

**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 60

Held at :

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

Thursday October 19, 2006

Tenue à:

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

Jeudi, le 19 octobre 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. Diane Lahaie	
Mr. Joe Neuberger	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Steven Canto	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko	Upper Canada District School
Ms. Nicola Simmons	Board

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 **SCOTT BURGESS, Resumed/Sous le même serment:**

12 **THE COMMISSIONER:** Good morning. How are
13 you doing today?

14 **MR. BURGESS:** Good. You?

15 **THE COMMISSIONER:** All right. Well, it's
16 Thursday.

17 **MR. BURGESS:** That's good.

18 **THE COMMISSIONER:** You understand, sir, that
19 you're still under oath?

20 **MR. BURGESS:** Yes.

21 **THE COMMISSIONER:** All right.

22 Mr. Engelmann, you had a few more questions
23 or where were we?

24 **MR. ENGELMANN:** Yes. Thank you.

25 Good morning, Mr. Commissioner.

1 THE COMMISSIONER: Good morning.

2 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
3 ENGELMANN:

4 MR. ENGELMANN: Good morning, Mr. Burgess.

5 MR. BURGESS: Good morning.

6 MR. ENGELMANN: Thank you for traveling back
7 from London. I appreciate it.

8 MR. BURGESS: Not a problem.

9 MR. ENGELMANN: Mr. Burgess, I have just a
10 very few questions to ask you and then, as I mentioned to
11 you earlier, there will be a number of lawyers who may have
12 questions for you and they will identify themselves and
13 tell you who they're representing and ask you some
14 questions.

15 MR. BURGESS: All right.

16 MR. ENGELMANN: There were a couple of
17 questions I neglected to ask you and sometimes you find out
18 about those things from the funniest of places.

19 Mr. Burgess, I want to simply ask you if you
20 had any dealings with respect to your complaint of child
21 sexual abuse -- if you had any dealings at all with a Mr.
22 Perry Dunlop?

23 MR. BURGESS: No.

24 MR. ENGELMANN: Do you know a Mr. Perry
25 Dunlop or know who that is?

1 MR. BURGESS: No, I don't.

2 MR. ENGELMANN: Did you have any dealings
3 with Helen Dunlop?

4 MR. BURGESS: No.

5 MR. ENGELMANN: Carson Chisholm?

6 MR. BURGESS: No.

7 MR. ENGELMANN: Charles Bourgeois?

8 MR. BURGESS: No.

9 MR. ENGELMANN: Ron Leroux?

10 MR. BURGESS: No.

11 MR. ENGELMANN: Do you know ---

12 MR. BURGESS: I don't know any of them.

13 MR. ENGELMANN: Okay. That's fine.

14 Mr. Burgess, I understand that at the end of
15 your evidence the last day, I had asked you a couple of
16 questions with respect to suggestions that you might have
17 for us here at the Inquiry.

18 MR. BURGESS: M'hm.

19 MR. ENGELMANN: Now, I understand you've
20 given that some thought?

21 MR. BURGESS: Yes.

22 MR. ENGELMANN: And that with the assistance
23 of Dawn Raymond, you wrote out a few lines?

24 MR. BURGESS: Yes.

25 MR. ENGELMANN: And do you have that with

1 you, sir?

2 **MR. BURGESS:** Yes, I do.

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

4 And you've gone over it and it's something
5 you feel comfortable reading to us?

6 **MR. BURGESS:** Yes.

7 **MR. ENGELMANN:** Okay. Could you do that for
8 us now, sir?

9 **MR. BURGESS:** Sure.

10 **THE COMMISSIONER:** Thank you.

11 **MR. BURGESS:** What I would like to see --
12 why did this take so long, 20 years -- stiffer sentence for
13 the abuser, not probation. Jean-Luc went out and did it
14 again. When he got probation I was afraid he'd come after
15 me.

16 Make sure people on probation follow the
17 rules of this probation.

18 I was not told anything while Jean-Luc was
19 going through the system. We victims should be informed.

20 Better protection of children so kids now do
21 not have to go through the hell I'm going -- living.

22 More people speaking up for the children.

23 Something set up now to help the victims
24 through this, not just words.

25 Kids should be believed when we have

1 something to say until proven otherwise.

2 **THE COMMISSIONER:** All right.

3 **MR. ENGELMANN:** Thank you very much, Mr.
4 Burgess.

5 **MR. BURGESS:** You're welcome.

6 **MR. ENGELMANN:** Now some of the lawyers will
7 have a few questions for you.

8 **MR. BURGESS:** Okay.

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

10 **MR. CANTO:** I have no questions.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Lee?

13 **MR. LEE:** He's my client, sir.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Chisholm?

16 **MR. CHISHOLM:** Good morning, Mr.

17 Commissioner.

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

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

20 **CHISHOLM:**

21 **MR. CHISHOLM:** Good morning, Mr. Burgess.

22 My name is Peter Chisholm. I'm the lawyer representing the
23 Children's Aid Society of the United Counties of Stormont,
24 Dundas and Glengarry.

25 I would like to take this opportunity to

1 thank you for coming back from London to speak with us
2 again today. Hopefully this will be your last trip here.

3 Mr. Burgess, I would like to ask you for a
4 few names to see if you can tell me if they mean anything
5 to you. Bruce Duncan, does that name mean anything to you?

6 **MR. BURGESS:** No.

7 **MR. CHISHOLM:** No?

8 Pina DeBellis?

9 **MR. BURGESS:** No.

10 **MR. CHISHOLM:** Lynn LeBreton?

11 **MR. BURGESS:** No.

12 **MR. CHISHOLM:** Bob Smith?

13 **MR. BURGESS:** No.

14 **MR. CHISHOLM:** Gilles Groulx?

15 **MR. BURGESS:** No.

16 **MR. CHISHOLM:** Can you tell me, sir, about
17 your relationship with Dawn Raymond? I understand she was
18 your teacher at Gladstone Public School; is that right?

19 **MR. BURGESS:** Yes.

20 **MR. CHISHOLM:** How long -- was she your
21 teacher for two years in a row?

22 **MR. BURGESS:** Yes, for two ---

23 **MR. CHISHOLM:** For 5 ---

24 **MR. BURGESS:** For 5 and 6.

25 **MR. CHISHOLM:** Grade 5 and 6? And those are

1 your last two years that you spent at Gladstone Public
2 School; is that right?

3 MR. BURGESS: Yes.

4 MR. CHISHOLM: Okay. Now, I understand over
5 the course of time you established a good relationship with
6 Ms. Raymond. Is that fair to say?

7 MR. BURGESS: Yes.

8 MR. CHISHOLM: When would your relationship
9 have started to blossom with Mrs. Raymond?

10 MR. BURGESS: Blossom like?

11 MR. CHISHOLM: When did it go beyond the
12 traditional student-teacher relationship? For instance,
13 when did you start going to visit her at her home?

14 MR. BURGESS: After what happened.

15 MR. CHISHOLM: After what happened with
16 Jean-Luc Leblanc?

17 MR. BURGESS: Yes.

18 MR. CHISHOLM: Now, you told us that was
19 going on for a fairly lengthy period of time. Is that --
20 the abuse was going on for some period of time. Is that
21 fair to say?

22 MR. BURGESS: Yes.

23 MR. CHISHOLM: Now, when you say after it
24 happened, after it started to happen, after it finished the
25 first time? Can you help us out there?

1 **MR. BURGESS:** After it finished. Like after
2 it was done.

3 **MR. CHISHOLM:** Would you not have been going
4 to Ms. Raymond's house during the summer of 1985? Now,
5 just to put that in context, as I understand it, it's
6 January of 1986 when you disclosed the abuse with respect
7 to Jean-Luc Leblanc; is that right?

8 **MR. BURGESS:** Yes.

9 **MR. CHISHOLM:** Okay. Now, if we look at
10 that period of time, would it have been the summer before
11 that that you would have been going to Mrs. Raymond's house
12 to visit her?

13 **MR. BURGESS:** Yes.

14 **MR. CHISHOLM:** Okay. So, in fact, you were
15 visiting Mrs. Raymond's house before Jean-Luc Leblanc's
16 abuse ended. Is that fair to say?

17 **MR. BURGESS:** Yes.

18 **MR. CHISHOLM:** Okay. During the summer of
19 1985 did you ever tell Mrs. Raymond that you and Jean-Luc
20 Leblanc would go skinny-dipping?

21 **MR. BURGESS:** No.

22 **MR. CHISHOLM:** You never said that to her?

23 **MR. BURGESS:** No.

24 **MR. CHISHOLM:** Or you don't recall saying
25 that to her?

1 **MR. BURGESS:** I don't recall saying that.

2 **MR. CHISHOLM:** Do you recall Mrs. Raymond
3 ever asking you questions with respect to how you would
4 acquire certain possessions such as a new watch or a
5 bicycle?

6 **MR. BURGESS:** Yes.

7 **MR. CHISHOLM:** You recall Mrs. Raymond
8 asking you that?

9 **MR. BURGESS:** Yes.

10 **MR. CHISHOLM:** And where would you have been
11 when she asked you that type of question?

12 **MR. BURGESS:** I was getting it from Jean-Luc
13 Leblanc.

14 **MR. CHISHOLM:** Okay. That's what you --
15 sorry -- did she ask you those types of questions more than
16 once?

17 **MR. BURGESS:** I don't remember.

18 **MR. CHISHOLM:** But you recall at least one
19 incident where Mrs. Raymond asked you that question; is
20 that fair to say?

21 **MR. BURGESS:** Yes.

22 **MR. CHISHOLM:** And where did that
23 questioning take place? Was it at her home or at school or
24 somewhere else?

25 **MR. BURGESS:** I don't remember.

1 **MR. CHISHOLM:** Okay. And with respect to
2 the answer that you gave to Mrs. Raymond, do you recall
3 what that would have been?

4 **MR. BURGESS:** What answer?

5 **MR. CHISHOLM:** In terms of, "Where did you
6 get this watch?" for instance?

7 **MR. BURGESS:** I told her I was getting stuff
8 from Jean-Luc.

9 **MR. CHISHOLM:** And do you recall what Mrs.
10 Raymond's response, if anything, was to your answer?

11 **MR. BURGESS:** I don't remember.

12 **MR. CHISHOLM:** Do you recall Mrs. Raymond
13 going on a trip to Mexico in December of 1985?

14 **MR. BURGESS:** Yes.

15 **MR. CHISHOLM:** And do you recall -- I
16 understand that you went to pick her up at the airport; is
17 that right?

18 **MR. BURGESS:** Yes.

19 **MR. CHISHOLM:** And you went there with Mr.
20 Leblanc; is that correct?

21 **MR. BURGESS:** Yes.

22 **MR. CHISHOLM:** Yes?

23 **MR. BURGESS:** Yes.

24 **MR. CHISHOLM:** And did you also attend there
25 with Jason Tyo?

1 **MR. BURGESS:** I don't really recall if Jason
2 was there.

3 **MR. CHISHOLM:** And you picked her up at the
4 airport in December of '85. Did you drop her off at the
5 airport?

6 **MR. BURGESS:** I don't remember.

7 **MR. CHISHOLM:** You don't recall that?

8 Now, sir, if I understand correctly, you
9 told Mrs. Raymond about the abuse that Jean-Luc Leblanc was
10 inflicting upon you in early January of 1986. Is that fair
11 to say?

12 **MR. BURGESS:** Yes.

13 **MR. CHISHOLM:** And do you recall when it was
14 that you first spoke to Mrs. Raymond about that?

15 **MR. BURGESS:** I don't really recall what day
16 it was.

17 **MR. CHISHOLM:** In terms of how the
18 disclosure unfolded, was it Jason Tyo who first told Mrs.
19 Raymond about the abuse? Do you have any knowledge of
20 that?

21 **MR. BURGESS:** Yes, it was Jason Tyo.

22 **MR. CHISHOLM:** And if I suggested to you,
23 sir, that that took place on Tuesday, January the 7th of
24 1986, would you have any reason to disagree with me?

25 **MR. BURGESS:** No.

1 **MR. CHISHOLM:** Did you, sir, have any
2 discussions with Jason Tyo before he went to Mrs. Raymond
3 and told her that you were being abused?

4 **MR. BURGESS:** No, not that I remember.

5 **MR. CHISHOLM:** So you don't recall
6 discussing that with Jason Tyo ahead of time and coming up
7 with a plan where Jason Tyo would go to Mrs. Raymond?

8 **MR. BURGESS:** No, I don't remember.

9 **MR. CHISHOLM:** So you have no recollection -
10 --

11 **MR. BURGESS:** No.

12 **MR. CHISHOLM:** --- of any discussion.

13 And a few days after -- tell me this, sir.
14 When was it -- do you recall when you learned of the fact
15 that Jason Tyo went to see Mrs. Raymond? And if I suggest
16 to you it was on January the 7th, do you recall when it was
17 you learned of that visit by Mr. Tyo to Mrs. Raymond?

18 **MR. BURGESS:** No, I don't.

19 **MR. CHISHOLM:** You don't?

20 Do you recall seeing Mrs. Raymond on Friday,
21 January the 10th of 1986?

22 **MR. BURGESS:** No.

23 **MR. CHISHOLM:** You don't recall that? If I
24 suggested to you that it was possible that you did see her
25 on that date, would you disagree with me?

1 **MR. BURGESS:** No.

2 **MR. CHISHOLM:** If you had a conversation
3 with Mrs. Raymond on that date, sir, is it possible that
4 you would have denied being a victim of Jean-Luc Leblanc on
5 that date?

6 **MR. BURGESS:** I don't remember.

7 **THE COMMISSIONER:** Wait, wait. Did you ever
8 have a conversation -- did you ever talk to Mrs. Raymond
9 about an abuse and at first said, "No, it didn't happen"?

10 **MR. BURGESS:** No.

11 **THE COMMISSIONER:** You've never done that?

12 **MR. BURGESS:** I don't remember, no.

13 **THE COMMISSIONER:** Okay.

14 **MR. CHISHOLM:** So you don't remember doing
15 that?

16 **MR. BURGESS:** No.

17 **MR. CHISHOLM:** Is it possible it may have
18 happened?

19 **MR. BURGESS:** It could have happened, but --
20 -

21 **MR. CHISHOLM:** I'm going to suggest to you
22 on Saturday, the 11th of January 1986, that you told Mrs.
23 Raymond on that day that yes, you had been abused by Jean-
24 Luc Leblanc.

25 Would you agree with me if I put that to

1 you?

2 **MR. BURGESS:** Yes.

3 **MR. ENGELMANN:** Just so the answer is clear,
4 again the witness has had some trouble with dates which is
5 not difficult to understand given the timeframe that has
6 passed. There were two questions there and I'm just
7 concerned that he answered "yes" and whether it's the first
8 part of the question, the second part of the question or
9 both. So I think it's very important that only one
10 question be asked and one question be answered.

11 **THE COMMISSIONER:** Exactly.

12 **MR. CHISHOLM:** I would agree with Mr.
13 Engelmann. I will try to improve, Mr. Commissioner.

14 Sir, is it possible that you did have a
15 discussion with Mrs. Raymond on the 11th of January, the
16 Saturday, to discuss the abuse?

17 **MR. BURGESS:** Yes.

18 **MR. CHISHOLM:** And during the discussion, I
19 take it, with Mrs. Raymond, you ultimately told her about
20 the abuse?

21 **MR. BURGESS:** Yes.

22 **MR. CHISHOLM:** Right, about the abuse with
23 Jean-Luc Leblanc?

24 **MR. BURGESS:** Yes.

25 **MR. CHISHOLM:** Last week Mr. Engelmann asked

1 you if you recalled anyone coming to see you from the CAS
2 after you spoke with the Cornwall Police and I believe your
3 response was you could not recall that. Do you remember
4 giving that answer?

5 **MR. BURGESS:** Yes.

6 **MR. CHISHOLM:** Do you recall speaking to
7 anyone from the Children's Aid Society before you spoke to
8 the Cornwall Police?

9 **MR. BURGESS:** No, I don't remember.

10 **MR. CHISHOLM:** Is it possible, sir, that you
11 spoke to someone from the Children's Aid Society before you
12 spoke to the Cornwall Police? Is that a possibility?

13 **MR. BURGESS:** A possibility.

14 **MR. CHISHOLM:** And I'm going to suggest to
15 you, sir, that on Friday, January the 24th of 1986 you met
16 with Bruce Duncan of the Children's Aid Society to have a
17 discussion about the abuse at the hands of Jean-Luc
18 Leblanc, or do you recall?

19 **MR. BURGESS:** No, I don't recall.

20 **MR. CHISHOLM:** Is it possible that that
21 meeting took place?

22 **MR. BURGESS:** It could be possible.

23 **MR. CHISHOLM:** Do you recall, sir, anyone
24 coming to see you while you were at the Central Public
25 School that day on Friday, the 24th of January, 1986?

1 **MR. BURGESS:** I don't remember.

2 **MR. CHISHOLM:** Is it possible that someone
3 did ---

4 **MR. BURGESS:** It's possible.

5 **MR. CHISHOLM:** I'm going to suggest to you,
6 sir, that you did meet with Bruce Duncan at the Central
7 Public School that day and that Bruce Duncan was from the
8 Children's Aid Society. Do you have any reason to disagree
9 with me other than the fact that you have no recollection
10 of the meeting?

11 **MR. BURGESS:** No.

12 **MR. CHISHOLM:** And last week, sir, do you
13 recall telling Mr. Engelmann that you were never asked who
14 else may have been a victim of Jean-Luc Leblanc? Do you
15 recall?

16 **MR. BURGESS:** Yes.

17 **MR. CHISHOLM:** And your answer was that you
18 were never asked?

19 **MR. BURGESS:** I was never asked, no.

20 **MR. CHISHOLM:** I'm going to suggest to you,
21 sir, that you had a meeting with Bruce Duncan at the
22 Central Public School and that you disclosed the abuse that
23 Jean-Luc Leblanc inflicted upon you. You don't disagree
24 with me?

25 **MR. BURGESS:** No.

1 **MR. CHISHOLM:** I'm going to suggest to you,
2 sir, that during that -- during discussions that you had
3 with Bruce Duncan on that day you discussed a number of
4 individuals who were potential victims of Jean-Luc Leblanc.
5 Would you agree with me or disagree with me?

6 **MR. BURGESS:** Agree with you.

7 **MR. CHISHOLM:** And you understand my
8 question, sir, that -- you understand my question that I'm
9 putting it to you that someone from the Children's Aid
10 Society had a meeting with you and asked you questions
11 about what other individuals may have been involved with
12 respect to Jean-Luc Leblanc? Do you understand my
13 question?

14 **MR. BURGESS:** Yes.

15 **MR. CHISHOLM:** Do I take your answer to be
16 that you agree with the possibility that that took place?

17 **MR. BURGESS:** Could. It could have took
18 place.

19 **MR. CHISHOLM:** And it's a possibility that
20 you could have told Bruce Duncan about the names of other
21 individuals who were victims of Jean-Luc Leblanc?

22 **MR. BURGESS:** I had probably told him the
23 only three that I remember, if I was ever asked; me, Jason
24 and my brother.

25 **MR. CHISHOLM:** Okay. I don't know that we

1 want to get into the names.

2 **THE COMMISSIONER:** No, not necessarily but
3 he's talking now that he may have told somebody about three
4 other people.

5 **MR. CHISHOLM:** And I believe his brother's
6 name was previously discussed in open court, Mr.
7 Commissioner.

8 Apart from -- are you saying you may have
9 discussed the fact that you were a victim and two other
10 people ---

11 **MR. BURGESS:** Yes.

12 **MR. CHISHOLM:** --- apart from yourself? Is
13 it possible that there were any other names that you put to
14 Bruce Duncan?

15 **MR. BURGESS:** No, I don't remember.

16 **MR. CHISHOLM:** You don't recall any?

17 **MR. BURGESS:** No.

18 **MR. CHISHOLM:** Is it possible you did,
19 though, sir?

20 **MR. BURGESS:** Pardon me?

21 **MR. CHISHOLM:** You don't recall that you did
22 it but is it possible that you gave further names and that
23 Bruce Duncan did ask you that question?

24 **MR. BURGESS:** I don't remember.

25 **MR. CHISHOLM:** But would you agree that it's

1 a possibility that he did ask you that question?

2 MR. BURGESS: Clearly a possibility but I
3 don't remember now.

4 MR. CHISHOLM: It was a long time ago.

5 MR. BURGESS: Yes.

6 MR. CHISHOLM: And I don't think anyone will
7 find fault in you not being able to recall now.

8 THE COMMISSIONER: Mr. Engelmann.

9 MR. ENGELMANN: I don't mean to
10 unnecessarily interfere and I apologize to Mr. Chisholm.
11 I'm just thinking it might assist the witness in refreshing
12 his memory, if there are meetings being suggested to him,
13 if Mr. Chisholm or other counsel could say who else might
14 have been present.

15 THE COMMISSIONER: M'hm.

16 MR. ENGELMANN: I think if it's Mr. Duncan
17 and Ms. Raymond or someone else, that might assist and I
18 believe the witness did say that, and it's certainly in
19 Exhibit 86, that there was a discussion at least about his
20 brother Jody and about Jason Tyo.

21 THE COMMISSIONER: M'hm.

22 MR. ENGELMANN: In any event, I just wanted
23 to -- sorry.

24 MR. CHISHOLM: That's fine. My difficulty
25 is I don't want to suggest to the witness the presence of

1 someone who may or may not have been there at the exact
2 moment in time when such a statement was made, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** All right. It's your
5 cross-examination. I just want to help out a little bit
6 here, I guess.

7 Are you able to, as difficult as it may be,
8 go back in your mind and picture in your mind as if we were
9 making a movie, right, and you're there and you're speaking
10 to Ms. Raymond about what Jean-Luc was doing to you? Can
11 you picture that in your mind or is it something that you
12 blocked out?

13 **MR. BURGESS:** It's probably something I
14 blocked out.

15 **THE COMMISSIONER:** Okay. All right.
16 Go ahead, Mr. Chisholm.

17 **MR. CHISHOLM:** Thank you.

18 Mr. Burgess, if you had the discussion where
19 you disclosed other names of victims of Jean-Luc Leblanc,
20 would you agree with me that you never disclosed the name
21 of your sister?

22 **MR. BURGESS:** Yes.

23 **MR. CHISHOLM:** So you never disclosed that
24 name even -- and I'm putting it to you, sir, you were asked
25 and you never disclosed that name. Is that a possibility?

1 **MR. BURGESS:** It's a possibility but I don't
2 think I was ever asked that, if there was any other family
3 members involved.

4 **MR. CHISHOLM:** Well, you did speak of one
5 other family member ---

6 **MR. BURGESS:** Yes.

7 **MR. CHISHOLM:** --- involved.

8 **MR. BURGESS:** That's the one I remember.

9 **MR. CHISHOLM:** But if you were asked that
10 question, sir, if you were asked if there were any other
11 victims within your knowledge -- I just want to make sure I
12 understand your evidence -- you never mentioned your
13 sister's name?

14 **MR. BURGESS:** No, I did not.

15 **MR. CHISHOLM:** I'm going to suggest to you,
16 sir, that on January the 24th, after meeting -- and I'm
17 going to suggest to you Don Raymond at one point was at
18 Central Public School with you on that day with Bruce
19 Duncan during that initial meeting that I was telling you
20 about -- after that meeting at Central Public School, sir,
21 do you recall returning to your residence, to your home?

22 **MR. BURGESS:** I don't really remember.

23 **MR. CHISHOLM:** You were living on Cumberland
24 Street, is that correct -- Cumberland Avenue in Cornwall at
25 that time; is that fair to say?

1 **MR. BURGESS:** Yes.

2 **MR. CHISHOLM:** Cumberland Street.

3 You have no recollection of going back home
4 that evening?

5 **MR. BURGESS:** No.

6 **MR. CHISHOLM:** Do I take it, sir, that you
7 have no recollection of Bruce Duncan attending at your
8 residence to see your mother at 5:00 p.m. on January the
9 24th, 1986?

10 **MR. BURGESS:** No.

11 **MR. CHISHOLM:** If I put it to you, sir, that
12 it was a possibility and that it happened, would you
13 disagree with me?

14 **MR. BURGESS:** No.

15 **MR. CHISHOLM:** And it's a possibility that
16 Bruce Duncan met with your mother on that day at your home?
17 Is that a possibility?

18 **MR. BURGESS:** It could have.

19 **MR. CHISHOLM:** You're not denying that that
20 happened?

21 **MR. BURGESS:** I -- if he did, then I was
22 never told that he was there.

23 **MR. CHISHOLM:** Well, sir, I'm going to
24 suggest to you that you were there at the time. Would you
25 agree or disagree with that statement?

1 **MR. BURGESS:** I don't remember.

2 **MR. CHISHOLM:** It's a possibility that you
3 were there, sir?

4 **MR. BURGESS:** It could have been a
5 possibility.

6 **MR. CHISHOLM:** Do you recall Bruce Duncan
7 interviewing at your home that evening at 5:00 p.m. or
8 there -- shortly thereafter interviewing your brother Jody?

9 **MR. BURGESS:** I don't remember.

10 **MR. CHISHOLM:** It's a possibility, sir, that
11 that interview did take place, though?

12 **MR. BURGESS:** It could have took place.

13 **MR. CHISHOLM:** In terms of your brother,
14 Jody's birthday, do you know what it is?

15 **MR. BURGESS:** No.

16 **MR. CHISHOLM:** If I suggest that it was
17 January 23rd, 1969, would you disagree with me?

18 **MR. BURGESS:** No.

19 **MR. CHISHOLM:** And that on January 24, 1968
20 (sic) he would have turned -- just turned 17 years old?

21 **MR. BURGESS:** Yes, I guess.

22 **MR. CHISHOLM:** Last week, sir, you had a
23 discussion with Mr. Engelmann with respect to Billy. Do
24 you remember that discussion?

25 **MR. BURGESS:** Yes.

1 **MR. CHISHOLM:** And you told Mr. Engelmann
2 that Billy had abused you on a number of occasions; is that
3 right?

4 **MR. BURGESS:** Yes.

5 **MR. CHISHOLM:** I don't want you to tell us
6 his last name when I ask you this question, but do you
7 recall Billy's last name?

8 **MR. BURGESS:** No.

9 **MR. CHISHOLM:** Did you ever know Billy's
10 last name?

11 **MR. BURGESS:** No.

12 **MR. CHISHOLM:** Or you don't recall knowing
13 it?

14 **MR. BURGESS:** I never recall knowing it
15 until Mr. Engelmann told me. But I still don't know it.

16 **MR. CHISHOLM:** Was Billy ever referred to as
17 Bill, to your knowledge?

18 **MR. BURGESS:** Yeah.

19 **MR. CHISHOLM:** You're saying yes?

20 **MR. BURGESS:** Yes.

21 **MR. CHISHOLM:** I just want to make sure that
22 the Billy you're speaking of is the same person I have in
23 my mind. Do you know, sir, where, back in 1986, in January
24 of 1986, Billy was living?

25 **MR. BURGESS:** Yes.

1 **MR. CHISHOLM:** What street it was on?

2 **MR. BURGESS:** I know where he was living but
3 I don't remember the street name.

4 **MR. CHISHOLM:** If I suggest to you it's
5 Seymour Avenue, which would be one block to the west of
6 Cumberland Street, would that give you any guidance?

7 **MR. BURGESS:** Yes.

8 **MR. CHISHOLM:** Was it Seymour Avenue?

9 **MR. BURGESS:** Yes, it could have been.
10 Like, I don't remember back then but for street names and
11 all that, for Cornwall, forget it, I haven't been living
12 here for a long time.

13 **MR. CHISHOLM:** I don't blame you.

14 **MR. BURGESS:** But I remember what house he
15 was living but not the number. But I know what his
16 apartment used to look like inside.

17 **MR. CHISHOLM:** Okay. In terms of where your
18 house was, your house would have been on Cumberland, north
19 of First Street; is that correct? You would agree with me?

20 **MR. BURGESS:** Yes.

21 **MR. CHISHOLM:** Billy's house would have been
22 -- Billy's residence where he was living would have been a
23 block to the west of Cumberland. Would you agree with me?

24 **MR. BURGESS:** Yes.

25 **MR. CHISHOLM:** Whenever you went to see

1 Billy, you had to walk towards the river; is that right,
2 the St. Lawrence River?

3 MR. BURGESS: I remember Cumberland, it ran
4 this way, but there was another street that ran just where
5 our house was, ran this way and ---

6 MR. CHISHOLM: Just for the purpose of --
7 sorry, for the purpose of the record, you understand
8 Cumberland Street to run from north to south; is that
9 right?

10 MR. BURGESS: Yes.

11 MR. CHISHOLM: And the street that Billy
12 lived on, did you understand that street also ran north to
13 south?

14 MR. BURGESS: Yes.

15 MR. CHISHOLM: So it was parallel to
16 Cumberland Street; is that right?

17 MR. BURGESS: Yes.

18 MR. CHISHOLM: And in terms of where Billy
19 lived in relation to your house, you would have had to go
20 south and west, so towards the river?

21 MR. BURGESS: Yes.

22 MR. CHISHOLM: Is that right?

23 MR. BURGESS: Yes.

24 MR. CHISHOLM: Last week, you told Mr.
25 Engelmann -- Mr. Engelmann asked you if anyone ever told

1 you -- anyone ever asked about Billy. Do you recall?

2 **MR. BURGESS:** M'hm.

3 **MR. CHISHOLM:** And your answer was no one
4 ever asked you about Billy.

5 **MR. BURGESS:** No.

6 **MR. CHISHOLM:** Is that right?

7 **MR. BURGESS:** Yes.

8 **MR. CHISHOLM:** I'm going to suggest to you
9 that on January 24th, 1986 at your residence, at your home,
10 Bruce Duncan asked you about Billy. Would you agree with
11 me or disagree with me?

12 **MR. BURGESS:** I don't recall.

13 **MR. CHISHOLM:** Is it a possibility that
14 Bruce Duncan asked you about Billy?

15 **MR. BURGESS:** It's a possibility. I ---

16 **MR. CHISHOLM:** Sir, still on the date of
17 Friday, January the 24th, do you recall being taken to the
18 offices of the Children's Aid Society at 6:45 in the
19 evening; so leaving your house, going to the Children's Aid
20 Society on York Street, back then?

21 **MR. BURGESS:** I don't remember.

22 **MR. CHISHOLM:** You have no recollection of
23 that?

24 **MR. BURGESS:** No.

25 **MR. CHISHOLM:** Is it a possibility, sir,

1 that you went to the CAS office?

2 **MR. BURGESS:** A possibility.

3 **MR. CHISHOLM:** Do you recall, sir, and this
4 may help to pull out your memory, do you recall ordering
5 pizza at the CAS office with Bruce Duncan and Dawn Raymond
6 one evening?

7 **MR. BURGESS:** Yes.

8 **MR. CHISHOLM:** You recall that? And do you
9 recall that happening more than one time?

10 **MR. BURGESS:** I just remember it once.

11 **MR. CHISHOLM:** Okay. And what else do you
12 remember, sir, about the time that you had pizza? You
13 remember being at the CAS office?

14 **MR. BURGESS:** Yes.

15 **MR. CHISHOLM:** What else can you tell us
16 about that, sir?

17 **MR. BURGESS:** I don't really remember.
18 Whatever was mentioned.

19 **MR. CHISHOLM:** So you recall Mrs. Raymond
20 being there?

21 **MR. BURGESS:** Yes.

22 **MR. CHISHOLM:** And do you recall anyone
23 else?

24 **MR. BURGESS:** Not offhand, no.

25 **MR. CHISHOLM:** If I put it to you that Bruce

1 Duncan was there eating with you, you wouldn't disagree
2 with me?

3 MR. BURGESS: No.

4 MR. CHISHOLM: Now, Mr. Engelmann last week
5 asked you about the statement that you gave to a Cornwall
6 Police officer. Do you recall that question?

7 MR. BURGESS: Yes.

8 MR. CHISHOLM: If I understand your
9 evidence, you could not recall the name of the officer that
10 you gave the statement to; is that right?

11 MR. BURGESS: Yes.

12 MR. CHISHOLM: You couldn't recall whether
13 it was a male or a female; is that right?

14 MR. BURGESS: Right.

15 MR. CHISHOLM: I'm going to suggest to you,
16 sir, that Constable Payment met with you on the evening of
17 January the 24th at the CAS office. Perhaps after you had
18 the -- the time would be after you had your pizza. Does
19 that help you ---

20 MR. BURGESS: No.

21 MR. CHISHOLM: --- rekindle any memories?

22 MR. BURGESS: Not really.

23 MR. CHISHOLM: Would you disagree with me,
24 sir, if I suggested to you that Constable Brian Payment met
25 with you the 24th of January, 1986 at the CAS office?

1 **MR. BURGESS:** No.

2 **MR. CHISHOLM:** I believe you touched upon
3 this last week. Do you recall giving the statement to an
4 officer?

5 **MR. BURGESS:** I must have given some kind of
6 statement because they got a ---

7 **MR. CHISHOLM:** The will state?

8 **MR. BURGESS:** The will state. That's all I
9 remember.

10 **MR. CHISHOLM:** That's all you can recall.
11 Do you recall, apart from the time that you
12 had the pizza at the CAS office -- you recall that
13 incident; am I right?

14 **MR. BURGESS:** M'hm.

15 **MR. CHISHOLM:** You have to give an oral
16 answer.

17 **MR. BURGESS:** Yes.

18 **MR. CHISHOLM:** Do you recall any other visit
19 that you may have made to the Children's Aid Society?

20 **MR. BURGESS:** No.

21 **MR. CHISHOLM:** And if I suggested to you
22 that you and Mrs. Raymond attended at the CAS office on
23 January the 29th, 1986, would you disagree with that
24 statement?

25 **MR. BURGESS:** No.

1 **MR. CHISHOLM:** Would it be possible, sir,
2 that at that meeting you discussed the possibility of --
3 with Mr. Duncan and Mrs. Raymond -- of going to live with
4 Mrs. Raymond?

5 **MR. BURGESS:** Yes.

6 **MR. CHISHOLM:** Do you recall any discussions
7 with other people apart from Mr. and Mrs. Raymond about you
8 going to live with the Raymonds?

9 **MR. BURGESS:** No.

10 **MR. CHISHOLM:** You don't recall ---

11 **MR. BURGESS:** I don't recall.

12 **MR. CHISHOLM:** I want to move on to the
13 issue of counselling, Mr. Burgess. Do you recall your
14 mother ever discussing the issue of you attending for
15 counselling to deal with the issue of the abuse that you
16 suffered at the hands of Jean-Luc Leblanc?

17 **MR. BURGESS:** No.

18 **MR. CHISHOLM:** You don't recall your mother
19 ever having that discussion with you?

20 **MR. BURGESS:** No. Which one, my real mother
21 or Dawn?

22 **MR. CHISHOLM:** Sorry, your biological
23 mother.

24 **MR. BURGESS:** No, don't remember.

25 **MR. CHISHOLM:** Is it a possibility that she

1 had those discussions with you and you don't recall today?

2 MR. BURGESS: No.

3 MR. CHISHOLM: It's not possible? How can
4 you tell us that with certainty?

5 MR. BURGESS: I was young and I don't
6 remember ever asking to go and see the psychiatrist or
7 getting help or ---

8 MR. CHISHOLM: I understand you don't
9 remember, sir, but it's a possibility your mother discussed
10 the issue with you?

11 MR. BURGESS: She could have.

12 MR. CHISHOLM: Did your mother ever discuss
13 with you the issue of going to see Dr. Deepan in Cornwall?

14 MR. BURGESS: No.

15 MR. CHISHOLM: You don't recall or it never
16 happened?

17 MR. BURGESS: I don't think it ever
18 happened.

19 MR. CHISHOLM: Is it possible that it did
20 happen, sir?

21 MR. BURGESS: It could have happened.

22 MR. CHISHOLM: Did your mother ever discuss
23 with you the possibility of you obtaining counselling from
24 the Cornwall General Hospital?

25 MR. BURGESS: No.

1 **MR. CHISHOLM:** No, it never happened or no,
2 you don't recall?

3 **MR. BURGESS:** No, I don't recall.

4 **MR. CHISHOLM:** Is it possible that it may
5 have happened?

6 **MR. BURGESS:** It may have happened.

7 **MR. CHISHOLM:** Did you ever hear of any
8 discussions between the Children's Aid Society and the
9 Public School Board with respect to arranging counselling
10 for you and your brother?

11 **MR. BURGESS:** I don't remember.

12 **MR. CHISHOLM:** You have no recollection of
13 that? And do you recall anyone at Central Public School
14 talking to you about the issue of counselling?

15 **MR. BURGESS:** No.

16 **MR. CHISHOLM:** Sorry?

17 **MR. BURGESS:** No.

18 **MR. CHISHOLM:** Do you recall the name Dr.
19 David Kaufman?

20 **MR. BURGESS:** No.

21 **MR. CHISHOLM:** Does that name mean anything
22 to you?

23 **MR. BURGESS:** No.

24 **MR. CHISHOLM:** You can't recall any dealings
25 with Dr. Kaufman?

1 **MR. BURGESS:** No.

2 **MR. CHISHOLM:** Mr. Burgess, do you recall
3 either of your parents, your natural parents, your mother,
4 your father discussing the contacts that they had with the
5 Children's Aid Society with you?

6 **MR. BURGESS:** No.

7 **MR. CHISHOLM:** You have no recollection of
8 those ---

9 **MR. BURGESS:** No.

10 **MR. CHISHOLM:** Can you recall Mrs. Raymond
11 ever discussing with you the contacts that she had with the
12 Children's Aid Society?

13 **MR. BURGESS:** Yes.

14 **MR. CHISHOLM:** And what can you tell us
15 about those discussions that you had with Mrs. Raymond?

16 **MR. BURGESS:** I don't remember the
17 discussions but, like ---

18 **MR. CHISHOLM:** Do you remember Mrs. Raymond
19 being involved with the Children's Aid Society?

20 **MR. BURGESS:** Yes. She had to be for her
21 being a teacher.

22 **MR. CHISHOLM:** But with respect to being
23 involved with the CAS with respect to you?

24 **MR. BURGESS:** Yes.

25 **MR. CHISHOLM:** And just to touch on the

1 answer you gave, she had to be involved with the CAS
2 because she was a teacher. Can you elaborate upon that
3 answer?

4 **MR. BURGESS:** As in all teachers are
5 involved with Children's Aid just in case something happens
6 to kids.

7 **MR. CHISHOLM:** So it's your understanding
8 that all teachers have a relationship with the Children's
9 Aid Society?

10 **MR. BURGESS:** Yes.

11 **MR. CHISHOLM:** And just to touch on that a
12 little further, is that, in your mind, different from the
13 obligation that might be imposed upon a person or a teacher
14 to report suspicions of abuse? Do you know anything about
15 that?

16 **MR. BURGESS:** No.

17 **MR. CHISHOLM:** Okay. You understand that
18 because Mrs. Raymond was a teacher, that she had a
19 relationship with the Children's Aid Society?

20 **MR. BURGESS:** Yes.

21 **MR. CHISHOLM:** Okay. Apart from her
22 relationship as a teacher, do you have any recollections of
23 Mrs. Raymond having discussions with the Children's Aid
24 Society with respect to you?

25 **MR. BURGESS:** She could have.

1 **MR. CHISHOLM:** That's a possibility?

2 **MR. BURGESS:** Yes.

3 **MR. CHISHOLM:** I have asked you about the
4 name Lynn LeBreton. You don't -- you told me earlier you
5 did not recall that name.

6 **MR. BURGESS:** No.

7 **MR. CHISHOLM:** If I suggested to you that
8 she was a child protection worker at the Children's Aid
9 Society and that you met her in March 24th, 1987 with Mrs.
10 Raymond, would that be a possibility?

11 **MR. BURGESS:** Possibility.

12 **MR. CHISHOLM:** You don't recall that
13 meeting, I take it?

14 **MR. BURGESS:** No.

15 **MR. CHISHOLM:** Is that right?

16 **MR. BURGESS:** Yes.

17 **MR. CHISHOLM:** And a meeting in May the 14th,
18 1987. Is it a possibility you had a meeting with Mrs.
19 Raymond and Lynn LeBreton on that date?

20 **MR. BURGESS:** A possibility.

21 **MR. CHISHOLM:** Do you recall, sir, when it
22 was that you started living with Mr. and Mrs. Raymond?

23 **MR. BURGESS:** I know it was May 29th but I
24 think it was in '87.

25 **MR. CHISHOLM:** In May of 1987?

1 MR. BURGESS: Yes.

2 MR. CHISHOLM: You said May the 29th?

3 MR. BURGESS: Yes.

4 MR. CHISHOLM: And why does that date stick
5 in your mind?

6 MR. BURGESS: It's always been there, May
7 29th, 1987.

8 THE COMMISSIONER: Was it a happy day, was
9 it ---

10 MR. BURGESS: It was a happy day.

11 MR. CHISHOLM: Would I be correct, sir, from
12 that date and forward, you always lived with Mrs. Raymond
13 or until you became an adult?

14 MR. BURGESS: Yes.

15 MR. CHISHOLM: You never went back to live
16 with your parents?

17 MR. BURGESS: No.

18 MR. CHISHOLM: Do you recall the Children's
19 Aid Society making any arrangements prior to the time that
20 you went to live with Mr. and Mrs. Raymond on a full time
21 basis to allow you to go and spend time there?

22 MR. BURGESS: I don't recall.

23 MR. CHISHOLM: You have no recollection?

24 MR. BURGESS: No.

25 MR. CHISHOLM: Is it a possibility, sir,

1 that the Children's Aid Society would have helped or
2 facilitated visits with you and the Raymonds before you
3 went to live with them on a full time basis?

4 **MR. BURGESS:** It could have happened.

5 **MR. CHISHOLM:** You wouldn't disagree that
6 that could have happened?

7 **MR. BURGESS:** No.

8 **MR. CHISHOLM:** On June 4, 1987, sir, do you
9 recall attending a meeting for the Family Action Plan?

10 **MR. BURGESS:** No.

11 **MR. CHISHOLM:** That would be a meeting set
12 up with the Children's Aid Society.

13 **MR. BURGESS:** Could have happened.

14 **MR. CHISHOLM:** Could have happened.

15 Sir, do you recall anyone discussing the
16 Family Action Plan with you, either someone from the
17 Children's Aid Society or Mr. and Mrs. Raymond?

18 **MR. BURGESS:** What is Family Plan?

19 **MR. CHISHOLM:** The Family Action Plan would
20 be a program to -- one of the components would be a
21 wilderness tour, a canoe trip. Does that help you at all?

22 **MR. BURGESS:** No.

23 **MR. CHISHOLM:** I understand, sir, at one
24 point you attended Cadet camp. Is that right?

25 **MR. BURGESS:** Yes.

1 **MR. CHISHOLM:** Do you recall being in
2 Cadets?

3 **MR. BURGESS:** Yeah.

4 **MR. CHISHOLM:** That would have been the
5 summer of 1987?

6 **MR. BURGESS:** Yes.

7 **MR. CHISHOLM:** How was your time spent in
8 the Cadets?

9 **MR. BURGESS:** It wasn't that great.

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

11 **MR. BURGESS:** It wasn't that great.

12 **THE COMMISSIONER:** It wasn't that great.

13 **MR. CHISHOLM:** At some point, sir, were you
14 happy in the Cadets? Were you doing well in the Cadets?

15 **MR. BURGESS:** No.

16 **MR. CHISHOLM:** You never did well?

17 **MR. BURGESS:** No.

18 **MR. CHISHOLM:** You were never happy there?

19 **MR. BURGESS:** No.

20 **MR. CHISHOLM:** Sir, do you recall anyone
21 ever discussing the Family Sexual Abuse Treatment Program
22 with you?

23 **MR. BURGESS:** No.

24 **MR. CHISHOLM:** And you told Mr. Engelmann
25 last week that you don't recall being referred to the

1 Family Sexual Abuse Treatment Program by the Children's Aid
2 Society?

3 MR. BURGESS: No.

4 MR. CHISHOLM: Do you recall that answer?

5 MR. BURGESS: Yes.

6 MR. CHISHOLM: Is that still your position
7 today, your understanding?

8 MR. BURGESS: Yes.

9 MR. CHISHOLM: I am going to suggest to you,
10 sir, that the Children's Aid Society referred you to the
11 Family Sexual Abuse Treatment Program but you declined to
12 become involved. Would you agree with me or disagree with
13 me?

14 THE COMMISSIONER: Well, there's a bunch of
15 questions there.

16 Did the Children's Aid Society refer? Are
17 you aware of that?

18 MR. BURGESS: No.

19 MR. CHISHOLM: Is it a possibility, sir,
20 that the Children's Aid Society referred you to the ---

21 MR. BURGESS: A possibility.

22 MR. CHISHOLM: If that referral was made --
23 assuming that the referral was made, sir, is it possible
24 that you declined to participate in it?

25 MR. BURGESS: Not my recollection.

1 **MR. CHISHOLM:** I understand you have no
2 recollection of it, right? But ---

3 **MR. BURGESS:** Well, not only that. They
4 won't come and ask me. They'll ask a grown up. Especially
5 me being the kid, I won't be old enough to answer yes or no
6 without my mom saying yes or no for me.

7 **MR. CHISHOLM:** So no one ever put that
8 question to you, that you recall?

9 **MR. BURGESS:** No.

10 **MR. CHISHOLM:** I have asked you and Mr.
11 Engelmann asked you last week about the name Bob Smith. He
12 was back then the Coordinator of the Family Sexual Abuse
13 Treatment Program. That doesn't help you bring up a memory
14 of him?

15 **MR. BURGESS:** No.

16 **MR. CHISHOLM:** Do you recall whether your
17 parents, your natural parents, have had -- do you have any
18 knowledge of your natural parents having discussions with
19 Bob Smith?

20 **MR. BURGESS:** No.

21 **MR. CHISHOLM:** Is it possible that they did,
22 sir?

23 **MR. BURGESS:** Possible.

24 **MR. CHISHOLM:** Sir, do you recall a meeting
25 scheduled for November 27, 1986 at your parents' residence

1 with Bob Smith?

2 MR. BURGESS: No.

3 MR. CHISHOLM: You don't recall ---

4 MR. BURGESS: I don't recall.

5 MR. CHISHOLM: --- Mr. Smith attending at
6 your residence?

7 MR. BURGESS: No.

8 MR. ENGELMANN: I'm sorry, I missed the
9 date.

10 MR. CHISHOLM: November 27, 1986.

11 You don't recall, sir, your parents not
12 opening the door to Mr. Smith?

13 MR. BURGESS: No.

14 MR. CHISHOLM: When he knocked on the door?

15 MR. BURGESS: No.

16 MR. CHISHOLM: Is it a possibility that
17 happened?

18 MR. BURGESS: Possibility.

19 MR. CHISHOLM: Sir, can I get you to focus
20 on any discussions that you may have ever had with Mrs.
21 Raymond with respect to your involvement with the
22 Children's Aid Society? Do you recall ever having
23 discussions with Mrs. Raymond about your involvement with
24 the CAS?

25 MR. BURGESS: No.

1 **MR. CHISHOLM:** No?

2 Do you recall ever telling Mrs. Raymond
3 anything about your involvement with the CAS?

4 **MR. BURGESS:** No.

5 **MR. CHISHOLM:** I take it you never told Mrs.
6 Raymond that you were dissatisfied with the services
7 provided to you by the Children's Aid Society?

8 **MR. BURGESS:** No.

9 **MR. CHISHOLM:** Thank you, sir. Those are my
10 questions.

11 And again thank you for coming back to
12 Cornwall today.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Neuberger?

15 **MR. NEUBERGER:** Yes, thank you very much.

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

17 **NEUBERGER:**

18 **MR. NEUBERGER:** Good morning, Mr. Burgess.

19 **MR. BURGESS:** Good morning.

20 **MR. NEUBERGER:** My name is Joseph Neuberger.
21 I'm here on behalf of Probation Services. Thank you very
22 much for your time. I know this is not an easy experience
23 for you, especially trying to remember back so far.

24 I just want to ask you about one small area
25 in relation to one of the suggestions you had this morning

1 and your suggestions are important. I just want to for a
2 moment try and put it into context. And what I am
3 referring to is you said this morning to Mr. Engelmann
4 about the probation order that was put in place for the
5 abuser and it's important in your mind that those probation
6 orders are enforced.

7 Do you remember saying something like that?

8 **MR. BURGESS:** Yes.

9 **MR. NEUBERGER:** Okay. And that's because
10 you, later on in life, after November of 1986, came to know
11 that that abuser had abused again?

12 **MR. BURGESS:** Yes.

13 **MR. NEUBERGER:** All right.

14 And it was many years later that that came
15 to your knowledge. Is that right?

16 **MR. BURGESS:** Yes.

17 **MR. NEUBERGER:** And it's important for you
18 to express to us at this Inquiry what your concerns are in
19 that regard.

20 Now, you were in court at the sentencing for
21 Mr. Leblanc; is that correct?

22 **MR. BURGESS:** No.

23 **MR. NEUBERGER:** I remember, in looking at
24 your anticipated evidence sort of summary which I was
25 provided, that there was a suggestion that you were in

1 court at the time that the sentence was rendered, but your
2 recollection is that you weren't there when he received
3 probation?

4 MR. BURGESS: No.

5 MR. NEUBERGER: All right.

6 Do you remember at what point you were
7 informed of the sentence?

8 MR. BURGESS: Through Dawn.

9 MR. NEUBERGER: I'm sorry?

10 MR. BURGESS: Through Dawn.

11 MR. NEUBERGER: Through Dawn?

12 MR. BURGESS: Yes.

13 MR. NEUBERGER: And was she present? Do you
14 remember if she was actually present?

15 MR. BURGESS: No. We were never informed.

16 MR. NEUBERGER: Okay. And when you made a
17 comment or a suggestion today about the probation order, do
18 you remember or know anything about what that probation
19 order had in it? And I'm talking about the probation order
20 that was provided on November 7, 1986 regarding Mr.
21 Leblanc, regarding the abuse that you had suffered.

22 MR. BURGESS: The only thing I remember is
23 it was three years probation.

24 MR. NEUBERGER: All right.

25 And if I were to suggest to you -- and just,

1 Mr. Commissioner, I'll break for a moment.

2 I didn't anticipate the probation order
3 being an issue with respect to Mr. Burgess because it
4 wasn't appearing in the anticipated evidence. I had given
5 notice about a subsequent witness. I don't know if this
6 poses a difficulty. If I could just ask for the probation
7 document to come up on the screen? I have the document
8 number. If it's a difficulty, I can just deal with it
9 through questions and go to the -- and deal with it through
10 the witness where I did give notice.

11 **THE COMMISSIONER:** Do you have access to it?

12 **THE REGISTRAR:** I can pull it up.

13 **MR. NEUBERGER:** Is it okay? Thank you.

14 **THE COMMISSIONER:** Is there anything in the
15 document that would preclude it from being shown to the
16 public?

17 **MR. NEUBERGER:** No.

18 **THE COMMISSIONER:** All right.

19 **THE REGISTRAR:** So it's not going to be an
20 exhibit?

21 **THE COMMISSIONER:** Right.

22 Yes, probably it will be.

23 **MR. NEUBERGER:** Thank you very much.

24 It is document number 108915.

25 **THE REGISTRAR:** Is that the right one?

1 **MR. NEUBERGER:** That's correct.

2 Now, what we are looking at, sir, is a
3 Probation Order in relation to a number of charges. And
4 actually if you could just go to the second page please?
5 We don't really need to be on the first page. This is a
6 Probation Order that was rendered November 7, 1986
7 regarding Mr. Leblanc for the various offences for which he
8 pled guilty.

9 You have already told us accurately that he
10 received a suspended sentence, meaning he did not go to
11 jail but got a Probation Order of three years. And what we
12 are looking at is page 2. There is, if I can just suggest
13 to you -- it's in small print, so my eyesight is maybe not
14 even as good as yours but there is no clause which is
15 ticked off for non-association. Do you know what I mean by
16 that? Meaning that he wasn't prevented on this Probation
17 Order from contacting people who might have been abused by
18 him or were abused by him. That is Term "1" if you can see
19 it; small "1".

20 **MR. ENGELMANN:** I don't know if it would
21 help, but if the witness could be given a paper copy as
22 well ---

23 **MR. NEUBERGER:** I have -- I can give it now
24 -- I have eight copies and I can hand it in and just rely
25 upon that.

1 **THE COMMISSIONER:** So that would be Exhibit
2 number?

3 **THE REGISTRAR:** Ninety-seven (97).

4 **THE COMMISSIONER:** Ninety-seven (97).

5 Mr. Lee?

6 **--- EXHIBIT NO./PIÈCE NO P-97:**

7 Jean-Luc Leblanc - Probation Order

8 **MR. LEE:** Sir, can I also suggest that I
9 think this particular witness may find it helpful if Mr.
10 Neuberger would read him the exact part that he is looking
11 at?

12 **THE COMMISSIONER:** Sure.

13 **MR. NEUBERGER:** What I am focusing on is
14 there is a term "l" "not to associate or hold any
15 communication directly or indirectly with" and then there
16 is a blank.

17 And that is typically a section on a
18 probation order, which is ticked off when a probation order
19 is provided for someone not to have communication.

20 So for the accused who is now an offender,
21 once they're found guilty, not to have communication with a
22 series of victims or other persons. That's usually what
23 one of those boxes is for, and what I'm referring you to is
24 that box.

25 Are you able to see what I am referring to?

1 **MR. BURGESS:** Yes.

2 **MR. NEUBERGER:** And you understand what I'm
3 saying is that according to this Probation Order, nothing
4 is mentioned about non-contact or association with anybody?

5 **MR. BURGESS:** Correct.

6 **MR. NEUBERGER:** Not even a restriction with
7 respect to young children.

8 **MR. BURGESS:** Yes.

9 **MR. NEUBERGER:** All right.

10 There is, if we go down to the bottom of
11 that page where Madam Clerk already has it, it says,
12 "Engage in counseling program". It's the last term, the
13 second-last term which is "Engage in counseling program
14 arranged through Probation Office".

15 And that is a term as well as "Keep the
16 peace and be of good behaviour", which means don't commit
17 crimes.

18 **MR. BURGESS:** Yes.

19 **MR. NEUBERGER:** All right.

20 Now, you don't have any specific knowledge
21 of what was done about the counseling. If I were to
22 suggest to you that he was attending Royal Ottawa Hospital
23 for counseling for his deviations, you have no knowledge
24 about that?

25 **MR. BURGESS:** No.

1 **MR. NEUBERGER:** All right.

2 Thank you. That's all I am referring to
3 that document. Thank you for assisting me in that.

4 I think where Mr. Engelmann assisted me, I
5 think where the confusion was, because I wasn't here last
6 week, was that you recall attending a sentencing which was
7 the second sentencing for Mr. Leblanc when he was found a
8 long-term offender and given a period of custody?

9 **MR. BURGESS:** Yes.

10 **MR. NEUBERGER:** Okay. Thank you very much,
11 sir. I wish you good luck. Thank you.

12 **MR. BURGESS:** Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Scharbach?

15 **MR. SCHARBACH:** Good morning, Mr.
16 Commissioner.

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

18 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
19 **SCHARBACH:**

20 **MR. SCHARBACH:** Good morning, Mr. Burgess.

21 **MR. BURGESS:** Good morning.

22 **MR. SCHARBACH:** My name is Stephen Scharbach
23 and I'm a lawyer for the Ministry of the Attorney General.
24 Thank you for coming here today.

25 I read the questions that were posed to you

1 last week and the answers you gave and I have a few
2 questions that arise out of that.

3 Now, I understand that you were involved in
4 some way, and I'm saying, "involved" in a loose way, in two
5 prosecutions involving Jean-Luc Leblanc. Is that right?

6 **MR. BURGESS:** Yes.

7 **MR. SCHARBACH:** And the first one was one
8 that ---

9 **THE COMMISSIONER:** Did you answer that
10 question?

11 **MR. BURGESS:** Yes.

12 **THE COMMISSIONER:** Okay. Sorry.

13 **MR. SCHARBACH:** The first one took place in
14 1986 and that prosecution started out at least with a
15 charge against you.

16 **THE COMMISSIONER:** Not against him.

17 **MR. SCHARBACH:** Sorry, a charge involving
18 you, I should say. I'm sorry.

19 **MR. BURGESS:** Yes.

20 **MR. SCHARBACH:** And you were a victim in
21 that case?

22 **MR. BURGESS:** Yes.

23 **MR. SCHARBACH:** If we can say it that way
24 along with two other individuals; is that correct?

25 **MR. BURGESS:** Yes.

1 **MR. SCHARBACH:** And from what I understand
2 you had several concerns that arose out of that prosecution
3 and some of those concerns involved how it was handled by
4 the prosecutors, correct?

5 **MR. BURGESS:** Correct.

6 **MR. SCHARBACH:** And as I understand it, and
7 I'm summing it up a little bit, but a lot of your concerns
8 involved a lack of communication between the prosecutor and
9 yourself?

10 **MR. BURGESS:** Yes.

11 **MR. SCHARBACH:** For example, you didn't get
12 a chance to meet with the prosecutor. You weren't told
13 that the charge that involved you was withdrawn, correct?

14 **MR. BURGESS:** Correct.

15 **MR. SCHARBACH:** You weren't told of the
16 sentencing hearing and you didn't attend? I take it you
17 didn't have a chance to attend the sentencing hearing
18 because you weren't informed of it. Is that correct?

19 **MR. BURGESS:** Correct.

20 **MR. SCHARBACH:** And that prosecution took
21 place in 1986. That's about 20 years ago now.

22 I'm wondering if anyone in the course of the
23 proceedings has brought to your attention that a lot of the
24 policies regarding communications with victims have changed
25 over the years. They have changed over the last 20 years.

1 I take it that no one has brought that to your attention?

2 MR. BURGESS: No.

3 MR. SCHARBACH: I just wanted you to know,
4 and the Commission will hear -- has heard some evidence and
5 I'm sure we'll hear more evidence about the fact that there
6 are now requirements in place that require prosecutors in
7 cases like yours to meet personally with the victims to
8 give them information about significant developments of
9 their case, to get their views on resolution proposals and
10 so on. I take it you didn't know that, and I wanted to let
11 you know that to a large extent those policies and those
12 requirements have improved over the last 20 years. They're
13 not perfect and hopefully they'll improve even more as a
14 result of this Inquiry.

15 But you were also involved in a second
16 prosecution, and that second prosecution, I understood, was
17 concluded in the year 2002?

18 MR. BURGESS: Yes.

19 MR. SCHARBACH: So this was a prosecution
20 that would have taken place some 16 years or thereabouts --
21 15 to 16 years after the first prosecution; correct?

22 MR. BURGESS: Yes.

23 MR. SCHARBACH: And in that prosecution
24 there was no charge that involved you?

25 MR. BURGESS: No.

1 **MR. SCHARBACH:** So in a sense I'll say you
2 weren't a victim in that prosecution?

3 **MR. BURGESS:** No.

4 **MR. SCHARBACH:** But your sister was?

5 **MR. BURGESS:** Yes.

6 **MR. SCHARBACH:** And I heard you or I read
7 you say that you attended at court in that prosecution --
8 -

9 **MR. BURGESS:** Yes.

10 **MR. SCHARBACH:** --- along with your sister?

11 **MR. BURGESS:** Yes.

12 **MR. SCHARBACH:** And I believe your brother
13 was there as well?

14 **MR. BURGESS:** Yes.

15 **MR. SCHARBACH:** And many of the other
16 victims were there?

17 **MR. BURGESS:** Yes.

18 **MR. SCHARBACH:** There were several victims
19 in that case; is that correct?

20 **MR. BURGESS:** Yes.

21 **MR. SCHARBACH:** And I read last week that
22 you and your sister, your brother, your other victims --
23 well, I don't know about the other victims, but you and
24 your sister at least were given notice about the sentencing
25 hearing in that case; correct?

1 **MR. BURGESS:** Yes.

2 **MR. SCHARBACH:** And you and your sister were
3 given a chance, encouraged, I think, to complete a Victim
4 Impact Statement.

5 **MR. BURGESS:** Correct.

6 **MR. SCHARBACH:** Is that correct?

7 In fact, you were given help in completing
8 the Victim Impact Statement by the OPP officer who was
9 investigating; is that correct?

10 **MR. BURGESS:** Yes.

11 **MR. SCHARBACH:** And you may not know this,
12 but I will ask you. If you don't know, you can just let us
13 know that. But I understand that your sister, as a person
14 who was a victim in that case, in that second prosecution,
15 met personally with the prosecutor. Did you know that?

16 **MR. BURGESS:** No.

17 **MR. SCHARBACH:** You don't know that.

18 Going back to the Victim Impact Statement,
19 you were given a chance -- even though there was no charge
20 relating to you in the second prosecution, you were given a
21 chance to complete a Victim Impact Statement as well;
22 correct?

23 **MR. BURGESS:** Yes.

24 **MR. SCHARBACH:** And so that was an
25 opportunity for you to express to the court what the impact

1 of those earlier crimes was on you; correct?

2 MR. BURGESS: Yes.

3 MR. SCHARBACH: And your sister was given
4 the same opportunity; correct?

5 MR. BURGESS: Correct.

6 MR. SCHARBACH: You were informed of the
7 court date. You were there and you were there when Jean-
8 Luc Leblanc was sentenced to several years in jail;
9 correct?

10 MR. BURGESS: Correct.

11 MR. SCHARBACH: I understand that there was
12 a bit of follow up in the sense that you were -- you and
13 your sister were made aware of the fact that you could make
14 an application to the Criminal Injuries Compensation Board;
15 correct?

16 MR. BURGESS: Correct.

17 MR. SCHARBACH: So there was a little bit
18 more, can I say, support for you and your sister as victims
19 during this second prosecution than you experienced in the
20 first prosecution?

21 MR. BURGESS: Yes.

22 MR. SCHARBACH: And you completed the
23 application for criminal injuries compensation?

24 MR. BURGESS: Yes.

25 MR. SCHARBACH: And I understand, in fact,

1 that you were helped with that application by the OPP
2 officer who was involved; is that correct?

3 MR. BURGESS: Yes.

4 MR. SCHARBACH: And the application was
5 successful?

6 MR. BURGESS: Yes.

7 MR. SCHARBACH: And you were given a certain
8 amount of compensation.

9 So can I say that -- can I ask you, I should
10 say, that from your perspective as a victim -- and I'm
11 using that word loosely -- but as a victim in both
12 prosecutions, that your experience in the second
13 prosecution was better -- I know that no experience as a
14 victim is good, but your experience as a victim was
15 superior in the second case than it was in the first?

16 MR. BURGESS: Yes.

17 MR. SCHARBACH: You were given more
18 information in the second case?

19 MR. BURGESS: Yes.

20 MR. SCHARBACH: You and your sister, I take
21 it?

22 MR. BURGESS: Yes.

23 MR. SCHARBACH: You were given a little bit
24 more of an opportunity to become involved in the
25 prosecution?

1 **MR. BURGESS:** Yes.

2 **MR. SCHARBACH:** You were given a little bit
3 more assistance as a victim?

4 **MR. BURGESS:** Yes.

5 **MR. SCHARBACH:** There was a little bit more
6 follow up as a victim; is that correct?

7 **MR. BURGESS:** Yes.

8 **MR. SCHARBACH:** All right.
9 Those are all my questions. Thank you very
10 much.

11 **MR. BURGESS:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Manderville?

14 **MR. MANDERVILLE:** I believe, Mr.
15 Commissioner, that I will be going last as ---

16 **THE COMMISSIONER:** Sorry. Yes.

17 Mr. Kozloff?

18 Mr. Engelmann?

19 **MR. ENGELMANN:** I was just going to say on
20 the point of these witnesses that are all -- these groups
21 of witnesses that are associated with Jean-Luc Leblanc, I
22 wasn't sure, actually, if it was the Cornwall Police
23 Service that would be going last or the Children's Aid
24 Society, but as long as they are talking and they are
25 comfortable with the order, that's fine with us.

1 **THE COMMISSIONER:** I assume that that order
2 is to be discussed before I even come in the room and if
3 there are any questions, then you tell me.

4 **MR. ENGELMANN:** I haven't heard.

5 **THE COMMISSIONER:** All right.

6 **MR. MANDERVILLE:** I can assure you, Mr.
7 Commissioner, that is what is happening and we're agreed
8 among ourselves.

9 **THE COMMISSIONER:** That's fine. Thank you.
10 So Mr. Kozloff.

11 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
12 **KOZLOFF:**

13 **MR. KOZLOFF:** Good morning, Mr. Burgess.

14 **MR. BURGESS:** Good morning.

15 **MR. KOZLOFF:** My name is Neil Kozloff and I
16 represent the Ontario Provincial Police, and I just have a
17 very few number of questions for you.

18 You have told us last week when you were
19 here and you have confirmed today that the abuse that you
20 suffered at the hands of Mr. Leblanc stopped in 1986?

21 **MR. BURGESS:** Yes.

22 **MR. KOZLOFF:** And it stopped when Jason Tyo
23 told Mrs. Raymond what was happening and Mrs. Raymond spoke
24 to you about it and you admitted it to Mrs. Raymond and
25 then you spoke to the police?

1 **MR. BURGESS:** Correct.

2 **MR. KOZLOFF:** And whoever else you spoke to
3 at the time, right?

4 **MR. BURGESS:** Yes.

5 **MR. KOZLOFF:** And you were never abused by
6 Mr. Leblanc after 1986, after you told the police and Mrs.
7 Raymond what had happened to you; correct?

8 **MR. BURGESS:** Correct.

9 **MR. KOZLOFF:** And you were never abused by
10 anybody else after you told Mrs. Raymond what had happened
11 to you; correct?

12 **MR. BURGESS:** Correct.

13 **MR. KOZLOFF:** And so when the Ontario
14 Provincial Police contacted you in 1999 -- and I think you
15 told us then you were living in Kingston?

16 **MR. BURGESS:** Yes.

17 **MR. KOZLOFF:** They asked you to come to
18 Cornwall to help them out, right?

19 **MR. BURGESS:** Yes.

20 **MR. KOZLOFF:** And they went and picked you
21 up in Kingston and brought you back?

22 **MR. BURGESS:** Correct.

23 **MR. KOZLOFF:** And you had a meeting with
24 them at the Upper Canada Detachment close to Cornwall?

25 **MR. BURGESS:** Yes.

1 **MR. KOZLOFF:** And they really wanted to find
2 out about a couple of things. First of all, they wanted to
3 find out about what had happened to your sister, right?

4 **MR. BURGESS:** Yes.

5 **MR. KOZLOFF:** So they were really
6 interviewing you as a witness to what happened to Cindy?

7 **MR. BURGESS:** Yes.

8 **MR. KOZLOFF:** And they also wanted to
9 confirm with you that Mr. Leblanc hadn't abused you after
10 his 1986 conviction, right?

11 **MR. BURGESS:** Correct.

12 **MR. KOZLOFF:** All right.

13 And then as Mr. Scharbach reminded you, they
14 helped you with a Victim Impact Statement?

15 **MR. BURGESS:** Correct.

16 **MR. KOZLOFF:** Even though you weren't really
17 one of the victims that Mr. Leblanc was being dealt with in
18 2002?

19 **MR. BURGESS:** Correct.

20 **MR. KOZLOFF:** And they helped you with a
21 Criminal Injuries Compensation Board application 16 years
22 after you had been a victim?

23 **MR. BURGESS:** Correct.

24 **MR. KOZLOFF:** And I want to salute your
25 courage, sir, in coming here last week and today and

1 telling us about the things that happened to you and I want
2 to thank you for the assistance that you gave to the
3 Ontario Provincial Police back in 1999, and I want to thank
4 you for your kind words about the Ontario Provincial Police
5 last week.

6 **MR. BURGESS:** Thank you.

7 **MR. KOZLOFF:** Thank you very much, sir.

8 **THE COMMISSIONER:** Thank you.

9 Mr. Carroll.

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

11 **CARROLL:**

12 **MR. CARROLL:** Good morning.

13 **MR. BURGESS:** Good morning.

14 **MR. CARROLL:** My name is Bill Carroll and I
15 represent the Ontario Provincial Police Association.
16 That's essentially the organization that represents the
17 members of the police that you dealt with.

18 You remember last week one of the names put
19 to you, although you weren't certain you remembered it, was
20 an officer by the name of Dupuis.

21 **MR. BURGESS:** Yes.

22 **MR. CARROLL:** All right.

23 And just to follow up on one area, sir, and
24 that is with respect to the interview in '99, when they
25 came and picked you up in Kingston and brought you to the

1 Prescott area for the interview.

2 MR. BURGESS: Yes.

3 MR. CARROLL: Okay. And Mr. Engelmann
4 referred you to that interview last week. You remember
5 that?

6 MR. BURGESS: Yes.

7 MR. CARROLL: And you said that it was a
8 complete account of the interview that you had with the OPP
9 that day?

10 MR. BURGESS: Yes.

11 MR. CARROLL: And you would agree with me,
12 sir -- and you had a look at it before you testified,
13 right?

14 MR. BURGESS: Yes.

15 MR. CARROLL: All right.

16 And in terms of detail that the OPP asked
17 you about, they ask you about where the abuse with respect
18 to you occurred, don't they?

19 MR. BURGESS: Yes.

20 MR. CARROLL: They ask you about Ottawa?

21 MR. BURGESS: Yes.

22 MR. CARROLL: And they ask you about
23 Buckingham. Was that a yes?

24 MR. BURGESS: Yes.

25 MR. CARROLL: Okay. And they ask you if

1 there were any other places, right?

2 **MR. BURGESS:** Yes.

3 **MR. CARROLL:** And were you being as
4 cooperative and as detailed as you could be, given the
5 passage of time?

6 **MR. BURGESS:** Yes.

7 **MR. CARROLL:** All right.

8 And in that interview, did they make you
9 feel comfortable during the interview, sir?

10 **MR. BURGESS:** Yes.

11 **MR. CARROLL:** And were you rushed at all in
12 being asked to answer the questions?

13 **MR. BURGESS:** No.

14 **MR. CARROLL:** All right.

15 Did you consider in that interview that the
16 officers from the OPP had treated you fairly, sir?

17 **MR. BURGESS:** Yes.

18 **MR. CARROLL:** All right.

19 I, like the other lawyers, wish to thank you
20 for your contribution for helping us in the work we have
21 here. Thank you.

22 **MR. BURGESS:** Thanks.

23 **THE COMMISSIONER:** Thank you.

24 Ms. Tymochenko?

25 **MS. TYMOCHENKO:** No questions.

1 **THE COMMISSIONER:** Anyone -- no, nobody here
2 for the Catholic School Board. Okay.

3 So Mr. Manderville.

4 **MR. MANDERVILLE:** Mr. Commissioner, I have
5 just informed my friend I will be about 20 minutes, I would
6 anticipate. I'm in your hands if you want to take the
7 morning break now or wait.

8 **THE COMMISSIONER:** How are you feeling at
9 this point? Do you want to continue or take a break at
10 this point.

11 **MR. BURGESS:** Take a break.

12 **THE COMMISSIONER:** All right.

13 So let's take our morning break. We'll be
14 back here soon.

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

17 The hearing will resume at 11:00.

18 --- Upon recessing at 10:46 a.m./

19 L'audience est suspendue à 10h46

20 --- Upon resuming at 11:14 a.m./

21 L'audience est reprise à 11h14

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

24 This hearing of the Cornwall Public Inquiry
25 is now in session. Please be seated. Veuillez vous

1 asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Sorry about the delay. I just got lost in
4 time.

5 **MR. ENGELMANN:** No problem. We're all here
6 and we're set to go, and Mr. Manderville is set for the
7 Cornwall Police Service with his cross-examination.

8 **THE COMMISSIONER:** Thank you.

9 **MR. MANDERVILLE:** Good morning, Mr.
10 Commissioner.

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

12 **SCOTT BURGESS, Resumed/Sous le même serment:**

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

15 **MR. MANDERVILLE:** Good morning, Mr. Burgess.
16 My name is Peter Manderville. I'm a lawyer for the
17 Cornwall Police Service.

18 First off, I would like to echo some of the
19 comments from my friends in the room, thanking you for
20 coming today. It's a long way from London to here, and you
21 should not underestimate how important your story is to
22 this Inquiry. It is important and it's important that you
23 be here to tell it. So the trip is long and you have made
24 two of them, but it's important.

25 **MR. BURGESS:** Thanks.

1 **MR. MANDERVILLE:** Now, we've heard that you
2 were sexually abused by Mr. Leblanc from around 1982 or '83
3 up until January 1986, right?

4 **MR. BURGESS:** Right.

5 **MR. MANDERVILLE:** And in January 1986, Dawn
6 Raymond was told about some of the actions of Mr. Leblanc
7 and she was told by Mr. Tyo, wasn't she?

8 **MR. BURGESS:** Yes.

9 **MR. MANDERVILLE:** And one advantage those of
10 us in the room have for the moment over you is you see
11 these books of documents I'm holding here, almost all of
12 them are documents generated or created around 1986, the
13 time when you and Mr. Tyo revealed what Mr. Leblanc was
14 doing and he was prosecuted and so on. And we're talking
15 about a period of more than 20 years now, aren't we?

16 **MR. BURGESS:** Yes.

17 **MR. MANDERVILLE:** And memories fade over
18 time, mine; yours too?

19 **MR. BURGESS:** Yes.

20 **MR. MANDERVILLE:** Generally speaking, would
21 you agree with me that a document created in January 1986,
22 let's say, is probably going to be more accurate in
23 recording what happened than what you and I can recall here
24 in October 2006?

25 **MR. BURGESS:** Yes.

1 **MR. MANDERVILLE:** And generally then, if a
2 note or a document says something happened on a given day,
3 that is probably right, or you would defer to that over
4 what you can recall now, right?

5 **MR. BURGESS:** Yes.

6 **MR. MANDERVILLE:** And I would like Mr.
7 Burgess to be shown the "Will State" from 1986 of Dawn
8 Raymond. It's document 107069.

9 **MR. ENGELMANN:** It's Exhibit 86. Oh, I'm
10 sorry. Dawn Raymond?

11 **MR. MANDERVILLE:** Yes.

12 **MR. ENGELMANN:** My apologies.

13 **MR. MANDERVILLE:** I didn't think it had been
14 ---

15 **THE REGISTRAR:** It's 107069. Is it a public
16 document?

17 **MR. MANDERVILLE:** It is and it's a two-page
18 document and, Mr. Commissioner, I don't believe there are
19 any concerns.

20 **THE REGISTRAR:** Exhibit 98.

21 --- **EXHIBIT NO./PIÈCE NO C-98:**

22 Dawn Raymond - Will Say Statement

23 **THE COMMISSIONER:** I take it the public
24 screens are on? Madam Clerk, the public screens are on?

25 **THE REGISTRAR:** They're on right now.

1 **THE COMMISSIONER:** Thank you.

2 **MR. MANDERVILLE:** Do you have that document
3 in front of you on your screen, Mr. Burgess?

4 **MR. BURGESS:** Yes.

5 **MR. MANDERVILLE:** I would ask, Madam
6 Registrar, that you scroll down towards the bottom of the
7 first page.

8 The very last four lines, Mr. Burgess, do
9 you see it says:

10 "On Tuesday, Jan 7, Jason came over to
11 the school and said he wanted to talk
12 to me. He said Jean-Luc was sexually
13 abusing Scott and that he had tried to
14 do it to him but he wouldn't let him."

15 Do you see that?

16 **MR. BURGESS:** Yes.

17 **MR. MANDERVILLE:** Now, Jason then was
18 talking about you, wasn't he?

19 **MR. BURGESS:** Yes.

20 **MR. MANDERVILLE:** And if you go to the next
21 page, please -- are we able to do that in the absence of
22 Ms. Mongeon?

23 **THE COMMISSIONER:** No.

24 **MR. MANDERVILLE:** Now, Mr. Burgess, you
25 understand that this is Dawn Raymond's Will Say Statement?

1 So this is her recounting of events back in 1986.

2 MR. BURGESS: Correct.

3 MR. MANDERVILLE: Thank you, Ms. Mongeon.

4 Page 2, yes.

5 THE COMMISSIONER: Page 2.

6 MR. MANDERVILLE: It goes on to say:

7 "I saw Scott that Friday."

8 And I'm going to suggest to you that if the
9 Tuesday was January the 7th, the Friday would have been
10 January the 10th, 1986?

11 MR. BURGESS: Yes.

12 MR. MANDERVILLE: And you told -- according
13 to Ms. Raymond, you told her then that Jean-Luc asked him
14 and Jason if he could perform a certain act and you said
15 you didn't let them -- you did not let him, right?

16 MR. BURGESS: Correct.

17 MR. MANDERVILLE: And at the time, you
18 didn't want to tell Mrs. Raymond what was happening, right?

19 MR. BURGESS: Correct.

20 MR. MANDERVILLE: You trust Mrs. Raymond,
21 don't you?

22 MR. BURGESS: Yes.

23 MR. MANDERVILLE: In fact, you trust her
24 perhaps as much as anyone in this world?

25 MR. BURGESS: Yes.

1 **MR. MANDERVILLE:** But it was embarrassing to
2 tell her, wasn't it?

3 **MR. BURGESS:** Yes.

4 **MR. MANDERVILLE:** And you felt confused at
5 the time about things?

6 **MR. BURGESS:** Yes.

7 **MR. MANDERVILLE:** And perhaps a little
8 ashamed about it?

9 **MR. BURGESS:** M'hm.

10 **MR. MANDERVILLE:** For no good reason but you
11 felt a little bit ashamed about it?

12 **MR. BURGESS:** Yes.

13 **MR. MANDERVILLE:** But as she goes on to
14 indicate on this document, you did trust Mrs. Raymond and
15 you told her what had happened to you with Mr. Leblanc,
16 didn't you?

17 **MR. BURGESS:** Yes.

18 **MR. MANDERVILLE:** And you trusted her, so
19 you told her about what had happened to Jody too, didn't
20 you?

21 **MR. BURGESS:** Yes.

22 **MR. MANDERVILLE:** And Jody was really mad at
23 you about that, wasn't he?

24 **MR. BURGESS:** I don't recall him being mad.

25 **MR. MANDERVILLE:** If some of the documents

1 in here were to suggest that Jody was really angry with you
2 for telling on him, you would defer to what that document
3 said generally?

4 MR. BURGESS: Yes.

5 MR. MANDERVILLE: Because you can't recall
6 now whether he was mad or not.

7 MR. BURGESS: No.

8 THE COMMISSIONER: Do we know that he ever
9 knew?

10 MR. MANDERVILLE: I will try to address that

11 ---

12 THE COMMISSIONER: Okay. I'm sorry.

13 MR. MANDERVILLE: --- Mr. Commissioner.

14 THE COMMISSIONER: Okay.

15 MR. MANDERVILLE: So as much as you trust
16 Mrs. Raymond, you didn't tell her about anyone else other
17 than yourself and Jody, did you?

18 MR. BURGESS: Yes.

19 MR. MANDERVILLE: "Yes" that's right?

20 MR. BURGESS: Yes.

21 MR. MANDERVILLE: Now, I would ask that Mr.
22 Burgess be referred to document 737254.

23 Mr. Commissioner, this document definitely
24 cannot be shown on the screens unedited.

25 THE COMMISSIONER: All right.

1 --- EXHIBIT NO./PIÈCE NO C-99:

2 File Recording for CAS - re: Burgess Family

3 MR. MANDERVILLE: It's a Children's Aid
4 Society document.

5 THE COMMISSIONER: M'hm.

6 MR. MANDERVILLE: And I would ask that page
7 6 of the document be put in front of Mr. Burgess and it's
8 Bates page number 7152068.

9 THE COMMISSIONER: So we close the public
10 screens?

11 MR. MANDERVILLE: Yes, sir.

12 THE REGISTRAR: It's 7152?

13 MR. MANDERVILLE: Zero-six-eight (068).

14 THE REGISTRAR: Yes, they are.

15 THE COMMISSIONER: I'm sorry?

16 THE REGISTRAR: Yes, they are.

17 THE COMMISSIONER: All right.

18 So what we will do is we will mark this as
19 an exhibit "C" and I take it that's to be put into the
20 bunch that I need to rule on?

21 MR. MANDERVILLE: Yes, sir.

22 THE COMMISSIONER: Part of the ruling?

23 MR. MANDERVILLE: Yes, sir.

24 THE COMMISSIONER: All right. Thank you.

25 Just to help me along here, what is it in

1 here that -- is it names that we're talking about?

2 **MR. MANDERVILLE:** Yes. Yes, sir.

3 **THE COMMISSIONER:** Okay. All right.

4 So this gentleman -- Mr. Burgess, you have
5 never seen -- have you seen this document before?

6 **MR. BURGESS:** No.

7 **THE COMMISSIONER:** All right.

8 So maybe you can set it up for him.

9 **MR. MANDERVILLE:** Mr. Burgess, the only
10 reason I want you to have this document in front of you --
11 and I apologize, Mr. Commissioner, do we have an exhibit
12 number? I know it's a "C" but ---

13 **THE COMMISSIONER:** Oh, it's C-99.

14 **MR. MANDERVILLE:** Mr. Burgess, do you have
15 the page in front of you that states at the top "Opening
16 and Transfer Summary - Details of Inquiry"?

17 It should be on your screen.

18 **MR. BURGESS:** No. It's there, yes.

19 **MR. MANDERVILLE:** Okay. You can just look
20 at the screen for the moment, if you're comfortable doing
21 that.

22 It states there that:

23 "On January 24, 1986, a superintendent
24 for the County Board of Education
25 called our agency [being the Children's

1 Aid Society] requesting a worker come
2 to his office to discuss a sexual abuse
3 case which was disclosed to a teacher.
4 He would not supply any names over the
5 phone but was confident CAS was not
6 involved with the family at this point
7 in time."

8 The reason I put this to you, Mr. Burgess,
9 is partly to refresh your memory, but this document at
10 least would seem to suggest that the Children's Aid Society
11 was first contacted on January 24, 1986?

12 **MR. BURGESS:** Yes.

13 **MR. MANDERVILLE:** And on that same page
14 there's a whole list of items beside January 24, '86 under
15 the heading "Contacts and Dates" and it would appear that
16 the Cornwall Police were contacted that same day, January
17 24, 1986; correct?

18 **MR. BURGESS:** Correct.

19 **MR. MANDERVILLE:** And for the moment, Mr.
20 Commissioner, I don't intend to refer to this document
21 until a little later.

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

23 **MR. MANDERVILLE:** Mr. Burgess -- sorry, I
24 would ask that Mr. Burgess be shown document 108879 and
25 this is a one-page "Will State" from Constable Payment.

1 **THE COMMISSIONER:** Payment.

2 **THE REGISTRAR:** Exhibit 100.

3 **THE COMMISSIONER:** Exhibit 100.

4 **--- EXHIBIT NO./PIÈCE NO P-100:**

5 Scott Burgess - Will Say Statement - Taken
6 by Constable Payment

7 **THE REGISTRAR:** Is this confidential?

8 **MR. MANDERVILLE:** No, I believe it can be
9 shown.

10 And Mr. Commissioner, I know you and I both
11 think it was "Payment" and I think it is in fact "Payment."

12 **THE COMMISSIONER:** Oh really?

13 **MR. MANDERVILLE:** It surprised me too.

14 **THE COMMISSIONER:** I didn't see the name
15 right -- that's true, that's true, you are fluent in
16 French.

17 **(LAUGHTER/RIRES)**

18 **MR. MANDERVILLE:** I can't let that pass. I
19 am? Je comprends le français.

20 **THE COMMISSIONER:** You take those. Just
21 take those. Thank you. Thank you.

22 **MR. MANDERVILLE:** Je comprends le français
23 et je parle français. Thank you.

24 **THE COMMISSIONER:** But it is "Payment."
25 You're right. All right.

1 **MR. MANDERVILLE:** Mr. Burgess, do you have
2 the one-page Will State of Constable Payment in front of
3 you?

4 **MR. BURGESS:** Yes.

5 **MR. MANDERVILLE:** And could that be the next
6 exhibit, please?

7 **THE COMMISSIONER:** It is Exhibit 100.

8 **MR. MANDERVILLE:** Okay.

9 Constable Payment in this document states
10 that on January 24th, 1986, as a result of a complaint
11 received, he interviewed you and took a statement; right?

12 **MR. BURGESS:** Correct.

13 **MR. MANDERVILLE:** And it would also appear
14 that on the same day he tried to interview your brother
15 Jody but was unsuccessful. And then the following day,
16 January 25th, he interviewed your brother Jody and Jason Tyo
17 and took some statements; correct?

18 **MR. BURGESS:** Correct.

19 **MR. MANDERVILLE:** And he goes on to state
20 that on January 27th, three days after first being notified
21 of the complaint or what had happened with Mr. Leblanc,
22 that Mr. Leblanc was arrested; correct?

23 **MR. BURGESS:** Correct.

24 **MR. MANDERVILLE:** Now, I want to change
25 topics slightly.

1 That document need not remain on the screen.

2 **THE COMMISSIONER:** Thank you.

3 **MR. MANDERVILLE:** You told us last week when
4 Mr. Engelmann brought it to your attention that you
5 remembered a man named Bill; correct?

6 **MR. BURGESS:** Correct.

7 **MR. MANDERVILLE:** And you told us that when
8 you were a child it's your recollection that Bill had
9 abused you sexually?

10 **MR. BURGESS:** Correct.

11 **MR. MANDERVILLE:** And you told Mr. Chisholm
12 earlier today that you cannot recall telling the police
13 about Bill.

14 **MR. BURGESS:** Correct.

15 **MR. MANDERVILLE:** And I take it, sitting
16 here today, you're simply not aware of what investigations
17 were carried out concerning Bill, are you?

18 **MR. BURGESS:** No.

19 **MR. MANDERVILLE:** Madam Registrar, I would
20 ask that Mr. Burgess again be shown document 737254.
21 That's Exhibit C-99.

22 **THE REGISTRAR:** What Bates page number?

23 **MR. MANDERVILLE:** Bates page number 7152073
24 and that's a "C" document.

25 **THE REGISTRAR:** It's 7152?

1 **MR. MANDERVILLE:** Zero-seven-three (073).
2 It's page 11 of the document but it says page 6 at the top
3 of it.

4 Do you have that on your screen, Mr.
5 Burgess?

6 **MR. BURGESS:** Yes.

7 **MR. MANDERVILLE:** There's one paragraph up
8 near the top of the page. Do you see where it says:

9 "As a result of this abuse, Scott was
10 referred to the Teen Boys Family
11 Sexual Abuse Treatment Program."

12 **THE COMMISSIONER:** No, I don't see that.
13 Do you see it?

14 **MR. BURGESS:** Yes.

15 **MR. MANDERVILLE:** It's the paragraph that
16 begins:

17 "The aforementioned child..."

18 **THE COMMISSIONER:** Right. Thank you. Now I
19 see it.

20 **MR. MANDERVILLE:** Thank you, Mr.
21 Commissioner.

22 "As a result of this abuse, Scott was
23 referred to the Team Boys Family Sexual
24 Abuse Treatment Program but declined to
25 become involved."

1 You see what they are writing there, do you?

2 **MR. BURGESS:** Yes.

3 **MR. MANDERVILLE:** And I take it from your
4 evidence earlier today, you don't agree with what is said
5 there?

6 **MR. BURGESS:** No.

7 **MR. MANDERVILLE:** And it's your impression
8 that if any referral of this nature was done, it may have
9 been mentioned to your parents and they didn't pass the
10 information on to you?

11 **MR. BURGESS:** Correct.

12 **MR. MANDERVILLE:** I take it you don't
13 dispute that this was suggested, you just say you weren't
14 made aware of it?

15 **MR. BURGESS:** Correct.

16 **MR. MANDERVILLE:** As best you can recall,
17 Mr. Burgess, back then, would you have had any discomfort
18 or embarrassment in attending counselling of this nature?

19 **MR. BURGESS:** Yeah.

20 **MR. MANDERVILLE:** Some other kids at school
21 were teasing you about what had happened?

22 **MR. BURGESS:** Sometimes.

23 **MR. MANDERVILLE:** That made you angry and it
24 was embarrassing, wasn't it?

25 **MR. BURGESS:** Yes.

1 **MR. MANDERVILLE:** Now in your evidence last
2 week with Mr. Engelmann, other than the counselling we just
3 spoke of, you felt you weren't offered victim support back
4 at that time, right?

5 **MR. BURGESS:** Correct.

6 **MR. MANDERVILLE:** And are you aware that
7 back in 1986, there was no Formal Victim Support Services
8 in the City of Cornwall?

9 **MR. BURGESS:** No.

10 **MR. MANDERVILLE:** In fact, Formal Victim
11 Support Services did not exist in the City of Cornwall
12 until the late 1990S. Are you aware of that?

13 **MR. BURGESS:** No.

14 **MR. MANDERVILLE:** I take it, from your
15 earlier criticism, the fact that that sort of victim
16 support service has now been established would, in your
17 mind, be a positive thing, a positive step?

18 **MR. BURGESS:** Yes.

19 **MR. MANDERVILLE:** It would mean that
20 governmental organizations are getting better at responding
21 to these situations?

22 **MR. BURGESS:** Yes.

23 **MR. MANDERVILLE:** Similarly, in response to
24 questions from Mr. -- I'm sorry, I forgot -- Mr. Scharbach
25 about notification procedures with court programs, you were

1 told that there wasn't really a program in place to keep
2 you aware of what was going on with Mr. LeBlanc's
3 prosecution back in 1986?

4 MR. BURGESS: Correct.

5 MR. MANDERVILLE: But there is now and the
6 situation has improved in your mind if there are such
7 programs in place now?

8 MR. BURGESS: Yes.

9 MR. MANDERVILLE: Mr. Burgess, you've agreed
10 with me that from the notes and will states that we've
11 looked at, the Cornwall Police were first told of this
12 conduct by Mr. LeBlanc with you on January 24, 1986, right?

13 MR. BURGESS: Right.

14 MR. MANDERVILLE: And they took your
15 statement that same day or within a day?

16 MR. BURGESS: Yeah.

17 MR. MANDERVILLE: And Mr. LeBlanc was
18 arrested on January 27th, three days later?

19 MR. BURGESS: Yes.

20 MR. MANDERVILLE: And he was charged, he
21 pled guilty and he was convicted?

22 MR. BURGESS: Yes.

23 MR. MANDERVILLE: And he never touched you
24 ever again, did he?

25 MR. BURGESS: No.

1 **MR. MANDERVILLE:** Thank you very much Mr.
2 Burgess.

3 **MR. BURGESS:** Thank you.

4 **THE COMMISSIONER:** Thank you.

5 So it now comes to Mr. Lee.

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

7 **MR. LEE:** Good morning, Scott.

8 **MR. BURGESS:** Good morning.

9 **MR. LEE:** I guess I don't need to introduce
10 myself.

11 **MR. BURGESS:** No.

12 **MR. LEE:** You've told us today that you
13 didn't tell anybody back in 1986 that your sister, Cindy,
14 was being abused by Jean-Luc Leblanc too. Is that right?

15 **MR. BURGESS:** Correct.

16 **MR. LEE:** Do you remember if you were ever
17 asked if she was being abused?

18 **MR. BURGESS:** No, was never asked.

19 **MR. LEE:** Back in 1986, did you know at that
20 time that Cindy had been abused by Jean-Luc?

21 **MR. BURGESS:** Yes.

22 **MR. LEE:** And how did you know that?

23 **MR. BURGESS:** He made us stand there and
24 watch.

25 **MR. LEE:** So you actually witnessed her

1 abuse.

2 MR. BURGESS: Correct.

3 MR. LEE: If in 1986 -- again we are talking
4 1986 here -- if somebody in 1986 had asked you the question
5 "Has your sister, Cindy, ever been abused?", what do you
6 think you would have said?

7 MR. BURGESS: Yes.

8 MR. LEE: You would have told them?

9 MR. BURGESS: I would have told them.

10 MR. LEE: Thank you, Scott.

11 THE COMMISSIONER: Mr. Engelmann?

12 ---RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

13 MR. ENGELMANN: Mr. Burgess, you were asked
14 a number of questions by Mr. Chisholm, the lawyer from the
15 Children's Aid Society.

16 MR. BURGESS: Yes.

17 MR. ENGELMANN: A number of the questions
18 had to do with discussions that may have taken place with
19 an employee or an officer of the Children's Aid Society
20 with either you or your parents or with Dawn Raymond.

21 MR. BURGESS: Yes.

22 MR. ENGELMANN: I'd like you to think back
23 to 1986, in January of 1986 when this first came out, you
24 were how old?

25 MR. BURGESS: I don't really recall.

1 **MR. ENGELMANN:** You were born in October of

2 ---

3 **MR. BURGESS:** Seventy-one ('71), yes.

4 **MR. ENGELMANN:** --- '71. So you would have
5 been 14?

6 **MR. BURGESS:** Somewhere around there.

7 **MR. ENGELMANN:** Okay. Can you just tell us,
8 sir, what your relationship was like with your parents at
9 that time?

10 **MR. BURGESS:** It wasn't the greatest.

11 **MR. ENGELMANN:** Let me ask you this, did you
12 talk with them much ---

13 **MR. BURGESS:** No.

14 **MR. ENGELMANN:** --- about things?

15 **MR. BURGESS:** No.

16 **MR. ENGELMANN:** About anything?

17 **MR. BURGESS:** No.

18 **MR. ENGELMANN:** Those are all the questions
19 I have. Thank you, Mr. Burgess.

20 **MR. BURGESS:** Thank you.

21 **THE COMMISSIONER:** Mr. Burgess, you've made
22 an important contribution to this Inquiry, and I hope that
23 it helps you in whatever way it can, and I hope that the
24 recommendations that I make will also help you and others
25 as well.

1 **MR. BURGESS:** Thank you.

2 **THE COMMISSIONER:** Thank you very much. So
3 you are free to go, sir.

4 **MR. ENGELMANN:** Mr. Commissioner, before we
5 go further with the next witness, I just wanted to, for the
6 record, Exhibit C-99 ---

7 **THE COMMISSIONER:** Yes?

8 **MR. ENGELMANN:** I have been asked for a
9 description of that exhibit.

10 **THE COMMISSIONER:** Right, I am sorry, you
11 are absolutely right.

12 **MR. ENGELMANN:** It was suggested to me by
13 the appropriate counsel that we should call it "File
14 Recording For Children's Aid Society Regarding Burgess
15 Family"; so if it could be identified in that fashion.

16 **REGISTRAR:** File Recording?

17 **MR. ENGELMANN:** For Children's Aid Society
18 Regarding Burgess Family.

19 **REGISTRAR:** Thank you.

20 **MR. ENGELMANN:** It's about more than simply
21 Scott Burgess.

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

23 **MR. ENGELMANN:** Sir, before we call the next
24 witness, Jason Tyo, my understanding is Mr. Lee wishes to
25 discuss the use of a couple of documents, at least one of

1 which will come up during Mr. Tyo's evidence, probably
2 both, and how they might be dealt with. And given the
3 sensitive nature of part of those documents, he would like
4 to do this in camera.

5 **THE COMMISSIONER:** All right and are you
6 aware of what he -- generally, what he is going to speak
7 to?

8 **MR. ENGELMANN:** I am. And I, in fact,
9 suggested that given the nature of what he wishes to tell
10 you, that it would be best that that be done in camera.

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

12 Does any counsel have any comments or
13 concerns with respect to the fact that we go -- that the
14 suggestion is we do an in camera hearing?

15 No, all right. Then what I am going to do
16 is I am going to hold an in camera session at this point
17 for members -- hold on, hold on -- for members of the
18 public, I'd ask you to leave, but I still have to explain
19 this to the people who are watching at home. So what we
20 will be doing is I will be asking that the web cast be
21 temporarily suspended. When we return, and we will return
22 before lunch and I will advise people of where we are and
23 where we are going to go and an explanation as to what has
24 transpired.

25 Accordingly, we can suspend the web cast.

1 I'd ask that the public be excluded at this time.

2 Thank you.

3 We need 15 minutes. All right. Thank you.

4 --- Upon recessing at 11:41 a.m. to resume in camera/

5 L'audience est suspendue à 11h41 pour reprendre à

6 huis clos

7 --- Upon resuming in public at 12:24 p.m./

8 L'audience est reprise en public à 12h24

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

11 This hearing of the Cornwall Public Inquiry
12 is now in session. Please be seated. Veuillez vous
13 asseoir.

14 **THE COMMISSIONER:** Thank you very much
15 members of the public and members of the public who are
16 watching on the web cast, we have dealt with a matter
17 dealing with confidentiality issues and there were three
18 documents that I had a look at and what I wanted to tell
19 you was that two of the documents will be dealt with either
20 during the presentation of the evidence or in cross-
21 examination and what we will be doing is that we will be
22 temporarily putting them as "C" exhibits for the time being
23 and once my decision, which is being prepared now, is
24 completed, I will deal with each document so that the
25 document will be made a public document and then the

1 decision will be whether or not some of it will be raised
2 for confidentiality matters. I will be explaining that
3 later.

4 There is another document that I gave some
5 instructions to counsel about to canvass those lawyers who
6 weren't here today not through any fault of their own but
7 because the subject matter of this witness was not directly
8 impacting on their clients but who, however, may have some
9 comments to make as to what I should be doing with that
10 document. So I have given Mr. Lee instructions on what to
11 do and he will have 14 days to get the comments back from
12 the other lawyers who are not here. At that time, I will
13 render a decision on that matter and again it will likely
14 be in camera, but I will go back on live feed and with the
15 members of the public present to explain as much as I'm
16 able to what has been done with respect to certain
17 documents.

18 So that is about all I choose to say at this
19 point other than to wish you all good lunch.

20 Thank you.

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

23 The hearing will reconvene at 2:00 p.m.

24 --- Upon recessing at 12:26 p.m./

25 L'audience est suspendue à 12h26

1 --- Upon resuming at 2:07 p.m./

2 L'audience est reprise à 14h07

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

5 This hearing of the Cornwall Public Inquiry
6 is now in session. Please be seated. Veuillez vous
7 asseoir.

8 **THE COMMISSIONER:** Mr. Engelmann, good
9 afternoon.

10 **MR. ENGELMANN:** Good afternoon, Mr.
11 Commissioner.

12 The next witness the Commission will be
13 calling is Mr. Jason Tyo.

14 Mr. Tyo, if you could come forward?

15 **JASON TYO, Affirmed/Sous affirmation solennelle:**

16 **THE COMMISSIONER:** Good afternoon, sir. How
17 are you doing today?

18 **MR. TYO:** Good.

19 **THE COMMISSIONER:** All right.

20 I don't know if you've been following some
21 of the process here, but you're in the witness seat today
22 and people will be asking you questions. Mr. Engelmann
23 will start off. I realize that they are questions that are
24 of long standing and of a difficult nature at times, so if
25 you have any questions about what's going on, just stop and

1 tell me.

2 If you need a break or anything, again, just
3 tell me that you would like a break. It happens.

4 If there's something you don't understand
5 about the question, just tell the lawyer you don't
6 understand and, of course, if you don't know the answer to
7 something -- we don't expect you to know everything -- you
8 can just simply say you don't know.

9 **MR. TYO:** Okay.

10 **THE COMMISSIONER:** How does that sound?

11 **MR. TYO:** It sounds good.

12 **THE COMMISSIONER:** All right.

13 Mr. Engelmann.

14 **MR. ENGELMANN:** Thank you.

15 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
16 ENGELMANN:

17 **MR. ENGELMANN:** Thank you for coming, Mr.
18 Tyo.

19 If you can't hear me or anyone else, you
20 have a speaker just to your right that you can turn up a
21 bit. You should have some water up there as well.

22 **MR. TYO:** Okay.

23 **MR. ENGELMANN:** Mr. Tyo, I understand that
24 you're a member of the Victims Group?

25 **MR. TYO:** Yes, that's right.

1 **MR. ENGELMANN:** And you're represented by
2 Mr. Lee and his firm?

3 **MR. TYO:** Yes.

4 **MR. ENGELMANN:** And did you swear an
5 affidavit in support of the Victims Group application for
6 standing and funding in this Inquiry?

7 **MR. TYO:** Yes, I did.

8 **MR. ENGELMANN:** Sir, are you aware that what
9 we're trying to do here with the Inquiry is to look at how
10 some public institutions responded to allegations of child
11 sexual abuse?

12 **MR. TYO:** Yes.

13 **MR. ENGELMANN:** Mr. Tyo, were you sexually
14 abused as a child?

15 **MR. TYO:** Yes, I was.

16 **MR. ENGELMANN:** We have a number of public
17 institutions here, sir. As I understand it, some of the
18 public institutions that have been involved in looking at
19 the child sexual abuse you suffered would include the
20 Cornwall Police Service?

21 **MR. TYO:** Yes.

22 **MR. ENGELMANN:** It would include the
23 Children's Aid Society?

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** It would include the Ontario

1 Provincial Police?

2 MR. TYO: Yes.

3 MR. ENGELMANN: And would include perhaps
4 the Ministry of the Attorney General?

5 MR. TYO: Yes.

6 MR. ENGELMANN: So we'll be asking -- I'll
7 be asking you some questions about how things rolled out
8 after you brought forward your concerns and your complaint.

9 Can you start, sir, by telling us your date
10 of birth?

11 MR. TYO: That's April the 18th, 1972.

12 MR. ENGELMANN: And you are presently 34
13 years of age?

14 MR. TYO: Yes.

15 MR. ENGELMANN: Were you born here in the
16 City of Cornwall?

17 MR. TYO: Yes.

18 MR. ENGELMANN: And were you raised here?

19 MR. TYO: Yes.

20 MR. ENGELMANN: And you were raised, as I
21 understand, by a mother and stepfather?

22 MR. TYO: Yes.

23 MR. ENGELMANN: And your stepfather came
24 into the picture, into the family picture, early on in your
25 life?

1 MR. TYO: Yes.

2 MR. ENGELMANN: You were approximately how
3 old?

4 MR. TYO: I would say approximately two
5 years old.

6 MR. ENGELMANN: Sir, you're not presently a
7 resident of Cornwall?

8 MR. TYO: No.

9 MR. ENGELMANN: For how long has that been
10 the case?

11 MR. TYO: Approximately 13 months.

12 MR. ENGELMANN: Until that time last year,
13 in 2005, were you a resident of Cornwall throughout?

14 MR. TYO: Yes, I was.

15 MR. ENGELMANN: Mr. Tyo, I understand that
16 you have sisters?

17 MR. TYO: Yes.

18 MR. ENGELMANN: How many?

19 MR. TYO: I have three sisters.

20 MR. ENGELMANN: Are they older or younger?

21 MR. TYO: They're all older.

22 MR. ENGELMANN: Approximately how much older
23 are they than you? You've told us you're 34.

24 MR. TYO: Yes. Johanne, I believe, is 40 --
25 42, 40 and 39, I believe.

1 **MR. ENGELMANN:** So they were in the home
2 when you were a child?

3 **MR. TYO:** Not particularly, no. Well, can I
4 go back on that one?

5 **MR. ENGELMANN:** Yes.

6 **MR. TYO:** We were all living together?

7 **MR. ENGELMANN:** Yes.

8 **MR. TYO:** Yes, up until they were 16, when
9 they all left.

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

11 And, sir, how old were you when you left
12 home?

13 **MR. TYO:** Sixteen (16).

14 **MR. ENGELMANN:** Can you tell us a little bit
15 about your educational background? I understand you went
16 to school here in Cornwall?

17 **MR. TYO:** Yes.

18 **MR. ENGELMANN:** In fact, you went to school
19 with the previous witness?

20 **MR. TYO:** Yes.

21 **MR. ENGELMANN:** At least for some of the
22 time?

23 **MR. TYO:** Yes.

24 **MR. ENGELMANN:** And that's Scott Burgess?

25 **MR. TYO:** Yes.

1 **MR. ENGELMANN:** So did you go to Gladstone
2 Public School?

3 **MR. TYO:** Yes, I did.

4 **MR. ENGELMANN:** Until Grade 6?

5 **MR. TYO:** Yes.

6 **MR. ENGELMANN:** And were you in the special
7 education class with Scott?

8 **MR. TYO:** Yes, I was.

9 **MR. ENGELMANN:** And would that have been
10 Grades 5 and 6 for you?

11 **MR. TYO:** Yes.

12 **MR. ENGELMANN:** Were you also in that class
13 with him at Central Public School?

14 **MR. TYO:** Yes.

15 **MR. ENGELMANN:** And do you know how many
16 grades that would have been, sir?

17 **MR. TYO:** I think just the one, Grade 8.

18 **MR. ENGELMANN:** But Central Public was also
19 Grade 7, right? It started in Grade 7?

20 **MR. TYO:** Yes. We did the one year and then
21 I jumped to high school.

22 **MR. ENGELMANN:** Sir, your current
23 circumstances, are you living common law?

24 **MR. TYO:** Yes, I am.

25 **MR. ENGELMANN:** And do you have children of

1 your own?

2 MR. TYO: Yes, I do.

3 MR. ENGELMANN: And how old would they be
4 now?

5 MR. TYO: Thirteen (13), 8, 7 and 3.

6 MR. ENGELMANN: Boys and girls?

7 MR. TYO: All girls.

8 MR. ENGELMANN: All girls. Okay.

9 Sir, I want to just ask you a little bit
10 about your work background. I understand you're not
11 currently employed?

12 MR. TYO: No, I'm not.

13 MR. ENGELMANN: I also understand that you
14 recently qualified for disability benefits?

15 MR. TYO: Yes.

16 MR. ENGELMANN: Is that through the Ontario
17 government?

18 MR. TYO: Ontario Disability Support
19 Program, yes.

20 MR. ENGELMANN: And do you mind telling us
21 why?

22 MR. TYO: Post-traumatic stress and major
23 depression.

24 MR. ENGELMANN: So Post-Traumatic Stress
25 Disorder?

1 MR. TYO: Yes.

2 MR. ENGELMANN: And a major depression?

3 MR. TYO: Yes.

4 MR. ENGELMANN: Sir, those disabilities, are
5 they in any way associated with the sexual abuse you
6 suffered as a child?

7 MR. TYO: Yes.

8 MR. ENGELMANN: Sir, can you give us some
9 sense as to the type of work you have been able to do since
10 you left school?

11 MR. TYO: I maintained mostly cooking.

12 MR. ENGELMANN: And I understand you've
13 worked as a cook in some local restaurants here in the City
14 of Cornwall?

15 MR. TYO: Yes.

16 MR. ENGELMANN: Including the Miss Cornwall
17 Restaurant?

18 MR. TYO: Yes.

19 MR. ENGELMANN: I'm not sure if that's still
20 around.

21 MR. TYO: No, it's not.

22 MR. ENGELMANN: Okay. Philo's Greek
23 Cuisine?

24 MR. TYO: Philo's, yes.

25 MR. ENGELMANN: Philo's. I apologize.

1 Were there others as well?

2 **MR. TYO:** Yes.

3 **MR. ENGELMANN:** Have you had difficulty in
4 keeping a job for a lengthy period of time?

5 **MR. TYO:** Not really. My lengthiest
6 employment was probably about eight years.

7 **MR. ENGELMANN:** Okay. Now, sir, you've told
8 us you were sexually abused as a child.

9 **MR. TYO:** Yes.

10 **MR. ENGELMANN:** And do you know who did this
11 to you?

12 **MR. TYO:** Yes, Jean-Luc Leblanc.

13 **MR. ENGELMANN:** And I understand that he's
14 pleaded guilty to charges of child sexual abuse?

15 **MR. TYO:** Yes.

16 **MR. ENGELMANN:** And charges against sexually
17 abusing you specifically?

18 **MR. TYO:** Yes.

19 **MR. ENGELMANN:** Mr. Tyo, it's my
20 understanding that you were abused by Jean-Luc Leblanc at
21 two different times?

22 **MR. TYO:** Yes.

23 **MR. ENGELMANN:** And what I mean by that is
24 there were two periods of time during which he abused you.

25 **MR. TYO:** That's right.

1 **MR. ENGELMANN:** I understand the first
2 period of time would have been in 1985, right up to the
3 very beginning of 1986?

4 **MR. TYO:** Yes.

5 **MR. ENGELMANN:** And then, as I understand
6 it, the next period of time would have taken place in or
7 around 1987?

8 **MR. TYO:** Yes.

9 **MR. ENGELMANN:** At least it would have
10 started in 1987?

11 **MR. TYO:** In 1987, I believe that's right.

12 **MR. ENGELMANN:** And the first timeframe, if
13 I can call it that, would have been a little under one
14 year?

15 **MR. TYO:** For the abuse?

16 **MR. ENGELMANN:** Yes.

17 **MR. TYO:** Yes.

18 **MR. ENGELMANN:** And what about the second
19 time period?

20 **MR. TYO:** It would carry on several years, a
21 couple of years.

22 **MR. ENGELMANN:** So you were born in April of
23 1972?

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** So in 1985, you would have

1 been approximately 12 or 13 years of age?

2 **MR. TYO:** Yes, that's right.

3 **MR. ENGELMANN:** And then in 1987 you would
4 have been 14 or 15?

5 **MR. TYO:** Fourteen (14), that's right.

6 **MR. ENGELMANN:** Let's talk about that first
7 period of time when Mr. Leblanc sexually abused you. Can
8 you tell us how it is you came to meet him?

9 **MR. TYO:** I was introduced to him by Scott
10 Burgess.

11 **MR. ENGELMANN:** And Scott was one of your
12 friends from school at that time?

13 **MR. TYO:** Yes, that's right.

14 **MR. ENGELMANN:** Was he a good friend at that
15 time?

16 **MR. TYO:** Yes, he is.

17 **MR. ENGELMANN:** So Scott already had a -- he
18 already knew Mr. Leblanc before you met Mr. Leblanc?

19 **MR. TYO:** Yes, that's right.

20 **MR. ENGELMANN:** And is Scott older or
21 younger than you are?

22 **MR. TYO:** He's older, I believe, by a year.

23 **MR. ENGELMANN:** Were you in the same class
24 at Gladstone Public School at that time?

25 **MR. TYO:** Which time?

1 **MR. ENGELMANN:** When this abuse started?

2 **MR. TYO:** Yes.

3 **MR. ENGELMANN:** And the first time you met
4 Mr. Leblanc, where was he living?

5 **MR. TYO:** On Cumberland Street.

6 **MR. ENGELMANN:** And the first time you met
7 him, would it have been at his home?

8 **MR. TYO:** Yes. On Cumberland, yes.

9 **MR. ENGELMANN:** So Scott took you there when
10 he was visiting Mr. Leblanc?

11 **MR. TYO:** Yes.

12 **MR. ENGELMANN:** Do you remember how long it
13 was after you first met him that he started to abuse you?

14 **MR. TYO:** It wasn't much longer, pretty
15 quick. I'd say a week or so, less maybe.

16 **MR. ENGELMANN:** Now, during that first time
17 period, the first abuse, did he always live on Cumberland
18 Street?

19 **MR. TYO:** Prior to then he was at a trailer
20 park, then Cumberland.

21 **MR. ENGELMANN:** Okay.

22 **MR. TYO:** But all I remember him is from
23 Cumberland Street.

24 **MR. ENGELMANN:** Okay. But when he lived in
25 the trailer park, was he abusing you at that time?

1 MR. TYO: No, no.

2 MR. ENGELMANN: So Scott had known him from
3 when he lived in the trailer park?

4 MR. TYO: Yes.

5 MR. ENGELMANN: Do you know where he was
6 working at that time when you first met him?

7 MR. TYO: At the Transport Canada Training
8 Institute.

9 MR. ENGELMANN: And is that here in the City
10 of Cornwall?

11 MR. TYO: It would be -- now it's NAV
12 CANADA.

13 MR. ENGELMANN: Is that the building down on
14 Water Street?

15 MR. TYO: Yes, that's right.

16 MR. ENGELMANN: Where were you living at
17 that time when you first met him and this abuse started?

18 MR. TYO: I believe it would be on York
19 Street.

20 MR. ENGELMANN: Mr. Tyo, you have told us
21 that he abused you at his home on Cumberland Street.

22 MR. TYO: Yes.

23 MR. ENGELMANN: And I'm just thinking of the
24 first period of time now ---

25 MR. TYO: Okay.

1 **MR. ENGELMANN:** --- 1985 to the beginning of
2 1986. Were there other places where he might have abused
3 you?

4 **MR. TYO:** Yes.

5 **MR. ENGELMANN:** Can you give us a sense as
6 to where that might have happened?

7 **MR. TYO:** At Transport Canada Training
8 Institute.

9 **MR. ENGELMANN:** And can you tell us how it
10 was that you would have gone there with him?

11 **MR. TYO:** He would transport us, pick us up
12 in his vehicle and bring us down.

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

14 And was there an activity, a lawful activity
15 you were to be doing there with him?

16 **MR. TYO:** Yes.

17 **MR. ENGELMANN:** What was that?

18 **MR. TYO:** Sexual touching and that.

19 **MR. ENGELMANN:** Sorry ---

20 **THE COMMISSIONER:** Was there a reason given
21 for you going there in the first place?

22 **MR. TYO:** Oh, just activities, swimming and
23 stuff like that.

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

25 I understand there's a pool there?

1 MR. TYO: Yes.

2 MR. ENGELMANN: Yes. So did he sexually
3 abuse you there at the Transport Canada Training Institute?

4 MR. TYO: Yes, in the big white dome that
5 looks like a big golf ball there, in that area.

6 MR. ENGELMANN: And you were to be going
7 there to be going swimming?

8 MR. TYO: Yes, and the swimming pool as well
9 as the white -- that big, white thing.

10 MR. ENGELMANN: All right.
11 Did he ever introduce himself to your
12 parents?

13 MR. TYO: No.

14 MR. ENGELMANN: What would you ---

15 MR. TYO: Well, I don't know.

16 MR. ENGELMANN: --- say to your parents when
17 you would be going swimming with Mr. Leblanc or visit ---

18 MR. TYO: I'll just be going out. They
19 weren't really -- they didn't really care of what I did as
20 a child. So I'd just go.

21 MR. ENGELMANN: You would just tell them you
22 were going out?

23 MR. TYO: Yes, just going out, going to a
24 friend's or something.

25 MR. ENGELMANN: So you were abused at his

1 home. You were abused at this training institute. Did it
2 happen anywhere else?

3 MR. TYO: Yes in -- I thought it was
4 Gatineau, Quebec, around there, but in Quebec, at a
5 cottage.

6 MR. ENGELMANN: And whose cottage was that?

7 MR. TYO: I believe it was his mother's or a
8 family relative of some sort.

9 MR. ENGELMANN: All right.

10 And was anyone else with you when that abuse
11 took place at the cottage?

12 MR. TYO: Yes, I was with Scott on one
13 occasion.

14 MR. ENGELMANN: Did Mr. Leblanc also abuse
15 him on that occasion?

16 MR. TYO: Yes.

17 MR. ENGELMANN: And do you recall what you
18 might have told your parents about going to a cottage?

19 MR. TYO: I think that -- thinking back, it
20 was to clarified at the time that he talked to my mother.

21 MR. ENGELMANN: All right.

22 So he would have met your parents at some
23 point?

24 MR. TYO: Yes, at that point in time.

25 MR. ENGELMANN: Okay. And so they would

1 have known that you were going with him and Scott?

2 MR. TYO: My mother was aware that I was
3 leaving to go to Quebec.

4 MR. ENGELMANN: All right.

5 So the cottage in Quebec, the training
6 centre, his home. Did it happen anywhere else? And I'm
7 just talking about the first timeframe ---

8 MR. TYO: No.

9 MR. ENGELMANN: --- that you can remember.

10 MR. TYO: That would be it for the first.

11 MR. ENGELMANN: And when he did this to you,
12 on occasion, he also did it to Scott?

13 MR. TYO: Yes.

14 MR. ENGELMANN: Was there, on occasion,
15 anyone else there ---

16 MR. TYO: Yes.

17 MR. ENGELMANN: --- who he might have
18 abused?

19 MR. TYO: Yes.

20 MR. ENGELMANN: Who was that?

21 MR. TYO: Jody Burgess, Scott's brother.

22 MR. ENGELMANN: And do you remember if Jody
23 was there the very first time you went?

24 MR. TYO: No.

25 MR. ENGELMANN: But he was there on

1 occasion?

2 MR. TYO: Yes.

3 MR. ENGELMANN: And where would that have
4 been?

5 MR. TYO: On Cumberland Street.

6 MR. ENGELMANN: All right.

7 So in your presence, he abused Jody and
8 Scott Burgess as well?

9 MR. TYO: Yes.

10 MR. ENGELMANN: Do you remember if Mr.
11 Leblanc gave you gifts or money or anything else?

12 MR. TYO: Yes.

13 MR. ENGELMANN: Can you give us a sense as
14 to what he would have given you?

15 MR. TYO: Take us out to restaurants, money,
16 buy me clothes, gifts, a bicycle one time, a videogame, but
17 mostly money and that.

18 MR. ENGELMANN: Did he take you places?

19 MR. TYO: Yes.

20 MR. ENGELMANN: Where would he take you?

21 MR. TYO: We went, I believe, on a bike
22 rally to Montreal.

23 MR. ENGELMANN: When you say a bike rally,
24 are you talking about a bicycle or a motorcycle?

25 MR. TYO: A motorcycle, a motorcycle.

1 **MR. ENGELMANN:** All right.

2 When he took you to Montreal, did he just
3 take you?

4 **MR. TYO:** Yes.

5 **MR. ENGELMANN:** And again, I'm just talking
6 about that first period of time.

7 **MR. TYO:** Yes.

8 **MR. ENGELMANN:** Do you recall that?

9 **MR. TYO:** Yes.

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

11 And was that just a day trip or was that an
12 overnight trip?

13 **MR. TYO:** Overnight. We stayed in a motel.

14 **MR. ENGELMANN:** Do you recall how that might
15 have been explained to your parents?

16 **MR. TYO:** No, I don't.

17 **MR. ENGELMANN:** Did he talk to you at all
18 during this time about not telling others about what was
19 happening?

20 **MR. TYO:** Yes.

21 **MR. ENGELMANN:** And do you recall how he
22 would talk to you about that?

23 **MR. TYO:** Just don't tell anybody.

24 **MR. ENGELMANN:** Did he ever explain why or
25 did he tell you why it was important that you not tell

1 people?

2 MR. TYO: No, not that I can remember.

3 MR. ENGELMANN: And at least for several
4 months you obeyed that request?

5 MR. TYO: Yes.

6 MR. ENGELMANN: Mr. Tyo, still that first
7 period of time, he would feed you now and then either at
8 his home or at a restaurant?

9 MR. TYO: Yes, yes.

10 MR. ENGELMANN: Did he give you any alcohol
11 or drugs?

12 MR. TYO: No drugs but alcohol.

13 MR. ENGELMANN: And would that have been
14 your first experience with alcohol?

15 MR. TYO: No.

16 MR. ENGELMANN: Okay. You were 13 at the
17 time, or 14?

18 MR. TYO: That's right.

19 MR. ENGELMANN: When he took you to the
20 training centre, you mentioned that there was some sexual
21 abuse that took place there. Do you remember if that was
22 during the week or on weekends?

23 MR. TYO: It was on the weekends.

24 MR. ENGELMANN: And the abuse at his home,
25 was there a typical time of the week that that would

1 happen?

2 **MR. TYO:** No, throughout the week, weekends,
3 evenings.

4 **MR. ENGELMANN:** How frequently would this
5 happen?

6 **MR. TYO:** Several -- a couple of times, one
7 -- approximately one or two times weekly, maybe more.

8 **MR. ENGELMANN:** And were you always with
9 Scott or were you sometimes on your own?

10 **MR. TYO:** Sometimes I was on my own, because
11 where I was living, he was right around the corner.

12 **MR. ENGELMANN:** So sometimes you were on
13 your own?

14 **MR. TYO:** Yes.

15 **MR. ENGELMANN:** Sometimes you were with
16 Scott?

17 **MR. TYO:** That's right.

18 **MR. ENGELMANN:** Sometimes you were with
19 Scott and ---

20 **MR. TYO:** Jody.

21 **MR. ENGELMANN:** Jody.

22 Mr. Tyo, I understand that in approximately
23 January of 1986 you decided to disclose the fact that Mr.
24 Leblanc was sexually abusing you to somebody?

25 **MR. TYO:** Yes.

1 **MR. ENGELMANN:** Was that the -- and who did
2 you tell first?

3 **MR. TYO:** On ---

4 **MR. ENGELMANN:** And what was the
5 circumstance?

6 **MR. TYO:** Who did I tell first?

7 **MR. ENGELMANN:** Yes.

8 **MR. TYO:** I called up the Children's Aid
9 Society.

10 **MR. ENGELMANN:** Okay.

11 **MR. TYO:** One night, on a Friday night, in
12 the evening, disclosed ---

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

14 **MR. TYO:** I called up the Children's Aid
15 Society.

16 **MR. ENGELMANN:** Okay. On the telephone?

17 **MR. TYO:** Yes, their after-hours -- the
18 emergency number they have.

19 **MR. ENGELMANN:** Okay.

20 **MR. TYO:** And I reported it to somebody on
21 the phone and that would be the first.

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

23 You don't remember the date but you remember
24 the day of the week?

25 **MR. TYO:** Yes, I do.

1 **MR. ENGELMANN:** And what day of the week was
2 it?

3 **MR. TYO:** It was a Friday.

4 **MR. ENGELMANN:** Okay. And was it during the
5 day or the evening?

6 **MR. TYO:** It was in the evening.

7 **MR. ENGELMANN:** And how did you know about
8 this emergency line?

9 **MR. TYO:** I called the number from the
10 phonebook and it gets you to leave a message or to get a
11 hold of a person.

12 **MR. ENGELMANN:** And can you tell us what it
13 was that made you decide to call the Children's Aid Society
14 on that Friday evening?

15 **MR. TYO:** I was sick and tired of all the
16 abuse.

17 **MR. ENGELMANN:** And it's your recollection
18 that this was a Friday evening approximately when?

19 **MR. TYO:** Time-wise?

20 **MR. ENGELMANN:** Yes.

21 **MR. TYO:** Seven (7:00) or so.

22 **MR. ENGELMANN:** Okay. And do you remember
23 the year that this took place and then the month, to the
24 best of your knowledge?

25 **MR. TYO:** I don't remember.

1 **MR. ENGELMANN:** Well, do you remember how
2 soon thereafter you would have told someone else about the
3 child sexual abuse? How soon after you made that call to
4 the Children's Aid that you might have told someone else?

5 **MR. TYO:** I believe three or four days.

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

7 And that other person, that second person
8 that you told ---

9 **MR. TYO:** Yes.

10 **MR. ENGELMANN:** --- who was that?

11 **MR. TYO:** It was my schoolteacher at the
12 time, Dawn Raymond.

13 **MR. ENGELMANN:** I will just be a moment.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. ENGELMANN:** Madam Clerk, if Mr. Tyo
16 could be shown Exhibit 98, please?

17 Mr. Tyo, I'm going to show you a document.
18 It's called a Will State and it's essentially a summary
19 prepared by the police of a statement given to them. And
20 it's a Will State for Dawn Raymond.

21 **MR. TYO:** Thanks.

22 **MR. ENGELMANN:** And if we could just have
23 the screen lowered to the bottom part of the page?

24 In her Will State, Dawn Raymond -- this is
25 the Will State prepared by the Cornwall Police Service --

1 states:

2 "On Tuesday, January 7th, Jason came
3 over to the school and said he wanted
4 to talk to me. He said Jean-Luc was
5 sexually abusing Scott and then he
6 tried to do it to him but he wouldn't
7 let him."

8 **MR. TYO:** I don't believe it to be that way,
9 but ---

10 **MR. ENGELMANN:** Okay. Well, I'm going to
11 ask you about that. But just with respect to the date,
12 sir, does that seem about right to you as to when this
13 might have happened?

14 **MR. TYO:** Yes, it does.

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

16 So if we're trying to -- if we're trying to
17 pin down the time that you would have called that emergency
18 line of the Children's Aid Society, you thought it was a
19 Friday night?

20 **MR. TYO:** Yes.

21 **MR. ENGELMANN:** And about three or four days
22 before you talked to Dawn Raymond?

23 **MR. TYO:** I'm quite sure it was a Friday
24 night.

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

1 So that was likely then Friday, January 3rd,
2 1986?

3 MR. TYO: Yes.

4 MR. ENGELMANN: Sir, before I leave this
5 document, what is it that concerned you about what I just
6 read to you?

7 MR. TYO: The part saying there was no abuse
8 to myself.

9 MR. ENGELMANN: All right.

10 According to this Will Say, you would have
11 told her that Scott was being abused by Jean-Luc?

12 MR. TYO: Yes.

13 MR. ENGELMANN: But you had told her that he
14 tried to do it to you, but you wouldn't let him.

15 MR. TYO: As I recalled telling her, me and
16 Scott were both being abused by Jean-Luc Leblanc.

17 THE COMMISSIONER: I think if you flip the
18 page -- I'm sorry, Mr. Engelmann, but I think what we have
19 to do is not just read that one sentence.

20 MR. ENGELMANN: Yes.

21 THE COMMISSIONER: I think it goes on.

22 MR. ENGELMANN: Fair enough.

23 THE COMMISSIONER: Okay. So in that top
24 paragraph, I think it shows that as far as Mrs. Raymond was
25 concerned, you did disclose to her that he was abusing you

1 as well?

2 MR. TYO: Yes.

3 THE COMMISSIONER: Is that fair?

4 MR. TYO: Yes.

5 THE COMMISSIONER: Is that okay?

6 MR. TYO: All right.

7 THE COMMISSIONER: Mr. Engelmann.

8 MR. ENGELMANN: All right.

9 So, Mr. Tyo, do you recall if you would have
10 told her the first time or later that he was abusing you?

11 MR. TYO: I don't understand.

12 MR. ENGELMANN: All right.

13 At some point, you told Ms. Raymond that the
14 abuse was not just abuse against Scott; it was also abuse
15 against yourself?

16 MR. TYO: That's right.

17 MR. ENGELMANN: Now, let's go back to the
18 call you're making on Friday, January the 3rd. You say it's
19 a seven o'clock or later?

20 MR. TYO: Yes, it's in the evening. I know
21 that.

22 MR. ENGELMANN: All right.

23 And do you actually speak to someone?

24 MR. TYO: Yes.

25 MR. ENGELMANN: And do you remember if it's

1 a man or a woman?

2 MR. TYO: It was a woman.

3 MR. ENGELMANN: Okay. And you don't -- do
4 you remember the name?

5 MR. TYO: No.

6 MR. ENGELMANN: All right.

7 MR. TYO: There was no name given to me.

8 MR. ENGELMANN: Okay. Can you give me a
9 sense as to what you might have said and what you were
10 told?

11 MR. TYO: I was tired of being sexually
12 abused as well as physically abused at my home and sexually
13 abused outside of my home.

14 MR. ENGELMANN: Okay.

15 MR. TYO: That was the extent of the
16 conversation.

17 MR. ENGELMANN: So you talked about being
18 sexually abused ---

19 MR. TYO: Yes.

20 MR. ENGELMANN: --- outside of the home?

21 MR. TYO: Yes.

22 MR. ENGELMANN: And physically abused at
23 home?

24 MR. TYO: Yes.

25 MR. ENGELMANN: Did you explain who was

1 doing this to you?

2 MR. TYO: Not that I remember. I don't
3 remember.

4 MR. ENGELMANN: And do you recall what the
5 response was at the time?

6 MR. TYO: Frankly, it wasn't positive, but I
7 don't -- I'm not sure.

8 MR. ENGELMANN: Okay. Well, did someone
9 take down your name and number?

10 MR. TYO: I think the lady did ---

11 MR. ENGELMANN: Yes?

12 MR. TYO: --- ask me my name.

13 MR. ENGELMANN: And did they arrange for you
14 to be interviewed or to see you?

15 MR. TYO: No.

16 MR. ENGELMANN: How was it left?

17 MR. TYO: It was left like that until I told
18 the teacher.

19 MR. ENGELMANN: I'm sorry?

20 MR. TYO: There was no response from it.

21 MR. ENGELMANN: Okay. But did they tell you
22 they would be following up with you at a later time?

23 MR. TYO: No.

24 MR. ENGELMANN: Is that a no or you don't
25 recall?

1 MR. TYO: I don't recall.

2 MR. ENGELMANN: Do you know when you would
3 have next spoken to someone from the Children's Aid
4 Society?

5 MR. TYO: I'm not sure when.

6 MR. ENGELMANN: Okay. Would it have been
7 before or after you spoke to Dawn Raymond on January 7th?

8 MR. TYO: I believe it was after.

9 MR. ENGELMANN: And you said you told them
10 on the phone not just that you were being sexually abused
11 but that you were also being physically abused?

12 MR. TYO: That's right.

13 MR. ENGELMANN: At home?

14 MR. TYO: Yes.

15 MR. ENGELMANN: And was that, in fact, the
16 case at that time?

17 MR. TYO: Yes.

18 MR. ENGELMANN: And was this from a sibling
19 or from your parents?

20 MR. TYO: My parents.

21 MR. ENGELMANN: Could you describe the
22 relationship you had with your parents at that time?

23 MR. TYO: Terrible.

24 MR. ENGELMANN: How did you feel after that
25 phone call on Friday night?

1 **MR. TYO:** Not very -- I didn't feel good at
2 all. Again, I gave them the story of my life. Doors are
3 shut. They shut the door on me again. I don't know; I was
4 not happy at all.

5 **MR. ENGELMANN:** And that was the first time
6 you made an effort to speak to someone ---

7 **MR. TYO:** Yes.

8 **MR. ENGELMANN:** --- about the abuse?

9 **MR. TYO:** I cried for help and, again, no
10 response.

11 **MR. ENGELMANN:** Now, you then met with Dawn
12 Raymond a few days later?

13 **MR. TYO:** Yes.

14 **MR. ENGELMANN:** Why did you go to her?

15 **MR. TYO:** I had a close relationship with
16 Ms. Raymond. She's a good teacher. I felt comfortable, so
17 I disclosed it to her, figuring that maybe there will be
18 some reaction to it.

19 **MR. ENGELMANN:** And was she your teacher at
20 that time?

21 **MR. TYO:** Yes, I believe -- yes. At the
22 time when I told her?

23 **MR. ENGELMANN:** Yes.

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** We understand she was

1 teaching at Gladstone Public School?

2 MR. TYO: Gladstone, that's right.

3 MR. ENGELMANN: And that she had been your
4 teacher for Grade 5 and 6, and that, at this point in time,
5 in January of 1986, at least Scott Burgess was in Grade 7
6 at Central Public.

7 MR. TYO: Okay.

8 MR. ENGELMANN: Were you in the same grade
9 as Scott or were you in the grade behind?

10 MR. TYO: I was in the same grade.

11 MR. ENGELMANN: Okay. So is it possible
12 that she had been your teacher for the two previous years?

13 MR. TYO: Yes.

14 MR. ENGELMANN: And why her as opposed to
15 someone else?

16 MR. TYO: Good question. Like I said, I
17 felt comfortable with her. I had enough of the abuse. I
18 disclosed it to her. I felt confident that things would be
19 -- I was telling the right person.

20 MR. ENGELMANN: All right.

21 And do you remember if she would have told
22 you at that time what she would do with the information
23 that you gave her?

24 MR. TYO: No. I don't know.

25 MR. ENGELMANN: Was Scott there when you

1 told her about this?

2 MR. TYO: I ---

3 MR. ENGELMANN: Did you tell her on your own
4 or was there someone there?

5 MR. TYO: I'm not sure. I think I may have
6 told her on my own.

7 THE COMMISSIONER: And where was this that
8 you told her; do you remember?

9 MR. TYO: I'm thinking the school at
10 Gladstone.

11 THE COMMISSIONER: Okay.

12 MR. ENGELMANN: Now, do you remember when
13 you would have next discussed the issue of your sexual
14 abuse by Mr. Leblanc and with whom?

15 MR. TYO: After I disclosed it to her?

16 MR. ENGELMANN: Yes.

17 MR. TYO: I don't remember.

18 MR. ENGELMANN: Okay. Do you recall later,
19 in January, being interviewed by someone from the Cornwall
20 Police Service?

21 MR. TYO: Yes, that could have been.

22 MR. ENGELMANN: Okay. You don't remember
23 the date?

24 MR. TYO: No.

25 MR. ENGELMANN: Okay. Do you remember if it

1 was one officer or two officers that interviewed you?

2 MR. TYO: I think it's one. A lot of it, to
3 my knowledge -- I don't know.

4 MR. ENGELMANN: All right.

5 And do you remember if someone would have
6 been with you when you were interviewed by the Cornwall
7 Police Service?

8 MR. TYO: I assume there was, but I don't
9 remember who, if it was Ms. Raymond or my parents.

10 MR. ENGELMANN: So you might have asked her
11 to be with you as opposed to one of your parents?

12 MR. TYO: Thinking back, I think a lot of
13 the interaction with the court and that would be with Ms.
14 Raymond.

15 MR. ENGELMANN: Now, do you know if when you
16 were speaking to the police, whether anybody from the
17 Children's Aid Society was there?

18 MR. TYO: I don't know.

19 MR. ENGELMANN: Do you remember being
20 interviewed by someone from the Children's Aid Society at
21 about the same time, sometime in late January as you were
22 interviewed by the police?

23 MR. TYO: From the CAS?

24 MR. ENGELMANN: Yes.

25 MR. TYO: I don't remember being

1 interviewed.

2 **MR. ENGELMANN:** Okay. Perhaps, Madam Clerk,
3 if you could show the witness document number 107068.

4 **THE REGISTRAR:** Is it public?

5 **MR. ENGELMANN:** Yes, it's a public exhibit.

6 **THE COMMISSIONER:** Thank you. Exhibit 101,
7 which is the Will State of Jason Tyo, one-page document.

8 --- **EXHIBIT NO./PIÈCE NO. P-101:**

9 Jason Tyo - Will Say Statement

10 **MR. ENGELMANN:** If you could just take a
11 minute, sir, to look at that?

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. TYO:** Okay.

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

15 Sir, it's my understanding from documents
16 that I've had a look at that a Constable Payment from the
17 Cornwall Police Service interviewed you on January 25th,
18 1986. I remember you told us you couldn't remember when.
19 This is called a Will State. It's, in effect, a summary of
20 interview notes. We don't have the interview notes.

21 Just having looked at it now -- and I
22 realize you would have been interviewed an awful long time
23 ago ---

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** --- does this give you a

1 sense as to what you told the police? Can you tell us
2 whether it's accurate with respect to what you would have
3 told them?

4 MR. TYO: Yes, it looks about accurate.

5 MR. ENGELMANN: All right.

6 You say on the -- well, near the bottom of
7 the page that:

8 "The next time he touched me was
9 Saturday night, the Saturday after New
10 Year's."

11 MR. TYO: Yes.

12 MR. ENGELMANN: And then you talk about the
13 fact that the following day you're going to the airport to
14 pick up Mrs. Raymond.

15 Do you see that?

16 MR. TYO: Yes, I do.

17 MR. ENGELMANN: Sir, was that the last time
18 that Mr. Leblanc would have abused you in that first time
19 period that we talked about?

20 MR. TYO: Yes, that's correct.

21 MR. ENGELMANN: And the Saturday after New
22 Year's would appear to be January the 4th, the day after you
23 told us you called the CAS?

24 MR. TYO: Yes.

25 MR. ENGELMANN: And a couple of days before

1 you first spoke to Dawn Raymond; correct?

2 **MR. TYO:** Yes.

3 **MR. ENGELMANN:** Do you remember, in fact,
4 being abused that weekend and then going with Mr. Leblanc
5 and Scott Burgess to pick up the Raymonds at the airport in
6 Montreal?

7 **MR. TYO:** I don't really remember, but ---

8 **MR. ENGELMANN:** All right.

9 You don't remember it now?

10 **MR. TYO:** No.

11 **MR. ENGELMANN:** Okay. Just thinking back
12 though, does that seem about the right timeframe for the
13 start of the abuse, the stop of the abuse the first time
14 around?

15 **MR. TYO:** Yes.

16 **MR. ENGELMANN:** Now, this talks about abuse
17 taking place at his home, Mr. Leblanc's home; correct?

18 **MR. TYO:** Yes.

19 **MR. ENGELMANN:** And it talks about three
20 times essentially that you were abused?

21 **MR. TYO:** Yes.

22 **MR. ENGELMANN:** It doesn't talk about abuse
23 at a cottage, correct?

24 **MR. TYO:** No.

25 **MR. ENGELMANN:** Or at the training centre?

1 MR. TYO: No, it doesn't.

2 MR. ENGELMANN: Or anywhere else?

3 MR. TYO: That's right.

4 MR. ENGELMANN: Do you recall anything about
5 the interview you had with the officer from the Cornwall
6 Police Service?

7 MR. TYO: No, 20 years ago is a long time.

8 MR. ENGELMANN: So you don't recall whether
9 he asked you about abuse elsewhere or not?

10 MR. TYO: No.

11 MR. ENGELMANN: All right.

12 Sir, it's my understanding that right around
13 the time you spoke to the Cornwall Police Service, you were
14 also interviewed by the Children's Aid Society. Are you
15 telling us today that you just can't remember being
16 interviewed by the Children's Aid Society?

17 MR. TYO: Can I elaborate on that?

18 MR. ENGELMANN: Sure.

19 MR. TYO: From the understanding of being
20 raised by my mother, being told that there was no CAS and
21 seeing notes that there was CAS, I assume, yes, that I have
22 been interviewed.

23 MR. ENGELMANN: I'm sorry?

24 MR. TYO: I assume that I have been
25 interviewed.

1 **MR. ENGELMANN:** All right.

2 **MR. TYO:** According to my mother, I've never
3 had any CAS contact.

4 **MR. ENGELMANN:** You say that because you
5 would have had some discussion with your mother about it?

6 **MR. TYO:** Yes.

7 **MR. ENGELMANN:** Did you continue to live at
8 home in 1986? When I say at home, at home with your
9 parents?

10 **MR. TYO:** I was living with my parents, yes.
11 I left my parents' when I was 16.

12 **MR. ENGELMANN:** All right.

13 To your knowledge, after your were
14 interviewed by an officer from the Cornwall Police Service,
15 were you ever interviewed again by anybody else from the
16 Cornwall Police Service?

17 **MR. TYO:** Not that I can remember.

18 **MR. ENGELMANN:** All right.

19 Do you recall if you ever attended court for
20 the charges involving Mr. Leblanc in 1986?

21 **MR. TYO:** Attending his court cases or ---

22 **MR. ENGELMANN:** Yes.

23 **MR. TYO:** Because the only time I remember
24 attending the court was when I being showed the court, and
25 that's that.

1 **THE COMMISSIONER:** When you were what?

2 **MR. TYO:** The only time I remember attending
3 the court was whenever I was being shown the courtroom to
4 testify.

5 **THE COMMISSIONER:** When you were being shown
6 -- I get it. All right.

7 **MR. TYO:** No more after that.

8 **MR. ENGELMANN:** All right.

9 So let's just talk about that for a minute.
10 Were you contacted to be a witness in the case against Mr.
11 Leblanc?

12 **MR. TYO:** I believe I was subpoenaed.

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

14 And did you attend the courthouse here in
15 Cornwall for that purpose, to give evidence.

16 **MR. TYO:** Yes.

17 **MR. ENGELMANN:** And do you recall if you
18 gave any evidence?

19 **MR. TYO:** No. I didn't have to give the
20 evidence.

21 **MR. ENGELMANN:** Why was that?

22 **MR. TYO:** He bared the burden of the
23 children having to testify and entered a guilty plea.

24 **MR. ENGELMANN:** That comment that you just
25 made about he bore the burden, who told you that?

1 **MR. TYO:** That's how I look at it. That's
2 how I figure.

3 **MR. ENGELMANN:** That's how you look at it
4 now?

5 **MR. TYO:** Yes.

6 **THE COMMISSIONER:** I'm sorry, Mr. Engelmann,
7 I am a little confused.

8 Is this the first time or the second time?

9 **MR. ENGELMANN:** I'm talking to you about the
10 first time, Mr. Tyo. Is that clear to you?

11 **MR. TYO:** This is the first time.

12 **THE COMMISSIONER:** All right.

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

14 So were you actually there when he was
15 sentenced in 1986?

16 **MR. TYO:** No, I wasn't.

17 **MR. ENGELMANN:** Did you know how many
18 victims he was charged with -- how many individuals he was
19 charged with abusing at that time?

20 **MR. TYO:** Yes, it should have been myself,
21 Scott and Jody Burgess.

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

23 And do you know what he ended up pleading
24 guilty to? Did you know at that time?

25 **MR. TYO:** I think it was gross indecency.

1 **MR. ENGELMANN:** And do you know how many
2 counts or what happened?

3 **MR. TYO:** Two, I believe.

4 **MR. ENGELMANN:** And how did you find that
5 out?

6 **MR. TYO:** The papers and knowing now.

7 **MR. ENGELMANN:** All right.
8 The newspapers?

9 **MR. TYO:** Yes.

10 **MR. ENGELMANN:** And did you find out
11 anything about his sentence?

12 **MR. TYO:** Yes.

13 **MR. ENGELMANN:** How did you find that out?

14 **MR. TYO:** I read the article in the paper
15 that he was given a three-year suspended -- three years
16 probation on the charges there.

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

18 Do you recall, Mr. Tyo, if you were ever
19 asked to comment on the charges or on the sentencing in any
20 way?

21 **MR. TYO:** No.

22 **MR. ENGELMANN:** I don't believe Victim
23 Impact Statements were used back then here in Cornwall.
24 Were you asked to write out, by anybody, anything as a
25 result of being abused?

1 MR. TYO: No.

2 MR. ENGELMANN: Mr. Tyo, the "will state"
3 document we looked at, had you ever seen this document
4 before?

5 MR. TYO: No.

6 MR. ENGELMANN: This is something you see
7 now just prior to your testimony here?

8 MR. TYO: Yes.

9 MR. ENGELMANN: So you spoke to the police
10 early in the year. Mr. Leblanc is sentenced. Do you
11 remember when that was?

12 MR. TYO: No.

13 MR. ENGELMANN: I understand it was late in
14 the year of 1986.

15 MR. TYO: Okay.

16 MR. ENGELMANN: And you talked about the
17 fact that you found out from the paper that he got
18 probation.

19 I am wondering, sir, did you know anything
20 about the probation that he was given -- the probation
21 order?

22 MR. TYO: No.

23 MR. ENGELMANN: If the witness could be
24 shown Exhibit 97?

25 REGISTRAR: It's on your desk.

1 **THE COMMISSIONER:** That's a copy of the
2 Probation Order, just a one-page document and 97 would be
3 on the top right-hand corner in red. I think that's it.

4 **MR. ENGELMANN:** Mr. Tyo, this was a document
5 that was entered into evidence this morning. It's the
6 Probation Order that was given to Jean-Luc Leblanc on
7 November 7th, 1986. I'd like you just to turn to the second
8 page of the document, and there are a number of conditions
9 ---

10 **MR. TYO:** That would be this one?

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

12 **MR. TYO:** That would be this?

13 **THE COMMISSIONER:** The back page, yes.

14 **MR. ENGELMANN:** Yes. The back page and
15 there is a condition "1" that says "Not to associate or
16 hold any communication directly or indirectly with."

17 As I understand it, that on occasion when
18 people are convicted of violent crimes or sexual crimes
19 against others, sometimes there is a condition that there
20 is no association, communication with that victim as a
21 condition of probation. That isn't the case here. Is that
22 of any concern to you?

23 **MR. TYO:** Certainly.

24 **MR. ENGELMANN:** Okay. Thinking back to that
25 time, would that have been an important condition for you?

1 **MR. TYO:** Yes.

2 **MR. ENGELMANN:** Sir, what about the sentence
3 itself, the three years probation for the sexual abuse that
4 was involved in this case, when you read about that in the
5 newspaper, what were your thoughts? What were your
6 feelings?

7 **MR. TYO:** A lot of disappointment in the
8 justice system for sure. I felt he should have went to
9 jail.

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

11 Was that your expectation when you first
12 disclosed this abuse?

13 **MR. TYO:** Yes.

14 **MR. ENGELMANN:** Sir, there is some
15 documentation that we will be getting into with other
16 witnesses later involving correspondence between defence
17 counsel and prosecutors with respect to the guilty plea in
18 your particular -- on behalf of Mr. Leblanc. Sir, I just
19 want to put something to you and get a reaction from you.
20 It's my understanding that the prosecutor in this case
21 didn't view Mr. Leblanc as a person in a position of trust
22 and, as well, thought that the victims willingly cooperated
23 with the act and that that should be taken into account
24 with respect to sentencing.

25 **MR. TYO:** Okay.

1 **MR. ENGELMANN:** I am just wondering if you
2 knew about that at that time?

3 **MR. TYO:** No, I didn't.

4 **MR. ENGELMANN:** And if you have any thoughts
5 about that, thinking back on it?

6 **MR. TYO:** I seriously disagree with that.
7 At the age of 11 years old, to be a willing participant?
8 No. It's a crock of -- anyways.

9 **MR. ENGELMANN:** What if you were 12 or 13?

10 **MR. TYO:** It's still -- no.

11 **MR. ENGELMANN:** Now, sir, between January of
12 1986 and November 7th, 1986 what, if any, involvement can
13 you recall having with the Cornwall Police Service between
14 the first time you gave the interview and that court date?

15 **MR. TYO:** What involvement I had with the
16 police?

17 **MR. ENGELMANN:** Any with respect to these
18 charges?

19 **MR. TYO:** Interviews or ---

20 **MR. ENGELMANN:** Anything.

21 **MR. TYO:** I don't recall very much.

22 **MR. ENGELMANN:** Do you recall having one
23 interview when you gave a statement?

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** Do you recall anything else?

1 MR. TYO: No.

2 MR. ENGELMANN: What about the school, was
3 there any involvement at all from your school or teachers?

4 MR. TYO: I don't recall any involvement
5 with the school.

6 MR. ENGELMANN: And do you believe there was
7 some involvement with the Children's Aid Society?

8 MR. TYO: Yes.

9 MR. ENGELMANN: At least with your family.

10 MR. TYO: Yes.

11 MR. ENGELMANN: You just can't remember the
12 specifics.

13 MR. TYO: No, that's right.

14 MR. ENGELMANN: Do you know if you were
15 offered any assistance or support by the police, by your
16 school, by the Children's Aid Society during that period of
17 time in 1986?

18 MR. TYO: My understanding, there was
19 offers, yes.

20 MR. ENGELMANN: When you say your
21 understanding, you have a memory of that or you've read
22 about that?

23 MR. TYO: No, I read -- I saw the notes.

24 MR. ENGELMANN: Okay. The notes from the
25 Children's Aid Society?

1 MR. TYO: That's right.

2 MR. ENGELMANN: Do you recall actually
3 having one-on-one meetings with them?

4 MR. TYO: No.

5 MR. ENGELMANN: Now, Mr. Tyo, it's my
6 understanding that sometime in 1987 you met Mr. Leblanc.

7 MR. TYO: That's right.

8 MR. ENGELMANN: And how is it that you came
9 to meet him in 1987?

10 MR. TYO: I was working at Miss Cornwall
11 Restaurant.

12 MR. ENGELMANN: And that's here in the City
13 of Cornwall?

14 MR. TYO: That's right.

15 MR. ENGELMANN: What type of work were you
16 doing there at the time?

17 MR. TYO: I was working in the kitchen,
18 kitchen helper.

19 MR. ENGELMANN: So in 1987, you would have
20 been either 14 or 15?

21 MR. TYO: Fourteen (14), that's right.

22 MR. ENGELMANN: Your birthday -- your 15th
23 birthday would have been in April?

24 MR. TYO: Yes.

25 MR. ENGELMANN: How is it that you came to

1 meet him? What happened?

2 MR. TYO: He was at the restaurant eating
3 supper and I walked by him, and then the conversation -- we
4 engaged in a conversation. It went from there.

5 MR. ENGELMANN: Okay. Can you give us a
6 sense as to what you mean by "went from there"?

7 MR. TYO: I got sucked back in that hole.
8 We got back in contact and abuse started to ---

9 MR. ENGELMANN: And where did that abuse
10 take place, sir?

11 MR. TYO: In Newington.

12 MR. ENGELMANN: And where is Newington?

13 THE COMMISSIONER: I'm sorry?

14 MR. TYO: Newington.

15 MR. ENGELMANN: Where is Newington, sir?

16 MR. TYO: It's in the country.

17 MR. ENGELMANN: Is it far from the City of
18 Cornwall?

19 MR. TYO: No, maybe 25-30 minutes, 25
20 minutes or so.

21 MR. ENGELMANN: And what was in Newington?

22 MR. TYO: His residence.

23 MR. ENGELMANN: He abused you at this home?

24 MR. TYO: Yes.

25 MR. ENGELMANN: And did you know he was on

1 probation then?

2 MR. TYO: No, I don't recall it.

3 MR. ENGELMANN: I'm sorry?

4 MR. TYO: No.

5 MR. ENGELMANN: You had read that he had
6 gotten probation ---

7 MR. TYO: He got probation, yes, but at the
8 time, whenever he was commencing the abuse, I didn't really
9 know about the Probation Order.

10 MR. ENGELMANN: All right. Can you give us
11 a sense as to what happened; how long this went on?

12 MR. TYO: We are on the second one now?

13 MR. ENGELMANN: Yes.

14 MR. TYO: I think a couple of years.

15 MR. ENGELMANN: Right. Did you get more
16 gifts?

17 MR. TYO: Yes.

18 MR. ENGELMANN: Did you get more money?

19 MR. TYO: Yes.

20 MR. ENGELMANN: Did you get more alcohol?

21 MR. TYO: Yes.

22 MR. ENGELMANN: What else?

23 MR. TYO: The usual: clothing, trips to
24 restaurants, dinners, money.

25 MR. ENGELMANN: Was Scott Burgess involved

1 at all?

2 MR. TYO: Not at all on this. No.

3 MR. ENGELMANN: Was there anybody else? Any
4 other victim involved at all?

5 MR. TYO: No.

6 MR. LEE: I didn't hear that answer.

7 MR. ENGELMANN: No.

8 Was there ever anyone else with Mr. Leblanc
9 who might have abused you?

10 MR. TYO: There was one occasion, there was
11 an older gentleman, but I don't recall his name.

12 MR. ENGELMANN: And at that time, with that
13 older gentleman, was that at Mr. Leblanc's house?

14 MR. TYO: Yes.

15 MR. ENGELMANN: Did they both abuse you?

16 MR. TYO: Yes.

17 MR. ENGELMANN: To your knowledge in the
18 second period, did all of the abuse take place in Newington
19 or did it happen anywhere else?

20 MR. TYO: It was at Newington. This is --
21 we are talking about the Project Truth matter here? This
22 one?

23 MR. ENGELMANN: I'm talking the second
24 period of time.

25 MR. TYO: The second, yeah, yeah that would

1 be all in Newington.

2 MR. ENGELMANN: And aside from that one
3 incident where there was another man who also abused you,
4 he was always alone with you?

5 MR. TYO: That's right.

6 MR. ENGELMANN: You were living at home for
7 a good period of that time. Do you recall what you would
8 have said to your parents if you were going to his home?

9 MR. TYO: I'd be going out -- my leash was
10 very long so, when I was a child. I could go out on a day
11 or so, and I didn't have to tell my mother.

12 MR. ENGELMANN: Did you talk much with your
13 parents?

14 MR. TYO: No.

15 MR. ENGELMANN: How did it end? Do you
16 remember what happened?

17 MR. TYO: The Newington matter?

18 MR. ENGELMANN: Yes, the second period of
19 time.

20 MR. TYO: How all did this end?

21 MR. ENGELMANN: Yes.

22 MR. TYO: I think as I got older, engaged
23 into relationships, I just distanced myself from Mr.
24 Leblanc.

25 MR. ENGELMANN: And how did you do that? He

1 knew where you worked?

2 MR. TYO: Yes.

3 MR. ENGELMANN: Did he come to your work?

4 MR. TYO: I quit my job a little after that.

5 MR. ENGELMANN: Did he ever come to your
6 home?

7 MR. TYO: No.

8 MR. ENGELMANN: So he would approach you at
9 the restaurant?

10 MR. TYO: Yes.

11 MR. ENGELMANN: And after you left the
12 restaurant, did he continue to find you or approach you?

13 MR. TYO: No.

14 MR. ENGELMANN: Do you remember
15 approximately how old you were when it ended?

16 MR. TYO: I believe I was 17, 16.

17 MR. ENGELMANN: Now, when did you ever tell
18 anybody about that second period of time or did you?

19 MR. TYO: I didn't at first. I waited a
20 year later. I contacted the OPP detachment there, the
21 police. We are talking the second ---

22 MR. ENGELMANN: We are talking -- let's just
23 set the timeframe, okay? In 1987, your second period of
24 abuse, Mr. Leblanc starts.

25 MR. TYO: M'hm.

1 MR. ENGELMANN: Correct?

2 MR. TYO: Yes.

3 MR. ENGELMANN: And it goes for a couple of
4 years.

5 MR. TYO: Yes.

6 MR. ENGELMANN: Correct?

7 MR. TYO: Yes.

8 MR. ENGELMANN: We have statements that you
9 gave to the OPP Project Truth in 1999 and in the year 2000.

10 What I would like to ask you, Mr. Tyo, is
11 between the time that second set of abuse stopped,
12 presumably in the late 80s or maybe 1990 until you spoke to
13 the OPP in 1999, did you tell anybody about it?

14 MR. TYO: No.

15 MR. ENGELMANN: So you kept that inside?

16 MR. TYO: That's right.

17 MR. ENGELMANN: And can you give us a sense
18 then as to what happened in 1999 with the police?

19 MR. TYO: For how they approached me?

20 MR. ENGELMANN: Well, can you tell us
21 whether you went to them ---

22 MR. TYO: No ---

23 MR. ENGELMANN: --- or they came to you?

24 MR. TYO: A couple of police officers that
25 were doing that Project Truth Inquiry had contacted me at

1 my residence, and I didn't disclose nothing to them then.

2 MR. ENGELMANN: All right, let me just stop
3 you for a minute.

4 How did they approach you? Did they give
5 you a call? Did they come to the house? What happened?

6 MR. TYO: I think they came to the house on
7 Lords Crescent, where I was living.

8 MR. ENGELMANN: All right. Were you living
9 on your own or were you living with someone?

10 MR. TYO: I was living with someone.

11 MR. ENGELMANN: Is that your current common
12 law spouse or other relationship?

13 MR. TYO: It's the mother of one of the
14 children. It was a girlfriend at the time.

15 MR. ENGELMANN: All right. So they just
16 showed up at your house?

17 MR. TYO: Yes, I believe.

18 MR. ENGELMANN: You weren't expecting them?

19 MR. TYO: No.

20 MR. ENGELMANN: If the witness could be
21 given document number 108929. The document is an interview
22 report with the OPP dated February 16, 1999.

23 THE COMMISSIONER: Exhibit 102.

24 --- EXHIBIT NO. C-102/PIÈCE NO C-102:

25 Jason Tyo - Interview report -

1 February 16, 1999.

2 **THE COMMISSIONER:** We will cover that
3 exhibit, sir, and then we'll take a break.

4 **MR. ENGELMANN:** Sure.

5 There was a couple of things you've just
6 said that I want to ask you about. Do you want a moment to
7 look at this?

8 **MR. TYO:** Sure.

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

10 **(SHORT PAUSE/COURTE PAUSE)**

11 The first question I want to ask you is
12 you've told us that you thought they came to your home.
13 And the document says on the first page "Place of
14 interview: Lancaster Detachment OPP".

15 **MR. TYO:** Okay.

16 **MR. ENGELMANN:** Do you remember where you
17 had that interview in 1999 with the OPP?

18 **MR. TYO:** I've had several interviews, but I
19 have had one in Lancaster, one in Long Sault.

20 **MR. ENGELMANN:** But you thought this was at
21 your house?

22 **MR. TYO:** Yes because I don't have a
23 vehicle. They come and pick me up at my house for my
24 interviews and all that.

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

1 **MR. TYO:** The police used to pick me up at
2 my house for my interviews.

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

4 Mr. Tyo, you've had some dealings with the
5 police other than about these two incidents of child sexual
6 abuse that were perpetrated against you. Is that correct?

7 **MR. TYO:** That's right.

8 **MR. ENGELMANN:** I just want you to think
9 right now about your dealings with the police with you as a
10 victim. All right? This is an interview report that was
11 apparently taken on the 16th February 1999, and you told us
12 that you met with some officers from the OPP. I believe
13 you told us you didn't tell them about that second
14 timeframe of abuse.

15 **MR. TYO:** Yeah.

16 **MR. ENGELMANN:** When you first met with
17 them.

18 **MR. TYO:** That's right.

19 **MR. ENGELMANN:** Okay. This appears to be
20 the first time at least that I know of that you met with
21 the OPP to discuss being sexually abused.

22 **MR. TYO:** Yes.

23 **MR. ENGELMANN:** And it's February of 1999.
24 So do you recall if they came to your house and then took
25 you to the station?

1 MR. TYO: Yes.

2 MR. ENGELMANN: Is that what you think
3 happened?

4 MR. TYO: Yes.

5 MR. ENGELMANN: All right. So, again, I
6 want to ask you, do you know if they called you first, made
7 arrangements to pick you up? Can you remember?

8 MR. TYO: Yes, I believe I was contacted by
9 telephone.

10 MR. ENGELMANN: All right. So you do
11 believe you were contacted?

12 MR. TYO: Yes.

13 MR. ENGELMANN: So this suggests that there
14 is a Detective Constable Dupuis who interviews you?

15 MR. TYO: Yes.

16 MR. ENGELMANN: Okay. I don't know if you
17 remember the names of anyone?

18 MR. TYO: Sort of, vaguely.

19 MR. ENGELMANN: All right. Do you remember
20 if that was a man or a woman?

21 MR. TYO: It was a man.

22 MR. ENGELMANN: Do you remember if anyone
23 else was present?

24 MR. TYO: No. just -- no.

25 MR. ENGELMANN: You told us in this

1 interview that you didn't discuss the second period of
2 abuse?

3 MR. TYO: I was never asked.

4 MR. ENGELMANN: I'm sorry?

5 MR. TYO: I wasn't asked for.

6 MR. ENGELMANN: All right. So what did you
7 talk to them about this first time?

8 MR. TYO: The abuse that he did with the
9 Cornwall investigation and that.

10 MR. ENGELMANN: All right. The first period
11 of time?

12 MR. TYO: Yes.

13 MR. ENGELMANN: To your knowledge, sir, I
14 know this is sometime ago, but it's now around seven years,
15 do you recall if this accurately sets out the questions you
16 were asked and the answers that you gave?

17 MR. TYO: Yes.

18 MR. ENGELMANN: Perhaps if we could take the
19 break there.

20 THE COMMISSIONER: Yes. We'll take the
21 afternoon break and we will come back in fifteen.

22 THE REGISTRAR: Order; all rise. À l'ordre;
23 veuillez vous lever.

24 The hearing will resume at 3:30 p.m.

25 --- Upon recessing at 3:14 p.m./

1 L'audience est suspendue à 15h14

2 --- Upon resuming at 3:33 p.m./

3 L'audience est reprise à 15h33

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

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Mr. Engelmann?

9 **MR. ENGELMANN:** Thank you, sir.

10 Mr. Tyo, just before the break, I was asking
11 you a few questions about the circumstances surrounding an
12 interview you had with Detective Constable Dupuis on
13 February 16th, 1999. That is Exhibit 102. Do you still
14 have that exhibit?

15 **MR. TYO:** Yes, I do.

16 **MR. ENGELMANN:** Could you turn to the last
17 page, sir.

18 **MR. TYO:** The last page on the back of it?

19 **MR. ENGELMANN:** Yes.

20 The second last question you are asked:

21 "Is there anything else you can tell me
22 that could help in the investigation?"

23 And the answer that is transcribed is:

24 "Just if you can find this other guy
25 that was with us. He did live at

1 Brookdale. That's about it."

2 So Who were you talking about?

3 Just a moment.

4 Are you talking about another man who was an
5 abuser at that point? I'm just referring back to the
6 previous page.

7 **MR. TYO:** I'm not sure.

8 **MR. ENGELMANN:** Could you just take a look
9 at that for a minute?

10 **(SHORT PAUSE/COURTE PAUSE)**

11 And I'm just looking at the previous page,
12 506. Did anything happen between this older friend of
13 Jean-Luc Leblanc and yourself?

14 **THE COMMISSIONER:** At the bottom here it
15 says, it's page 5. **MR. ENGELMANN:** I'm sorry.

16 **THE COMMISSIONER:** Look at the bottom there.

17 **MR. TYO:** Yes.

18 **THE REGISTRAR:** It's up on the screen.

19 **THE COMMISSIONER:** Oh, you are looking on
20 the -- okay, so the top of the page. You are not at the
21 top of the page. There you go.

22 **MR. ENGELMANN:** Actually, could you pull it
23 down? It's the individual, let's go down.

24 You are talking about an older friend of
25 Jean-Luc Leblanc and yourself. Do you see that? Right at

1 the top of the page now, sir, on the screen.

2 MR. TYO: Yeah it's ---

3 THE COMMISSIONER: Did anything happen
4 between this older friend of Jean-Luc Leblanc's and
5 yourself?

6 MR. TYO: Yes.

7 MR. ENGELMANN: And you're describing him
8 just above that, in the paragraph above it. Just go up a
9 little bit. Just there.

10 So when you talk about this older guy, is
11 that who you are referring to in the ---

12 MR. TYO: No, that would be a person Jean-
13 Luc was abusing.

14 MR. ENGELMANN: No, I'm not talking about
15 the person that was named at the top of the page.

16 MR. TYO: No.

17 MR. ENGELMANN: I'm talking about -- you're
18 making a reference on the last page when you're asked:

19 "Is there anything else you can tell me
20 that could help in the investigation?"

21 And you say:

22 "Just if you can find this other guy
23 that was with us, he did live at
24 Brookdale. That's about it."

25 Are you talking about another alleged --

1 another victim or alleged victim? Are you talking about a
2 perpetrator?

3 MR. TYO: I believe it would be an alleged
4 victim.

5 MR. ENGELMANN: All right. In any event,
6 let's just go back to the last page.

7 So you are asked:

8 "Is there anything else you can tell me
9 that could help in the investigation?"

10 And you're suggesting that they look for
11 someone on Brookdale.

12 MR. TYO: Yes.

13 MR. ENGELMANN: All right?

14 MR. TYO: Yes.

15 MR. ENGELMANN: Sir, at this point in time,
16 in 1999, you had had this experience, this second period of
17 time where you had been abused for another two or three
18 years by Jean-Luc Leblanc. You were asked:

19 "Is there anything else you can tell me
20 that could help in the investigation?"

21 Did you not think it was perhaps important
22 to bring that up there, that there had been a second period
23 of time you had been abused?

24 MR. TYO: I side-winded that. I didn't
25 bother giving any information then. I wasn't comfortable

1 to -- I wasn't ready to disclose that to them at the time.
2 I just didn't want no part of it anymore.

3 MR. ENGELMANN: All right. Okay. Had you
4 at that point in time, in 1999, disclosed the abuse between
5 '87 and, say, 1990? Had you disclosed that to anybody at
6 that point in time?

7 MR. TYO: No.

8 MR. ENGELMANN: When did you first disclose
9 that second period of abuse?

10 MR. TYO: To the Project Truth?

11 MR. ENGELMANN: To anybody.

12 MR. TYO: After this, after the first
13 interview?

14 MR. ENGELMANN: Yes.

15 MR. TYO: Like a year later.

16 MR. ENGELMANN: All right. You had a second
17 interview with the police?

18 MR. TYO: Yes, I contacted them.

19 MR. ENGELMANN: All right. And had you told
20 anybody else before then? Had you told your common-law
21 spouse or had you told anybody else?

22 MR. TYO: No.

23 MR. ENGELMANN: All right. So the following
24 year, in fact about three months later -- or no, sorry, a
25 full year later, February of 2000, you met with the OPP

1 again?

2 MR. TYO: Yes.

3 MR. ENGELMANN: And you said you contacted
4 them this time?

5 MR. TYO: Yes.

6 MR. ENGELMANN: What made you do that? What
7 brought that on?

8 MR. TYO: It was just tearing me apart. I
9 had enough. I wanted to get it off my chest and report it.

10 MR. ENGELMANN: And that's that second
11 period of the abuse from Jean-Luc Leblanc?

12 MR. TYO: Yes.

13 MR. ENGELMANN: So if the witness could then
14 be shown document number 107776?

15 THE COMMISSIONER: Before we go away from
16 that last exhibit.

17 MR. ENGELMANN: Yes.

18 THE COMMISSIONER: There was a name that --
19 there's a name that's in this interview report.

20 MR. ENGELMANN: Yes, I'm wondering, perhaps
21 that exhibit should be marked as a "C" exhibit for a
22 temporary basis.

23 THE COMMISSIONER: Well, okay, but I would
24 have preferred if someone would have alerted to me of that
25 before.

1 **MR. ENGELMANN:** Yes. That's my fault.

2 **THE COMMISSIONER:** I certainly can't be --
3 okay. So that will be a "C" exhibit for the time being
4 until we sort things out.

5 **THE REGISTRAR:** Is 103 public?

6 **MR. ENGELMANN:** If I could just have a
7 moment?

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **THE COMMISSIONER:** All right. Ready to go?
10 So what about this Exhibit 103, Mr.
11 Engelmann?

12 **MR. ENGELMANN:** It's 107776, the second
13 statement with the OPP, dated February 3rd, 2000 can be a
14 "P" exhibit.

15 **THE COMMISSIONER:** Thank you.

16 **--- EXHIBIT NO./PIÈCE NO P-103:**

17 Jason Tyo - Videotaped Interview Report -
18 February 3, 2000

19 **MR. ENGELMANN:** If I could just have a
20 moment, though.

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

22 **MR. ENGELMANN:** It's been brought to my
23 attention, Mr. Commissioner, by one of my colleagues that
24 one of the exhibits that was put in this morning, I believe
25 in Mr. Manderville's cross of Mr. Burgess, should be marked

1 a "C" temporarily as well. There's a reference to an
2 individual. That was missed and it is Exhibit 98.

3 **THE COMMISSIONER:** Very well.

4 **MR. ENGELMANN:** It's the will say of Dawn
5 Raymond, and if it could be marked C-98 as opposed to 98.
6 Again, my apologies.

7 **THE REGISTRAR:** C-98?

8 **THE COMMISSIONER:** Ninety-eight (98) is now
9 a "C" document.

10 **MR. MANDERVILLE:** My apologies too, Mr.
11 Commissioner.

12 **MR. ENGELMANN:** I'm sorry, Mr. Tyo. This is
13 a very long document. This is an interview, a videotaped
14 interview; correct?

15 **MR. TYO:** Yes.

16 **MR. ENGELMANN:** That you would have had with
17 the OPP. And this time there were two officers present?

18 **MR. TYO:** Yes.

19 **MR. ENGELMANN:** Do you remember that, sir;
20 do you remember the interview?

21 **MR. TYO:** Yes, I do.

22 **MR. ENGELMANN:** All right. And was it
23 primarily Officer Dupuis that conducted the interview?

24 **MR. TYO:** Yes.

25 **MR. ENGELMANN:** And the other officer,

1 Jenier, was present?

2 MR. TYO: That's right.

3 MR. ENGELMANN: Were you given a copy of
4 this or a copy of the tape or a copy ---

5 MR. TYO: I had a copy of this -- not this
6 but the transcript of this.

7 MR. ENGELMANN: Were you given that at the
8 time?

9 MR. TYO: Not at that time.

10 MR. ENGELMANN: Was that something given to
11 you by the police ---

12 MR. TYO: Yes.

13 MR. ENGELMANN: --- or is that something you
14 got from us?

15 MR. TYO: No, I believe I got it from the
16 police.

17 MR. ENGELMANN: All right. And you have had
18 an opportunity to review this?

19 MR. TYO: Yes.

20 MR. ENGELMANN: And to your knowledge, did
21 it accurately set out what was discussed between you and
22 essentially with the two officers on the day in question?

23 MR. TYO: Yes.

24 MR. ENGELMANN: Now, at this point in time,
25 you contacted the OPP and I'd ask that you turn to the 4th

1 page of 36. The Bates page number is -- it's very hard to
2 read. I believe it ends in 165, but it's page 4 of 36.
3 And I'm looking at the second question from Officer Dupuis.
4 It says:

5 "What brings us here today is you
6 called us a week or so and you
7 wanted to discuss something with
8 us."

9 So was that your recollection, sir, you
10 called the OPP and you said there's something more ---

11 **MR. TYO:** Yes.

12 **MR. ENGELMANN:** --- you wanted to say?

13 **MR. TYO:** Yes.

14 **MR. ENGELMANN:** And again, why then? Why
15 then was it that you were ready or wanted to talk about
16 that second period of time that you were abused?

17 **MR. TYO:** Because from the initial first
18 interview, it's been a year later and it just -- it was
19 always on my thoughts and I had to let it go, so I was
20 willing to come forward.

21 **MR. ENGELMANN:** Were you getting any form of
22 counselling at that time, sir, that you know of?

23 **MR. TYO:** No.

24 **MR. ENGELMANN:** I need to ask you this. In
25 or around 2000 when you decided to come forward with the

1 concerns and the complaints you had about the second period
2 of abuse, were you ever contacted by someone by the name of
3 Perry Dunlop?

4 MR. TYO: No, no.

5 MR. ENGELMANN: Do you know who that is?

6 MR. TYO: From the media, he would be a
7 police officer with Cornwall.

8 MR. ENGELMANN: All right. Did you ever
9 speak to him about your complaints?

10 MR. TYO: No, I have never met with that
11 Perry.

12 MR. ENGELMANN: All right.

13 MR. TYO: Or Mr. Dunlop, whoever.

14 MR. ENGELMANN: Anyone from his family,
15 Helen Dunlop?

16 MR. TYO: No.

17 MR. ENGELMANN: Carson Chisholm?

18 MR. TYO: No.

19 MR. ENGELMANN: Charles Bourgeois?

20 MR. TYO: No.

21 MR. ENGELMANN: Ron Leroux?

22 MR. TYO: No.

23 MR. ENGELMANN: None of them?

24 MR. TYO: That's right.

25 MR. ENGELMANN: And in fact, did you talk to

1 anybody about contacting the OPP or is that just something
2 you initiated on your own?

3 MR. TYO: I initiated it on my own. I
4 contacted them.

5 MR. ENGELMANN: And so you had this
6 videotaped statement, you were at the Long Sault
7 Department.

8 MR. TYO: That's right.

9 MR. ENGELMANN: And that statement, sir,
10 talks about both sets of abuse, right?

11 MR. TYO: Yes.

12 MR. ENGELMANN: The first one and the second
13 set.

14 MR. TYO: Yes.

15 MR. ENGELMANN: And at the time you spoke to
16 them in 2000, approximately how long had it been since the
17 second set of abuse stopped?

18 MR. TYO: I believe a couple of years, two,
19 two within three -- two to three years.

20 MR. ENGELMANN: Okay. Might it have been
21 more like 10 years?

22 MR. TYO: All the length of it, the abuse
23 from the second ---

24 MR. ENGELMANN: No, sorry, I don't think you
25 understood my question. The second period of abuse was two

1 to three years, you said?

2 MR. TYO: Approximately, yes.

3 MR. ENGELMANN: And sir, you say that it
4 ended about how long before you saw the OPP in the year
5 2000?

6 MR. TYO: I believe it was quite a while.

7 MR. ENGELMANN: Would it be fair to say that
8 your memory about the length of time and the abuse that
9 occurred would have been better in the year 2000 than it
10 would be today?

11 MR. TYO: Yes.

12 MR. ENGELMANN: Sir, after you gave the
13 statement to the OPP in February of 2000, did you have any
14 further contact with either of those officers or anyone
15 else from the OPP?

16 MR. TYO: After the fact?

17 MR. ENGELMANN: Yes.

18 MR. TYO: Yes.

19 MR. ENGELMANN: Okay. And can you give us a
20 sense as to the nature of those contacts?

21 MR. TYO: Some would be to discuss the case
22 about Jean-Luc.

23 MR. ENGELMANN: All right. And who was it
24 that would call you, do you remember?

25 MR. TYO: I'm not entirely sure but I think

1 a lot of the phone conversations would be more Dupuis, I
2 think.

3 MR. ENGELMANN: Okay. Officer Dupuis?

4 MR. TYO: Yes.

5 MR. ENGELMANN: All right. Were you told
6 about court dates for Mr. Leblanc?

7 MR. TYO: Yes.

8 MR. ENGELMANN: In fact, was he charged in
9 the allegations that you made with respect to that second
10 period of abuse?

11 MR. TYO: Yes.

12 MR. ENGELMANN: Do you recall, sir, if you
13 were asked to fill out a Victim Impact Statement?

14 MR. TYO: Yes.

15 MR. ENGELMANN: And do you recall, sir, if
16 you were given any forms dealing with the Criminal Injuries
17 Compensation Board?

18 MR. TYO: Okay. You'll have to explain on
19 that one.

20 MR. ENGELMANN: All right. I'm wondering,
21 Mr. Tyo, if someone from the police or from the court
22 service or anywhere else might have given you some forms so
23 that you could fill them out and apply for money as a
24 victim of crime?

25 MR. TYO: No, I believe when I applied to

1 Criminal Injuries you sign a consent, then all that
2 information will just go to them.

3 MR. ENGELMANN: All right. So did you in
4 fact fill out a claim for compensation?

5 MR. TYO: Yes, I did.

6 MR. ENGELMANN: All right. And who helped
7 you with that?

8 MR. TYO: Myself.

9 MR. ENGELMANN: You did that on your own?

10 MR. TYO: Yes.

11 MR. ENGELMANN: What about the Victim Impact
12 Statement?

13 MR. TYO: I believe I did that myself.

14 MR. ENGELMANN: But were the forms provided
15 to you by the OPP or by someone else?

16 MR. TYO: For what, criminal ---

17 MR. ENGELMANN: For either.

18 MR. TYO: No. I called up and they sent me
19 the application and the form.

20 MR. ENGELMANN: Who sent you the form?

21 MR. TYO: Criminal Injuries ---

22 MR. ENGELMANN: Yes.

23 MR. TYO: --- I called up the 1-800 number.

24 MR. ENGELMANN: Okay.

25 MR. TYO: And they sent me the forms that I

1 would need to proceed with Criminal Injuries.

2 MR. ENGELMANN: What about the Victim Impact
3 Statement, do you know who would have provided that to you?

4 MR. TYO: The paper? I believe it would
5 have been one of the officers.

6 MR. ENGELMANN: All right.

7 And, sir, do you know if you had any contact
8 with the Crown prosecutor?

9 MR. TYO: Yes.

10 MR. ENGELMANN: All right.

11 And do you recall what that would have been
12 about?

13 MR. TYO: On one occasion it was just to
14 discuss a particular charge with Mr. Leblanc.

15 MR. ENGELMANN: Right.

16 And do you recall the nature of that
17 discussion? Do you have some recollection of what was
18 discussed?

19 MR. TYO: Yes.

20 MR. ENGELMANN: Can you tell us about that?

21 MR. TYO: It was pertaining to the attempted
22 -- the buggery charge, to plead guilty to attempted
23 buggery.

24 MR. ENGELMANN: All right.

25 MR. TYO: And I was appalled that they would

1 proceed with attempted buggery when it was buggery, but
2 they proceeded with that and he pled guilty to attempted
3 buggery.

4 MR. ENGELMANN: All right.

5 So you had a discussion about whether a
6 charge should be a full charge or an attempt?

7 MR. TYO: Yes.

8 MR. ENGELMANN: All right.

9 Do I understand from your evidence that you
10 disagreed with the decision of the Crown prosecutor?

11 MR. TYO: Yes. I made it clear to her.

12 MR. ENGELMANN: All right.

13 You expressed that to her?

14 MR. TYO: Yes.

15 MR. ENGELMANN: And it proceeded as
16 attempted buggery instead of buggery?

17 MR. TYO: Yes, that's right.

18 MR. ENGELMANN: And Mr. Leblanc pleaded
19 guilty to that?

20 MR. TYO: Yes. To a lesser charge, yes.

21 MR. ENGELMANN: All right.

22 Were you aware that he was pleading guilty
23 to a number of other charges involving other individuals?

24 MR. TYO: Yes.

25 MR. ENGELMANN: Sir, do you recall if you

1 were made aware of his court dates? Do you recall if you
2 were made aware of his court dates?

3 MR. TYO: Yes.

4 MR. ENGELMANN: All right.

5 And were you asked or invited to attend for
6 his sentencing?

7 MR. TYO: Yes.

8 MR. ENGELMANN: And the Victim Impact
9 Statement that you prepared, do you recall if it was read
10 at his sentencing?

11 MR. TYO: I believe it was read in by the
12 Crown Attorney.

13 MR. ENGELMANN: All right.

14 And were you asked whether or not you wished
15 to read it?

16 MR. TYO: Yes. Well, we were -- I think we
17 were asked if we would rather the Crown read it in or
18 ourselves.

19 MR. ENGELMANN: And what was your view?

20 MR. TYO: For the Crown to read it in.

21 MR. ENGELMANN: All right.

22 So on that occasion you asked for them to
23 read it and they did so?

24 MR. TYO: Yes.

25 MR. ENGELMANN: And the Victim Impact

1 Statement that you filled out, I'm going to just show you a
2 document. This is found in a couple of places in the
3 database, but I'm referring to document 117843.

4 **THE COMMISSIONER:** Didn't we already have
5 this?

6 **MR. ENGELMANN:** We discussed this
7 previously.

8 **THE COMMISSIONER:** Yes, but ---

9 **MR. ENGELMANN:** This has not been entered
10 into the record.

11 **THE COMMISSIONER:** It was not entered?
12 Okay, 104.

13 **THE REGISTRAR:** Is it public?

14 **MR. ENGELMANN:** This will be a "C" exhibit.

15 **THE REGISTRAR:** A "C" exhibit?

16 **MR. ENGELMANN:** This is a temporary "C"
17 exhibit.

18 --- **EXHIBIT NO./PIÈCE NO C-104:**

19 Jason Tyo - Victim Impact Statement

20 **MR. ENGELMANN:** Now, Mr. Tyo, you filled
21 this form out on your own?

22 **MR. TYO:** Yes, that is definitely my
23 writing.

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

25 **THE COMMISSIONER:** A lot better than mine.

1 **MR. ENGELMANN:** That means then that you can
2 read it, right?

3 **MR. TYO:** Yes, I can read it.

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

5 I'm not going to ask you to read the whole
6 statement. I simply want to ask you now if you haven't,
7 have a moment to look at it. You set out, for example,
8 some of the personal reaction or impact that this child
9 sexual abuse has had on you in your life.

10 **MR. TYO:** Yes.

11 **MR. ENGELMANN:** Is that fair?

12 **MR. TYO:** Yes.

13 **MR. ENGELMANN:** And just having looked at
14 it, and you've just told us that you've recently qualified
15 for disability benefits?

16 **MR. TYO:** Yes.

17 **MR. ENGELMANN:** Does that mean that there is
18 an ongoing impact of the child sexual abuse?

19 **MR. TYO:** Yes.

20 **MR. ENGELMANN:** Sir, is there anything in
21 particular you wish to highlight for us with respect to the
22 impact that the child sexual abuse that you suffered has
23 had on you?

24 **MR. TYO:** Can you repeat that again? It's
25 sort of ---

1 **MR. ENGELMANN:** That's fine.

2 Is there anything that you would like to
3 highlight for us today about the impact that child sexual
4 abuse during these two periods of time when you were abused
5 by Mr. Leblanc has had on you and your life?

6 **MR. TYO:** I'm not really understanding the
7 question.

8 **MR. ENGELMANN:** All right.

9 **MR. TYO:** How it reflected on my life up to
10 now?

11 **MR. ENGELMANN:** Yes, how it's affected you.

12 **MR. TYO:** A very, very big impact in my
13 life.

14 **MR. ENGELMANN:** Do you want to tell us a
15 little bit about that? You don't have to.

16 **MR. TYO:** It's where I might need a little
17 help here.

18 **MR. ENGELMANN:** That's fine.

19 **MR. TYO:** On how the abuse affected my life?

20 **THE COMMISSIONER:** Yes.

21 **MR. TYO:** I would probably need a minute --

22 -

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

24 **MR. TYO:** I may need a minute with -- if
25 that's possible?

1 **THE COMMISSIONER:** A minute with?

2 **MR. TYO:** Mr. Lee.

3 **MR. ENGELMANN:** Sir, let me just explain
4 something to you.

5 **THE COMMISSIONER:** Just take it easy.

6 **MR. ENGELMANN:** I'm not trying to restrict
7 you to what's written here.

8 **MR. TYO:** No, but you want my reflection on
9 the impact of ---

10 **MR. ENGELMANN:** Right.

11 **THE COMMISSIONER:** Right.

12 **MR. ENGELMANN:** And I'm not asking you to
13 name anybody or anything that you don't want to.

14 **MR. TYO:** Okay.

15 **THE COMMISSIONER:** Well ---

16 **MR. ENGELMANN:** I'm simply asking you if
17 there's anything that you want to tell us.

18 **MR. TYO:** The impact of sexual abuse from
19 Jean-Luc Leblanc had reflected in my life for myself
20 abusing younger people.

21 **THE COMMISSIONER:** Okay. So we don't need
22 any names. What you're saying is that as a result of this,
23 you have abused other people?

24 **MR. TYO:** That's right. I've gotten in
25 trouble with the law for that, yes.

1 **THE COMMISSIONER:** All right.

2 And you've pleaded guilty to that?

3 **MR. TYO:** Yes, I did.

4 **THE COMMISSIONER:** And that's been dealt
5 with?

6 **MR. TYO:** Yes.

7 **THE COMMISSIONER:** All right.

8 So that's a pretty significant -- that's a
9 pretty big thing.

10 What I would like to know is about other
11 things. How do you feel inside, that kind of thing? What
12 do you think about this?

13 **MR. TYO:** I'm really quite disappointed with
14 a lot of aspects of things. You know, it threw me in the
15 path of drugs, alcohol, criminal problems, depression and
16 the anxiety now. It's a burden I have to deal with for the
17 rest of my life.

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

19 **MR. TYO:** That's about pretty much ---

20 **THE COMMISSIONER:** Are you seeing any
21 counsellor or doctor?

22 **MR. TYO:** I see -- for the abuse I
23 committed, I see Dr. John Bradford right now.

24 **THE COMMISSIONER:** Right.

25 **MR. TYO:** Which is pointing me in the

1 direction of getting counselling for myself as well. He's
2 being quite effective right now in my life.

3 **THE COMMISSIONER:** What about depression;
4 are you still feeling the effects of depression?

5 **MR. TYO:** Yes, I take medication.

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

7 **MR. TYO:** High amounts of antidepressants.

8 **THE COMMISSIONER:** Are you seeing a
9 psychologist or a doctor about that?

10 **MR. TYO:** He would be my psychologist. Dr.
11 John Bradford would be the one ---

12 **THE COMMISSIONER:** Okay. So he's taking
13 care of your depression and helping you realign your life
14 with respect to being a victim and an abuser?

15 **MR. TYO:** Yes, with the double whammy, yes.

16 **THE COMMISSIONER:** Yes. Okay.

17 **MR. ENGELMANN:** Sir, I understand that
18 you've been seeing Dr. Bradford for a few years now?

19 **MR. TYO:** Quite a while, yes.

20 **MR. ENGELMANN:** Yes.

21 **MR. TYO:** It was -- not Dr. Federoff but --
22 I can't remember the first doctor before Federoff came in.
23 I was seeing him, then to Dr. Bradford.

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

25 And as I understand it, you were in a

1 program ---

2 MR. TYO: Sorry, I just remembered the name.
3 Dr. Ellis would have been the first doctor.

4 MR. ENGELMANN: Sir, if I understand
5 correctly, you've been in a program for sex offenders?

6 MR. TYO: Yes.

7 MR. ENGELMANN: And now you're also in a
8 separate program as a victim of child sexual abuse?

9 MR. TYO: I'm not particularly in a program
10 alone for offending. He referred me to the social worker
11 which is going to -- we're clearing the path for that, to
12 get me that counselling.

13 MR. ENGELMANN: All right.
14 Do you see your own family doctor as well?

15 MR. TYO: No, I don't have a family doctor.

16 MR. ENGELMANN: All right.
17 So the medication you're receiving is
18 through Dr. Bradford?

19 MR. TYO: That's right.

20 MR. ENGELMANN: Sir, is there anything else
21 that you wanted to talk to us about with respect to impact
22 or this Victim Impact Statement?

23 MR. TYO: No, I think that pretty much
24 covers it.

25 MR. ENGELMANN: Now, the outcome of the

1 second hearing, the one you were at with Mr. Leblanc, were
2 you satisfied with -- aside from the charge that I
3 understand you were upset about, that it was an attempt
4 instead of a full charge -- were you satisfied with the
5 sentence that he received?

6 MR. TYO: I'm still a little confused on
7 exactly what he got sentenced.

8 MR. ENGELMANN: Okay.

9 MR. TYO: Because of all -- the way I read
10 it, to me, it looks like a whole bunch of years, but
11 realistically it's not.

12 MR. ENGELMANN: Well, I understand that he
13 was declared a long-term offender.

14 MR. TYO: Yes.

15 MR. ENGELMANN: And he received -- and I may
16 be wrong on this -- about 10 years in jail. My
17 understanding with long-term offenders is that they serve
18 the time.

19 MR. TYO: Yes. I don't think -- I'm not
20 trying to be hypocritical here either with my past, but I
21 don't believe it's a long enough sentence considering he
22 perpetrated while being on probation and stuff like that.

23 MR. ENGELMANN: All right.

24 MR. TYO: And the extent -- the amount of
25 children involved.

1 **MR. ENGELMANN:** All right.

2 It's certainly far different than the
3 sentence he received ---

4 **MR. TYO:** In '86.

5 **MR. ENGELMANN:** --- in 1986?

6 **MR. TYO:** That's right. Yes.

7 **MR. ENGELMANN:** Now, sir, in the second
8 prosecution, the one where you had some contact and you
9 were told about the court date and you prepared a Victim
10 Impact Statement, do you recall if anybody referred you for
11 any form of counselling or other services during that
12 second round?

13 **MR. TYO:** It was mentioned, I believe, with
14 Dupuis or something, him or the other guy, the Men's
15 Project.

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

17 So one of the OPP officers mentioned the
18 Men's Project to you?

19 **MR. TYO:** Yes.

20 **MR. ENGELMANN:** And did you go to the Men's
21 Project?

22 **MR. TYO:** Yes, and I got denied counselling.

23 **MR. ENGELMANN:** Why was that?

24 **MR. TYO:** Because I had abused.

25 **MR. ENGELMANN:** So even though you were a

1 victim of child sexual abuse, because ---

2 MR. TYO: That's right.

3 MR. ENGELMANN: --- you had offended you
4 were denied counselling?

5 MR. TYO: Yes.

6 MR. ENGELMANN: And, sir, the application
7 that you talked to us about with the Criminal Injuries
8 Compensation Board, you in fact -- you said you filled out
9 the forms yourself?

10 MR. TYO: Yes.

11 MR. ENGELMANN: And did you have the
12 assistance of anybody to do that?

13 MR. TYO: On occasion, my sister.

14 MR. ENGELMANN: All right.

15 Can you tell us whether or not you were
16 successful in obtaining some compensation, some money?

17 MR. TYO: I was successful, yes.

18 MR. ENGELMANN: Do you know approximately
19 when that was, sir?

20 THE COMMISSIONER: Before or after he was
21 sentenced?

22 MR. TYO: The Criminal Injuries I got way
23 before he was sentenced. See, what I tried to do with the
24 Criminal Injuries is I was told to put in two applications
25 because there was two convictions.

1 **THE COMMISSIONER:** Right.

2 **MR. TYO:** Well, whenever I put in the second
3 application they said -- they put it referring to the first
4 one that they have already paid me for, which I'm still
5 trying to figure that one out.

6 **THE COMMISSIONER:** Okay.

7 **MR. TYO:** But it should have been -- they're
8 saying because I told them about the second abuse, that
9 they put it all together and said that the amount that they
10 gave me should cover any future, something like that.

11 **MR. ENGELMANN:** So they put them together?

12 **MR. TYO:** Yes. But it was way before -- I
13 think it was way before even Project Truth, I think. It
14 was long before he was sentenced. I'm quite sure of that.

15 **MR. ENGELMANN:** Okay. But if it was one of
16 the OPP officers -- sorry, they gave you the Victim Impact
17 Statement is what you told us.

18 **MR. TYO:** Yes.

19 **MR. ENGELMANN:** The Criminal Injuries
20 Compensation Board, you got that off a website or you ---

21 **MR. TYO:** Actually, it was my criminal
22 lawyer that suggested that to me at the time.

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

24 **MR. TYO:** And then I called up the number,
25 proceeded to go do the legwork myself on that one.

1 **MR. ENGELMANN:** All right.

2 So, Mr. Tyo, looking back on this now,
3 you've had dealings with a number of institutions, both
4 with respect to the first period of time you were abused in
5 '85 and the second period of time you were abused, from '87
6 on. I just want to ask you about the involvement you had
7 with some of these institutions.

8 **MR. TYO:** Yes.

9 **MR. ENGELMANN:** Whether you thought their
10 response was appropriate and, if so, you can tell us that
11 and tell us why you thought that, and if you thought it was
12 not appropriate, then you can tell us why not and how you
13 think it could be better.

14 Is that okay?

15 **MR. TYO:** Yes.

16 **MR. ENGELMANN:** So let's just talk about the
17 Cornwall Police Service. They were only involved in the
18 first set of abuse, right?

19 **MR. TYO:** Yes.

20 **MR. ENGELMANN:** So can you just tell us your
21 own view about their response to your allegations of abuse
22 and whether you thought they were appropriate?

23 **MR. TYO:** Yes. It's hard to get into
24 particulars with the memory being so vague. I can see some
25 inconsistencies, but it looked like they tried to do their

1 job.

2 MR. ENGELMANN: All right.

3 You don't even know the name of the
4 constable, right?

5 MR. TYO: No.

6 MR. ENGELMANN: All right.

7 Were you satisfied with how you were dealt
8 with between the time you were interviewed and the time of
9 the court date?

10 MR. TYO: Not really. I think there could
11 have been, in certain circumstances, a little more
12 involvement, I would think, but ---

13 MR. ENGELMANN: What type of involvement
14 would you have expected or would you like to see?

15 MR. TYO: It would probably be more around
16 the areas of the interviews and stuff like that. Some of
17 the interviews aren't -- like I'm not recognizing any of
18 this.

19 MR. ENGELMANN: All right.

20 So if they did interview you on a number of
21 occasions, you would have expected that?

22 MR. TYO: Yes.

23 MR. ENGELMANN: Anything else about the
24 Cornwall Police Service?

25 MR. TYO: Not pertaining to them, no.

1 **MR. ENGELMANN:** What about the Children's
2 Aid Society; are you able to comment much about them and/or
3 their role?

4 **MR. TYO:** Children's Aid Society; very
5 disappointed. When a child calls up for a plea of help, it
6 definitely should be acknowledged. They really did bad on
7 their part.

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

9 **MR. TYO:** I can sum it up to say that they
10 didn't do a fair job at all, the CAS. I understand that --
11 I don't know if we can get into this, but going back to
12 their suggestion to my mother about counselling ---

13 **MR. ENGELMANN:** Okay. Were you aware of
14 discussions they would have had with your mother or your
15 stepfather?

16 **MR. TYO:** Yes. Like I indicated earlier,
17 being 34 and your mother telling you that there was no
18 involvement and then all of a sudden you're reading
19 statements that there is involvement, which I've already
20 assumed there was involvement, the minute you have
21 particular people stating that, you know, for the
22 counselling, at that age I should have been persuaded to go
23 to counselling. At the age of 11, I don't believe that --
24 that's like an adult decision to me.

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

1 **MR. TYO:** And I don't think people were
2 responsible enough to get me in that direction of
3 counselling.

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

5 So you've had some discussions with your
6 mother. She apparently denied that the CAS was trying to
7 give you ---

8 **MR. TYO:** I grew up all my life to a big lie
9 that they were never involved, but my understanding and
10 common sense, I know for a fact they were involved.

11 **MR. ENGELMANN:** Because you've looked at
12 some notes now?

13 **MR. TYO:** Yes.

14 **MR. ENGELMANN:** And documents?

15 **MR. TYO:** Yes, which kind of prove what I
16 already knew, what I felt, you know.

17 **MR. ENGELMANN:** What are you hoping for
18 other children who might have involvement with the
19 Children's Aid Society?

20 **MR. TYO:** My particular response to that
21 would be if they would have intervened quickly, because
22 then I wouldn't be in half the trouble that I'm in now if
23 people would have intervened then, as into the aspect of --
24 if I would have been encouraged to go to counselling, I
25 wouldn't have possibly -- not have abused myself, stuff

1 like that.

2 **MR. ENGELMANN:** Now, what about the Attorney
3 General? What about the Prosecutor's office?

4 **MR. TYO:** I think with the second -- the
5 first incident, I can't really comment much on, but the
6 second one with the Project Truth matter, like I said, I'm
7 really disappointed with the fact that what the Crown
8 Attorney -- there is no such thing as trying to take a
9 charge that the guy actually did do something wrong to turn
10 it into an attempt when there was no attempt. It was the
11 actual real thing and I don't think they should have pled
12 that one out because I was going there on that day
13 expecting to testify, I believe.

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

15 Let me just get this straight. What about
16 -- let's talk about the response the first time to the
17 first set of allegations, your dealings with the Crown when
18 Mr. Leblanc pleads guilty to two out of three charges and
19 gets the three years probation.

20 **MR. TYO:** The three -- yeah, don't take me
21 wrong. I'm disappointed with the sentence there. A lot of
22 things could have been avoided if he was sentenced properly
23 then, but ---

24 **MR. ENGELMANN:** Such as?

25 **MR. TYO:** Like if he was sentenced, like a

1 more harsh sentence, he wouldn't have been able to re-abuse
2 or re-abuse myself if he would have been put into jail then
3 or a little more than a slap on the knuckles he got, you
4 know.

5 Yes, the Cornwall -- not the Cornwall
6 police, the Crown Attorneys, they could have -- rather than
7 saying you got two young males that are willing
8 participants, no, I disagree with a lot of -- their
9 response was not great. They definitely have to improve
10 that.

11 **MR. ENGELMANN:** You were dissatisfied with
12 the penalty?

13 **MR. TYO:** Very, yes.

14 And again, not to be hypocritical, but for
15 sure if he would have got sentenced harsher then, things in
16 my life could be much different now, a lot different, I
17 would believe.

18 **MR. ENGELMANN:** Okay. I think you already
19 told us that you were disappointed that that non-
20 association or non-communication condition wasn't in the
21 Probation Order?

22 **MR. TYO:** Yes.

23 **MR. ENGELMANN:** Well, I'm not sure where we
24 look for that, but that's something that you would have
25 liked to see?

1 MR. TYO: Yes.

2 MR. ENGELMANN: So when we are talking about
3 the sentence and we are talking about the probation order
4 and some of those issues, you were telling us you weren't
5 satisfied with how the justice system dealt with that first
6 set of allegations?

7 MR. TYO: That's right.

8 MR. ENGELMANN: The first set of ---

9 MR. TYO: Yes.

10 MR. ENGELMANN: --- abuse.

11 On the second set of abuse?

12 MR. TYO: Same thing as well. Just the
13 length of the sentence and the sentencing and that.

14 MR. ENGELMANN: Although you were much more
15 involved and the sentence was much more severe?

16 MR. TYO: Yes. Well, basically, not severe
17 enough, but ---

18 MR. ENGELMANN: Mr. Tyo, you haven't said
19 much about the school system. I don't know whether it's at
20 all in play for you with respect to ---

21 MR. TYO: I struggled through school, but I
22 managed to fulfil my Grade 12 by doing alternative studies.
23 I can't -- with being sexually abused, I can't just take
24 that impact and blame that from the hardship of the school.
25 The physical abuse at home had a lot to do with that. I

1 wasn't very interested much in the school, but as I got
2 older, I got myself back on track for that.

3 **MR. ENGELMANN:** Do you have any comments
4 about the response of the school system or what school
5 systems could do for children?

6 **MR. TYO:** No. The only thing I have to
7 collaborate on that is I'm grateful for what the teacher
8 has done.

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

10 That's Ms. Raymond?

11 **MR. TYO:** Unfortunately, it had to be a
12 teacher to take the action, but I'm satisfied with the
13 response I got from there.

14 **MR. ENGELMANN:** What about the OPP and the
15 officers who investigated?

16 **MR. TYO:** I felt their investigation -- the
17 OPP, they were considerate, understandable. I have no
18 problems with Dupuis and Janiet. I think they did all
19 right.

20 **MR. ENGELMANN:** Sir, as a witness here and
21 as a victim of child sexual abuse, do you have any
22 recommendations or any suggestions for us as to what we
23 should be trying to do here as an Inquiry when we are
24 looking at institutional response? Anything you can
25 suggest for the future?

1 **MR. TYO:** I guess they could be a little
2 more serious when a child is acknowledging a complaint,
3 should take it seriously and try to deal with it properly,
4 and as well as for the way our sentencing goes here in
5 Canada, it definitely needs to be looked at. When you have
6 a perpetrator like Jean-Luc, there needs to be more
7 discipline so other children won't have to go through what
8 I had to go through.

9 **MR. ENGELMANN:** I'm not sure, sir, if there
10 is anything else you might want to tell us, but I'm just
11 looking at the hour, perhaps we could ---

12 **THE COMMISSIONER:** I think we should break
13 for now, sir. You are going to have to come back for
14 cross-examination. I hope you don't mind that.

15 **MR. TYO:** No, no problem.

16 **THE COMMISSIONER:** All right.
17 And so what date are we -- October 30th?

18 **MR. ENGELMANN:** Yes.

19 Mr. Commissioner, I understand that it would
20 be at two o'clock?

21 **THE COMMISSIONER:** Yes, it will be at 2:00.

22 **MR. ENGELMANN:** Okay. That's what I have
23 been advised. Mr. Tyo said he was available and could be
24 here.

25 **THE COMMISSIONER:** All right.

1 So October 30th at two o'clock, we will
2 resume our sittings then.

3 Thank you very much.

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

6 This hearing is now adjourned. L'audience
7 est ajournée.

8 --- Upon adjourning at 4:16 p.m./

9 L'audience est ajournée à 16h16

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM