  
22 statements, such as what we spoke about; such as the  
23 metamorphous that goes through in the VIP meeting, which  
24 the Attorney General's counsel touched on briefly.

25                   But I would have also gone through the

1 meetings in Newmarket, November 11<sup>th</sup> to 13<sup>th</sup>, is our best  
2 estimate as to when he was in Newmarket. Who was there?  
3 Was he aware -- he says he's not, but the Statement of  
4 Claim was being done at exactly the same time as I alluded  
5 to earlier. I find it, as having practiced law for 20  
6 years, turning Affidavits and Statements of Claim around in  
7 that short a time is incredible.

8 And I would have asked how he -- what the  
9 environment was. Who was in and out of that room? Where  
10 was Mr. Bourgeois? Because one leads to the other, as  
11 we've seen and as we will see, and I would have quizzed him  
12 on the comings and goings.

13 And I would have asked, for example, he  
14 talked about meeting D.S. in Toronto. I don't know whether  
15 that was December 1<sup>st</sup> or on this occasion, I would have  
16 spoken about that or quizzed him about that.

17 I would have also then gone to the meeting  
18 in December 1<sup>st</sup> in Toronto. How long was he there? What  
19 was his purpose in being there? Was it just for the  
20 interview with Mr. Dunlop, which is -- and I won't ask you  
21 to pull it up, but it's Exhibit 568. And how did it get  
22 set up?

23 And why is it that Mr. Dunlop and Mr.  
24 Bourgeois are asking you to come back after you've sworn  
25 now at least three Affidavits? What is it they want? I

1 would have gone into that in some detail because he must  
2 have wondered why he's coming down over and over and over  
3 again.

4 I would have then quizzed him on the genesis  
5 of what happened between December 4<sup>th</sup> and December 7<sup>th</sup>, 1996.  
6 We know Exhibit 569 is the one statement, dated December  
7 4<sup>th</sup>, '96. We know that he testified that he was in Florida  
8 with Mr. Carson Chisholm and I would have put Document  
9 117631 to him, if I might. Document 117631.

10 And sir, what you'll see, is this is an  
11 Affidavit from the hotelkeeper at the Salt Air Motel.

12 **THE COMMISSIONER:** Exhibit 686. Well, it's  
13 not an affidavit but ---

14 --- **EXHIBIT NO./PIÈCE No. P-686:**

15 (117631) Handwritten Statement by Ron  
16 Leroux dated 06 Dec 96

17 **MR. CALLAGHAN:** Well, I'm sorry. It's a  
18 statement; you're quite right.

19 **THE COMMISSIONER:** December 6, 1996, Salt  
20 Air Motel.

21 **MR. CALLAGHAN:** And I would have asked him  
22 in some detail about his trip to Florida. I would have  
23 tried to get in the chronology.

24 On December 4<sup>th</sup>, he is signing a statement in  
25 Toronto -- what I assume to be Newmarket; we don't know.

1 He is now -- on December 6<sup>th</sup>, he is in Florida signing a  
2 statement with Carson Chisholm and I would have gone into  
3 that statement in some detail about, you know, what it is  
4 that Mr. Carson Chisholm was up to. He has told us that he  
5 was -- he said he was a detective.

6 **THE COMMISSIONER:** He hasn't told us  
7 anything yet.

8 **MR. CALLAGHAN:** Sorry. Mr. Leroux? I  
9 thought Mr. Leroux did testify unless I'm confusing him.

10 **THE COMMISSIONER:** No, no, no, I'm sorry.  
11 I'm sorry.

12 **MR. CALLAGHAN:** No, Mr. Carson Chisholm has  
13 not testified.

14 **THE COMMISSIONER:** No, no. I thought you  
15 were attributing words to Mr. Chisholm.

16 **MR. CALLAGHAN:** I'm sorry. That wasn't my  
17 intent. I was attributing words to Mr. Leroux who said  
18 that Mr. Chisholm ---

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

20 **MR. CALLAGHAN:** --- had said he was a  
21 detective and he was speaking to the hotelier.

22 **THE COMMISSIONER:** I don't know that he said  
23 detective. I thought he said an investigator.

24 **MR. CALLAGHAN:** I don't have my reference  
25 but maybe I'm mistaking the various statements. Obviously



1 the statements are on record and we can deal with that at  
2 the end of the day, but I hear what you're saying but he  
3 did an investigator. That became an issue in a trial and  
4 we'll deal with that with Mr. Chisholm.

5 **THE COMMISSIONER:** Sure.

6 **MR. CALLAGHAN:** But the point being is I  
7 would have gone into those issues. I would have asked in  
8 great detail about what the intent was. Why they were  
9 there? How did he get there?

10 He testified that he came back for a day and  
11 a half with Mr. Chisholm and it almost appeared by car but  
12 it was a little uncertain to me as to whether they flew but  
13 if it was a day and a half, one would assume it was car.  
14 And yet, we know that Exhibit 570 appear -- or at least we  
15 believe it to have been sworn and I believe he said it was  
16 sworn on December 7<sup>th</sup>, '96 or signed I should say on  
17 December 7<sup>th</sup>, '96.

18 So there is an issue in my mind as to  
19 exactly what is going on with Mr. Leroux. He says it's a  
20 whirlwind and I would have gone over it.

21 **THE COMMISSIONER:** And you have what?  
22 Followed him with it?

23 **MR. CALLAGHAN:** Sorry?

24 **THE COMMISSIONER:** Your voice trailed off  
25 and I didn't get ---

1                   **MR. CALLAGHAN:** Sorry. He said it was a  
2 whirlwind and I would have gone over all those details with  
3 him to get ---

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

5                   **MR. CALLAGHAN:** --- to ensure that, you  
6 know, the record was clear and to understand what's  
7 happened.

8                   I would have gone over the February 7<sup>th</sup>  
9 attendance at the OPP. I would have asked him whether or  
10 not he was aware that Mr. Bourgeois had attended at the OPP  
11 two weeks previously with C-8 with the intent of giving a  
12 statement as against Mr. Leroux.

13                   I would have gone over the statement which I  
14 referred to earlier at page 90 of Volume 122 where he said  
15 that he was prepped by Mr. Bourgeois before that meeting on  
16 February 7<sup>th</sup>, '97, and I would have gone into great details  
17 as to how that occurred. And what indeed was the purpose  
18 of him going on February 7<sup>th</sup>, '97 because it's not entirely  
19 clear to me why he does go at that time.

20                   I would have -- moving to the next area, I  
21 would have then gone over the various statements and again,  
22 for the reasons we spoke about earlier, I won't, but I  
23 would have gone over the evolution of the statements as  
24 many have alluded they would have done. How they had  
25 morphed? What additions were made? Whose suggestions they

1 were? Whether indeed, in that process, we would have  
2 learned he actually read some of this, because he said so  
3 far he hasn't.

4 I would have also reviewed, as Mr. Sherriff-  
5 Scott did, the motive of Mr. Leroux to perhaps fabricate or  
6 even to just alter statements slightly and I would have  
7 gone through the various obstruct justice that he referred  
8 to.

9 I would have referred to the fact again that  
10 the possibility of C-8's allegations. I would have taken  
11 him to his statement which he made at Exhibit 577 in the  
12 civil case, and that is 577b I believe.

13 **THE COMMISSIONER:** Yeah. What page?

14 **MR. CALLAGHAN:** Pardon me one second; I just  
15 want to make sure I have the right page.

16 (SHORT PAUSE/COURTE PAUSE)

17 **MR. CALLAGHAN:** And it's page 159 of 577b I  
18 believe, sir.

19 **THE COMMISSIONER:** I am sorry; 159?

20 **MR. CALLAGHAN:** Five seven seven b (577b).

21 **THE COMMISSIONER:** That I understand. What  
22 page?

23 **MR. CALLAGHAN:** So page 159.

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

25 **MR. CALLAGHAN:** And it starts at Question

1 1246:

2 "You were having a whole lot of  
3 psychological problems because..."

4 -- and they mention the name. And they continue down at  
5 1250. They say:

6 "...C-8?"

7 Answer:

8 "Yes. That was very threatening. That  
9 was the biggest threat in the world."

10 Question:

11 "Now what C-8 was doing to you was even  
12 more threatening than anything else  
13 anyone had done?"

14 Answer:

15 "Blackmail."

16 Question:

17 "It was blackmail. What kind of  
18 blackmail?"

19 Answer:

20 "He could have told my wife everything.  
21 He knew a lot about me, a lot."

22 Question:

23 "He threatened you?"

24 Answer:

25 "I trusted like he was."

1 Question:

2 "He threatened to expose your past to  
3 your wife?"

4 Answer:

5 "Oh yes. He got my house; he got the  
6 business; he got it all."

7 Question:

8 "He did more damage to you than any of  
9 these other people by whom you were  
10 sexually abused; true?"

11 Answer:

12 "He walked away laughing."

13 And I would have quizzed him what the threat  
14 about telling the wife was and whether that played any part  
15 in his motive to make up certain stories.

16 I would have pointed out to him that he had  
17 also had a relationship with another young man, which he  
18 discloses in the transcripts, and whether that too would  
19 have come out. So I would have suggested to him that he  
20 was concerned that there was a lifestyle that he did not  
21 want to have exposed.

22 I would have also put to him that he has  
23 said on more than one occasion that he does not like  
24 police. He testified in this discovery at page 190:

25 Question:

1 "You claim repressed anger; repressed  
2 anger against whom?"

3 Answer:

4 "Against police officers, lawyers."

5 And that's no different than what he said  
6 here obviously. He said the same thing into this inquiry.  
7 So I would have put those as motives.

8 And then I would have reviewed some of the  
9 allegations against individuals associated with the  
10 Cornwall Police. I would have reviewed first his  
11 allegations that he told Officer Eddie Ostler about the  
12 allegations that apparently happened at the church. He  
13 says, if you recall -- or at the school I should say. You  
14 will recall that he says his father spoke to Officer  
15 Ostler.

16 **THE COMMISSIONER:** M'hm

17 **MR. CALLAGHAN:** And yet, when he goes and  
18 speaks to the OPP on February 7<sup>th</sup>, '97, Exhibit 572, and I  
19 think Mr. Engelmann brought this out in another occasion,  
20 but at page 8, he says:

21 "I remember telling my mother and  
22 father about the confession incidences  
23 and they did not believe me. My father  
24 said, 'Oh, they're men of the cloth;  
25 they wouldn't do that. You're just

1 getting carried away; you know a little  
2 but they touch you on the shoulder.  
3 You get excited.' I said, 'No. It's  
4 not that.' I said, 'They're touching  
5 me some places else.' My father said,  
6 'Sure.' My father very, very church-  
7 oriented; the whole family was.  
8 We got to Lent after, you know, through  
9 the snow in the winter and you got up  
10 early every morning and you'd go to  
11 church, church, church; decades of the  
12 beads all during Lent.  
13 Every night the whole family kneels  
14 down and you go through with the beads.  
15 Do it anyway. Yeah, right. Anyway,  
16 told my parents about Cameron's Point's  
17 incident."

18 And he goes on, but nowhere does he say --  
19 and Mr. Engelmann took him earlier to what he told Mr.  
20 Dunlop, but nowhere does he say that he ever went, that his  
21 father went to Eddie Ostler. In fact, it's the contrary at  
22 that time.

23 And I would have put to him that he is aware  
24 that Eddie Ostler is dead and that Eddie Ostler is not here  
25 to refute his statement that the made.

1 I would have gone over with him the photo  
2 line-up issue again that's in the record, but I would have  
3 asked him further questions. He'd said that he was shown  
4 pictures. When he didn't know the name, they often told  
5 him the name but he didn't say which ones. I would have  
6 asked which ones, including the ones -- including Mr.  
7 Shaver and Mr. McDonald.

8 I would have pointed out that neither of  
9 those two gentlemen are seen to be at Ken Seguin's until --  
10 in the case of Mr. Shaver -- not until October 11<sup>th</sup>, that's  
11 the first sighting, which is the VIP meeting that I just  
12 pointed to which he now says doesn't happen, and to Mr.  
13 McDonald, even later. And that would -- those are the  
14 documents we looked at a moment ago, sir.

15 In respect of Stuart McDonald, I would  
16 remind you that he testified that he thinks he saw a  
17 photograph of him on the lawn with somebody and that he saw  
18 him once.

19 It is -- I would have suggested to him that  
20 in fact they probably only saw the photograph and that he's  
21 never met Stuart McDonald. Yet, he has testified in  
22 affidavits and in statements that he saw him at the VIP  
23 meeting that never happened. He's testified, or he stated  
24 in Exhibit 574, that he always saw him with Chief Shaver,  
25 which couldn't be the case if he only saw him once.



1                   And, again, sir, I'm sensitive to the time.  
2           If I do that -- if it's acceptable to you, I will give you  
3           the page reference and that way we don't have you turning  
4           up documents.

5                   So Exhibit 574, page 73, one of the  
6           statements, he says that he always saw him with the chief,  
7           which obviously couldn't be the case if he only saw him  
8           once.

9                   He's able, he says, to pick out on December  
10          1<sup>st</sup>, when Mr. Dunlop has the pictures, a picture of Stuart  
11          McDonald. I question and I would have questioned whether  
12          that's at all possible, even on his evidence of only seeing  
13          him briefly, once. And I would have taken issue, for  
14          example, with what the CCR said and I would have gone at  
15          great length to show that the December 1<sup>st</sup> video recording  
16          was preceded by many discussions. There was a 32-minute  
17          break in it as we saw and I would have asked what happened  
18          on that 32-minute break. I would have -- the veracity of  
19          that interview would have been challenged to a great  
20          extent.

21                   He said, at one point, that he was told that  
22          -- and he tells Dunlop at Exhibit 568, at page 47, that  
23          he's told by Malcolm MacDonald that Stuart McDonald hates  
24          his guts. I would have put it to him that it was probably  
25          told to him the other way around by Mr. Dunlop.

1 I would have took him to -- taken him to  
2 other statements ---

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

4 **MR. CALLAGHAN:** He testified -- he's not  
5 testified but he ---

6 **THE COMMISSIONER:** And Malcolm told him that  
7 Stuart hated his guts?

8 **MR. CALLAGHAN:** Malcolm -- he says that  
9 Malcolm -- he tells Dunlop that Malcolm MacDonald told him  
10 that Stuart hated his guts.

11 **THE COMMISSIONER:** Right.

12 **MR. CALLAGHAN:** And I would suggest to him  
13 that in fact that conversation didn't happen.

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

15 **MR. CALLAGHAN:** And what probably happened  
16 is that Mr. Dunlop expressed animosity towards Stuart  
17 McDonald.

18 **THE COMMISSIONER:** Okay.

19 **MR. CALLAGHAN:** I would have pointed out  
20 that when he goes to the OPP interview, at page 68, this is  
21 the interview with Mr. Bourgeois, which is Exhibit 572, he  
22 is able to give the address of Stuart McDonald; a man whom  
23 he has testified he's only seen -- I'm not even sure he was  
24 introduced in the testimony -- once.

25 I would have asked how is it that possible,

1 unless prior to that interview he was prepped as he said he  
2 was in the testimony, by either Mr. Bourgeois or Mr. Dunlop  
3 as to what the address was. He also gives the address at  
4 that time of Chief Shaver.

5 I would have then gone on to deal with his  
6 allegations against Chief Shaver. I would have pointed out  
7 that he includes him in the clan of pedophiles, although  
8 he's never seen any sexual impropriety by Chief Shaver,  
9 which is what he testified to.

10 He testified here that he saw him once under  
11 a backhoe. He has given countless statements. That is the  
12 first time, here at the CPI, that that evidence has come  
13 out and I would have challenged him considerably on that.

14 He says he saw him in Florida with -- with  
15 Ron Wilson and, I believe, Malcolm McDonald. Chief Shaver  
16 will say he's never been in Florida with Ron Wilson. Ron  
17 Wilson told the OPP and Malcolm MacDonald told the OPP that  
18 neither of them had been in Florida with Chief Shaver.

19 He said that he identified Shaver as a  
20 friend of Charlie MacDonald from a photograph. I would  
21 have asked what photograph? Where is that photograph? Can  
22 you show me the photograph? Can you clearly identify that  
23 it's Claude Shaver in that alleged photograph?

24 I would have also pointed out that he has  
25 misidentified Claude Shaver and brought him in on countless

1 occasions to bolster his other stories. For example, he  
2 said he saw Stuart MacDonald with Claude Shaver on a number  
3 of occasions. He testified here he only saw Stuart  
4 MacDonald once.

5 He said -- and this was brought out by the  
6 OPP -- that he met Murray MacDonald with Chief Shaver. Not  
7 only can Murray MacDonald take the satisfaction of saying  
8 he wasn't there, Ron Leroux, in Volume 122, page 111 page  
9 112, said he doesn't think he's ever met Murray MacDonald.  
10 Again, he's using Claude Shaver to bolster what it is he  
11 thinks he saw.

12 I would have taken him to the dinner and ---  
13 **THE COMMISSIONER:** Which one now, the VIP  
14 dinner?

15 **MR. CALLAGHAN:** The dinner -- I'm sensitive  
16 to time -- the dinner that he says was attended by --  
17 volume 122 of June 28<sup>th</sup>, page 92 and 93, he refers to a  
18 dinner in which he says:

19 "Shaver, Charlie MacDonald and another  
20 priest, Malcolm MacDonald, were  
21 present."

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

23 **MR. CALLAGHAN:** And he says, his testimony  
24 was that it was Malcolm MacDonald's birthday.

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

1                   **MR. CALLAGHAN:** And it was a birthday party  
2 for Malcolm MacDonald. That was what his testimony was  
3 here.

4                   He did a statement on December 4<sup>th</sup> that we  
5 saw earlier, in which he says:

6                                 "I can recall having a meal at Ken  
7                                 Seguin's house in Summerstown with Ken  
8                                 Seguin, Claude Shaver, Eugene LaRocque,  
9                                 Malcolm MacDonald, C-8 and myself."

10                   I would have confirmed that it was one  
11 dinner, one and the same dinner, but this was the dinner  
12 that was Malcolm MacDonald's party. And I would have  
13 suggested to him that his testimony here, and the  
14 statements below, were made up.

15                   Here he said it was Charlie MacDonald and  
16 another priest. On December 4<sup>th</sup>, he says Bishop Eugene  
17 LaRocque and it's inconceivable that if the allegations  
18 against Bishop LaRocque are true that he wouldn't know the  
19 other priest was supposedly Eugene LaRocque.

20                   In fact, here he says it might have been  
21 someone who came up from somewhere else. The statement he  
22 gives and the genesis of this is in the December 1<sup>st</sup>  
23 interview with Perry Dunlop. And in it, he states that  
24 there was a party at Ken Seguin's house and it was attended  
25 by Claude Shaver, C-8, Ron Wilson, Ken Seguin, and the

1 bishop.

2 He says it was attended by hookers which of  
3 course here he said he was never anywhere with the  
4 exception of perhaps Malcolm MacDonald's cottage with  
5 somebody who he thought might be perhaps an over-age  
6 prostitute. And yet in his statement to Dunlop, this party  
7 now has hookers.

8 He also says in this statement that Malcolm  
9 MacDonald wasn't there very long; he kind of just showed  
10 up. He was somewhere for a buffet before. That's  
11 inconceivable if it's his birthday party, as he testified  
12 here.

13 It would be my contention in the end that  
14 much of what he says might well be repressed memory put  
15 there by others, or stories which he has made up but he's  
16 not completely able to give up, and I would have put that  
17 to him and I would have used it. In our final submissions,  
18 I'll take you through in a little more detail.

19 I would have also pointed out, now that Mr.  
20 Horn has done it, some of the evidence in the Cheeseborough  
21 matter where he says at page 10 of that document:

22 "Do you have a criminal record?"

23 Answer:

24 "No."

25 Clearly that was false because he did.

1                   And then he goes on to say at page 7 that  
2                   this young fellow Cheeseborough had testified, that he was  
3                   helping Ron Leroux with Project Truth, and that -- Ron  
4                   Leroux says that's not true, that he was working with Don  
5                   Genier. And I would have asked him what role he thought,  
6                   in October 29<sup>th</sup>, 2001 he had with Project Truth, and I would  
7                   have put to him that perhaps one of his motives might have  
8                   been that this made him feel important, and then I would  
9                   have asked him whether in fact he knew he, himself, was  
10                  under investigation.

11                  I think those would generally cover it, and  
12                  I hope I got through it quickly and I hope it wasn't too  
13                  confusing without going to the documents.

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

15                  --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CARROLL:

16                  **MR. CARROLL:** Good afternoon. My points are  
17                  very brief, so I'm going to precede Mr. Kozloff.

18                  I'm going to ---

19                  **THE COMMISSIONER:** I'll make no comment  
20                  about that.

21                  **MR. CARROLL:** I'm sorry?

22                  **THE COMMISSIONER:** I'll make no comment  
23                  about that.

24                  **MR. CARROLL:** About preceding Mr. Kozloff?

25                  **THE COMMISSIONER:** About you're going to be

1 brief and Mr. Kozloff isn't.

2 MR. CARROLL: I'll be able to leave once I'm  
3 done.

4 THE COMMISSIONER: Oh no you're not.

5 MR. CARROLL: Sir, I would have attempted to  
6 refresh the witness' memory with respect to the issue of  
7 his contacts with the OPP subsequent to his initial  
8 interviews, and I'll make reference to the documents.  
9 Whether they are put up or not is of no moment to me.

10 At Volume 120 of the transcript, page 183,  
11 Mr. Engelmann has the following exchange with Mr. Leroux,  
12 around line 14:

13 "Did you get called from time to time  
14 to be asked questions about those  
15 allegations aside from these two  
16 interviews?"

17 And the allegations he's speaking of are the  
18 abuse that he claims he suffered.

19 Answer:

20 "Not that I can remember from them,  
21 no."

22 "And did anyone tell you at some point  
23 in the time that they were not going to  
24 be laying charges against the people  
25 you allege abused you?"



1 And Leroux's answer is:

2 "No."

3 And the documents that I would have  
4 referenced to the witness in order to assist his memory, in  
5 addition to the interviews of February, being Exhibits 572  
6 and 573, is Document 733614, which is a note from Constable  
7 Dupuis, sir.

8 **THE COMMISSIONER:** Do we have that?

9 **MR. CARROLL:** It should be in there.

10 If I may, it's simply a note indicating an  
11 attempt to call Mr. Leroux in Norway, Maine. If you go to  
12 the ---

13 **THE COMMISSIONER:** Exhibit 687?

14 **MR. CARROLL:** Right.

15 --- **EXHIBIT NO./PIÈCE No. P-687:**

16 (733614 7131164-65) Notes of Joe Dupuis  
17 re Ron Leroux dated from 11 Oct 97 to  
18 14 Oct 97

19 **THE COMMISSIONER:** Yeah. Okay, so?

20 **MR. CARROLL:** And it's at Bates page  
21 7131165.

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

23 **MR. CARROLL:** And the entry is at 1442. You  
24 can see the officer's indication there that he called Ron  
25 Leroux in Norway, Maine and the telephone number. "Not

1 in". The message was left and then the officer receives  
2 certain information about their inability to communicate  
3 with outgoing phone calls. Their phone apparently had some  
4 kind of a block on it so they couldn't make calls.

5 **THE COMMISSIONER:** Okay.

6 **MR. CARROLL:** And the next contact in  
7 sequence, sir, is Exhibit 574, which is the audio taped  
8 interview with Leroux in Maine.

9 Following that, Document 727732, and that is  
10 a telephone call to Leroux about viewing videotape --  
11 sorry, viewing photographs. There's some thought given to  
12 the possibility of a photo line-up.

13 **THE COMMISSIONER:** Exhibit 688, yes.

14 **--- EXHIBIT NO./PIÈCE No. P-688:**

15 (727732 7107476-78) Notes of Joe Dupuis  
16 re Ron Leroux dated from 09 Aug 01 to  
17 23 Aug 01

18 **MR. CARROLL:** Yeah. And if you look at  
19 Bates 7107477 ---

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

21 **MR. CARROLL:** --- around maybe a third from  
22 the bottom, it begins "Called Ron Leroux". Do you see  
23 that?

24 **THE COMMISSIONER:** "No answer."

25 **MR. CARROLL:** "Called Ron Leroux." No --

1           yes. And then further down:

2                               "Called Ron Leroux at home. Spoke to  
3                               him about the investigation."

4           Do you have that?

5           **THE COMMISSIONER:** Oh yes.

6           **MR. CARROLL:** All right.

7           **THE COMMISSIONER:** "...about the  
8                               investigation at our request for him..."

9           **MR. CARROLL:** "...and request for him to  
10                              view photographs in the near future."

11           And he agreed and said he would await  
12           further instructions from the police.

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

14           **MR. CARROLL:** There was some -- apparently  
15           some thought given to the possibility of a photo line-up  
16           being conducted at that point. So there was the contact  
17           there with Mr. Leroux.

18                              And then finally, on August 22<sup>nd</sup>, 2001, if  
19           you go to Document 733629, and it's Bates pages 7132027.

20           At the bottom of that page the officer indicates that he:

21                              "Received instructions from Detective  
22                              Inspector Hall to contact both Renshaw  
23                              and Leroux to advise..."

24           And over to the next page:

25                              "...that no charges would be laid in

1 relation to their allegations of sexual  
2 abuse."

3 **THE COMMISSIONER:** Okay, so Exhibit 689 is  
4 an excerpt of whose notes?

5 **MR. CARROLL:** These are Dupuis'.

6 **THE COMMISSIONER:** Dupuis?

7 **MR. CARROLL:** Yes.

8 **THE COMMISSIONER:** All right. Officer  
9 Dupuis', yes.

10 **--- EXHIBIT NO./PIÈCE No. P-689:**

11 (733629 7132027-28) Notes of Joe  
12 Dupuis re Ron Leroux dated from 09  
13 Aug 01 to 23 Aug 01

14 **MR. CARROLL:** And then the note indicates  
15 that there was an attempt to call both and there was no  
16 answer. So the officer then drove to Cornwall and spoke  
17 with Mrs. Leroux, Ron's mother, and advised her -- or spoke  
18 with her, did not give her the information because it was  
19 not the officer's habit of leaving information with persons  
20 other than those directly involved, but confirmed that  
21 Leroux did indeed live there but was just out, and the  
22 officer left his card and asked that her son get a hold of  
23 him.

24 So those are just documents that I wanted to  
25 draw to your attention and was going to, had the witness

1 presented himself, use to assist the witness' memory and  
2 context.

3 **THE COMMISSIONER:** Thank you.

4 **MR. CARROLL:** Thank you very much.

5 **THE COMMISSIONER:** Thank you.

6 Mr. Kozloff?

7 So Mr. Carroll is on his way.

8 **MR. CARROLL:** I actually feel obliged to ---

9 **THE COMMISSIONER:** No, no, no, certainly not  
10 from me.

11 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KOZLOFF:

12 **MR. KOZLOFF:** Sir, I spoke with Mr.  
13 Engelmann earlier. He indicated that we had a curfew of  
14 approximately 5:00 p.m.

15 **THE COMMISSIONER:** Give or take a few  
16 minutes.

17 **MR. KOZLOFF:** And I'm going to be frank with  
18 you; I'm really uncertain as to whether I'll be able to  
19 complete my presentation in that time.

20 **THE COMMISSIONER:** There's always tomorrow.

21 **MR. KOZLOFF:** Thank you.

22 I would like to begin by referring to my  
23 correspondence with Mr. Engelmann which was basically  
24 setting out the outline of my presentation.

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

1                   **MR. KOZLOFF:** This is by letter dated  
2                   September 27<sup>th</sup>, 2007, and I indicated in that letter, which  
3                   was obviously shared with counsel for all parties ---

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

5                   **MR. KOZLOFF:** --- the areas that I would  
6                   cover in my presentation.

7                   Having listened carefully, as you have and  
8                   everybody else has, to the submissions of my friends, I can  
9                   tell you that I will not be dealing with all of the areas.  
10                  In fact, my presentation will be largely confined to the  
11                  period between December of 1992 and March of 1994.

12                  **THE COMMISSIONER:** All right.

13                  **MR. KOZLOFF:** I think my friends have really  
14                  covered the period of '96 through -- up to the present.

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

16                  **MR. KOZLOFF:** Those areas include the  
17                  seizure of the videotapes in a suitcase and otherwise and  
18                  some guns from Mr. Leroux's residence ---

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

20                  **MR. KOZLOFF:** --- on the 10<sup>th</sup> of February  
21                  1992, the investigation of the death of Ken Seguin on  
22                  November 25<sup>th</sup>, 1993 and the OPP investigation in --  
23                  beginning early in 1994, of both Mr. Silmsers' allegations  
24                  as against Father Charles MacDonald and Ken Seguin and the  
25                  allegation of -- or an alleged extortion by Mr. Silmsers of

1 Ken Seguin in the years 1992 to 1993.

2 I will give you the documents and highlights  
3 unless you want me to take you to specific quotations, sir.

4 With respect to the seizure of the tapes and  
5 the suitcase and the guns, you have Document 713557. That  
6 is an interview report of Constable Steve McDougald  
7 conducted by Detective Sergeant, as he then was, Pat Hall  
8 on the 11<sup>th</sup> of December 1998.

9 **THE COMMISSIONER:** Which is now Exhibit 690.

10 **--- EXHIBIT NO./PIÈCE No. P-690:**

11 (713557) Interview Report - Steve  
12 McDougald with OPP PR Hall dated 11 Dec  
13 98

14 **MR. KOZLOFF:** Thank you.

15 According to Constable MacDonald, Mr. Leroux  
16 told him on the 25<sup>th</sup> of April 1993 that the videotapes and  
17 the suitcase which had been seized from his home on  
18 February the 10<sup>th</sup>, 1992 while he was in Florida were not  
19 his, that he had found them in a garbage dumpster at the  
20 Raisin River Campground where he was employed. That he,  
21 Ron Leroux, took them away from the campground so they  
22 would not fall into the wrong hands. They would not fall  
23 under the hands of kids.

24 He told Constable McDougald that he did not  
25 want them back and that he agreed to sign a quitclaim

1 allowing the OPP to destroy the property. This is the  
2 tapes which the OPP had been holding since they had been  
3 taken from Mr. Leroux' home some two and a half months  
4 earlier.

5 According to Constable McDougald, he and  
6 Constable Dussault had viewed the tapes and determined that  
7 they were adult male homosexual tapes.

8 The ---

9 **THE COMMISSIONER:** Wait a minute.

10 **MR. KOZLOFF:** Sorry?

11 **THE COMMISSIONER:** Where is that now?

12 **MR. KOZLOFF:** It's in ---

13 **THE COMMISSIONER:** That they were viewed by  
14 the ---

15 **MR. KOZLOFF:** Oh, I'm sorry. At page 2 of 3  
16 in the middle paragraph:

17 "It was determined by Staff Sergeant  
18 McWade that I view the videotapes  
19 randomly to ascertain if there was any  
20 child pornography or home videos of  
21 local people. The videos were reviewed  
22 by myself and Provincial Constable Pat  
23 Dussault periodically through the next  
24 several day shifts. The videotapes all  
25 appeared to be professionally



1 manufactured with labels on them. Some  
2 appeared to be copies of legitimate  
3 tapes. All tapes were adult male  
4 homosexual acts recorded on them. One  
5 segment viewed contained a female and  
6 male adult in sexually explicit acts."

7 The next document that I would refer you to,  
8 sir, is Document 713559. That's the interview report of  
9 Staff Sergeant McWade by Detective Sergeant, as he then  
10 was, Hall on the 4<sup>th</sup> of February 1999.

11 **THE COMMISSIONER:** Exhibit 691.

12 **--- EXHIBIT NO./PIÈCE No. P-691:**

13 (713559) Interview Report - Jim McWade  
14 with OPP PR Hall dated 04 Feb 99

15 **MR. KOZLOFF:** He confirms McDougald's  
16 version that Leroux told the OPP on the 25<sup>th</sup> of April that  
17 the tapes weren't his and he did not object to their  
18 destruction and that he signed a quitclaim.

19 He also indicates at the first page, sir,  
20 that he directed that each of the tapes be viewed for  
21 content, that he himself observed some of the contents and  
22 the tapes appeared to be copies of professional  
23 commercially produced movies involving homosexual relations  
24 between adult males.

25 I would have asked Mr. Leroux if he knew

1 from either C-8 or Malcolm MacDonald prior to April 25<sup>th</sup>,  
2 1993 because he indicates that he got a call from the OPP  
3 and he went there the next day.

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

5 **MR. KOZLOFF:** So I suppose my question would  
6 have been, how long before the 24<sup>th</sup> of April did you know  
7 about the execution of the search warrant, if at all,  
8 because you will hear during the institutional response  
9 evidence of the efforts of the OPP to reach Mr. Leroux for  
10 weeks prior to the 25<sup>th</sup> of April.

11 I would have suggested to Mr. Leroux that he  
12 provided a plausible explanation, which turns out to be a  
13 lie, for how he had come into possession of those tapes.  
14 It turns out to be a lie if you accept the evidence that he  
15 provided here at the Inquiry that in fact those tapes had  
16 been put into his house by Ken Seguin while he was away in  
17 Florida and that Seguin had confessed that to him on his  
18 return from Florida.

19 I would ask him why he didn't tell the  
20 police that they were Ken Seguin's, although I'm sure the  
21 answer would be obvious. This was at a time when Ken  
22 Seguin and apparently Ron Leroux knew that there had been  
23 allegations made against Ken Seguin of historic male sexual  
24 abuse by David Silmser.

25 **THE COMMISSIONER:** What date was this?

1                   **MR. KOZLOFF:** This was -- the execution of  
2 the warrant was February 10<sup>th</sup>, 1993.

3                   **THE COMMISSIONER:** Right.

4                   **MR. KOZLOFF:** If I remind you simply of the  
5 ice -- the walkout on the ice was December the 19<sup>th</sup>, 1992.

6                   **THE COMMISSIONER:** Yeah.

7                   **MR. KOZLOFF:** I would have asked him,  
8 although I think again the answer is obvious, was the lie  
9 that he told to the police on the 25<sup>th</sup> of April about how he  
10 had come into possession of the tapes an attempt to cover  
11 up for Ken Seguin.

12                   I would have asked him whether he knew at  
13 that time that the Cornwall police had been told by David  
14 Silmsler about allegations against Ken Seguin. And I would  
15 have asked him then about Exhibit 562, which is the  
16 statement of March 28<sup>th</sup>, 1994, in which he tells Constable  
17 Genier who you will hear during the institutional response  
18 evidence was at that time tasked with assisting Inspector  
19 Hamelink with the investigation of the alleged extortion by  
20 David Silmsler of Ken Seguin, and Constable Fagan who at  
21 that time was tasked with assisting Inspector Smith with  
22 the reinvestigation of David Silmsler's allegations against  
23 Father Charles MacDonald.

24                   So the two who were acting on sort of  
25 parallel investigations involving Mr. Silmsler attended in

1 May and spoke to Mr. Leroux on the 28<sup>th</sup> of March 1994 and he  
2 says to them in February of 1993,

3 "Ken Seguin put a briefcase in my house  
4 containing VCR tapes of gay men and the  
5 police seized them when they took some  
6 guns from my house when I wasn't there.  
7 The guns were since sold to C-8. The  
8 Lancaster OPP were the police  
9 department that seized the tapes and  
10 guns."

11 This the first occasion on which Mr. Leroux  
12 attributes ownership of the tapes to Ken Seguin, at least  
13 in the context of discussions with police officers. Of  
14 course, Mr. Seguin by this time is dead.

15 I would have asked him about the use of his  
16 terminology "gay men" as opposed to allegations involving  
17 child pornography or younger people depicted in the tapes.

18 And again, there is no suggestion -- I would  
19 have put that to him. There is no suggestion in Exhibit  
20 562 that Mr. Leroux indicated to the police a year earlier  
21 that he wanted the tapes back.

22 Then I would have referred him to Exhibit  
23 572. And again, to use Mr. Sherriff-Scott's lovely  
24 language, there's a metamorphosis of allegations here.

25 In 572, which is the statement to the OPP in

1 February 7<sup>th</sup>, 1997, Mr. Leroux, at page 16, says he went to  
2 Florida with Ken Seguin in December, prior to his death.  
3 The day after he found Ken on the ice, he rested up there -  
4 - referring to Mr. Seguin, "He rested up there for a couple  
5 of weeks and we came back".

6 That would put us into mid-January of 1993.  
7 That's at page 17.

8 "Two days go by and I went down for  
9 another three weeks to a month, leaving  
10 Ken Seguin to look after the house and  
11 dog."

12 That would bring him back mid to late  
13 February of 1993. That's at page 18.

14 If that's the case, I would ask Mr. Leroux  
15 why he waited two months to respond to the efforts of the  
16 police to have him come in and attend regarding the tapes.

17 In any event, at pages 47 and 48 of that  
18 statement, he tells the officers:

19 "Ken Seguin said he had stored them..."

20 -- referring to the tapes --

21 "...at my house because he was in a  
22 panic. Ken Seguin told me that the  
23 videotapes were homemade pornography."

24 This is the first time that Mr. Leroux tells  
25 the police that Ken Seguin had told them that -- told him

1 that the tapes were homemade pornography. This is, of  
2 course, almost three years to the day from the time that  
3 they were taken from his home.

4 He says that Seguin told him that:

5 "The videotapes were of sex acts on  
6 minors and adults. He told me what was  
7 on the tapes himself; he said they were  
8 like trophies.

9 I recall one time I walked into Ken's  
10 home and he was watching a homemade  
11 movie with sex acts on a minor. Ken  
12 later said to me, 'Why didn't you get  
13 the tapes back?' He says, 'I didn't  
14 want them; they weren't mine.' I  
15 wasn't sticking my ass into that one."

16 Those are Mr. Leroux's words to the  
17 officers.

18 So this is the first time, Mr. Commissioner,  
19 that Leroux said that Ken Seguin told him that there were  
20 minors on the tapes; that Ken Seguin himself was on the  
21 tapes. The first time he said he himself had witnessed  
22 that there was sex with minors on the tapes.

23 I would have asked him where all of those  
24 lies originated. And they are lies, I say, because he said  
25 here under oath, before you, that he never saw the tapes.

1 He was never told by Ken Seguin that there were minors on  
2 the tapes. There was a complete denial of all of those  
3 details.

4 Where do the lies originate? Did they  
5 originate with Mr. Leroux or at the suggestion of others?  
6 I would have suggested to him that if the police had seized  
7 the tapes and if they were kiddie porn that he knows full  
8 well that he himself would have been arrested at the time.  
9 That makes his story rather ridiculous in any event.

10 I would have asked him, when he went to the  
11 station in April of 1993, what did he know about the tapes?  
12 Did he know that they had been seized from his home?  
13 Before he went to the station, did he know that they were  
14 Ken Seguin's before he went to the station and did he know  
15 that they were male porn before he went to the station?

16 Page 87, he says:

17 "He..."

18 -- referring to Malcolm MacDonald --

19 "...was a collector of porno tapes that  
20 he could buy through a magazine, have  
21 them shipped to the house or the  
22 office. Brown bagged stuff, brown  
23 boxed stuff and he would swap them back  
24 and forth. Ken would swap; he'd swap  
25 Ken and they'd go back and forth."

1 I would have asked him whether this was true  
2 and did Malcolm MacDonald swap with Ken. Were the tapes  
3 seized from his house simply copies of tapes purchased by  
4 Ken or by Malcolm MacDonald and swapped amongst the two of  
5 them? Did Ken make copies of tapes that he received from  
6 Malcolm MacDonald and return?

7 At page 93 to 96, he adds that he found his  
8 home in a complete mess, trashed. He makes it appear at  
9 that point as if he responded the next day which is why I  
10 raise this period ---

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

12 **MR. KOZLOFF:** --- between his return from  
13 Florida and his attendance at the station. He made it  
14 appear as if he knew nothing about the seizure until the  
15 telephone call from the OPP, which was the 24<sup>th</sup> of April  
16 according to his position, which is it was the day before  
17 he went to the station, and that he never discussed the  
18 issue with Ken Seguin at all until a few hours after he  
19 returned from the station and asked him, "What the hell was  
20 going on?"

21 He says that Ken Seguin said that he was  
22 under investigation for a sexual assault and that the tapes  
23 would clinch a conviction against him, and you may recall  
24 that terminology because he denies he'd ever used that  
25 word.



1 He says he observed destroy tapes and  
2 probation documents in a bin outside the master bedroom.  
3 He questioned -- he questions himself why the OPP wouldn't  
4 have seized those things.

5 I would have asked him when he noticed the  
6 "things" that he refers to, the spaghetti tape and the torn  
7 up probation documents for the first time, was it before he  
8 heard from the OPP, which was at least a month and maybe  
9 two before the 25<sup>th</sup> of April? If so, would he not have  
10 discussed this with Ken Seguin immediately?

11 Was it after he heard from the OPP, which  
12 would mean that he didn't notice the things in his barrel  
13 for a month or two?

14 At page 95, he says:

15 "I didn't discover it right that day."

16 I would have asked him what he meant by that  
17 because it's unclear.

18 He says:

19 "I was told what was in it by Ken."

20 He says:

21 "I was told what was in it by Gerry."

22 -- referring to Gerry Renshaw.

23 He said:

24 "He lived there; so Gerry knew about  
25 the tapes. He just came right out and

1 mentioned it, about it, just recently,  
2 in the last month or so."

3 I then would have referred him to Exhibit  
4 574, statement of November 25<sup>th</sup>, 1997 to Constable Genier  
5 and Detective Sergeant Hall. At pages 74 to 76, he  
6 repeats:

7 "Ken was in a panic because he was  
8 under investigation and Malcolm was  
9 feeding him information on different  
10 police officers that were going to take  
11 this case. There was a girl that had  
12 it for a while", he says.

13 I would have asked him when did he first  
14 find out that Malcolm was feeding Ken Seguin information on  
15 the Cornwall Police investigation; when between the 9<sup>th</sup> of  
16 December 1992 and the 28<sup>th</sup> of September 1993, which are the  
17 dates that the investigation commenced and ended.

18 He said that:

19 "Ken Seguin started getting panicky  
20 about what I've got in my house that  
21 would implicate me as a pedophile. So  
22 he grabbed those tapes. I'm in  
23 Florida. He's on my -- he's got my  
24 keys and he puts them in my house."

25 At Volume 121, now we're going to get into

1 what Mr. Leroux says now.

2 At Volume 121, pages 17 to 31, he claims to  
3 have asked for the return of the tapes and signed a  
4 quitclaim, thinking that it was a document that would allow  
5 them, the police, to return the documents -- the tapes to  
6 him.

7 I would have asked him whether it's true  
8 that he told the police that he found the tapes in a  
9 dumpster and that he took them with him only so that they  
10 would not fall into the wrong hands. And if so, wouldn't  
11 it be ridiculous to suggest that you asked for the tapes to  
12 be returned.

13 At Volume 122, pages 198 and 199, he says:

14 "I never saw any of the tapes. I  
15 discovered them after they were -- I  
16 discussed them with Ken Seguin after  
17 they were seized by the police. Ken  
18 Seguin did not tell me what was on the  
19 tapes. I never saw any of the tapes.  
20 I never saw any videotapes made at  
21 Ken's home. I never saw any cameras  
22 set up over the bed in Ken's home. Any  
23 evidence to suggest that I did would be  
24 false."

25 That was during the cross-examination by Mr.

1 Manson.

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

3 **MR. KOZLOFF:** I would have put to him the  
4 evidence of Gerald Renshaw, Volume 119, page 230. He  
5 testified at this Inquiry that Mr. Leroux told him that the  
6 OPP had taken his probation records from Leroux's home at  
7 the time of the search and seizure in February of 1993.

8 I would have asked Mr. Leroux, "Is it true  
9 that you told Mr. Renshaw that? If so, why would you tell  
10 him that when you are saying here that the truth is that  
11 Ken Seguin destroyed them and got rid of them the next  
12 day?"

13 I would have put to him the evidence of C-8  
14 at Volume 130, page 55. C-8 testified that Leroux told him  
15 that Seguin used to keep a camera in his bedroom over his  
16 bed. I would have asked Mr. Leroux if he told C-8 that. I  
17 would have asked him, "If so, why would you tell him that  
18 when the truth is, according to what you're saying here, is  
19 that you never saw or heard any such thing?" And I would  
20 have asked him who else he told that lie to.

21 I think I'll be another five minutes, sir.

22 **THE COMMISSIONER:** Okay.

23 **MR. KOZLOFF:** The second area is the  
24 investigation of the death of Ken Seguin on November 25<sup>th</sup>,  
25 1993. I've already referred you to the statement.

1 I would ask -- I would refer you to Exhibit  
2 561, which is the statement to Constable Dussault and  
3 Document 733048, which is the notes of Detective Constable,  
4 as he then was, Randy Miller.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit Number 692.

7 **--- EXHIBIT NO./PIÈCE NO. P-692:**

8 (733048) Notes of Detective Constable  
9 Randy Miller Ron Leroux dated from 25  
10 Nov 93 to 12 Jan 94

11 **MR. KOZLOFF:** He tells Dussault:

12 "I knew last year at the same time he  
13 was depressed, but this year I had no  
14 idea."

15 This is his first interview with a police  
16 officer immediately upon finding Mr. Seguin's body on the  
17 25<sup>th</sup> of November 1993.

18 **THE COMMISSIONER:** Where are you on this?

19 **MR. KOZLOFF:** Sorry. This is Exhibit 561.

20 **THE COMMISSIONER:** Oh, I'm sorry. Okay. I  
21 thought you were at 692.

22 **MR. KOZLOFF:** This is the statement -- this  
23 is the short statement and it's the last line of the  
24 statement.

25 **THE COMMISSIONER:** Okay.

1                   **MR. KOZLOFF:** The next document is Document  
2                   733048, which you've just made the next exhibit.

3                   **THE COMMISSIONER:** Yes, okay.

4                   **MR. KOZLOFF:** And I'm looking at Bates page  
5                   -- the beginning is at Bates page 7127382 and following.

6                   **THE COMMISSIONER:** Well, it's 789 -- I'm  
7                   sorry.

8                   **MR. KOZLOFF:** 7127382 is the Bates page.

9                   **THE COMMISSIONER:** We're there, yes.

10                  **MR. KOZLOFF:** Okay. You'll see at 1642  
11                  Interview Leroux, Ronald?

12                  **THE COMMISSIONER:** Yes.

13                  **MR. KOZLOFF:** All right.

14                  And in it he indicates immediately that he's  
15                  a good friend of Seguin. And then if you go over to  
16                  7127384, about 10 line down:

17                                 "He seemed in good spirits."

18                  This is referring to Mr. Seguin the previous evening.

19                  There is no mention there, sir, of a phone  
20                  call. There is no mention of the stress and the pressure  
21                  that was being applied by Mr. Silmsler that you've  
22                  subsequently heard from the witness.

23                  At the next page, 7127385, the first answer,  
24                  he says:

25                                 "He told me last year he was quite

1 depressed last winter and talked to me  
2 about suicide. He was depressed about  
3 money, work overload and was worried  
4 about his brother."

5 Again, no reference to Mr. Silmsner and Mr. Seguin's  
6 concerns about the police investigation and the attempts to  
7 extract money for acts committed in the past.

8 I would have asked Mr. Leroux why he did not  
9 tell these officers the truth about Mr. Seguin's state of  
10 mind in the months leading up to his suicide as he  
11 understood it so that they could do a proper investigation.  
12 I would have suggested to him that he knew that Ken Seguin  
13 believed he was under investigation for historical abuse of  
14 David Silmsner. I would have suggested to Mr. Leroux that  
15 he knew, at the time of this interview on November 20<sup>th</sup> --  
16 sorry, on March of 1994 -- sorry, November 25<sup>th</sup>, 1993, that  
17 Mr. Silmsner was pressing him to come up with a substantial  
18 amount of money in connection with the abuse that he had  
19 suffered or alleged. And he knew that Mr. Seguin was  
20 terrified that he would be exposed and that his life would  
21 be ruined as a result.

22 I would have asked Mr. Leroux why was his  
23 anger focused on Father MacDonald and Malcolm MacDonald  
24 rather than on Mr. Silmsner for his role in driving his good  
25 friend, Mr. Seguin, to take his own life.

1 I would have asked him why he deliberately  
2 misled these officers by telling them that he had no idea  
3 Mr. Seguin was depressed on the night before his death and  
4 that he seemed in good spirits and that he had been  
5 depressed the previous winter and talked of suicide because  
6 of money, work overload and concern about his brother.

7 The next area and the last area, sir, is the  
8 investigation of the alleged extortion of Mr. Seguin.

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

10 **MR. KOZLOFF:** I refer you to Exhibit 562,  
11 which is the March 28<sup>th</sup>, 1994 interview. I would have asked  
12 Mr. Leroux why he told these officers that Seguin told him  
13 the previous winter, when he saw him walking out on the  
14 ice, that he was very depressed because he worked hard and  
15 no one appreciated it, when he knew that the real reason  
16 was because Mr. Seguin knew that Mr. Silmser had made  
17 allegations against him of historic abuse and was pressing  
18 him for money.

19 I would have asked Mr. Leroux why he did not  
20 tell the officers what he knew about Silmser's efforts to  
21 get money from Mr. Seguin.

22 I hope I have done that in a reasonable  
23 amount of time, sir. Those are the comments that I have to  
24 make today.

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



1 Mr. Engelmann, did you wish to re-examine?

2 (LAUGHTER/RIRES)

3 MR. KOZLOFF: I should say one other thing  
4 before ---

5 THE COMMISSIONER: All right.

6 MR. KOZLOFF: First of all, I'm very happy  
7 Mr. Engelmann's son is feeling better.

8 THE COMMISSIONER: Yes.

9 MR. KOZLOFF: I wanted to acknowledge the  
10 part played by Commission -- the Commission investigators  
11 and Commission counsel and Mr. Manson in bringing Mr.  
12 Leroux to the point where he was prepared, apparently, to  
13 be more forthcoming or intersect somewhat closer to the  
14 truth than perhaps is his usual path, and to acknowledge  
15 the importance of the cross-examination of Mr. Leroux by  
16 Mr. Manson on behalf of the Citizens for Community Renewal  
17 which brought about his recantations. In my submission,  
18 the 28<sup>th</sup> of June 2007 was a very good day for Cornwall.

19 Thank you, sir.

20 THE COMMISSIONER: Thank you.

21 Mr. Engelmann.

22 MR. ENGELMANN: I'm not going to go any  
23 further. I think counsel have done their bit with the  
24 alternative process and have done it quite efficiently.

25 I'm going to meet with them just as soon as

1 we're off the record, sir, for a few minutes, but I think  
2 you have already indicated to the parties that we're on for  
3 next Tuesday, October 9<sup>th</sup> at 10:00 a.m.

4 **THE COMMISSIONER:** That's right. Thank you.

5 **MR. ENGELMANN:** Thank you.

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

8 This hearing is adjourned until October 9<sup>th</sup>  
9 at 10:00 a.m.

10 --- Upon adjourning at 5:07 p.m./

11 L'audience est ajournée à 17h07

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Marc Demers, CVR-CM