

IN THE PROVINCIAL COURT OF SASKATCHEWAN
NORTH BATTLEFORD, SASKATCHEWAN

BETWEEN

HER MAJESTY THE QUEEN

and

GERALD STANLEY

Accused

PRELIMINARY INQUIRY

Volume 1

(Pages T1 - T201)

April 3, 4 and 6, 2017

North Battleford, Saskatchewan

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1 Proceedings taken in the Provincial Court, North Battleford, Saskatchewan

2
3
4 April 3, 2017

Morning Session

5
6 The Honourable Judge
7 B. Bauer

The Provincial Court
of Saskatchewan

8
9 W. Burge, Q.C.

For the Crown

10 C. Browne

For the Crown

11 S. Spencer

For the Accused

12 S. Yoner

Court Clerk

13
14
15 **Discussion**

16
17 THE COURT:

Good morning.

18
19 ALL COUNSEL:

Good morning, Your Honour.

20
21 THE COURT:

Just before we start, I just want to point out that we are, in anticipation of more people being interested in this matter than we could fit in our courtroom, we are videotaping this matter and having it broadcast by closed circuit TV to courtroom number 3, and I just want to say good morning to you in courtroom number 3 and indicate that although you're not in the courtroom with the Judge and the participants, that it is a courtroom, and you'll have to abide by all the requirements of a courtroom. And the Deputy Sheriff, since I am not there and we will not be viewing what's going on there, the Deputy Sheriff will be in control of the courtroom and make sure that no one is disturbed and has the permission of the court to remove anyone if they do cause a disturbance. So good morning to you.

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31
32
33 Good morning, Mr. Burge.

34
35 MR. BURGE:

Good morning, Your Honour.

36
37 THE COURT:

You are ready to proceed?

38
39 MR. BURGE:

Yes.

40
41 THE COURT:

Okay. Good morning, Mr. Spencer,

1 you're ready to proceed?
2

3 MR. SPENCER: Good morning, Your Honour. As you
4 may be aware, it was my intention to seek an adjournment this morning until I'd
5 have had an opportunity to view the vehicle in which this tragedy occurred.
6 However, certainly my position has put me at a disadvantage of not having that
7 access prior to this -- this process. However, my friend has -- my learned friend
8 has indicated that the Crown has no intention to take possession of the -- of the
9 vehicle. Certainly I have concerns about that approach, but from a -- from a
10 practical perspective, if -- if it's not going to be available to myself or an expert at
11 all, then there's not much likelihood that you're going to grant an adjournment,
12 and I think we have to proceed, but I wanted to put that on the record before we
13 got going, and I -- and I had indicated there may be an adjournment request, so I
14 thought the court would be -- would be interested in that, so --
15

16 THE COURT: Well, okay. First of all, Mr. Stan --
17 you're Mr. Stanley?
18

19 THE ACCUSED: Yes.
20

21 THE COURT: Good morning, Mr. Stanley.
22

23 THE ACCUSED: Good morning.
24

25 THE COURT: What -- just for record, Mr. Spencer is
26 indicating that he's made some references before. The -- there was a case
27 management conference held by another Judge, and I understand, Mr. Spencer,
28 that your position was put before the Judge at the case management conference,
29 and I believe the Judge indicated at that time that there was a remedy that you
30 could pursue in the Court of Queen's Bench, that this court has no jurisdiction to
31 grant any remedy in relation to the vehicle at this point.
32

33 MR. SPENCER: Yeah. Yes, Your Honour. I'm not -- not
34 sure it was in the nature of a ruling, but I appreciate that there are other potential
35 remedies. I'd hoped to avoid that by --
36

37 THE COURT: Yes.
38

39 MR. SPENCER: -- having access and doing it straight up,
40 but -- but yes, I appreciate what -- what the point is. And so we'll -- we'll deal
41 with it in that way if -- if necessary.

- 1
2 THE COURT: Okay. I understand from that -- the notes
3 from that meeting, Mr. Burge, that the vehicle is no longer in the possession of the
4 Crown, and it is the property of someone else?
5
- 6 MR. BURGE: That's correct, Your Honour. It's been
7 examined by the police and -- and in their view they don't have grounds to seize it
8 again, so there is nothing we can do.
9
- 10 THE COURT: Okay. Okay. Well, if we're all ready to
11 proceed, please call your first witness.
12
- 13 MR. SPENCER: And Your Honour --
14
- 15 THE COURT: Yes.
16
- 17 MR. SPENCER: -- just -- just to close that loop, certainly
18 we don't agree with that position, but we're accepting it for the purpose of today.
19
- 20 THE COURT: Okay. Did you want to -- or first of all,
21 are there any applications by defence at this point?
22
- 23 MR. SPENCER: Not -- well, I guess that we'd suggest
24 that a publication ban would -- would be appropriate. If --
25
- 26 THE COURT: Okay.
27
- 28 MR. SPENCER: -- I didn't ask, but I think, with respect,
29 my learned friend may, but I think that's in the interests of -- of justice, so we
30 would ask for a publication ban. We'd ask for an exclusion of -- of all witnesses.
31 One of the complications of the vehicle issue is that Mr. Murphy, who I believe is
32 here, is legal representation for the family, and he was the last one, as far as I'm
33 aware, to see the vehicle. So he is a potential witness on a -- on a *Charter*
34 application, or indeed potentially a trial. So I would suggest that he -- he has to be
35 excluded as well, Your Honour.
36
- 37 THE COURT: Is a person by the name of Mr. Murphy
38 -- just have a seat, sir. Is a person by the name of Mr. Murphy one of the Crown
39 witnesses on this matter?
40
- 41 MR. BURGE: No, Your Honour. And I -- and I don't

1 know -- he's not -- he's not on our witness list for the prelim, and I hadn't
2 anticipated him on our witness list for the trial. I don't know what will come out of
3 it with this vehicle though.
4

5 **Ban on Publication**

6
7 THE COURT: Okay. I will make an order for exclusion
8 of witnesses. I'm not in the position of excluding witnesses who are not on the
9 Crown witness list or that they don't anticipate calling for trial, and so I will not
10 put Mr. Murphy on that. I will order exclusion of all witnesses who are testifying
11 at the preliminary hearing except while they are in court testifying. And I will
12 make an order, pursuant to Section 539 of the *Criminal Code* directing that the
13 evidence taken at the preliminary hearing shall not be published in any document,
14 broadcast or transmitted in any way until such time as the accused is discharged or
15 if committed to stand trial, the trial has ended. Anything else, counsel? Okay.
16

17 (WITNESSES EXCLUDED)

18
19 MR. BROWNE: Your Honour, just out of an abundance
20 of caution then, we'll list the Crown's witnesses just in case they are in the
21 courtroom, so the first would be Corporal Heroux, Constable Parmar, I know they
22 are already in the hall, Sheldon Stanley, Cassidy Cross, Belinda Jackson, Eric
23 Meechance, Kiora Wuttunee, Corporal Phee (phonetic), Constable Park, Megan
24 O'Brien (phonetic), and Kim Worthington (phonetic), Glennis Phoey (phonetic),
25 Marvin Phoey, Greg Williams. If any of those individuals are in the courtroom
26 they should leave now. Thank you, Your Honour.
27

28 THE COURT: Okay. And we're ready to proceed?

29
30 MR. BROWNE: Yes, Your Honour. The first witness is
31 Corporal Terry Heroux, if I can just be excused to go get him?
32

33 THE COURT: Yes, go ahead. Good morning.

34
35 CPL. HEROUX: Good morning, Your Honour.
36

37 COURT CLERK: I'll just get you to remain standing. Will
38 you swear on the Bible?
39

40 CPL. HEROUX: Yes.
41

1 COURT CLERK: Would you take the Bible up in your
2 hand, please.

3

4 **TERRY HEROUX, Sworn, Examined by Mr. Burge**

5

6 COURT CLERK: State your name for the court, please.

7

8 THE WITNESS: Terry Heroux.

9

10 COURT CLERK: Please spell your full name for the
11 record.

12

13 THE WITNESS: My last name is H-E-R-O-U-X, and my
14 first name is T-E-R-R-Y.

15

16 COURT CLERK: Thank you. You may be seated if you
17 choose.

18

19 Q MR. BURGE: Sir, you're a peace officer employed by
20 the Royal Canadian Mounted Police?

21 A Yes, that's correct. Thank you.

22

23 Q I understand you hold the rank of corporal?

24 A Yes, that's correct.

25

26 Q And what are your current duties with the RCMP?

27 A Currently I'm a forensic identification specialist with the Saskatoon Forensic
28 Identification Section, and I've been there for four years. I've been a police
29 officer with the Royal Canadian Mounted Police since 2003.

30

31 Q Sir, I understand that you were called in to investigate the matter that's right
32 now before the court?

33 A Yes.

34

35 Q And when was that, that you were called in?

36 A I was called by the on-call forensic identification specialist out of Yorkton on
37 August the 8th, 2016 -- sorry, August the 9th, 2016.

38

39 Q Okay. And as a result of that call what did you do?

40 A So as a result of that call, I attended to the -- I was notified that a homicide had
41 occurred in the Biggar Detachment area. And the Biggar Detachment area is

1 actually a part of our -- our area, our FIS or Forensic Identification Section
2 area, or FIS for short. And so I -- I was notified that a homicide had occurred
3 on a farm just north of -- of Biggar, so I went into the office and collected my
4 gear and headed out to the scene.
5

6 Q And the scene that you went to, if you could just tell us where that was?

7 A So originally I arrived at -- at the detachment, and I met with the Major Crimes
8 Unit members, and came up with a game plan. There was two forensic
9 identification officers attending. This one, first gentleman, who was coming
10 out of Yorkton, so he was a little bit behind me. And then I arrived at the
11 detachment, and first it was decided that because we had a couple of different
12 things to process, one being the -- the person that had done the shooting, who
13 was in cells, and the farmyard in question, I was tasked with going to the
14 farmyard and the other member was going to complete the processing of the
15 person in cells, namely the accused.
16

17 Q Okay. And the farmyard that you went to, where was that?

18 A So the farmyard was located at Southeast 4-40-14 West of the 3rd, in the RM
19 of Glendale (sic).
20

21 Q And that's in the province of Saskatchewan?

22 A Yes.
23

24 Q And sir, I understand there were likely three distinct parts of your role in this
25 investigation; is that correct?

26 A Yes, roughly. There is -- it's a complex investigation as often as homicide
27 investigations are, and this one was no different. There was a person to process
28 the accused. There was a farmyard scene. In this case there was a vehicle, and
29 then there was all kinds of exhibits, so it was -- it was quite large.
30

31 Q Okay. And I understand that you have in front of you notes and a report that
32 you prepared?

33 A Yes. This is a report and notes which has been disclosed. And it would aide in
34 the accuracy of my testimony if I could refer to it from time to time.
35

36 THE COURT: Do you have any comment, Mr. Spencer,
37 about him referring to his notes and reports to refresh his memory?
38

39 MR. SPENCER: Well, certainly with it being this recent I
40 would prefer that he just testify, but if he feels that's necessary, and it is a report
41 that's in our materials, so --

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THE COURT: Corporal, when you feel the need, refer to your notes and your reports to refresh your memory.

THE WITNESS: Thank you, Your Honour.

Q MR. BURGE: Corporal, I understand that you've brought with you four items to enter as exhibits in this proceeding?

A Yes, in -- in this case, and they'll all kind of start to play together, I prepared two PowerPoint presentations, one of the scene, which I processed, one of the vehicle which I processed. And this is an aerial photo, which I'll explain how that comes into play later. And then I also have an RM map, which is -- I've mounted for the aid -- aid of the other witnesses and for the court.

MR. BURGE: Your Honour, just for -- I've discussed this with my friend and with his consent, I would suggest that we just mark them by consent as full exhibits at this time. P-1 will be a CD of photos of the -- of the scene, and frankly it's already put into the computer so Madam Clerk has the -- the jacket for that.

Q MR. BURGE: P-2 is a disk containing photos taken in the RCMP secure bay?

A Yes, and that's of the vehicle processing.

Q P-3 is?

A This is an aerial panoramic view of kind of a mid-range of the farmyard. And number 4, P-4 would be this Rural Municipality map of Glenside.

THE COURT: Mr. Spencer, are those to go in by consent?

MR. SPENCER: For the purpose of the prelim, yeah. To expedite the prelim we're prepared to consent to that. And I'm trusting they are all photos that have been disclosed in the PowerPoint and simply how they've been packaged, and so that's -- that's not an issue.

THE COURT: Well, you'll just -- if they -- if you find that you haven't -- they haven't been disclosed, or you're unsure about that, just let me know and we'll get that straightened out.

MR. SPENCER: Absolutely. Thank you, Your Honour.

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THE COURT: So Exhibit P-1 will be the CD of photos of the scene. Exhibit P-2 will be the CD of photos of the RCMP secure bay. Exhibit P-3 will be the aerial view of the farmyard. And Exhibit P-4 will be the RM map.

MR. BURGE: Thank you.

EXHIBIT P-1 - CD of photos of crime scene

EXHIBIT P-2 - Photos of RCMP secure bay

EXHIBIT P-3 - Photo of aerial view of Stanley farmyard

EXHIBIT P-4 - RM Map

Q MR. BURGE: Thank you. And Corporal, I understand when you first attended the scene it was -- when was the time -- when did you first attend the scene?

A So this processing, it stretches out over a couple of days. The first, I arrived there at the detachment on the 9th, just before midnight. And then I arrived out to the Stanley farm just after midnight on the 10th. And then there was -- and then there was further processing done on the 11th as well.

Q And would it be convenient to start your testimony by going through the photos?

A Yeah, if I -- if I can go through my presentation, and then if there's any questions after that we can --

THE COURT: Go ahead.

THE WITNESS: So how things begin, how we start all our -- all our processing of scenes or vehicles or whatever, they're always started with a photo index card, and that's what you're seeing here. That's the date that I was on the scene, and that's the police file number, 2016-104-1714. And because I used photographs that were taken both at the first evening and the second evening I've included the second photo index card for the -- the day search, which I called it, and that was on the 11th. So these were taken both on the 10th and the 11th. So our office has a -- has an unmanned aerial vehicle, which is used to take obviously aerial shots. So this is a photo of -- of the Stanley farm at Southeast 4-40-14 West of the 3rd.

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Q MR. BURGE: Corporal, on that, at the bottom it says, Three, and then there is some initials and then some numbers.

A So number 3 designates basically the -- the image number in the PowerPoint presentation. The numbers after that, that's the image number that's automatically added by this. In this case, it was the UNB or the unmanned aerial vehicle. And as you'll see further on there will be ones that will have my initials, TRH, and then the image number as well. That means that they'll be able -- you can find them if you ever need to look for them other than in this PowerPoint.

Q So for the purpose of this PowerPoint, are we most concerned with the first number then?

A The first number will correspond with the table of contents which I've made for -- for both of these recitations. I have a copy.

Q You have a copy. This is your table of contents?

A Yes.

Q Thank you very much for your comments there.

THE COURT: Do you want that as an exhibit or just for assistance of the court?

MR. BURGE: I think likely for assistance of the court. It's -- and apparently I'm told it is actually on the disk as well, so it's already an exhibit --

THE COURT: Okay.

MR. BURGE: -- but you have your own copy.

THE COURT: Thank you.

THE WITNESS: So this is -- this is an aerial view of the -- of the Stanley farm facing northeast. And this is an aerial view of the farm facing northwest -- or southwest. And this is an aerial view -- just basically it's a straight -- straight-on view. And this is a mid-range or a panorama. And so what I've done is this image is actually this image right here, the one that I have on the white board, and -- because I'd like to leave this up because I might need to refer to it from time to time so the court can understand where the location of certain

1 exhibits are.

2

3 THE COURT: Okay.

4

5 THE WITNESS: So when I first arrived, like I mentioned
6 before, it was just after midnight on the 10th, and this is the driveway leading into
7 the scene. I showed you the aerial photos first in the daytime just to kind of
8 orientate your -- to orientate the court so that they understand where I'm looking,
9 but as you can see it's a lot more difficult to see it during the -- during the evening,
10 but this is what it looked like when I got there. And this is that same angle in the
11 daylight.

12

13 Q MR. BURGE: So you first showed us photo 7 as a
14 nighttime photo --

15 A Yes.

16

17 Q -- and now we're looking at photo 8, and that's in --

18 A And this is a daytime photo taken on the 11th. So the first half-a-dozen pictures
19 or so are going to kind of flip-flop back and forth. I just wanted to aid the court
20 in understanding where -- where I was in the farmyard.

21

22 Q And Corporal, as you go through this, if you could please, when you change
23 the screen or change the photo, if you could just tell us what -- what photo
24 number you are looking at?

25 A Okay.

26

27 Q Thank you.

28 A So image number 9 is the driveway leading in the way it was when I first got
29 there on the first night, and there it is again in the daylight, and this is photo
30 number 10.

31

32 Q Is there some technique you might want to describe that tells us how you took
33 these nighttime photos?

34 A Oh, yeah, I'll explain that. So nighttime photos can sometimes be challenging.
35 And -- and in this case you can see there's a technique that's used called
36 painting with light, and that's when the camera is set up on a tripod, and there
37 is no flash or anything used, but what's used is a -- in this case I used a -- a
38 fairly high-powered flashlight. And you actually go around and you leave the
39 aperture open on a camera and you expose all the things that you want to
40 expose with the camera, but eventually once you've exposed the area with a
41 painting with life technique then that picture will take -- and then the -- the

1 camera will take an image. And that's what these images are. These are
2 painting with light images. Otherwise, it would just be completely
3 (INDISCERNIBLE). So that was in photo number 9. This is photo number 10.
4 That's the same area, looking down the driveway. So this was the vehicle, and
5 -- and the deceased, and this is the way I found it. There was a 2003 Ford
6 Escape with licence plate number 043 Juliette Victor Yankee. And then there
7 was the -- the -- the victim was laying on the ground, just outside, and then
8 there was a rifle underneath that -- that other -- that other blanket. Members
9 had covered these two, the victim and the rifle, with -- with blankets, and this
10 is how the scene was when I found it. And so this is the scene again in the
11 daytime. At this point the victim has been removed and -- and the rifle, but I'll
12 get into where those were, the locations of those later, but this was what it
13 looked like during the daytime. That was image number 12. So now we've
14 gone right into the -- right to the far end of the yard, and I'm standing at this
15 silver shed, if you want to have a look at this picture that I have up on the easel
16 here. So I'm standing at this point in the yard, and I'm looking down this way
17 towards -- towards the house and the vehicle scene. And --

18

19 Q Sir, you were just pointing at the -- at the shed on the far left upper left of the
20 photo?

21 A Yeah, so I'm standing at the silver shed, and I'm looking to the southeast or
22 southwest. Sorry. So the relevance to this was that there were some
23 impressions left in the -- in the gravel driveway. And using some various
24 lighting techniques again I -- you could see them a lot more visibly. There's
25 groove marks in the -- in the farm, and I'll explain how these come into play
26 later, but I did want to capture them on the first night when I got there. And
27 these are the groove marks again in the yard, and this would be -- I'm roughly
28 -- well, I'm just behind this Caterpillar tractor facing southwest again. And this
29 is another technique, or this is another lighting technique to just show more
30 detail of these groove marks in the gravel. So this was the homeowner's
31 vehicle.

32

33 Q This is photo 17?

34 A This is photo 17. The homeowner's vehicle that -- that appeared to have been
35 struck on the passenger's side, just above the passenger's side wheel. And if
36 you look -- I can't zoom in on this, on this presentation, but if you look near
37 the rear wheel on the passenger side you can see dirt has been skidded up there,
38 and that -- that appeared that it had been struck and pushed over to the side
39 about three or four feet. That's image number 17. So image number 18 is -- is
40 that same area again, but in the daylight, looking back towards that silver shed.
41 Image number 19 is as I found it that night. This is looking at the -- at the

1 vehicle which, that blue Ford Escape, which appeared to have been struck and
2 -- and the scene where the victim was. That's number 19.

3
4 Q So just -- just so we're certain here, there is two Ford Escapes in this --

5 A Yeah, and that --

6
7 Q -- is that correct?

8 A -- that's where it gets a little confusing, but yes, there is two Ford Escapes.
9 There is the victim's Ford Escape, which was a 2003, and this one here, I
10 believe, was a 2000 and -- a 2012, but they were both Ford Escapes.

11
12 THE COURT: Were they both blue?

13
14 THE WITNESS: Well, one was kind of -- no, one was
15 charcoal and one was blue.

16
17 THE COURT: Okay.

18
19 THE WITNESS: So this is again the same direction, but in
20 the daylight. This is --

21
22 Q MR. BURGE: This is photo 20?

23 A Photo 20.

24
25 Q And what do we see in photo 20?

26 A So photo 20 was the -- the same thing. The victim -- or the area where the
27 victim's vehicle was in relation to the homeowner's vehicle.

28
29 Q Okay. Please continue.

30 A So 21, we're back to the first night when I first arrived. This is how I found the
31 scene around the victim's vehicle. That's image number 21. And as you can
32 see the victim and that rifle are still covered with safety blankets. So in this
33 image the -- the safety blankets are removed and -- and it shows where the
34 victim was in relation to the vehicle, as well as the rifle on the ground. That's
35 image number 22. Number 23 -- image number 23 shows placard number 1.
36 And placard number 1 is indicating this rifle or rifle barrel which was found on
37 the ground near the vehicle approximately five to eight feet away from the
38 vehicle. So I'm just going to focus on -- on number 1, so that we -- so the court
39 understands what that was all about. So this is an overall of number 1 as it was
40 found.

41

1 Q That's photo 24?

2 A Photo number 24. And this shows the action open of -- of photo number -- or
3 photo number 25 shows the action open on -- on that exhibit I've marked as
4 number 1, and it shows a live round in the chamber. And this is that same rifle
5 back in my -- at my lab under control conditions. And these are the -- this is the
6 ammunition that I removed. Photo number 27 shows -- anytime I take
7 something away from an exhibit, I always give it a letter, so in this case this --
8 the rifle was number 1. I removed the bullets from the magazine. They became
9 1A. There was five bullets in the magazine. Then I removed the bullet from the
10 chamber, and that was number 1B. So now back at the scene, I'm going to
11 focus on -- I'm going to focus on the -- on the victim and the area around the
12 victim. This is the way the victim was -- I found at that -- the night of the 10th.
13 This is a mid-range of the victim, image number 29. This is the bloodletting
14 scene inside the vehicle, image number 30, this red substance which was
15 consistent with blood. And these are mid-ranges of different areas of
16 saturation, staining on the seats, and on the area in-between the door panel and
17 the driver's seat and the carpet.

18

19 Q That's photo 31?

20 A Photo 31. And photo 32 is an overall of the driver's door and the bloodstaining
21 on the driver's door. And this is a mid-range of that same impression -- or that
22 same staining, number 33. So this is the following day after the victim had
23 been removed, and there had been -- originally when forensics -- or when we
24 showed up on scene we act under what's called *The Coroner's Act*. And we
25 processed the area and the -- and the victim itself under *The Coroner's Act*.
26 Once the victim is removed then our processing has to cease until a warrant
27 can be written if -- if -- and so, in this case it was required. So we had backed
28 out of the scene, and I waited for a warrant to be written. And in the meantime,
29 between the time that the victim had been removed and the warrant was written
30 there had been -- there had been a lot of rain, and it had rained for -- for pretty
31 well a day before I had gotten to it. Again, I didn't arrive back -- this image
32 was taken the following day on the 11th, and approximately -- or it was early
33 morning just after 9:00. And at that point I checked with Environment Canada,
34 it had rained about 44 millimetres between that time that we had left the scene
35 and then got back to it. So things have changed here.

36

37 Q So we're looking at image 34?

38 A This is image 34. So as you can see some of the blood or the red substance
39 which was consistent with blood has been washed away off the door, and it's
40 been diluted on the ground as well. So that was the driver's side. This is the
41 passenger side, as I found it, image number 35. Number 36 is showing from the

1 driver's -- the driver's front corner, and as you'll note there is -- there is no tire
2 on the rim on the driver's side front wheel. This is the passenger's side. The
3 passenger's side, that's image number 37 showing the passenger side. So this
4 again is the driver's front rim on that grey Ford escape. This is how I found it.
5

6 Q That's image 38?

7 A This is image 38. This is -- this is still on the 11th, but this is much later in the
8 day, and it had gotten dark again. And this is the groove mark which -- which
9 was -- which could be followed through the entire yard.
10

11 Q So we're looking at image 39?

12 A Thirty-nine. And that groove mark led back -- I traced that groove mark back
13 from this point and through the yard.
14

15 Q Okay. What was the starting point that you traced it back from, the --

16 A From the rim.
17

18 Q From the rim? Okay.

19 A From the rim itself. So these are those rim marks. As you can see they've
20 changed a little bit from when I first showed those wheel marks in those
21 nighttime photos because there has been a significant amount of rain on them,
22 but they're still very visible. And here they are again crossing in the yard.
23

24 Q What is that -- is that significant, crossing in the yard?

25 A Yeah, and I'll explain once I get to it. I've -- I've put them together in a -- in a
26 better presentation here, but these rim marks, you can see how they went
27 through the yard.
28

29 Q And that's --

30 A Sorry, that's --
31

32 Q -- 41?

33 A -- image 41. Image 42 shows where it had ended up near the silver shed by the
34 -- by the quad runner. That's image 42. And so 42, I marked that as RT-1 or
35 it's a -- it's a tire impression or rim impression 1, and so this -- this was also
36 photographed as well that -- that mark in the dirt. And so what I've done here
37 is I'm using this photograph, I wanted to depict the path of travel.
38

39 Q So you were pointing to --

40 A Yeah, this is --
41

1 Q -- this is P-4 or P-3?

2 A P-3.

3

4 Q Yes.

5 A So using that image from P-3, I traced -- I traced the path that I -- I tracked the
6 vehicle rim mark, and the blue -- or the red track shows the vehicle coming in,
7 and the blue mark shows the vehicle leaving the yard. And I can tell that the
8 red -- or the -- the red mark went through the yard first because it was
9 obliterated by the reversing action and -- and it going over top of itself, so I
10 could determine which way was which, which was coming in and which was
11 going out, and which led up to the vehicle. So as you can see, it comes into the
12 yard from -- well, near the -- near the home, and near this -- near a power pole.

13

14 Q Well, why don't you just point out where the home is and where the -- what the
15 buildings are just so we know?

16 A Mmhm. So the home -- we're looking at the house. This is the house here on
17 the -- the far side. It was a brown single-storey bungalow, three-bedroom
18 bungalow, a fairly traditional home. And this is the two-car garage on -- on this
19 side here.

20

21 Q You're pointing to Exhibit P-3?

22 A P-3.

23

24 Q And you first pointed to the home as the structure on the lower right-hand
25 portion?

26 A Right.

27

28 Q And then -- and then you next mentioned the garage. Now, where is that on the
29 exhibit?

30 A And the garage is located on the upper right side. And the driveway entrance is
31 coming in on the right side. So as -- as I outlined on the image, this was a --
32 this silver shed is -- is located on the far left side, approximately at the middle
33 of the image. And the quad runner is just parked in front of it, on the far left of
34 the image, approximate centre. And so these -- these rim marks, I noted they
35 came into the yard. I picked them up roughly around here, around the power
36 pole. This is the power pole. I picked them up roughly here. They came into
37 the yard and they stopped in front of this -- they -- they went by here, and they
38 -- by this brown Ford pick-up truck that's in the approximate middle of the
39 photograph. They went past and stopped in front of this quad runner in front of
40 the silver shed, and then they backed up, creating a 'V' in the yard right here,
41 and that's the apex of the turn, and then leading across this way, near where

1 this vehicle appeared to have been struck, and then down and ending up there
2 near the front of the house -- or near the side of the house. That would be the --
3 on the far left lower or right lower of the image. And that -- that's image
4 number 44. So through witness statements, Major Crimes had told me that --
5 that the home owners had been fencing at the time. And I had no idea where
6 they were fencing in the yard. However, I did see signs of -- of fencing work
7 going on, so I wanted to take some photographs of the images if they had been
8 in this area just to show the relationship as to what they would have seen. So
9 this is -- image number 45 is an area that can show on this photograph as well.
10 It's down at -- at the bottom of this image, approximate middle. This is the area
11 where I noted that there was fencing supplies and fencing work going on. And
12 this again is just near this -- this gate here, a little tractor and looking to the --
13 to the -- I think that's the southwest, image number 46. Yeah, south -- sorry,
14 southeast. That's the view from the yard, the southeast fence line, image
15 number 46. And you can see the silver shed in the distance. So this is standing
16 in the middle of the yard, on the road, looking back towards that area where the
17 fencing supplies, the fencing work was going on. And on the right you can see
18 a brown Ford pick-up, a Ford F250 pick-up. And -- and the placard on the
19 ground --

20

21 Q That's on the left, is it?

22 A On the left.

23

24 Q Okay, thank you.

25 A And on -- on the ground in front is a placard number 3. And placard number 3
26 is indicating a bullet casing, which we located in the middle of the yard. And to
27 aid the court, if this is the -- this is the brown Ford pick-up truck. It was -- it
28 was in this area here, which would have been -- the power pole is here. It's -- it
29 was 18 metres from the power pole.

30

31 Q Are you going to be giving us some more detail about that as you go through
32 this?

33 A Yes.

34

35 Q Okay, thank you.

36 A So this image here, and it's a little difficult to see, but you can see the power
37 pole in the distance, the blue Ford Escape. You can see the brown -- the blue
38 Ford Escape is off in the distance. The brown Ford Escape is on the right. And
39 just before the grass there's a small -- it's difficult to see in this -- on this TV
40 screen, but there's a placard there, a little yellow marker, and that's placard
41 number 4. And so just -- so I just wanted to show the relationship to where this

1 bullet casing was in the yard.

2

3 Q I'll walk up to the monitor. Is this --

4 A Yes.

5

6 Q -- placard in connection with this number 4?

7 A Yes. Can everybody see what I mean? So --

8

9 MR. SPENCER: I didn't see where you were indicating.

10

11 THE WITNESS: Just along the grass line there.

12

13 Q The grass is --

14 A On the upper left.

15

16 Q -- this is what you're indicating here?

17 A Yeah. That's placard number 4.

18

19 MR. SPENCER: Thank you.

20

21 THE WITNESS: So -- and I wanted to show the
22 relationship between placard 3 and placard 4 and the distance between them. So
23 this is a close-up or a mid-range of -- of the bullet casing I found, number 3, and
24 that's image number 49. Image number 50 is that same bullet casing under
25 controlled conditions, and unfortunately this monitor isn't showing a great detail,
26 but engraved on that bullet casing are the letters BXN and the number 53. So here
27 again this is that same image that you were just pointing to, 51, and this is again
28 showing the relationship between the two placards. And image number 4 -- or
29 placard number 4 is indicating another bullet casing. And that's number 4 there,
30 and that's how it was found on the gravel road. And number 4 was located
31 approximately nine-and-a-half metres from that same power pole, just along the
32 edge of the grass. And this is a close-up of number 4, and it, too, had the same
33 markings --

34

35 Q MR. BURGE: You're looking at photo 53?

36 A Photo 53, and it too had the same markings, BXN, and the number 53. So this
37 is an image, and we've seen this image a couple of times now, but this is an
38 image approximately where -- taken from where that bullet casing was located.

39

40 Q This is image 54?

41 A This is image 54 looking towards the two vehicles, both the blue Escape and

1 the grey Escape.

2

3 THE COURT: So he was -- if you can back up to 54,
4 you're standing approximately where you found them, the bullet casing marked
5 number 4?

6

7 THE WITNESS: Bullet casing number 4, yeah.

8

9 THE COURT: Okay.

10

11 THE WITNESS: So number 55 is an overall of the
12 driver's side, and the open door on the driver's door. Image number 56 shows the
13 dashboard of the grey Ford Escape. And this grey Ford Escape, sitting in the
14 heater vent, in the defroster vent, just balancing on -- on an edge was another
15 bullet casing, and I marked that as number 11, and this is a mid-range bullet casing
16 11.

17

18 Q MR. BURGE: Fifty-seven?

19 A Fifty-seven. And 58 is looking at it through the windshield and how it was
20 balancing in the defroster vent. And this is a close-up of the -- of the primary
21 area, and it, too, had the -- had the markings, BXN, and the number 53 stamped
22 in it. And that's image number 59. So image number 60 shows the passenger
23 side door glass, and I -- in this case I want to note that the top edge of that door
24 glass is -- that's the machined edge, so the window was rolled down to this
25 level at the time, and the rest of it is obviously broken, but that's -- that's not a
26 broken edge. That's the machined edge of the window. And that's the
27 passenger side on the grey Ford Escape. And there it is again.

28

29 Q In 61?

30 A In 61. So 62, we conducted an extensive search of -- for a couple of different
31 reasons, but primarily we were searching for the bullet that we -- the bullet --
32 the bullet that had killed Mr. Boushie, and that -- it was -- it was thought that
33 the bullet could have travelled through the passenger side window and broke
34 the glass on the way out, and so our area of focus was primarily along the
35 house, and in this bush and under the deck and along the space of the house
36 and all this gravel area in-between. We searched both sides with metal
37 detectors, and we conducted a shoulder-to-shoulder grid search of the entire
38 yard. That's how we located the other bullet casings in the yard. And -- but
39 when we were looking for the bullet itself, this is where -- this is where we
40 were focussing on when we were at the scene. And that's image number 62. So
41 we found all sorts of -- of exhibits in here. As well, now, these were spent

1 casings, spent cartridges, and there's a dog house and the edge of the deck and
2 stuff there, and you can see some -- some flowers.

3
4 Q Now, we're on photo 63?

5 A Yeah, image number 63, and these were spent casings. The difference between
6 these casings and the other casings on the road, number 3 and number 4, were
7 that -- and number -- and number 11 which was found on the dash, was that
8 these casings all appeared to be corroded. And you can see that in this image
9 number 64. This was number 5. It also had the same markings, BXN, and the
10 number 53 on it as well, but it does show signs of corrosion. And this is
11 number 6. This is a .22 shell. And it was also corroded. Number 7, the same
12 thing, a .22 shell. Number 8 was a .22. Number 9 is that BNX and the number
13 53 again on it, but it was a corroded casing as well. However, I didn't know
14 what the relevance was of it, so we collected these items. Number 10 is the
15 same, it's a .22 shell, appeared to be corroded. There was also some -- like, in
16 our search we did locate some more shells on the opposite side. This is image
17 number 70, and we did also locate some more casings just off the steps on the
18 deck, and so these, too, were collected. This was number 12. It was a .22 shell.
19 And number 13, again, was BNX and the number 53 on it, but it did appear to
20 be corroded as well. That's number 72. And number 73 is another .22 shell,
21 which appeared more recent, but that -- that was also collected, number 14, and
22 that's image number 53.

23
24 Q Corporal, you've described a number of these casings as appearing corroded.
25 How did that compare to the exhibits 3, 4 and 11?

26 A The difference between them is that they weren't corroded. The other three
27 weren't corroded, but these certainly were.

28
29 Q Okay. Please continue.

30 A So as I've mentioned before, it appeared that -- this is image number 74, and
31 what I'm trying to show here is the homeowner's vehicle. This was the blue
32 Ford Escape, the 2012 blue Ford Escape. And you can see -- this was the night,
33 the first night that I arrived out there. And there's these dark marks or this dark
34 grooves in the road. One -- the one on the far right of the image led right up to
35 the driver's side wheel on the grey Ford Escape, and the other mark was a drag
36 mark which led all the way up to -- to the exhaust system which has been
37 damaged and was twisted around the suspension on the grey Ford Escape. And
38 so if you look closely near the passenger rear wheel, you can see the dirt is a
39 different colour than the rest of the dirt around it, and which was -- which
40 indicated that it had been knocked over to one side, and knocked over to the
41 left, and that approximately three or four feet of movement was noted. And you

1 can see scratch marks and damage just over the top of the passenger side
2 wheel, and I'll have another image of that coming up. So this is that damage on
3 the passenger side wheel, and --
4

5 Q This is exhibit -- or photo 75?

6 A Photo 75, and this is damage to -- to that wheel well. And this is just a
7 sampling. I marked this as number 15. This was a paint sample which I --
8

9 Q This is photo 76?

10 A Yes, photo 76.
11

12 Q We need these photo numbers for the record just so that --

13 A Yeah, I understand.
14

15 Q -- people can read the transcript and know what we're looking at.

16 A Photo 77 shows the grey Ford Escape now and damage on the passenger side
17 front -- front fender, front -- front wheel area. Image number 78, this is when I
18 had the vehicle back at our FIS secure bay, and it just shows the damage noted
19 on the fender as well. And these were -- image number 79 shows paint
20 scrapings which I collected and measurements which -- which I made as well
21 on the damage of -- on the vehicle. It is important to note at this point, too, that
22 image number 79 shows the wheel shoved back on the passenger side as well
23 into the fender, into the passenger fender. So image number 80, this is showing
24 there was a lawn tractor, and you can see it in the aerial photo as well, the
25 relationship between the lawn tractor and the grey Ford Escape. It's at the
26 approximate middle of the image, the aerial image on the right. And you can
27 see the lawn tractor. It's located right here in the approximate middle, so I
28 wanted to capture that relationship as well, in image number 80. And 81 is just
29 another angle of the same. 82 is just an overall of the lawn tractor. So 83 is
30 showing an overall of the front of the silver shed, or the silver shop. And we
31 had an extensive search of the yard conducted, and -- when we were acting
32 under the warrant, and so I'd organized searchers firstly to conduct the grid
33 search or the shoulder-to-shoulder search of the yard. And then they searched
34 all the outbuildings as well. And this -- this shop was part of that search, so this
35 is the front door of the shop.
36

37 Q That's 84?

38 A Eighty-four. And 85 is the inside of the shop. Now, this shop is split into two
39 parts. The front half is kind of like a workshop and then the back half is a
40 stable riding arena, a stable and riding arena, so this is the doorway that leads
41 into that riding arena.

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Q That's 86?

A Eighty-six. And 87 shows after I've been through the doorway, this is just showing the -- the view going back. And on the right of this image you can see the -- there's a plywood -- plywood wall, and the wall had a sliding door in it. And so image number 88, the door is -- is slid open, and now this is into an office in this area. So image 89 shows just an overall of the inside of the office. And on the left is a desk with the drawers that are pulled open. And this appeared to be somewhat of a storage/reloading station for ammunition in image number 89. And image 90 is an overall of this -- this desk and -- and ammunition that was found on it and in it. And 91 is a bag of -- of ammunition, which was located in the desk drawer of this desk. And image number 22 are -- were bullets located in boxes and -- and situated on rails and stacked -- orientated like that, and stacked on these thin rails and there was several boxes. And these were marked with placard number 17. And so all those bullets had the markings of BXN and then number 53 located on them, and that's in image number 93. 94, as I said before the searchers had conducted a thorough -- or an extensive search of the farmyard, and they located several weapons, kind of scattered in different areas. So image number 94, this is the shop area again and that same metal shed. And on top of the shelf marked image number 18, or placard number 18 in image number 95, and that was a -- a rifle -- a dart gun which was marked 18. And just to correct this right now, image number 96 is -- is an image of this rifle that's inside the case. There is a typo, however, on my -- on my report. It said that it had been marked -- the gun was marked 17, but it should have read 18 obviously as it's in the photo it's -- it's 18, and that's just on the table of contents on number 96. It should have read 18 instead of 17. So image number 97 is a house -- is the house, the homeowner's house of -- a view from the north side. And image number 98 is the -- is the victim's vehicle, the grey Ford Escape and the back door of the house and the deck area. Image number 99 is just an overall of that doorway and the deck. Image number 100 is a view from the deck looking at the grey Ford Escape. Image 101 is showing the back door open and -- and the back entrance. Image number 22 is that same back door, but this image is -- this photo was taken looking back towards the door. And image number 103, you can see the doorway on the right, and then there's a closet on the left. The closet doors are open, and then beside the closet is a bathroom, and this back landing area, mud room area. Image number 104 shows the bottom of that closet in that mud room area, and there's a black box right beside this -- right beside the blue Rubbermaid container, in image number 104 that I indicated or I marked that with placard number 19, was this black gun box. And that's image 105. And so this gun box, in image number 106, this is back at my FIS lab, and this is how it was --

1 it was -- it was documented. And this is the -- this is once it's been opened, and
2 there was two pistols inside. I emptied all the contents of everything out of the
3 -- sorry, this is image number 107 -- I emptied all the contents out of the gun
4 box and laid them all out and documented them. That's how I found them. So
5 image 109 are two pistols in brown leather -- brown leather holders or holsters.
6 So as I mentioned before, anytime I have an exhibit and I remove something
7 else from that exhibit I add a letter to it. So in this case, number 19 is a
8 Tokarev Model 33 pistol with a black star on the handle grip with serial
9 number 290, and it has an unusual -- an unusual star, triangle marking inside a
10 circle, and then the year 1947 on it. And this is that same Tokarev model. You
11 can see I've given it letter 'A'. And the contents of this gun -- or the contents
12 of the gun box and the weapons that were found, none of them were loaded.
13 There was no ammunition in the box. This is also another revolver which was
14 located in the box as well, and it's -- what number is that? That's image
15 number 112, and that was the revolver that was removed from inside a holster,
16 and this one was marked 19B. And so this is the kitchen area again, looking
17 back at the back door, and this is image number 114. And this is just the
18 kitchen area again. To the left of this image you can see a hallway, and this is
19 the hallway leading down to the end of the -- or this is the hallway and
20 bedrooms on either side and the bathroom on image 116. At the end of the
21 hallway was a bedroom on the left in image 117, and this is that bedroom in
22 118, an overall of that bedroom. And along the wall, in-between the wall and
23 the bed were two other rifles which were located in image 119. And in 120,
24 this was a rifle which I marked with placard number 20, and this was a shotgun
25 which was also found alongside the bed and the wall in image number 121, and
26 this was marked number 21. So this is the back landing again, and I'm trying to
27 tie together the stairway leading down into the basement in image number 122.
28 This is the stairway leading down into the basement. And now you can see the
29 basement stairs on the left and a doorway straight ahead, and this doorway
30 leads to an office in image 124. And in image 125 it shows the open door of
31 the office. And in image 126 there was several firearms located in the office as
32 well, some leaning up against the walls, some in gun racks on the walls. So all
33 of these rifles were marked with placard numbers, 22, 23, 24, 25, 26, 27, 28,
34 they were all -- they were all marked with these placards and documented. And
35 that continues on from image 128 to image 132. So just towards the end of the
36 night, just before we were ready to leave the scene, I was notified by searchers
37 that they had actually located a couple -- two shoes just at the end of the
38 driveway on the gravel road, so I took an overall of where I was, and as you
39 can see it's getting dark. This is --

40

41 Q That's 133?

1 A -- image 133. And 134, this is those two shoes located on the road, and I
2 marked those with placard number 29. And in image 135 this shows the two
3 shoes. So that's -- that's the completion of the processing of the -- of the
4 farmyard.
5

6 THE COURT: Just before you go on, the two shoes,
7 were they found in the farmyard or outside the farmyard?
8

9 THE WITNESS: That's where they were found, just at the
10 end of the driveway on the road, and that's right along the -- the main grid road
11 and the driveway.
12

13 THE COURT: So on the driveway or on the grid road?
14

15 THE WITNESS: On the grid road.
16

17 THE COURT: Okay.
18

19 MR. SPENCER: Your Honour, if the witness is about to
20 shift gears it might be a good opportunity to take a brief morning break?
21

22 THE COURT: Is this a convenient time for a break?
23

24 MR. BURGE: It is because we'll be putting in another
25 disk.
26

27 THE COURT: Okay. We'll take a ten-minute break.
28

29 (ADJOURNMENT)
30

31 MR. BURGE: Okay. Your Honour, we have Exhibit
32 P-2 placed inside the computer, and -- which is the photos of the vehicle taken at
33 the -- at the secure bay.
34

35 Q MR. BURGE: But before I get into that, Corporal, the
36 Tokarev that you described, if you could give us the full serial number for that
37 if you wouldn't mind?
38

39 A Yeah, when I first was speaking about it, I forgot that there are actually two
40 letters before the serial number, and they're Bravo November or BN, and then
41 there -- it's 2903 and then it's got this circle with the triangle in it, and then the
year 1947.

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Q Okay. And Corporal, I'd like to ask you a few questions just about -- I know you've assigned placard numbers to various exhibits that you -- as you came across them. Is that how it works?

A Yeah. And quite honestly, this is always a difficulty with exhibit numbers, as I assign an exhibit number with -- with my photograph number, and then the detachment takes on that exhibit, and then they assign it a number, and then it goes to the lab, and they give it a lab number, and then it goes to the DNA lab. So oftentimes -- but my number corresponds with my image and then I add the number in.

Q Okay, after that. If you can just -- sir, if you can just, I'm going to refer you to certain exhibits where you've given us a placard number, and then if you could also give us the exhibit number that was assigned at the detachment?

A Okay.

Q So placard 1 was the -- was the Cooley rifle?

A Yes. And that would be property exhibit 60 --

Q And --

A -- or PE-60.

Q Placard 3 and 4 were -- were expended cartridge cases that were found in the driveway?

A In the driveway, yeah. And so number 3 is PE-35 and PE -- and number 4 is PE-36.

Q Placard 11 corresponded to a casing that was found on the dash?

A Yes, and that's PE-43.

Q Okay. You have placard 17 related to a bag of ammunition found on -- in the shop area?

A Yes, and that was -- the detachment assigned that PE-33.

Q And the --

THE COURT: Sorry, PE?

THE WITNESS: Thirty-three.

THE COURT: Three-three. Okay.

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Q MR. BURGE: And the Tokarev, that was placard 19A?
A Yeah, 19A , that was -- well, 19 was -- that was 87, PE-87.

MR. SPENCER: I apologize, but PE-11?

THE WITNESS: Was 43.

MR. SPENCER: PE-43. Thank you.

THE WITNESS: Yeah. And so just to be clear, too, the detachment uses the long file number or the file number, and then the PE number, so it'll -- it would be the 2016-1041714-PE and then the exhibit number, so that's how we assign those numbers.

Q MR. BURGE: Thank you. Now, Corporal, perhaps if we could move on to Exhibit P-2, which is -- which are -- why don't you tell us, first of all, I understand the either charcoal or brown or grey or whatever colour was of the -- of the -- of the Explorer -- Escape -- or the Escape, pardon me -- I understand that was seized and taken somewhere?

A Yeah. So it was documented and photographed in situ at the scene, and then it was -- it was towed back to the FIS detachment secure bay, and then I processed it there. And this presentation that I've provided is an overall or an overview of the processing of that vehicle, and that was a 2003 grey Ford Escape with -- with Saskatchewan licence plate number 048 Juliette Victor Yankee.

Q And this took place at the Saskatoon Detachment?

A Yeah, at the RCMP Forensic Identification Section's secure bay.

Q Thank you. Please show us your presentation of this then, please.

A So in -- in this case, the same as the other times before, we start off with a photo index card, and I processed this vehicle. It took two days to process the vehicle, and it -- I started on the 13th and on the 14th. And this is -- this is an overview of the vehicle in our secure bay at the Forensic Identification Section detachment or office, rather. And so there's a few things that I noted, just about the general condition of the vehicle. And I noted that the -- the outside was muddy and dusty, and that the inside was wet and it had a strong odour of mildew. I noted that on the left side there was only shreds of the tire bead which were still left on the rim, on the left front driver's side tire. The rest was gone, leaving only the rim. The front grill was missing. The front bumper was

1 loose and hanging down. The hood was dented. The windshield was broken on
2 the left side. The right front fender was scratched and dented and pushed
3 backwards into the right front door, the passenger front door. The right front
4 door wouldn't open unless -- because it would bind against the passenger front
5 fender. The right tire was pushed back into the inside fender skirt of the
6 passenger front tire -- or front fender. The front axle was pulled apart, but the
7 transmission and the constant velocity joint or the joint on the axle was pulled
8 apart. The catalytic converter was -- and the exhaust pipe was twisted
9 backwards around the rear suspension and dragging by the muffler hanger. The
10 right front door glass was broken. The right rear quarter glass was broken and
11 had been taped over. The antifreeze, or the oil was low, but on the dip stick.
12 The antifreeze was low in the expansion tank, but present. The vehicle would
13 start and run with a boost, and the mileage on the vehicle was 194,963
14 kilometres. And I found it to still be in drive.

15
16 Q Okay. And Corporal, you said it would start with a boost. When you first came
17 across the vehicle at the scene, what did you notice about the vehicle?

18 A So there was a -- a chime going off in the vehicle when I first arrived on scene
19 because the driver's door was open, and the keys were still in it. And so we
20 hadn't changed or altered the door or the vehicle in any way. And during the
21 time we were waiting for the warrant to be written, it had sat there, I guess, and
22 chimed the entire time. The battery was dead. So when I put the booster pack
23 on the vehicle, when I had it at the FIS bay, immediately the chime came back
24 on in the vehicle, and then it powered up. The battery was completely dead
25 when I had it here.

26
27 Q Now, if you can just take us through your presentation, please.

28 A So this is the driver's front -- image number 2 is the driver's front. Image
29 number 3 is the driver's rear. Image number 4 is the passenger rear. Image
30 number 5 is the passenger front. Image number 6 is the overall of the driver's
31 door when it's open. Image number 7 shows the red stain that was on the
32 driver's door panel, which I -- I marked this red stain with marker number 35,
33 and this area was swabbed and collected as evidence. That's number 35, and
34 the area that was swabbed. Number 9 shows an overall of the driver's
35 compartment. Number 10 shows the driver's seat and floor area. You can note
36 saturation stains on the floor of a red substance as well as on the seat. Number
37 11 is -- is showing marker number 36 which is on the edge of the driver's front
38 seat. This area was also swabbed and collected -- and the swab was collected as
39 evidence. That's a close-up of 36.

40
41 Q That's number 12?

1 A Number 12. Number 13, these were items I located. There are all bullet
2 casings, and this is an overall of the location of those bullet casings or bullets,
3 rather, and casings. And so --
4

5 Q If I can stop you, what do you call a bullet and what do you call a casing?

6 A Well, a bullet would be a live round or a -- a round that still had a bullet in it,
7 and then the casing would just be the casing after it's fired.
8

9 Q Okay, thank you.

10 A So in this case, this is -- everything that I collect out of a certain area, I
11 basically break the vehicle down into quadrants, and so everything -- and this
12 is how -- this is the process that I've been taught and how it's followed every
13 time. Everything is emptied out of the vehicle, and first it's photographed in
14 situ and then it's emptied out of the vehicle, and -- and categorized. And so the
15 first shot was of those bullets and casings, which I've located, which were
16 marked 37, 38 and 39, and then this was -- and all the contents that were in the
17 vicinity of the driver's area.
18

19 Q Okay. Now, we're looking at that image 14?

20 A This is image 14. So image 15 is -- is the driver's rear door, and this is the
21 inside on image 16, the -- the image of the driver's rear seat area. And this was
22 the contents that was located in the vicinity of the driver's rear seat area.
23

24 Q That's 17?

25 A That's 17. Number 18 is a -- is a shoe which was marked number 40. It was
26 located in the driver's seat rear area, the seat -- the rear seat area, number 18.
27 Number 19 is the passenger front door, the inside of the passenger front door.
28 And as I've mentioned before, the only way that I could get this door to open
29 wide was that I had to -- to use a screwdriver to pry the -- the front fender away
30 from the door so that it would open. Number 20 is looking inside the passenger
31 side front seat area. Number 21 are exhibits which I located on the floor of the
32 passenger seat area, and these were 41, 42, 43 and 44, and there they are again
33 with -- along with all the contents that were located and as well as number 45,
34 which was the shoe that was found under the -- under the seat. 41, 42 and 43
35 were -- were bullet casings -- or were bullets, and 44 is a -- is an ammo box or
36 a .22 calibre ammo box. And this is in image number 22.
37

38 Q Okay. Placards 41, 42 and 43, what was the calibre of --

39 A You see all the -- all the bullets or casings which were found in the vehicle
40 were all .22 shells. So 23 is an overall of the passenger seat area, and more
41 particularly the console, and these were items -- these were bullets and casings

1 which were located in the centre console. That's image 24. And image 25
2 shows everything from the centre console, and you can see 46, 47, 48 were
3 bullets and casings. 49 was a pink cell phone, a pink iPhone. 26 is the
4 passenger rear door interior. 27 is the rear seat on the passenger side. And 28
5 was showing exhibits 50 -- 50 and 51, which were also bullets located in the
6 back seat. And 29 shows those bullets and everything else which I located in
7 the -- on the passenger side rear seat area. 30 -- image 30 shows an overall of
8 the trunk area, what was in there, and so these pictures, 31 is some of the
9 contents from the rear seat. 32 is an extension of those -- those items from the
10 rear -- or the back trunk area. 33 is also from the trunk area. Image number 34
11 is also from the trunk area. Image number 35 is the trunk area as well, and this
12 is just different angles of the same -- same property. Image number 36 is more
13 of the contents of the rear trunk area. And so image number 37 shows the
14 overall of the driver's front side. I wanted to just get us back to this location
15 again, the driver's front. And image number 38 is showing the driver's front
16 rim. And I marked this as exhibit 52. And so this is that driver's front rim
17 which had been removed from the vehicle marked 52, image number 39. And
18 image 40 is the passenger front wheel, and as you note it's -- it's pushed back
19 into the passenger fender, so there is a fairly large gap in the front of the -- the
20 distance between the tire and the front of the fender compared to the distance
21 between the -- the fender and the edge of the tire on the back. There it is again.
22

23 Q Forty-one?

24 A In 41. And 42 shows the constant velocity axle which had been pulled apart at
25 the transmission.
26

27 Q What does that mean, to have the constant velocity axle pulled out?

28 A Well, in this case it would -- it would render the vehicle inoperable. It wouldn't
29 be able to move without the axle being installed. Even though the driver's side
30 axle was still in, it's unlikely that it would be able to move after this, after that
31 was pulled away. And image number 43 just shows the dashboard of the
32 vehicle with the shift indicator still in drive. And that's the end of my
33 presentation for the vehicle process.
34

35 Q Corporal, you've mentioned previously looking for the bullet that -- that -- that
36 may have broken the passenger window and may have ended up outside near
37 the -- near the residence.

38 A Yes.
39

40 Q When you examined this vehicle in the secure bay did you look to see if there
41 was any sign of any bullet impact within the vehicle?

1 A Yes. So there's -- it's a process we follow every time, especially -- with vehicle
2 processing. Seat tapings are collected. A strong white light exam is collected or
3 -- or other kind of light exam is -- is conducted, if required. And in this case,
4 this was no different. Exhibits are collected. In this case it was no different. I
5 conducted a white light exam. I pulled everything out of the vehicle. I looked
6 for signs of an impact in the seats. I looked for signs of impact in the door
7 panels and under the dash and on the carpet, and I cleaned everything out
8 inside. I never found the bullet casing or the bullet and -- or fragments of it for
9 that matter in the vehicle. And we also, at the scene, you recall around the side
10 of the house where all those exhibits were looked at, we had searched that area
11 extensively, and the bullet or fragments of the bullet was never found.

12
13 Q What -- did you use -- did you use any technology at the scene to look for the
14 -- for the bullet?

15 A We -- we used metal detectors at the scene.

16
17 Q You said you looked at the vehicle with the white light?

18 A Yes.

19

20 Q What's that?

21 A So we have -- we call it a strong white light source. There is different -- as, you
22 know, if you imagine your house and how you have different shades of lights
23 in your house, this is a very pure white light, and it's a very successful
24 technique or a technique that's used for examining for blood splatter, for
25 enhancing dark areas, and it -- the colour, the white, the pure white colour is
26 the best for examination, and that's the kind of white I -- light I used in this
27 case.

28

29 Q Now, Corporal, you have shown us photos where there appeared to be pooling
30 of a blood-like substance on the driver's door and -- and just inside the vehicle
31 on the driver's side.

32 A Yes.

33

34 Q Did you find any other evidence of blood in the vehicle?

35 A No. It was -- it was contained to the driver's side and to the area between the
36 driver's seat and the door panel. There was a large saturation stain in the seat
37 itself and on the carpet. And there was also an area that -- of pooling, and then
38 there was some satellite staining which is indicative of -- of liquid being
39 dripped into -- into that red substance, which appeared to be blood, and then
40 splashing back up on the side of the door, and so all these things were
41 consistent with it being contained into that area, and I never found any other

1 sign of spatter anywhere else in the vehicle, which -- which is reasonable in
2 this case because the victim did have a hat on, and he had a -- a bunny hug
3 style or a hooded style jacket on. And in cases like that it's -- it's not unusual
4 to have all the spatter and impact contained to the clothing.
5

6 MR. BURGE: Thank you, Corporal. I think you've
7 answered all of my questions. Would you please answer any questions that my
8 friend might have?
9

10 THE COURT: Cross-exam?
11

12 **Mr. Spencer Cross-examines the Witness**
13

14 Q MR. SPENCER: You said that you (INDISCERNIBLE).
15 Who served the search warrant on -- who did they serve it on, and when did
16 they do that?

17 A That's a responsibility left to the Major Crimes Section. I'm provided a copy of
18 the search warrant, and after that I'm not sure where it goes from there.
19

20 Q So you have no idea if it was served on them in the (INDISCERNIBLE)?

21 A I don't know when it was served on them.
22

23 Q The pink iPhone, the one in the photo there, did you determine whose that
24 was?

25 A No.
26

27 Q Who owned that?

28 A No, I didn't.
29

30 Q Okay.

31 A No, it was an exhibit which was provided to the lead investigators.
32

33 Q So you're not aware of any effort to identify whose that was by fingerprinting
34 or anything of that nature?

35 A Yeah. It was fingerprinted, but it wasn't -- nothing else was done.
36

37 Q Okay. Did you even get fingerprints off it?

38 A No. In fact, unfortunately in this case there was no fingerprints found on
39 anything that I processed.
40

41 Q Is that not fairly rare that a cell phone wouldn't have --

- 1 A Yeah, in this case --
2
- 3 Q -- at least one fingerprint on it?
4 A -- in this case they -- they were, from what I recall, there was a muddy kind of
5 smeared -- and it's not uncommon to see on screens -- like, sometimes on
6 touch screens on vehicles and stuff, too, there might be a lot of impressions,
7 but impressions that are actually identifiable is another story. And in this case I
8 didn't find any that were identifiable.
9
- 10 Q You never made any other efforts to find out whose phone it was?
11 A Well, that's kind of where my job ends and then it goes on to the next.
12
- 13 Q Okay. You indicated -- and I thought you were going to come back to it -- the
14 groove marks which are the tracks left by the -- the flat tire. Can you throw up
15 P-1, photo 16, for me?
16 A I'd have to change the disk out. If you can bear with me I can do that.
17
- 18 THE COURT: Go ahead. Before -- Mr. Spencer, you're
19 -- I'm perfectly willing to allow you to jump back and forth, but --
20
- 21 MR. SPENCER: Yeah, I had --
22
- 23 THE COURT: -- it would make more sense if you could
24 do this first, but you can do it in whatever order you like.
25
- 26 MR. SPENCER: Yeah, I hadn't -- hadn't thought of that
27 complication, so maybe I will try that to go at it the other way and try to deal with
28 P-2 first, and if I --
29
- 30 THE COURT: Okay, but you have time, so whatever
31 you like.
32
- 33 MR. SPENCER: -- if I stumble, I'll appreciate the court's
34 indulgence, just so you understand.
35
- 36 Q MR. SPENCER: Okay. So could you put up P-2 then, if
37 we're -- if it's already in there, and we'll start with it, photo number 2. Okay.
38 And you've got -- there is no way to blow that up at all?
39 A No, I can't on this. I'm sorry.
40
- 41 Q Okay. Now, would you agree with me that if I were sitting in that vehicle I

1 would have trouble seeing to the left on the driver?

2 A Out the driver's window?

3

4 Q Yeah.

5 A I'm sorry, I don't understand what you're asking me. Like, to the left -- I think
6 you could see out to the left. Behind you maybe not. Is that what you're after?

7

8 Q No, I'm getting -- if I'm the driver and sitting in that vehicle driving it forward,
9 I'm going to have trouble seeing to my immediate left through the windshield?

10 A Oh, through the damaged windshield? Yes.

11

12 Q You'll agree with that?

13 A I'd agree with that.

14

15 Q And would you agree with me that to the right I wouldn't have very much -- or
16 very much difficulty seeing to the right?

17 A The windshield wasn't damaged on the right side.

18

19 Q And then maybe we don't need the photo, but the groove marks you -- you said
20 you paid particular attention to those, both before and after the rain?

21 A Yes.

22

23 Q Okay. And I suppose the photo that you've got beside you might be adequate
24 for our purposes.

25 A It can be seen in this image.

26

27 Q So would you -- you had a closer look, so probably as good evidence as
28 anybody, but would you agree that from approximately here, and right now I'm
29 just by the bulldozer there, can you show me approximately where the -- the
30 'Y' is where they turned around?

31 A The 'V' is --

32

33 Q The 'V'?

34 A -- is approximately in the centre of the yard. It's right there.

35

36 Q Okay. So for --

37 A So it's --

38

39 THE COURT: You're pointing east and south of the
40 grey -- or sorry, the tan-coloured vehicle; is that correct?

41

- 1 MR. BURGE: Perhaps we can clarify something.
2 Which way is north on this?
3
- 4 MR. SPENCER: Which way is up?
5
- 6 THE WITNESS: North is actually down on this image.
7 Unfortunately when we started it was upside down. North is -- the -- the yard is on
8 a bit of an angle, so north is kind of on this -- on the bottom left corner, but yeah,
9 it's approximately -- it's -- it's in approximately the centre of the -- of this metal
10 shed's yard. Okay, right there. You can just see it.
11
- 12 Q MR. SPENCER: So up here the burnt marks beside the
13 quad, that's -- would tell you that it stopped there for a period of time. That's
14 what would have --
15 A Yeah.
16
- 17 Q -- burnt -- burnt the ground?
18 A Yeah.
19
- 20 Q Okay.
21 A I don't -- I wouldn't say it was burnt, but it was -- it was agitated.
22
- 23 Q Well, you don't think those black marks are from it being so hot that it's
24 actually -- that that's from heat?
25 A I didn't notice anything like that. It was just dirt.
26
- 27 Q Why -- why would it discolour the -- the dirt if it wasn't from the heat?
28 A No, it was just -- it appeared to be dirt to me. It didn't look burnt.
29
- 30 Q Okay. Well (INDISCERNIBLE). So then it backs out, and can you -- because I
31 am having a little bit of difficulty seeing this, but it looks to me -- where is the
32 'Y' there in that -- in that?
33 A It's -- it's -- do you see it turned?. Okay. And it ends up right there.
34
- 35 Q Okay. So we're looking essentially basically just north of the front of this
36 trailer parked there?
37 A Yes.
38
- 39 Q Okay. Now, from there you can see the track quite a bit better going west. So
40 from where the 'Y' occurs it starts heading -- and would you agree with me
41 that it essentially goes straight from where it backed up and turned around, the

1 -- the 'V' all the way to the blue -- this vehicle?

2 A Yes.

3

4 Q So -- and if you did -- and I think you did indicate you did -- you stood behind
5 there, and it's pretty straight?

6 A Yes --

7

8 Q Okay.

9 A -- within reason, yeah.

10

11 Q Yeah. And didn't see any veering to the left --

12 A No.

13

14 Q -- which one might expect with a flat driver's side tire? You didn't observe
15 anything like that?

16 A I didn't notice anything like that.

17

18 Q Okay. From the evidence, having been -- and out in the yard, were you able to
19 determine any reason that that vehicle would have slammed into the blue
20 Escape? If it was heading straight out of the yard, any reason that it would have
21 hit that, that you can think of?

22 A I don't know if my opinion is appropriate in this. I can just tell you that it -- it
23 appeared to strike it. There was evidence that it did strike it.

24

25 Q Okay. Any -- no, I appreciate that, but of course you were there, and so we
26 want -- you know, I want you to help me out as much as possible. Any -- did
27 you see any reason looking in that yard, that that -- the grey Escape would have
28 slammed into the blue Escape?

29 A There was -- there appeared to me to be enough room for that grey Escape to
30 get past it.

31

32 Q Okay. Did it appear to you, having observed it, that the grey Escape turned into
33 the blue Escape?

34 A No.

35

36 Q How --

37 A No, because like you had mentioned before, the track was fairly straight --

38

39 Q Right.

40 A -- and so it was -- even from back here it could have been -- there was ample
41 time to move if they wanted to avoid it. There was an ample distance.

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Q Okay. I think we may be out of sync there, but the -- the track as it was heading straight, if -- if the grey vehicle hadn't been steered to the right, it would have went right out the yard without any contact?

A Oh, I see what you -- I -- yeah, I don't -- I don't know for sure. It didn't -- it didn't appear as though it was going to strike that if it hadn't turned.

Q Right. Okay. And that's all (INDISCERNIBLE).

A Yeah, it's -- yeah.

Q It appeared that it turned into the blue Escape?

A If that's what you're -- yeah, I can say that --

Q Yeah. Okay.

A -- with confidence.

Q Now, the blue Escape was pushed sideways. And again you were -- you were on site and you were on site before and after the rain, so I'm hoping you can help us out a bit. How much force do you think it would take to move that vehicle sideways?

A I can't speak to that. I don't know.

Q Okay. Did -- did the investigators do -- do any accident reconstruction-type assessment in this to determine how much force --

A No, Your Honour, they didn't.

Q None at all?

A No.

Q Wouldn't that be standard when you have an accident that your --

A Yeah. In this case it wasn't done.

Q Okay. Okay. So that was -- certainly -- and I've gone through quite a few questions here. No fingerprints on anything?

A No.

Q Okay. So the P-1 -- or sorry -- number 1, your -- your number 1 was a rifle?

A Yes.

Q Did you try to get fingerprints off that?

A Yes, I did.

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Q Absolutely nothing on it?

A No.

Q Nothing on any of the bullets inside?

A No.

Q Okay. Okay. The shell casings that were in the grey Escape --

A Yes.

Q -- okay, did you try fingerprinting those?

A Yeah, I fingerprinted all of them.

Q Okay. Nothing?

A Nothing.

Q Okay. You indicated that there were three shell casings found in -- in the -- two in the yard, one in the -- in the blue -- or sorry, the grey Escape that appeared to have been fired recently?

A They appeared different than the corroded ones that I located around the house.

Q Okay. Any way to assess whether those would have been fired?

A I can't. Perhaps a firearms expert could, but --

Q Okay.

A -- I'm not a firearms expert.

Q Okay, but they didn't look corroded. The shell casings were .22s that were in the grey Escape?

A With the exception of PE-11, which was the one that was found in the dash.

Q Right.

A Yes.

Q They were .22 calibre?

A They were all .22 calibre.

Q And the one that was found on the dash that you put number 11 --

A Yes.

Q -- what's the calibre of it? I should know (INDISCERNIBLE).

1 A I don't know the calibre. All I know is the markings that were on the --

2

3 Q Okay.

4 A -- on the end of it.

5

6 Q Okay. Now, the casings that were in the grey Escape, were they corroded?

7 A No, not like the ones that were in the yard.

8

9 Q Okay. Well, were they corroded at all?

10 A Yeah, I don't -- I'd have to refer to -- to my -- to my notes, but they weren't --
11 they weren't corroded like the ones in the yard. They didn't appear to be old
12 like the ones in the yard did.

13

14 Q Right. So your -- your best evidence would be that those had been fired
15 relatively recently?

16 A Yes. Well -- or not exposed to conditions that would have corroded them.

17

18 Q Now, how many casings were in the -- in the grey Escape?

19 A There was 17 live rounds and 11 spent rounds.

20

21 Q Scattered throughout the --

22 A Yes.

23

24 Q -- the grey Escape? And did that include the ones that were -- does that include
25 the ones that were in the P-1?

26 A In the rifle? No. Those --

27

28 Q No?

29 A -- there was five live rounds in the magazine and there was one in the chamber.

30

31 Q One in the chamber. Give me a second. I'll try to coordinate the
32 (INDISCERNIBLE). Okay. So the -- do you have any opinion on the degree of
33 force to slide the -- the blue Escape sideways like that?

34 A The only thing I could mention about the -- the movement is that it was
35 significant enough to move it approximately three or four feet.

36

37 Q Skidded it directly sideways?

38 A Yeah.

39

40 Q And it was obviously stationary at the time is your -- your evidence was that it
41 appeared to have been --

- 1 A Appears to be, yeah.
2
- 3 Q -- not that it would be moving and would slide. It was --
4 A The skid mark was straight from a parked position.
5
- 6 Q Okay, that's fine. Okay. So the -- the vehicle, the grey Escape, you took
7 possession of that?
8 A Yes.
9
- 10 Q And you indicated that you did some white light testing?
11 A Yeah, a white light exam.
12
- 13 Q Okay. And would you videotape doing that?
14 A No.
15
- 16 Q Why not?
17 A Just -- I don't -- I would search with a white light. If something of interest
18 would come up, then I would document it and it would be photographed.
19 Vehicles are generally -- in fact, I don't think I've ever seen a video of a
20 vehicle processing. The scene video -- or the scene is videoed, but not the
21 vehicle.
22
- 23 Q Okay, because if you do that test, and there is no -- no results from that at all is
24 there?
25 A From the white light exam?
26
- 27 Q Yeah.
28 A Well, the areas on the door and the -- and the saturation stains on the seat, that
29 was part of it. Searching for any exhibits that was part of it as well, and looking
30 for this, the fragments of a bullet, that was part of it as well.
31
- 32 Q Okay, but I guess that's what I'm getting at is a reasonable place to look for the
33 bullet would be in that vehicle?
34 A Well, it was -- it was -- certainly was looked for, but I had expected that it
35 likely went out the window just given the fact that the window was broken. It
36 appeared as though it had travelled through the window. The -- the victim had
37 a -- had a wound which was through and through. And so at least a portion of it
38 could have went out the window.
39
- 40 Q Oh, it could have gone out the window. That's possible, but why would you
41 believe it went out the window based on what you've told us?

- 1 A Well, just from the way that the victim was sitting and the distance --
2
- 3 Q Okay.
4 A -- to the window.
5
- 6 Q And how do you know how the victim was sitting?
7 A Well, I -- I don't. I just know how high he was, and --
8
- 9 Q Okay. And did you do this examination before or after you would have had the
10 autopsy report?
11 A Oh, this was before the autopsy.
12
- 13 Q Okay. So how would you have any knowledge about how he was sitting, the
14 path of the bullet, anything of that nature? Where would you get any of that
15 from?
16 A Witness statements and the driver's --
17
- 18 Q Okay.
19 A -- the -- the blood saturation stains on the driver's side, and then I also
20 documented the victim at the scene, and I noted they -- the wounds on his -- on
21 his -- just under his ears on each side.
22
- 23 Q Okay. Just under his ears?
24 A Yeah, there was one just -- just near his ear on the left, and then just under his
25 ear on the right.
26
- 27 Q Right. And that's what I'm getting at is the entry wound wasn't under his ear?
28 A Well, no, the exit -- well, I don't know if it was an exit or an entry. I don't
29 know which way it went, but there was a wound on that side, and there was a
30 wound just above his -- or just near his -- his left ear and just below his right
31 ear.
32
- 33 Q Okay. And what would that indicate to you?
34 A Well, that part of the projectile went completely through.
35
- 36 Q Downward?
37 A Or upward. It could have went either way.
38
- 39 Q Oh, okay. Which -- which way did you think -- sorry, I thought that we'd
40 established that, but which way do you think the bullet went? Which is the
41 entry wound?

- 1 A I -- I don't know. It looked -- it appeared to me as though the entry wound was
2 on the left from the driver's side, and then through the passenger window or
3 like from that direction, but I don't know. All I know is that there was a wound
4 on both sides and that the window was broken.
5
- 6 Q Now, you said from witness statements, that also gave you some support for
7 your theory that it went out the window. What witness statements are you
8 referring to that would have --
- 9 A I was advised by Major Crimes that one of the witnesses had seen, just after
10 they had heard a shot, they had seen the accused at the driver's side window.
11
- 12 Q Okay. Well, how could that help you at all with trajectory, that somebody was
13 standing this -- on the driver's side?
- 14 A Well, this was just after the -- the gunshot was heard, and so if it was on the
15 driver's side then that would give me a directionality that it had maybe came
16 from the driver's side to the passenger's side, but it didn't matter one way or
17 another, but that was consistent with what I was seeing.
18
- 19 Q Right. And I understand that. What I'm having trouble with is how you would
20 conclude that it went out the window based on what you're telling me.
- 21 A Well --
- 22
- 23 Q If, in fact, it was from above the ear or the ear level down to the neck down
24 below the ear, it's a downward trajectory. And if it's coming from the driver's
25 side how is it not in that vehicle?
- 26 A Well, that's the thing. I don't know the body -- the positioning of the -- of the
27 victim's head at the time of the shot. He could have been hunched over. He
28 could have been tipped sideways. He could have been anywhere. He could
29 have come from the other side, too. Like, that was the problem -- or not the
30 problem, but that's the thing I -- I don't know. So I do know that there was a
31 through and through. There was something that went right through the victim,
32 and I do know that I had a broken window on the passenger side, so that's why
33 we focussed our efforts where we did.
34
- 35 Q Okay, but I thought you said you knew what his position was. That's why
36 you --
- 37 A I knew that he was in the driver's seat. His actual -- the way he was sitting in
38 the seat I --
39
- 40 Q So you had no idea whether he was hunched down, whether he was over --
- 41 A Oh, absolutely. No, I don't.

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Q No, and it would be pretty tough to know?

A Tough to know, yeah.

Q Yeah. So I'm having trouble though with how you can conclude on those circumstances, conclude that --

MR. BURGE: Well, Your Honour, he hasn't concluded. He's just telling us what he saw. He hasn't --

THE COURT: Well, he's indicated that, in answer to the questions that he believed that it broke the window and continued on outside the vehicle. It seems reasonable to me, Mr. Spencer, that that's a conclusion, but you can ask him. You can continue to ask questions on this if you like.

Q MR. SPENCER: And there's no big magic to this. I appreciate you've got to work with the evidence you've got, but it just seems to me that that vehicle has lots of evidence left in it. So you did this white test, and there is no evidence in that. When did you do this test, this white light test? Is there -- I haven't seen it. It surprised me a little bit I didn't see anything in disclosure to indicate that you've done a white light test to look for any bullet fragments. There is no mention of that, that I could see. Maybe I'm missing it, but --

A It's in my notes. It's in my report.

Q Okay. When was it done?

A Back at the detachment, at the FIS lab.

Q But no video of it at all?

A No, it's not videoed.

Q Now, blood spatter analysis, you know what that is?

A Yes.

Q Was that done in this instance?

A No, it wasn't.

Q Why not?

A Well, the thing with blood spatter is -- they're generally contacted when you have something that's not -- when you're trying to piece things together that aren't making sense, especially like if you end up in a scene where there's a

1 homicide and maybe somebody was injured in one area and then dragged or
2 moved to another area and then beaten some more, or placed in a vehicle, or
3 walked down the hallway that was injured, things like that when you have a
4 large -- well, not necessarily a large scene, but a scene where you're trying to
5 put spatter patterns and projected spatter patterns and things like that together.
6 In this case, it wasn't the case. Everything was consistent with what the witness
7 statements had told me, and -- and what I was seeing is that it was consistent
8 with a shot in the head on the -- on the individual that was -- he had a hood on
9 and a hat on, which contained the blood spatter, and there was a large pooling
10 in-between the driver's seat and the driver's door. And this -- then there was
11 (INDISCERNIBLE) of the blood from that area onto the driver's door and the
12 seat area. And it was contained in that driver's compartment. And then witness
13 statements had told me that at some point the door was opened and that the
14 victim had fallen out and onto the ground. And this made sense because there
15 was (INDISCERNIBLE) or there was a saturation of blood on the seat, and
16 then there was a saturation stain on the ground directly outside where he had
17 landed. There wasn't like a big spray or a big projected pattern that went
18 through the vehicle or onto the head liner or the back seats or anything like
19 that. In this case it was all contained to one area. It was consistent with what I
20 was seeing. It's consistent with things I've seen in the past, same kind of
21 situations. And -- and so in this case I -- I didn't consult with blood staining at
22 the scene, but when I did have them back -- did have the vehicle back in my
23 FIS office, I contacted blood staining out of Calgary, spoke with Sergeant Jen
24 Barnes (phonetic), and before my processing began, and -- and she confirmed
25 what I thought at the scene and at this point, that she wasn't going to come out
26 and deal with -- because there was nothing there for us. It was consistent with
27 -- with what I was seeing. It was consistent with what -- the staining that I was
28 seeing and statements that I'd heard from witnesses.

29
30 Q Okay. Big problem is you're saying it was consistent with what you're seeing,
31 but none of us get to see it. You didn't document. That's why you do the blood
32 spatter analysis so that we're -- all that, that you just said, that's all that would
33 be in that, but you decided that you had enough information that you didn't
34 need that evidence?

35 A Well, and --

36
37 THE COURT:

What's the question, Mr. Spencer?

38
39 MR. SPENCER:

Well, I'm trying to get his rationale for
40 not bothering with that gathering of evidence, and his indication is that he was
41 looking at it, and apparently the person from Calgary didn't want to come out.

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Q MR. SPENCER: Is that the essence of it, is that the Calgary person didn't want to come out and document the evidence you were seeing?

A Well, in this case I believe that the evidence was documented, and the -- and it was provided. I'd sent photos to the bloodstain pattern analysis member in Calgary, and she agreed and confirmed that there was nothing more that they could offer that we didn't already know.

Q So she was -- she was able to do that over the phone?

A From what I -- what I had e-mailed, she looked at the images that I had taken.

Q So she looked at some pictures and said I -- I don't need to look at the actual scene. I can make a conclusion from 600 kilometres away?

A I don't -- you'd have to ask her, I guess, but that's -- that's the indication she gave me. She wasn't going to attend.

Q Okay. So you didn't have the bullet. And from what I'm seeing here, if your theory is right, which I have no idea, but -- and it went out the window, the shot came from the driver's side, initiated at the driver's side, went out the window, it would have to have hit the house. Would you agree with me?

A Well, the thing about bullets, especially in a situation like this is, is a lot of times they'll fragment and they'll be just tiny little pieces that will fly away. Some pieces might be larger and some might be shorter, so it's not that you'd expect to see a -- a huge eureka, there it is on the side of the house. And like we had mentioned before I had no idea what angle it was headed, so --

Q But that's why we investigate and we gather as much information as possible, so that we can actually figure that out with the facts. You'd agree with me?

A I'd agree with you.

Q Right. So it would certainly -- now, does a bullet usually spatter when it strikes a human?

A It can. I've seen it both ways. Sometimes --

THE COURT: Do you mean splinter?

MR. SPENCER: Splinter or break apart.

THE COURT: Okay.

- 1 Q MR. SPENCER: You've seen that?
2 A I've seen both, yeah.
3
4 Q Okay. A window, if it did strike a window that wouldn't shatter it or splinter it?
5 A Yeah. You'd be better off to ask a firearms expert about that --
6
7 Q Okay.
8 A -- but I've seen both, depending on the calibre. Like, in this case it's a -- it's a
9 small projectile. If it was a shotgun it would be something totally different,
10 so --
11
12 Q So how many of these vehicle shootings, how many have you investigated?
13 A I can't put a number on it. I'm not sure.
14
15 Q Roughly, how many would be similar to this which would be an individual
16 who appeared to have been shot in a vehicle? How many of those?
17 A It would be more than ten, less than 20, something like that. Does that help?
18
19 Q That helps. And on that basis you're concluding that -- that you didn't need to
20 do a blood spatter analysis?
21 A Well, think a person has to understand that I have taken -- I've taken training in
22 -- in forensic sciences, and I've taken blood spatter pattern analysis courses,
23 and I've been reading on -- on blood spatter, and I've been to a lot of scenes
24 with blood spatter, and I also understand what the limitations of a blood spatter
25 pattern and -- or blood spatter analysis are, and what they can offer at a scene.
26 And in this case I did contact them. They didn't -- they didn't attend.
27
28 Q Did you think they should have attended --
29 A No.
30
31 Q -- considering the seriousness of this?
32 A No, I didn't think that they were going to be able to offer anything more than --
33 than I was showing already.
34
35 Q That you were showing?
36 A That I had seen. Like I say, it was consistent with what I was seeing.
37
38 Q Okay, but your job is to gather evidence, not to conclude what that evidence
39 says; right?
40 A Depending on the evidence I can do both.
41

1 Q But if you jump to conclusions and then decide not to gather the evidence, then
2 that puts us in a pretty tough spot if we're actually trying to find out exactly
3 what happened?

4 A I think in this case I gathered the evidence. I'm not sure where you're going
5 with that, but --

6
7 Q Well --

8 A -- I gathered the evidence and -- and it was provided to the next level, which
9 was bloodstain and -- and they concurred with my assessment.

10
11 Q Okay. When was the grey Escape released?

12 A It was released on the 14th --

13
14 Q Of?

15 A -- of August.

16
17 Q And the incident occurred on the 9th?

18 A It started on the 9th, yeah.

19
20 Q So less than a week you had released essentially the primary scene of the
21 tragedy?

22 A Yes.

23
24 Q What was the rush?

25 A Well, I didn't necessarily release it, but I was -- my processing was complete,
26 and then it was released to -- like, Major Crimes was notified that I was
27 complete with it. And after that it was up to them.

28
29 Q Okay. Is that a practice to, in less than a week, release the most fundamental
30 physical evidence that you have in relation to such a serious situation?

31 A Yeah, it is because otherwise we would have every house that had been part of
32 a crime, every business that had been part of a homicide investigation, every
33 vehicle that's been involved in a homicide for -- like, we would have -- we
34 would have houses seized for endless amounts of time with -- like, I've been to
35 many homicide scenes. They'd all still -- there is still -- many of them are still
36 before the courts. They all would be still tied up, so it's common practice that
37 once our policies and procedures are followed, and our evidence is collected,
38 then the vehicle -- then I'm -- FIS or Ident is finished with it, then it's released
39 to Major Crimes, and then once they're finished with it, then it's released.

40
41 Q Corporal, you understood I wasn't suggesting that you would seize offices and

1 keep them seized --

2 A No.

3

4 Q -- at the RCMP Detachment? You -- you understand that?

5 A I understand what you're saying.

6

7 Q Yeah.

8 A My point is, is that it would be difficult to seize everything.

9

10 Q Okay, but it's not. You actually did seize the grey Escape?

11 A Yeah, for the period of time until we were finished processing it.

12

13 Q Okay. And you have an RCMP compound?

14 A I -- I assume there's one, yes.

15

16 Q Yeah. So what would be the hardship on the State to have held that SUV --

17

18 MR. BURGE: Your Honour, I object. I don't think this

19 -- that this is beyond his --

20

21 THE COURT: Mr. Spencer, we've already heard from
22 this witness that he -- he's not the one who released it. He indicated to Major
23 Crimes that his processing was complete and he had nothing further that required
24 the vehicle. It was -- it wasn't his decision to release it. So I'm not sure you asking
25 him about other people's decisions is going to get us any further.

26

27 MR. SPENCER: Okay. And that's fair, Your Honour, but
28 he did indicate that you couldn't hold them, and he represents the Force, and I --
29 I think that evidence seems to me to be a little bit incredulous that the national
30 police force wouldn't be able to maintain possession of a -- of a simple vehicle
31 that was grounding this serious of charge, so --

32

33 THE COURT: Well, I don't think he represents the
34 Force. He is here to testify as to what he saw and what he did on that day, and
35 perhaps if you could concentrate on that.

36

37 MR. SPENCER: Okay.

38

39 Q MR. SPENCER: Now, you talked about your policies and
40 procedures. Are you trained in marshalling evidence for trial? Did --

41 A If I understand you correctly, as far as preparing and presenting evidence for

1 court, yes, I am.

2

3 Q Well, I guess I'll jump right to it. Do you feel that it's appropriate for the
4 defence to have access to the evidence?

5

6 MR. BURGE: Objection, Your Honour. He is here to
7 testify about he saw and what he did. This is -- now we're getting into policy
8 theory and hypotheticals.

9

10 THE COURT: How is -- do you want the witness
11 excluded while we discuss this?

12

13 MR. SPENCER: Sure.

14

15 THE COURT: Okay. I wonder if you'd step outside,
16 please, Corporal.

17

18 (WITNESS STANDS DOWN)

19

20 THE COURT: Okay, Mr. Spencer, we have an objection
21 here from the Crown indicating that you're asking him something beyond his --
22 beyond his expertise for into the policy area. So why do you think that you should
23 be able to ask this question?

24

25 **Submission by Mr. Spencer (Other)**

26

27 MR. SPENCER: Well, because this is the individual that
28 the State has empowered to gather the evidence, and I think it's a fair question for
29 that individual, whether he feels that once he is done gathering and has reached his
30 conclusions that that's the end of it. I think if this witness honestly says I don't
31 have any sense that the defence might want access to exhibits and to evidence, I
32 guess if that's his answer then that's great, but I would like that answer on the
33 record because I find it incredulous.

34

35 THE COURT: Well, aren't we back in the same position
36 that we were before in that he said that his processing was complete. He has
37 completed his job in relation to that vehicle. He mentions that, and he tells that to
38 Major Crimes, and somebody else releases the vehicle. So it's -- whether he
39 believes somebody else should have an opportunity to look at that vehicle or not, I
40 think you can ask him whether he asked or notified anybody that somebody else
41 might want to look at it, but I don't think you can -- I don't think his opinion as to

1 whether or not somebody else should be entitled to is -- is really helpful.
2

3 MR. SPENCER: Well, Your Honour, my submission
4 varies from that in that I think that the RCMP officers investigating, particularly
5 those that are doing the detailed analysis, should appreciate that the defence has a
6 right to look at that evidence, and that there may be other experts that would
7 consider a blood spatter analysis completely appropriate and might do it so that we
8 would have that evidence. So you know, I -- I think it's a fair question, but if -- if
9 I've been --

10
11 **Ruling (Other)**

12
13 THE COURT: Well, like I said, I mean, you can ask if
14 he -- if he mentioned that to anybody else and -- and why or why not, but I don't
15 think that -- the way you asked it, whether or not someone should be entitled to, I
16 don't think that we need to get into a decision made by somebody else through this
17 police officer.
18

19 MR. SPENCER: Yeah, and that's fair enough, Your
20 Honour. I can move from that. If my wording wasn't -- wasn't as fine as I would
21 like to remember it, I appreciate that, but my sense is whether this officer whose
22 job it is to preserve evidence, whether he has any concept that there is, you know,
23 a right of the defence to have access to -- to original evidence, so I think I've got
24 your ruling for today's purpose.
25

26 THE COURT: Okay. Deputy, I wonder if you'd mind
27 calling the officer back in. Go ahead, Mr. Spencer.
28

29 MR. SPENCER: Thank you.
30

31 (WITNESS RE-TAKES STAND)

32
33 **TERRY HEROUX, Previously Sworn, Cross-examined by Mr. Spencer**

34
35 Q MR. SPENCER: So you felt that you had completed all
36 the testing you wanted to on the grey Escape?

37 A Yes.
38

39 Q Did you have any discussion with anybody else on the Force as far as what
40 would happen to that?

41 A With Constable Boogard (phonetic), Guy Boogard from Major Crimes. Him

1 and I discussed it. I told him I was -- completed my exam.

2

3 Q And what was the essence of that discussion?

4 A That was the essence. I was -- I completed the exam and --

5

6 Q Okay. So you became aware that the -- that the vehicle was released?

7 A That day? I don't know when it was released. I know it's been released or --

8

9 Q Now, are you comfortable with that decision that it be released?

10

11 MR. BURGE: I'm not sure that's even a fair question,
12 Your Honour. It --

13

14 THE COURT: What does comfortable mean, that he can
15 agree with it or disagree with it, but --

16

17 MR. SPENCER: Yeah.

18

19 THE COURT: -- okay, well, then perhaps you can be
20 precise as to that. I'm not really sure how his -- his comfort level is important.

21

22 MR. SPENCER: Okay. I'll go at it a different way then.

23

24 Q MR. SPENCER: Do the RCMP, after release, did they
25 have need to further examine that vehicle?

26

27 THE COURT: Okay. Again, you're asking did the
28 RCMP? Perhaps we can get what this officer thought or did and leave what other
29 officers did to the questioning of other officers.

30

31 MR. SPENCER: Okay. And the difficulty, Your Honour,
32 of course is that I don't necessarily control who the Crown called. So I want to get
33 the broadest scope from the lead Crown witness, and I don't think those are
34 inappropriate questions, and I don't necessarily want to bring the entire Force
35 here, so I'm --

36

37 THE COURT: Okay. Well, then -- then perhaps you can
38 ask him what -- did he have any further use for the vehicle? Did he talk to anyone
39 who indicated they had further use for the vehicle, and leave it in those specific
40 terms. Other than that, you're asking generally about the RCMP, and he can't
41 answer about those.

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- Q MR. SPENCER: Are you aware of further inquiry being made on that vehicle?
- A I -- I honestly try to remove myself, as much as I can, from outside influences, and I try to remain as impartial as I can. I conduct my examinations and investigations. In this case I have heard that there has been issues raised over this vehicle. As far as I'm concerned, in my opinion I was complete with it.
- Q Okay, but that's my point. There is others that might have interest in that vehicle?
- A I can't speak to that.
- Q Okay. And so you're not aware that the RCMP actually went after the vehicle had been released to take further evidence from it? That's --
- A I have no idea.
- Q -- you're not aware of that?
- A No.
- Q Okay. Okay, fair enough. Okay. Now, the stock for the rifle that was number 1, did you have anything to do with that?
- A Yes, I processed that for fingerprints as well.
- Q Okay. And do you have any pictures of that for the --
- A I didn't put any in this presentation. I have photos in the full disclosure package of that stock and my processes of it, but I didn't include any of this.
- Q Okay. And was there any effort made to reconstruct that stock to give us a better --
- A No, there wasn't.
- Q Okay. Did you reach any conclusions as to where that stock came from?
- A No, I didn't.
- Q Okay. Do you believe that stock was part of your exhibit 1?
- A I can't say. I didn't do an examination, a physical comparison of the two.
- Q You had them both. You were processing them both?
- A Mmhhh.
- Q And you made absolutely no effort to determine whether that stock was from

1 that rifle?

2 A No, I didn't.

3

4 Q Did you not think that would be a little bit important?

5 A I didn't at the time.

6

7 Q Okay. Now, you found a faint fingerprint on that?

8 A Yeah. Well, I found friction ridges or the lines of a fingerprint on it. However,
9 those friction ridges, I made every attempt I could to try to come to a
10 conclusion that it could be used for identification. There wasn't enough
11 evidence there.

12

13 Q Okay. There wasn't enough. All right, because my understanding of reviewing
14 the materials is that it wasn't just ridges that you actually determined or found
15 a faint -- a weak fingerprint?

16 A Yeah. Yeah, that's what it was. You're right.

17

18 Q Okay.

19 A Yeah.

20

21 Q And is that not something that you could do some comparison to, perhaps not
22 as many points as you want of identification, but --

23 A No, it's -- it doesn't -- fingerprint comparisons are all -- follow a
24 qualitative/quantitative analysis. In this case I didn't feel I had the quality or
25 the quantity to perform any kind of fingerprint comparison.

26

27 Q Okay. So -- and that's my -- my point is that on fingerprint identification you
28 need a certain number of points to reach a final conclusion --

29 A Yes.

30

31 Q -- is that correct? And that, in fact, you can use a number -- you can have a
32 lesser number of points in your fingerprint analysis that would allow you to
33 determine more likely than not whose fingerprint it is?

34 A No. No, I've never heard of anything like that in the fingerprint.

35

36 Q You've never seen a weak fingerprint? Do you still have that fingerprint?

37 A Yes.

38

39 MR. SPENCER: Your Honour, it might be the best time to
40 break. I'll check my notes and see if I can organize the photos if I need access to
41 those. I would be in a position to finish with the witness relatively quickly after

1 lunch. I wouldn't think I'd be more than ten or 15 minutes. And so it might be best
2 if, as I say, if I can break, review my notes and expedite that.

3
4 THE COURT: Yeah, that's fine. We generally start at
5 1:30. Is there any reason to start earlier or later than that, counsel?

6
7 MR. SPENCER: In light of my earlier request, subject to
8 the court's convenience, I certainly would not object to 1:15, but because I am
9 quitting a little bit earlier to time it, but I -- I think we're on track.

10
11 THE COURT: Mr. Burge?

12
13 MR. BURGE: That's fine. We have one or two
14 witnesses for this afternoon, Your Honour, so --

15
16 THE COURT: Okay. Well, since the photos are on disks
17 and may have to go in and out, that would probably be -- shorten your time cross-
18 examining, if you were able to take some time and --

19
20 MR. SPENCER: Yeah.

21
22 THE COURT: -- organize them. So we will adjourn
23 now and start up again at 1:20.

24
25 (WITNESS STANDS DOWN)

26
27
28 PROCEEDINGS ADJOURNED UNTIL 1:20 PM
29
30

1	April 3, 2017	Afternoon Session
2		
3	The Honourable Judge	The Provincial Court
4	B. Bauer	of Saskatchewan
5		
6	W. Burge, Q.C.	For the Crown
7	C. Browne	For the Crown
8	S. Spencer	For the Accused
9	S. Yoner	Court Clerk

10
11

(WITNESS RE-TAKES STAND)

13

14 THE COURT: Good afternoon.

15

16 MR. SPENCER: Good afternoon, Your Honour.

17

18 MR. BURGE: Good afternoon.

19

20 THE WITNESS: Good afternoon, Your Honour.

21

22 THE COURT: Mr. Spencer?

23

24 MR. SPENCER: Thank you, Your Honour.

25

26 **TERRY HEROUX, Previously Sworn, Cross-examined by Mr. Spencer**

27

28 Q MR. SPENCER: Just a couple of quick -- quick areas. The
29 passenger side door you said was difficult to open?

30 A Yes.

31

32 Q How far could you get it open without prying the fender away?

33 A Just a matter of a couple of inches --

34

35 Q Okay.

36 A -- not very -- not very far.

37

38 Q So your evidence is that that hadn't been opened since the accident?

39 A It wasn't open when I got there.

40

41 Q Okay. And it hadn't been -- it didn't seem to be forced open or at least as far as

1 you could get it open without moving the fender was a couple of inches?

2 A That's correct.

3

4 Q Yeah, okay. Fair enough. Now, your number 11, and I think you know your
5 numbers better than the other ones, but your number 11 --

6 A Yes.

7

8 Q -- is the shell casing --

9 A In the --

10

11 Q -- in the vehicle?

12 A -- in the vent, yeah.

13

14 Q Yeah. Did you notice anything about -- peculiar about that casing versus three
15 and four?

16 A I did, but I'm not a firearms expert, and I don't pretend to be, but I did notice
17 that when I photographed them, that number 3 looked almost -- the size of it,
18 especially towards where the bullet would actually fit in the casing, it appeared
19 to be larger than the other ones, like it had expanded. And on the primer itself I
20 noticed that there was -- on exhibits 3 and exhibits 4, there was -- on exhibit 3
21 there was what appeared to me as one strike mark. And on exhibit 4 there was
22 one strike mark and a smear, but on exhibit 11 it appeared to be almost two
23 strike marks --

24

25 Q Okay.

26 A -- but they were -- they weren't as pronounced as on the previous two.

27

28 Q Okay, so that's something that drew your attention, but again you're not -- not
29 the expert?

30 A But like I say, I don't know what that means. I can just tell you that that's what
31 they looked like.

32

33 Q And you said the third one -- and by the third one you meant number 11?

34 A Number 11.

35

36 MR. SPENCER: The third of the three casings. Okay,
37 that's all I have for you. Thanks for your time.

38

39 THE COURT: Any re-exam?

40

41 MR. BURGE: No, thank you.

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The Court Questions the Witness

Q THE COURT: Just a couple of questions. Did you note anything about the driver's window? Was it intact, down, up?

A It was down.

Q And you also talked about a stock that you believed to be for the .22 that was found, at least with the .22 barrel that was found. Where did you locate the stock?

A It was provided to me by Constable Park. It had been seized at another scene that I wasn't at.

Q And I wonder if you could just take Exhibit P-4 and show me where the -- where this farm is located? Just down on the ground there.

A Oh, this -- this farm here was -- as I said before --

Q Is located, I guess?

A Yeah, it's -- it's located at land location 4-40-14, in the southwest quarter -- or southeast quarter, and -- which puts it right there.

THE COURT: Okay. Okay. Thank you very much. Anything arising out of my questions, either counsel?

MR. BURGE: No, thank you.

MR. SPENCER: No, Your Honour.

THE COURT: Thank you very much. Thank you very much, Corporal.

THE WITNESS: Thank you, Your Honour.

(WITNESS STANDS DOWN)

MR. BURGE: Your Honour, Mr. Browne is taking the next witness, and I'll be back after that witness.

MR. BROWNE: So the Crown will call Constable Arvind Parmar to the stand, Your Honour.

1 COURT CLERK: Good afternoon. I'll just get you to
2 remain standing, please. Will you swear on the Bible?

3
4 CST. PARMAR: Yes.

5
6 COURT CLERK: I'll get you to take the Bible in your
7 hand.

8
9 **ARVIND PARMAR, Sworn, Examined by Mr. Browne**

10
11 COURT CLERK: State your name to the court, please.

12
13 THE WITNESS: Arvind Parmar.

14
15 COURT CLERK: Please spell your full name for the court
16 record.

17
18 THE WITNESS: A-R-V-I-N-D, surname is spelled
19 P-A-R-M-A-R.

20
21 COURT CLERK: Thank you. You may be seated if you
22 choose.

23
24 THE COURT: Good afternoon. Mr. Browne?

25
26 MR. BROWNE: Thank you, Your Honour.

27
28 Q MR. BROWNE: Constable Parmar, what's your current
29 occupation?

30 A I'm a police officer with the Metro Police in Vancouver.

31
32 Q Okay. And how long have you been there?

33 A About seven, eight months now.

34
35 Q Okay. And where were you previously?

36 A 'F' Division, RCMP.

37
38 Q Okay. And where were you located at that point in time?

39 A Biggar.

40
41 Q Okay. And how long have you been with the RCMP? How long were you with

1 the RCMP?

2 A Just over a year.

3

4 Q And how many postings did you have with the RCMP?

5 A That was my first post.

6

7 Q Okay. So now we're here talking about events from last summer. Do you recall
8 the events in question?

9 A Yes.

10

11 Q And what's your recollection of your involvement to the events in question?

12 A On August 9th, 2016, I was finishing up my shift, and I received a call from
13 our control centre in Regina, stating that there was a shooting in the RM of
14 Glenside, and that one male was deceased. I received the call at approximately
15 1727 hours. And after receiving the call I immediately called my supervisor for
16 further direction.

17

18 Q And what did you do then?

19 A I waited for reinforcements, my partner.

20

21 Q And who was your partner at the time?

22 A Constable Park.

23

24 Q Okay. So once you had the reinforcements what did you do?

25 A We waited for assistance from our sergeant, and then we -- we grouped with
26 members from North Battleford and headed to the area to assist.

27

28 Q Okay. And do you remember what area it was that you headed to?

29 A It was a property on -- in the Rural -- Rural Municipality of Glenside.

30

31 Q Do you recall the land location?

32 A No.

33

34 Q Okay. Do you recall who the owner of that property was to your knowledge?

35 A Mr. Stanley.

36

37 Q By Mr. Stanley you mean --

38 A Gerald Stanley.

39

40 Q Thank you. So -- so you attended -- whereabouts did you go when you attended
41 this property?

- 1 A Well, I arrived on scene with my partner, and I was -- I would say I was just
2 maybe a kilometre or so west of the property.
3
- 4 Q Okay.
5 A Yeah.
6
- 7 Q So what was going on when you got there?
8 A When I arrived we met with North -- North Battleford members that were
9 already on the scene patrolling and attempted to assist, and we dealt with two
10 females.
11
- 12 Q And what did you do? Did you have any dealings with those females?
13 A No. I was simply covering my partner.
14
- 15 Q Okay. So what was the next thing you did or in your involvement?
16 A We went to Mr. Stanley's house and we set up a perimeter. Yeah.
17
- 18 Q Okay, and could you give detail, and just continue with your actions from that
19 point, please, Constable?
20 A Yeah. We sent up a perimeter. I spoke with his son. I believe his name is
21 Sheldon Stanley.
22
- 23 Q When did you speak with Sheldon?
24 A He gave me a call on my cell phone.
25
- 26 Q And what was discussed?
27 A He told me that they were -- Mr. Stanley, himself, Sheldon and the mother
28 were in the house, and that they didn't know what to do. They were nervous. I
29 said that we were around the house, and just to come out with your hands up.
30 Yeah.
31
- 32 Q And what was that next thing that happened?
33 A They came outside the house.
34
- 35 Q And what did you do?
36 A I was on the phone with Sheldon the entire time.
37
- 38 Q Okay.
39 A I just stayed behind a police car for cover.
40
- 41 Q Okay. So just move next to the next actions you took after that?

1 A Yeah. Mr. Stanley was taken back. He was taken by another member. He was
2 put in the back of a police car and -- he was taken to the back of a police car,
3 and then he was arrested.
4

5 Q Okay. Who arrested him?

6 A I did.
7

8 Q Okay. And so where did that occur?

9 A Just outside his property.
10

11 Q And in whose police vehicle?

12 A I believe it was a North Battleford member. I don't recall the name.
13

14 Q Okay. And how were you attired at the time?

15 A In uniform.
16

17 Q Okay. So what did you do next? What -- do you recall what you spoke to Mr.
18 Stanley?

19 A I just simply said, you know, Just sit in the back of the police car, sir. And after
20 speaking with the supervisor on scene I arrested him for murder.
21

22 Q And do you recall what you said to him?

23 A Not fully, no.
24

25 Q Okay.

26 A Very little talk.
27

28 Q Okay. So what was the next thing you did then?

29 A After arresting?
30

31 Q Yes.

32 A I drove him back to our detachment.
33

34 Q Okay. And how long did that take?

35 A Actually, can I refer to my notes?
36

37 Q When were those notes made?

38 A The day of.
39

40 Q And would it refresh your memory to refer to those notes?

41 A Yes.

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MR. BROWNE: Your Honour, may he refer to his notes?

THE COURT: Any comment, Mr. Spencer?

MR. SPENCER: I trust they're in the disclosure package.

MR. BROWNE: They are, yes.

MR. SPENCER: Yeah. No problem.

THE COURT: Constable, when you need to refresh your memory from your notes or your report, please do so.

THE WITNESS: Okay, thank you. So we left at 1921 hours.

Q MR. BROWNE: Okay. And do you recall how long it took you to get to the detachment?

A We arrived at 2008.

Q And which detachment was that?

A Biggar Detachment.

Q Okay. And what did you do once you arrived at the Biggar Detachment?

A Called Legal Aid.

Q And do you recall why you called Legal Aid?

A In order for Mr. Stanley to speak to a lawyer with regard to the incident.

Q And what caused you to call Legal Aid?

A Because of the incident that we were dealing with.

Q How was it determined that Legal Aid was going to be called?

A Because he was arrested for murder.

Q Whose decision was it to call Legal Aid? Did you ask Mr. Stanley who he wished to call?

A Yes. Yes, I did. Yes.

Q Okay. And do you recall what his response was?

1 A Yes.

2

3 Q Okay. And what was his response?

4 A He said, Yes.

5

6 Q Okay. He said, Yes, or who did he say he wished to call?

7 A A lawyer --

8

9 Q Okay.

10 A -- Legal Aid.

11

12 Q Okay. And did you provide him some options at that point?

13 A Yes, I said he could call Legal Aid or his own lawyer.

14

15 Q Okay.

16 A Yeah.

17

18 Q And his choice was Legal Aid?

19 A Yes.

20

21 Q Okay. So what happened next?

22 A Legal Aid was called, and after that the Legal Aid lawyer asked to speak to me.

23

24 Q Okay.

25 A Yes.

26

27 Q And do you recall that conversation? I'll get you to just -- maybe put your
28 notes down for a second, and then if you have a recollection --

29 A Okay.

30

31 Q -- we'll start from there, and if you need to refresh just let us know. Do you
32 have any recollection of what that person wished to speak to you about?

33 A Yeah, they were just a little bit surprised at the charge, right, so yeah.

34

35 Q And do you remember who that person was?

36 A No, I don't.

37

38 Q So what did you tell them?

39 A I just said that Mr. Stanley was arrested for murder, and the investigation is
40 ongoing, so --

41

1 Q And then what happened next?

2 A We just waited for further assistance and direction.

3

4 Q And what was the next assistance or direction you received?

5 A To wait for assistance from Saskatoon Detachment. They came, the Ident and
6 Major Crimes.

7

8 Q Okay. So what was your next involvement with Mr. Stanley?

9 A Just to observe and assist and (INDISCERNIBLE) detachment.

10

11 Q Okay. And what did you observe?

12 A I had to make sure that he didn't wash his hands or anything like that, so --

13

14 Q And did he wash his hands?

15 A No.

16

17 Q So what was the next thing you assisted with?

18 A After that, the day -- I just assisted with the Ident member, yes, the --

19

20 Q And do you remember who that was?

21 A No, I don't remember that.

22

23 Q Okay. And what did you assist them with?

24 A I -- I made notes of the observations made.

25

26 Q And would it refresh your memory to refer to those notes?

27 A Yes.

28

29 Q So what did you observe?

30 A Yes. What we did was we did an exhibit seizure, and we started at 023 -- 0213
31 hours. We took pictures of the front and -- his front profile, a picture was
32 taken, right back and right profile picture was taken. We also took pictures of
33 his -- his face, and we took a back shot of -- a back shot of Mr. Stanley. We
34 took pictures of his hands, his upper palms were taken pictures of as well, and
35 the bottom of his feet. And there was a hand examination that was conducted
36 by the Ident member of his palms.

37

38 Q Yeah. And then you said items received. What items were received?

39 A Just give me a few minutes here. A shirt was taken and a pair of jeans were
40 taken.

41

1 Q And then what occurred?

2 A All items that were seized were placed in an exhibit locker. Yeah.

3

4 Q And then what other interactions were there with Mr. Stanley?

5 A So at 2016 on the 10th -- or 2016-08-10, the day after, the clothes were
6 searched. I had seized his clothes in the morning.

7

8 Q And did you assist with any other tests that were done?

9 A No.

10

11 Q You weren't present for any other tests that were conducted with Mr. Stanley?

12 A The gunshot residue.

13

14 Q Okay. And what did that entail?

15 A That entailed taking swabs from his hands and his face.

16

17 Q Okay.

18 A Yes.

19

20 Q And how was that conducted?

21 A The Ident member had used his equipment, so --

22

23 Q And do you recall if there was certain equipment that was used?

24 A Yes, swabs.

25

26 Q Okay. And did it come in some kind of packaging?

27 A Yes.

28

29 Q Did that packaging contain some numbers?

30 A Yes, it did.

31

32 Q And did you record those numbers?

33 A Yes, I did.

34

35 Q And what is your recollection of those numbers?

36 A 98030637A and 98030638B.

37

38 Q I'll show you a picture here. Do these look like the items you recall?

39 A Yes, they do.

40

41 MR. BROWNE:

Your Honour, I'm going to ask this be

1 marked as Exhibit P-5.

2

3 THE COURT: Photo of RCMP sampling kit, Exhibit
4 P-5. I'm sorry, Mr. Spencer, I forgot to ask if you had any comment, and I saw
5 you nodded when it was shown to you.

6

7 MR. SPENCER: Oh, my apologies. I was distracted, but
8 yeah, no problem at all with that.

9

10 THE COURT: Okay.

11

12 **EXHIBIT P-5 - Photo of RCMP sampling kit**

13

14 Q MR. BROWNE: And what did -- do you recall what was
15 done with these gunshot residue tests once they were obtained?

16 A They were seized and placed into our locker room.

17

18 Q Okay.

19 A Yes.

20

21 Q Do you recall if they were given an exhibit number?

22 A I can't recall.

23

24 Q So they were -- they were placed in the -- in the locker though?

25 A Yes. Yeah.

26

27 Q Okay. And did you have any other dealings with him after that?

28 A No.

29

30 MR. BROWNE: No further questions, Your Honour.

31

32 THE COURT: Cross-examine?

33

34 MR. SPENCER: Very brief, Your Honour.

35

36 **Mr. Spencer Cross-examines the Witness**

37

38 Q MR. SPENCER: You were aware of a second firearm
39 being involved in the incident, a rifle?

40

41 THE COURT: You have to answer with words.

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THE WITNESS: No.

Q MR. SPENCER: No. Okay. So you were on site, but you didn't see any rifle?

A No.

Q Were you right by the truck, by the SUV?

A I was standing outside the premises --

Q Outside the premises.

A -- on the road.

Q Okay. Okay. Good.

A Yeah.

Q Okay, that helps me, so that makes sense. Are you aware of any other GSR tests being done?

A No.

Q No. So are you comfortable they weren't done or you're just not aware?

A Not -- not aware of it.

MR. SPENCER: Okay, that's fine.

THE COURT: Any re-exam?

MR. BROWNE: No, Your Honour.

THE COURT: Okay, Constable, you are free to go.

THE WITNESS: Thank you.

(WITNESS STANDS DOWN)

MR. BROWNE: Your Honour, I guess we're -- that went a little bit perhaps quicker than we'd anticipated. We'd like a short maybe a five-minute adjournment. I'll see where Mr. Burge is at with regard to the next witness, Your Honour. And we anticipate calling one of the two civilian witnesses. I'm just not entirely certain which of the two is present at this point in time.

1 MR. SPENCER: Yeah, and certainly we would
2 accommodate keeping the schedule as anticipated. That would --

3
4 MR. BROWNE: Actually Mr. Burge is here, Your
5 Honour, so I think we are ready.

6
7 THE COURT: We were just -- just asking for a short
8 adjournment. Would you like that or are you ready to go?

9
10 MR. BURGE: No, we're ready to go.

11
12 THE COURT: Okay.

13
14 MR. BURGE: And the next witness is Sheldon Stanley.

15
16 THE COURT: Okay. Good afternoon, Mr. Stanley.

17
18 MR. STANLEY: Good afternoon.

19
20 COURT CLERK: Just come up here to the front and remain
21 standing here, please. Will you swear on the Bible?

22
23 MR. STANLEY: No.

24
25 COURT CLERK: Promise to tell the truth?

26
27 MR. STANLEY: Yes.

28
29 **SHELDON STANLEY, Affirmed, Examined by Mr. Burge**

30
31 COURT CLERK: State your name for the court, please.

32
33 THE WITNESS: Sheldon Stanley.

34
35 COURT CLERK: Please spell your full name for the court
36 record.

37
38 THE WITNESS: S-H-E-L-D-O-N S-T-A-N-L-E-Y.

39
40 COURT CLERK: Thank you. You may be seated.

41

- 1 Q MR. BURGE: Mr. Stanley, I understand that Gerald
2 Stanley is your father?
3 A Yes, that's correct.
4
5 Q How old are you, sir?
6 A Twenty-seven.
7
8 Q And you currently live in Alberta?
9 A Correct.
10
11 Q And I understand you work for an agricultural supply company there?
12 A Yes, Agriculture Plastics.
13
14 Q Pardon me?
15 A Agriculture Plastics.
16
17 Q And how long have you been in that line of work?
18 A I'll be with this company three years this fall.
19
20 Q Now, I understand this past August you came back to your parents' home for
21 some work purpose and for a wedding; is that correct?
22 A That's correct.
23
24 Q And I'd like to direct your attention to the 9th day of August of last year. Do
25 you recall what you were doing that day?
26 A That day I went to visit a -- a farm between Kindersley and Kerrobert. For
27 what we do for work we bring in some drone technologies, and I was trying to
28 demo that for that outfit there.
29
30 Q Okay.
31 A And then that went until, yeah, kind of 1:30, 2:00, and then came back to my
32 parents' place.
33
34 Q So when you came back to your parents' place do you know roughly what time
35 it was?
36 A Just after 4 PM.
37
38 Q Okay. So once you got back what happened at the farm? What were you
39 doing?
40 A I went inside the house quick, dropped off a couple of work things, a backpack,
41 a -- there was a drone and my keys, and then went outside to help mom and

1 dad who were in the process or just finished putting in fence posts for a -- for a
2 cattle pen. And then we were just getting ready to put rails onto it.

3

4 Q Okay. Now, right beside you to your left there is a photo which has been
5 marked as Exhibit P-3.

6 A Correct.

7

8 Q And does that look familiar to you?

9 A Yeah.

10

11 Q Why don't you -- why don't you just describe the buildings and what we see
12 here?

13 A If we start at the top right building that would be the -- it's a two-car garage.

14

15 Q Okay.

16 A The truck and the blue Escape was parked in there. The house is the building
17 beneath it to the right. The red trailer, you can see to the left of the garage was
18 the work trailer I'd brought home, and I'd parked it there before going to
19 Kindersley that day. The silver shop is kind of the main shop in the yard, the
20 only shop in the yard. That's where all the mechanical work took place. And
21 then the -- the two vehicles at the bottom there, the truck and the side-by-side,
22 would be where we were working that afternoon.

23

24 Q Okay. It looks like there is some fencing that's either up or on the ground or
25 maybe both?

26 A Which one, in particular?

27

28 Q At the bottom of the photo?

29 A By the -- by the gate there?

30

31 Q Yeah. Is that where you were working?

32 A Yeah.

33

34 Q And so who was working? Who was doing the work?

35 A Myself and my -- my dad. Mom had gone to mow the grass so we started to
36 put up the rails there that you see right across the bottom by the gate that's
37 laying there.

38

39 Q Yes.

40 A And then we had hung the first gate and were getting ready to hang the second.

41

1 Q Okay. If you can tell us what happened as you were working on those gates?

2 A Before we could hang the second gate, we realized we were missing a couple
3 of nuts for the gate to screw it onto the post. So dad had gone back up to the
4 shop and brought those back, and just as we were getting ready to hang it, we
5 could hear a vehicle coming down the road and thought nothing of it. It was --
6 it was loud like it was missing a muffler, and then a vehicle came to the yard,
7 and then it came down the driveway and pulled up beside the silver Ford there,
8 right in the middle of the picture, if you can see it there.

9

10 Q Okay. Does the silver Ford appear that you're describing?

11 A Or the gold Ford, sorry, yeah. Somebody got out of that vehicle and -- and
12 jumped into it, and at the time we chatted back and forth about thinking that
13 the owner of that vehicle had forgotten something.

14

15 Q Okay. Did you know who owned that vehicle?

16 A I didn't know, but my dad did. He --

17

18 Q It wasn't one of your family vehicles?

19 A No, he was doing some work on it for one of the neighbours.

20

21 Q Okay. Who was doing some work?

22 A My father.

23

24 Q Does your father do mechanical --

25 A Yeah.

26

27 Q -- mechanical work for neighbours?

28 A Yeah.

29

30 Q Okay. And so were you concerned when you saw somebody drive up and get
31 into the vehicle?

32 A I wasn't.

33

34 Q Did you see what kind of a vehicle drove up?

35 A I couldn't really see. It looked like a small car or SUV.

36

37 Q Okay.

38 A From there, that person that was in the -- the truck got back out of it, and the
39 vehicle pulled up to the shop. At that point we stopped working and began to
40 walk up to the shop thinking that again it was the owner of that vehicle that,
41 you know, had a question about something or was looking for something. As

1 we got kind of to where you see the -- the second fence line there on the left
2 side of that rectangular pen.

3

4 Q It's this right here?

5 A Yeah.

6

7 Q Okay.

8 A And we got to about that spot, we could see somebody on the quad, in front of
9 the shop, with the quad running.

10

11 Q With the quad running?

12 A Correct.

13

14 Q How could you tell it was running?

15 A Could hear it.

16

17 Q Okay.

18 A And they were standing on it, so they weren't sitting there in a standing
19 position. At that point we began yelling and running, realizing that it wasn't the
20 owner of the vehicle and somebody was trying to take the quad. The person on
21 the quad got off it and jumped back to the vehicle. The vehicle backed up,
22 backed up towards like the CAT there, so like a 90-degree turn this way.

23

24 Q Feel free to stand up and point if you like if it helps.

25 A Oh, yeah. So the vehicle backed up over here --

26

27 Q Okay.

28 A -- and split myself and my father apart. So at this point we were standing about
29 here. The vehicle backed up and basically I was on the left, my dad was on the
30 right, and it came right between us. I was wearing a tool belt because we were
31 hanging fencing rails and it had nails and a hammer in it. I used the framing
32 hammer and in a backhanding motion hit the windshield of that vehicle.

33

34 Q Whereabouts on the windshield?

35 A Right by the left pillar on the driver's side.

36

37 Q Okay.

38 A The front windshield. The vehicle started to go forward again and was heading
39 in a straight direction down the driveway and kind of everything -- it almost
40 seemed like a -- kind of like everything had stopped, almost like a calm,
41 watching it leave, thinking that everything was over. And the vehicle went

1 from here in a straight line until you see the blue Ford Escape there, that
2 which --

3

4 Q Is that this one right here?

5 A Correct. At which point the vehicle takes a -- a very hard right into the rear
6 quarter panel of that blue Escape and came to rest where you can see it. I go
7 towards the house thinking to get vehicle keys because I don't know where
8 these guys are going or who it is or --

9

10 Q Okay. You were driving. You had your own vehicle there that day?

11 A Correct.

12

13 Q What kind of vehicle was that?

14 A It was a 2016 white Duramax.

15

16 Q And do we see that vehicle in that photo?

17 A No.

18

19 Q Can you tell us where your vehicle was parked?

20 A Do you mind if I point?

21

22 Q No. By all means, stand up and point.

23 A It was parked right in here. Oh, when the -- when the blue Ford Escape got hit
24 and moved, it missed hitting the rear end of that white Duramax by a couple of
25 inches, so the part, just up to the pole right here.

26

27 Q We've heard about a power pole, where is that?

28 A You can just see the top of it right -- this is it right here.

29

30 Q Okay.

31

32 THE COURT: Do you want to say it for the record?

33

34 Q MR. BURGE: So I'll -- for the record, so it's to the --
35 it's -- I'm trying to do some -- since we have this upside down -- I guess it's
36 just -- it's sort of on a diagonal off of the front left quarter of the blue -- was
37 that your mother's vehicle?

38 A Correct.

39

40 Q You said you were -- you wanted to go into the house for what reason?

41 A My truck keys.

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Q When you went into the -- and did you go into the house?

A I did.

Q Do you know where you were when you decided to go to the house for your truck keys?

A The moment that the vehicle had entered the yard, hit the blue Ford Escape.

Q And where would you have been at that point?

A Right over here.

Q So you're -- so you're looking, I guess, maybe you were just north of the west end of that trailer?

A Yeah. Yeah, that would be accurate.

Q Okay. North. The west end or east end of the trailer?

A Oh, this would be north this way, so I would have been north -- northwest of the trailer, yeah.

Q So you would have been somewhere between the trailer and the shop, but closer to the trailer?

A Yeah, closer to the trailer.

Q Okay.

A Between the trailer and the CAT, somewhere in that area.

Q Where was your father at that time?

A He would have been just to the right of me and closer to the house.

Q When you left to go into the house, at that time did you know where your father was?

A I did not.

Q How long did it take you to run from that location in the -- in the yard to get into the house?

A Maybe ten, 15 seconds.

Q And where in the house did you have to go?

A When you come in the door you maybe go 15 feet to the table.

Q Okay. Is that where your keys were?

- 1 A Yeah.
2
- 3 Q So how long were you inside the house?
4 A Not very long.
5
- 6 Q Okay. And why don't you start from when you decided to run to the house to
7 get your keys and tell us in as much detail as you can what you saw, what you
8 heard?
9 A After the -- the -- the vehicles hit, it was just kind of a moment of shock, and
10 then the adrenaline kicked back in, and I headed towards the house to get truck
11 keys, like we discussed. As I was going past the vehicle I hadn't -- didn't
12 notice anybody had gotten out yet, but I was pretty focussed on getting to the
13 house.
14
- 15 Q Pardon me?
16 A I hadn't seen anybody out of the -- the car yet --
17
- 18 Q Okay.
19 A -- but was fairly focussed on getting to the house.
20
- 21 Q Okay.
22 A As I was going up the stairs of the deck in front of the house I could hear one
23 gunshot and then another.
24
- 25 Q As you're going up --
26 A The stairs into the house, yeah.
27
- 28 Q Okay. There is a deck here?
29 A Yeah, those --
30
- 31 Q The stairs going down to the ground?
32 A -- those stairs, yes.
33
- 34 Q And that's where you heard --
35 A Yeah.
36
- 37 Q -- the gunshot?
38 A Yeah. And it came from behind me.
39
- 40 Q Okay. Did you look?
41 A No. I -- I -- I didn't know for sure, but in my mind I just assumed it was my

1 father, and then as I went into the house, grabbed truck keys, and then as I
2 came back out I could see my father going up the west side of the -- the vehicle
3 in the yard, that had come into the yard, and I started to go down the stairs,
4 again towards the vehicle just because that's all I was focussed on at the time,
5 when I heard the third shot as I went down the stairs. I went down the stairs
6 and moved towards where I heard the shot come from. Both passenger doors
7 on the vehicle that entered the yard were open. I came up to the -- the vehicle
8 as my father came towards me with a -- a gun in one hand and a clip in the
9 other. At that point I saw two people standing behind him on the driveway, two
10 males, one in a black -- I don't know if it was a sweater or jacket, another in a
11 red track jacket, red with white stripes. The person in red dropped a cell phone,
12 then picked it up, and then they proceeded to jog down the driveway. And my
13 father came up to me and, you know, looked -- looked like he was going to be
14 sick and said, I don't know what happened. At that point I could see my mom
15 on the other side of the vehicle that entered the yard and she told me to call
16 9-1-1.

17

18 Q So you said you saw your father with a gun and a clip. So one in each hand?

19 A Correct.

20

21 Q Do you know where that gun came from?

22 A I don't know where it would have been stored in particular, but it would have
23 been somewhere in the shop, likely in one of the tool boxes.

24

25 Q Now, I guess we have an overview of the -- of the shop?

26 A Yeah.

27

28 Q By looking at -- at the roof that we see here, are you able to tell us by pointing
29 at the roof whereabouts the -- the tool boxes would be where you think this
30 was?

31 A There's a work bench right along here, and then there's -- there would be two
32 tool boxes. You can see the chimney, there's a wood stove, and there's two
33 tool boxes almost beside it. And it would have been in one of those if I was to
34 go look for it.

35

36 Q So that's -- that's -- are you saying that's where you would look or that's where
37 you knew where it was?

38 A I didn't know for sure where it was. I'd only been home for a couple of days,
39 so --

40

41 Q Okay. To -- now, there's a door, like a man door is there --

- 1 A Yeah.
- 2
- 3 Q -- to get in there?
- 4 A Yeah.
- 5
- 6 Q And if you can maybe point that out to us. Okay. So it's right between -- like, it
- 7 looks -- are there -- are there two overhead doors?
- 8 A Yeah, correct.
- 9
- 10 Q Okay. So we can see the top of -- of two overhead doors on -- in this photo?
- 11 A Yeah.
- 12
- 13 Q And so the man door is in-between those?
- 14 A Yeah.
- 15
- 16 Q If you went through that man door and went -- and you -- the part that you
- 17 pointed at was on the -- I guess from -- from our perspective, the way this --
- 18 this photo was marked it would be on the -- sort of towards the top of the
- 19 picture, the -- the edge of the shop towards the top of the picture?
- 20 A Correct.
- 21
- 22 Q If you go through the door and go towards where those tool boxes are, is it all
- 23 one room or is there other rooms?
- 24 A It's all one room. It's an open cement floor shop.
- 25
- 26 Q Are there any obstructions to getting to those tool boxes from the front from
- 27 that man door?
- 28 A No, you would have went in and went -- go right, and you'd go right to them.
- 29
- 30 Q Did you notice if your father had a gun with him while you were fencing?
- 31 A I didn't notice one, but I don't think he did.
- 32
- 33 Q Okay.
- 34 A It wouldn't -- it wouldn't be like him to -- to carry a weapon around.
- 35
- 36 Q Now, you said that you -- it took you, you said, ten or 15 seconds to get into
- 37 the house?
- 38 A Maybe. I -- I don't know.
- 39
- 40 Q I take it you're running hard?
- 41 A Yeah. Yeah. Dad felt that.

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Q And I think you said you heard the first shot when you were on the steps to the deck?

A Going -- going up the steps, yeah.

Q Where were you when you heard the second shot?

A I wasn't in the house yet, so the top -- between the top step and the door. They were -- they were close together.

Q Okay. When we look past the Ford Escape, there's a road that heads off in this photo towards the right?

A Yeah.

Q The road -- the road takes you to the grid road?

A Yeah, that's the -- the only driveway into the yard.

Q You said you saw two males on the road when you came back outside?

A Just -- you'd still be able to see them in the picture. They'd be on that road just by the hedge.

Q So they were on the driveway at this time?

A Correct, yeah.

Q Do you -- do you want to point to where those -- they would be when you came out?

A Right here.

Q Maybe you can use some help and I'll just move this closer to you.

A It would have been here, standing beside each other.

Q So this other vehicle has been described as a -- maybe a charcoal Escape, so somewhere past the nose of the -- of the Escape, but around the edge of the hedge that's just in front of the Escape?

A Yeah.

Q And what -- what were those two people doing when you saw them?

A Standing there, staring at us. And then after the -- as my dad came towards me I saw them -- the one -- the one in the red dropped the cell phone, picked it up, and then they continued to go down the driveway.

Q There is -- it looks like a riding mower in front of the charcoal Escape?

- 1 A Yes.
2
- 3 Q What do you know about that mower?
4 A That was -- that was our lawn mower. After I had gotten home, and we started
5 to put the rails onto the fence, mom went to go mow the grass, just because it
6 needed to be done, and it was cooling off a little bit, so my -- my mom would
7 have been mowing the grass at the time on that lawn mower.
8
- 9 Q When you went into the house, did you know where that lawn mower was?
10 A I saw the lawn mower. I didn't know where my mom was.
11
- 12 Q When you went into the house?
13 A Correct.
14
- 15 Q Where was the lawn mower when you -- when you went into the house?
16 A Where you see it right now.
17
- 18 Q And so when you say you don't know where your mother was, was she not on
19 the lawn mower?
20 A Not that I remember seeing her.
21
- 22 Q Do you recall what you were wearing that day?
23 A Blue jeans, buttoned, and a T-shirt would be my -- but I don't -- I don't
24 remember.
25
- 26 Q I take it, blue jeans would be kind of standard issue?
27 A Yeah.
28
- 29 Q Do you recall what your father was wearing?
30 A Blue jeans, a white T-shirt, and rubber boots. It had -- it had rained the day
31 before, so we were both in rubber boots because it was muddy down below.
32
- 33 Q Do you recall what the weather was like when this happened?
34 A A nice day, sunny.
35
- 36 Q Sunny. Was anybody wearing sunglasses?
37 A We both would have been and -- and ball caps.
38
- 39 Q So you said you came out of the house. You saw your father -- where -- if you
40 can point in that photo, P-3, exactly where your father was when you -- you
41 said you came out of the house, you heard a shot, where was your father?

- 1 A I came out of the house, and I could see my father walking up the side of the
2 vehicle here.
3
- 4 Q Okay.
- 5 A And then I came down the stairs, looking at the white truck here, and that's
6 when I heard the third shot, so then I went in this direction as he came towards
7 me. We would have met here.
8
- 9 Q So when you came out of the house and you saw your father walking, so it
10 looks like he was between the blue Escape and the grey Escape?
11
- 11 A Closer to the grey Escape, yeah.
12
- 13 Q How much time went by between when you saw him walking towards the grey
14 Escape and the third shot?
15
- 15 A Four or five seconds, probably. I wasn't -- I wasn't running down the stairs. I
16 was walking down them, but still focussed on the truck.
17
- 18 Q Okay. Then you said your father walked towards you?
19
- 19 A Mhmm.
20
- 21 Q He had a gun and a clip. Where was your mother at that time? Do you know
22 where she was?
23
- 23 A I didn't yet. I saw her after.
24
- 25 Q How long before you saw your mother?
26
- 26 A Enough time for me to see the -- the other two gentleman turn and leave, my
27 father to say I don't know what happened, and then I could see her at the front
28 of the vehicle, so between --
29
- 30 Q Front of which vehicle?
31
- 31 A The grey Escape.
32
- 33 Q Okay. She would have been here and --
34
- 34 A She realized what happened and told me to call 9-1-1.
35
- 36 Q Okay. Did you?
37
- 37 A I did.
38
- 39 Q How?
40
- 40 A A cell phone.
41

- 1 Q How is the cell phone coverage at your parents' home?
2 A It depends where you're standing. It's very hit or miss.
3
- 4 Q How long after the third shot took place was it that you -- did you phone 9-1-1?
5 A I did.
6
- 7 Q Okay. How much after the third shot was it that you phoned 9-1-1?
8 A Maybe 30 seconds, less than -- yeah, less than a minute.
9
- 10 Q Do you know where your father was when you were phoning 9-1-1?
11 A He went towards the shop.
12
- 13 Q Where was your mother?
14 A She was at the vehicle still, and then I don't know where she went. I went -- I
15 spent most of the 9-1-1 call in this area here.
16
- 17 Q Okay, so you're -- you just drew a little circle that would be directly in front of
18 the blue Escape?
19 A Yeah, just because it's -- from growing up there I know it's a spot where you
20 can usually get little better reception.
21
- 22 Q Okay. When you and your father first ran up from where you were fencing
23 towards where the vehicle was parked, I guess, near the quad, at that point did
24 you get a sense of how many people were in the vehicle?
25 A As we were walking up the hill?
26
- 27 Q Yeah.
28 A No.
29
- 30 Q How many people did you see in that vehicle?
31 A At what -- at which point?
32
- 33 Q At any -- at any point?
34 A Coming up the hill I knew that there was -- well, I knew that there was two
35 when they pulled up to the gold Ford.
36
- 37 Q How did you know there was two people?
38 A Because I saw somebody go around the vehicle to get into the gold Ford.
39
- 40 Q So that told you it wasn't the driver. Is that what you're saying?
41 A Yeah.

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Q Okay. The person who got into the gold Ford, do you know what that person was wearing?

A No.

Q Then you've told us how the -- the grey Escape went up by the quad?

A Mmhmm.

Q And you said there was a person standing on the quad. What did you notice about that person?

A Dark clothing. That's about it.

Q And you said this person got back into the grey Escape?

A Correct.

Q Do you know what door?

A I don't.

Q At that point did you know how many people were in the vehicle?

A No.

Q Okay. And so after that person got back into the vehicle, and I think you described it backing up, how many people did you eventually see in or around that vehicle?

A I eventually saw five.

Q Okay.

A The driver, the two males that got out the two passenger doors, and then there was two girls huddled in the back behind the driver's seat.

Q When you say passenger doors, do you mean passenger side or do you mean --

A Correct, both -- both passenger side doors.

Q Okay. This -- this is a four-door vehicle?

A Yes. Well, five with a back hatch.

Q Pardon me?

A There was a back hatch on the -- the Ford Escape.

Q So there were two people on the road when you came out of the house, two people on the driveway?

1 A I didn't see them initially, no.

2

3 Q Okay --

4 A I --

5

6 Q -- but you saw two people on the driveway when you came out of the house?

7 A Once -- after the third shot I did.

8

9 Q Did you see where these people came from in the vehicle?

10 A I didn't see where they came from, but as I came out of the house both
11 passenger side doors were open.

12

13 Q So the front and the back --

14 A Passenger side, correct.

15

16 Q At some point I understand after you phoned 9-1-1 you were asked to walk up
17 to this vehicle and take -- take a look?

18 A Mmhhh.

19

20 Q What did you see?

21 A I saw the deceased in the driver's seat.

22

23 Q Okay. Okay. Maybe -- in the driver's seat in what position?

24 A Sitting, leaned over the steering wheel.

25

26 Q And was part of him touching the steering wheel?

27 A I don't remember.

28

29 Q Like, when you say leaned over the steering wheel?

30 A Yes, slouched forward.

31

32 Q Okay. Who else was in the vehicle when you first walked up and took a look
33 inside?

34 A When I first made the 9-1-1 call, the two females were still in the vehicle. As I
35 was on the call they had gotten out of the vehicle. So just -- just the deceased.

36

37 Q Okay. Did you have an opinion about the condition of that person in the -- in
38 the driver's seat at that time?

39 A I did.

40

41 Q What was that?

- 1 A I -- I thought he was dead.
2
- 3 Q When you walked up to the vehicle and looked inside, like after the 9-1-1 call
4 (INDISCERNIBLE), how close did you get to the vehicle?
5 A At one point the -- the 9-1-1 taker asked me to see what colour the licence plate
6 was --
7
- 8 Q Yeah.
9 A -- just from dirt on the road and from mud. It was covered. At that point I'd
10 scratched off a small part of the licence plate to check.
11
- 12 Q When you saw the deceased in the driver's seat, you say slumped over or over
13 towards the steering wheel. However, you -- which would be more accurate to
14 say over or towards?
15 A Towards.
16
- 17 Q Okay. When you were able to observe that, where were you standing?
18 A Probably -- probably closer to the garage here. The two girls were still standing
19 around the vehicle, and --
20
- 21 Q I think you initially said they were sitting in -- they were still in the vehicle?
22 A They got out of the vehicle while I was on the phone.
23
- 24 Q Okay. When you looked inside the vehicle did you see anything else inside the
25 vehicle?
26 A Nothing initially. It wasn't until after the two girls had pulled the deceased out
27 of the driver's seat.
28
- 29 Q Okay. Let's back up then and tell us about the accused (sic) being pulled out.
30 How did that start?
31 A I was still on with the 9-1-1 operator. The two females that were in the vehicle
32 were understandably upset, and screaming and yelling. They had gotten out of
33 the vehicle and were screaming and yelling, and then they opened the driver's
34 door and -- and pulled the male out of the driver's seat.
35
- 36 Q Did you see them pull the male out?
37 A Yes.
38
- 39 Q How many were involved in pulling the male out?
40 A Two.
41

1 Q Okay. And just -- maybe you can just tell us in as much detail as you can what
2 you saw?

3 A They pulled, like by the shoulders, him out of the driver's seat, and he fell onto
4 the ground. His feet were still -- like still in the vehicle, kind of by the floor
5 mats there, and then his torso and -- and head was on the driveway.

6
7 Q At that point did you see anything else inside the vehicle?

8 A When -- when they pulled him out, then objects were pulled out with him. I
9 didn't know what it was at the time. I first thought it was -- it looked like a
10 barrel of a gun, but as I got a little closer it was -- there was -- it looked like a
11 -- it looked like a barrel of a gun without a -- without a stock, without the back
12 piece.

13
14 Q Okay. You said this was also pulled out of the vehicle?

15 A Correct.

16
17 Q And where was it pulled from?

18 A It came out when they pulled the man out.

19
20 Q Oh, it came with him?

21 A Yes.

22
23 Q So did somebody grab it or did it just come along?

24 A It just came along.

25
26 Q Then what happened?

27 A The girls remained on -- and around him still -- still screaming. At some point I
28 lose the 9-1-1 call. They asked me to go and check on my father. As I go
29 towards the shop I lose cellular service and lose that call. I check on him,
30 obviously in distress, a little bit in shock and panic.

31
32 Q Where was your father?

33 A In the front of the shop, pacing back and forth. I come out to try and head back
34 towards the power pole that you see to reconnect with 9-1-1 and see I had a
35 voice mail. And I'd hit my voice mail button on my phone, and at that point the
36 two girls grabbed my mom and pushed her to the ground and began hitting her
37 back by the grey Ford Escape. I put my phone in my back pocket and ran up
38 there, yelling at them to get off of her. They -- they do, and I asked them to get
39 back in their vehicle. I let them know that we had called 9-1-1, and that the
40 police were coming. So they -- they did go down to their vehicle, and then I
41 reconnected with 9-1-1. Eventually they do get back out of the vehicle, and at

1 some point during that call they began walking down the -- the driveway to sit
2 at the end of the driveway, and then go west down the road.

3
4 Q And what happened next?

5 A I don't know the time line, but we all went back into the house. Sorry. My
6 mother, my father and I went back into the house. Mom started to make a pot
7 of coffee, and my mom and I go back outside to put the -- the two farm dogs
8 into the shop, just to -- to lock them up. And then we went back into the house,
9 and as we're in there got a call from Constable Parks, having issues finding the
10 -- the land location. I helped them with some directions. I got off the phone
11 with them, and we sat in silence, and drank a cup of coffee waiting still. And
12 then look outside the front of the house bedroom window over here towards the
13 -- the main gravel road and could see maybe half-a-dozen, some marked, some
14 unmarked police cars parked along the road with police officers. My mom goes
15 outside to try and talk to them. She gets about halfway down the -- the
16 driveway before she is asked to lay down on the road. At that point she is
17 handcuffed and taken to one of the vehicles. I get a phone call from the
18 Constable again, Constable Parks, asking that my father and I come outside, at
19 which point I told dad it was time to go. We had to go outside with our hands
20 up over our heads and walk directly down the driveway.

21
22 Q Sir, at any point did anyone else have any firearms in their possession during
23 this incident? You told us about the firearm your father had in his possession?

24 A And then the one that got pulled out of the vehicle.

25
26 Q Okay.

27 A I had two firearms I had brought home with me. They were in the -- the far
28 back bedroom of the house, so --

29
30 Q In this corner? What kind of firearms did you bring back?

31 A There was a -- a Defender shotgun. It's just a -- it's a short .12 gauge shotgun,
32 and a -- a .270 hunting rifle, and a compound bow.

33
34 Q Did you ever have a firearm in your hands when you were standing near that
35 grey Escape when the two females were either in or near the vehicle?

36 A No.

37
38 Q Did your mother ever have a firearm in her possession near that vehicle?

39 A No.

40
41 Q So you were taken into the -- likely the Biggar Detachment; is that correct?

1 A Yeah. After we went outside, we were all handcuffed and put into separate
2 vehicles. As officers went in, I talked to the one officer beforehand and tried to
3 let him know where any weapons might be, and just make him aware of
4 everything that I knew as far as the layout -- the layout of the yard and the
5 house. I sat in the back of the vehicle on the road there for maybe an hour. My
6 mom and I were taken back towards the house to get a change of clothes and a
7 vehicle, at which point we took the white Duramax diesel that you don't see in
8 the picture, the one that was parked by the pole. And my father was taken
9 directly into Biggar. So we grabbed clothes, and then we went right into the
10 Biggar Detachment as well.

11

12 Q So you -- in your white pick-up you went to the Biggar Detachment?

13 A Correct.

14

15 Q So you were taken into custody briefly and then released, I take it?

16 A Yes.

17

18 Q Okay. Do you know what time you would have first observed that vehicle
19 come into the yard?

20 A 5:30.

21

22 Q And do you know what time you would have left that yard in your white pick-
23 up?

24 A I don't remember exactly. It was -- it was dark already by the time we got to
25 Biggar, so -- and in August, so 9, 9:30.

26

27 Q Okay. How long does it take to get to Biggar from -- from your family's
28 residence?

29 A Thirty minutes.

30

31 Q Do you know why there might be some shell casings in the yard, in this area of
32 the yard? I'm pointing between the -- the steps going down to the deck and the
33 bush just to the right of that? Any -- any idea why there would be some shell
34 casings there, maybe some older shell casings?

35 A Likely magpies, from shooting magpies.

36

37 Q You've told us where you were standing when you were on the phone with
38 9-1-1 where the better cell reception is. When -- from that position when
39 you're looking down the driveway towards the -- the grid road --

40 A Mmhmm.

41

1 Q -- can you see all the way to the grid or is there anything that obstructs your
2 view?

3 A You can -- you can see all the way to the grid, and then you can see part of the
4 road going east, but you can't see to the west. So if you were to come down the
5 driveway and turn right to go west, there would be pine trees and then some --
6 some bushes and stuff that would obstruct your view.

7

8 MR. BURGE: Your Honour, I'm told that identity is
9 admitted for this witness.

10

11 MR. SPENCER: Yes --

12

13 THE COURT: Is that correct?

14

15 MR. SPENCER: -- for the purposes of the prelim, of
16 course.

17

18 THE COURT: Okay.

19

20 MR. BURGE: Thank you, sir. Those are my questions.
21 Please answer any questions my friend might ask you.

22

23 THE COURT: Cross-exam?

24

25 MR. SPENCER: Thank you.

26

27 **Mr. Spencer Cross-examines the Witness**

28

29 Q MR. SPENCER: So Mr. Stanley, when the vehicle pulled
30 into the yard, did it kind of go past where you were and come back into the
31 yard?

32 A Could you say that again?

33

34 Q You were working down on the fence at about the bottom centre of the photo?

35 A Yeah.

36

37 Q And the road, as I understand it, goes across the top where the tape is on the
38 top there, basically?

39 A It would be more -- it would be more this way.

40

41 Q Okay. So --

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THE COURT: Counsel, just as we are -- the main purpose of the prelim is to get a record. Do you want to have him describe where he's -- or you describe where he's indicating?

MR. SPENCER: I don't know if anything turns -- turns on that --

THE COURT: Okay.

MR. SPENCER: -- but I appreciate the direction, but I think you can --

Q MR. SPENCER: All I'm getting at is that the vehicle sounded like it was going by --

A Yeah.

Q -- and then it turned in?

A Yeah.

Q So you would know pretty quickly that it was turning into your yard before you would see it?

A Correct.

Q Okay. Now, was there any -- did there appear to be any effort to go to the house?

A No, not that -- not that I saw or noticed. It seemed like the first -- the first stop was that gold Ford.

Q Okay. So once -- once you -- the sound changed, and you knew it was pulling into the yard instead of going past, that does get your attention -- did get your attention?

A It got our attention just as you hear it coming down the driveway and pull up to the gold Ford, yes.

Q Okay. So it went directly to the gold Ford?

A Correct.

Q Okay. So at that point no particular concern on your part?

A No.

1 Q Okay. Now, it's parked where, approximately, on that picture as it relates to the
2 -- we're saying the grey -- what we now know as the grey Escape, but at that
3 point you wouldn't have been aware of it, but it pulled up approximately
4 where?

5 A Right in here.

6

7 Q Okay. So directly beside the gold Ford?

8 A Correct.

9

10 Q Okay. You're down reasonably close to that at the bottom of the picture there
11 where the blue vehicle is, doing the fencing at the gate?

12 A Yeah.

13

14 Q What do you actually see from there?

15 A Just that there is a -- a vehicle that had pulled up beside, and then you can see
16 somebody inside the gold Ford, basically flip up the -- the centre console it
17 looks like, and then get back out.

18

19 Q Okay. So the first -- first thought that it might be the owner grabbing
20 something out of the console?

21 A Definitely, yeah.

22

23 Q Okay. Now, you said that you thought that the person that went into the gold
24 Ford was a passenger?

25 A Correct.

26

27 Q Not the driver?

28 A Correct.

29

30 Q Now, you've also described what people were wearing to the best of your
31 recollection, the individuals that were in the grey Escape.

32 A Mmhmm.

33

34 Q Can you distinguish between them at all? Is there any --

35 A Not at that point, just through -- it's more shadows, just through window tint.

36

37 Q Okay. Now, you indicate the one --

38 A Mmhmm.

39

40 Q -- the one individual seemed to have a more distinctive jacket with red on it?

41 A A red jacket with white stripes on the side, yeah.

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Q Okay. Was that the individual that went into the gold Ford?

A I -- I don't think so, but I don't know.

Q Okay. You don't know for sure. Okay.

A Yeah.

Q Okay. So at that point what do you guys do? What do you and your dad do?

A We had stopped working and watched the individual go into the vehicle, and then as the -- the grey Escape pulled up to the shop, then we began to walk up the road.

Q Okay. If the grey Escape leaves, you wouldn't have gone up the hill?

A Would have kept working, yeah.

Q Okay. And at that point when it pulls up to the shop is that a concern at that point?

A It still wasn't, still thought it was the owner of the vehicle.

Q Okay. So you start walking from the bottom centre of the photo that we're working off there, the blown-up photo?

A Mmhmm.

Q You start walking up the hill. What's the point when you start to have a concern?

A It would be in this area here.

Q Okay. So you're getting up the hill, past the edge of the fence, but still short of the -- the gold Ford?

A Yes.

Q Okay. And at that point -- up until that point or at any point, was there ever any words that you heard, words spoken that you heard? Anybody calling out, anybody --

A No.

Q -- anybody home, anything of that nature?

A No.

Q Not a word that you heard --

A No.

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Q -- at that point?

A Correct.

Q Okay. So at that point you see just getting -- getting towards the gold Ford, you see somebody on the quad?

A Yeah. You could hear it first.

Q So do you know where the person that went -- that got on the quad, do you know where they came from as far as the -- they came from the vehicle obviously --

A Yeah.

Q -- that would be fair? Any idea what door or anything of that nature?

A No.

Q You didn't see it?

A Not that I can remember, no.

Q Okay. So the quad is running. You can hear that --

A It's --

Q -- and it's fairly distinctive?

A Yeah, it's just that it's a different sound.

Q Yeah. Okay. Is the -- is the grey Escape running at that point?

A Yes.

Q Okay. So you've got the muffler rough running, and then you've got the -- the small --

A Yeah, it's -- it's a higher pitch, yeah.

Q -- of the -- I guess it's a four cycle engine, but a smaller engine then?

A Yeah.

Q Okay. So tell me at that point, what do you do?

A I start yelling at him to get off of it --

Q Okay.

A -- and start running towards the vehicle.

1 Q Okay. And at that point how many people are out of the vehicle?

2 A Only one that I saw.

3

4 Q Okay. So at that point the grey Escape is there, one person is on the quad, you
5 come to the belief that they were trying to steal it --

6 A Yes.

7

8 Q -- correct? So you start yelling, get the heck off there or whatever --

9 A Mmhhh.

10

11 Q -- to that effect? And that individual jumps off and gets in which door of the
12 Escape or do you have any recollection?

13 A I don't know.

14

15 Q You don't -- don't know?

16 A I don't remember.

17

18 Q You start running and start yelling?

19 A Yeah.

20

21 Q And the next thing is it's backing up towards you; is that --

22 A Yeah.

23

24 Q -- your evidence?

25 A Yes.

26

27 Q Okay. So obviously your adrenaline is pumping at that point?

28 A Mmhhh.

29

30 Q Almost hits both of you or one of you? Tell me about that.

31 A I didn't -- didn't realize there was a flat tire up until it started to back up, and
32 then you could hear the gravel shooting off of it. And then as it backed up, just
33 in -- the way it backed up, and we were coming up, and it ended up basically
34 splitting us.

35

36 Q And is it fair that -- that if they -- if that vehicle was parked in close to the shop
37 by the quad or where we see the dark marks there, which look they were made
38 from the wheel? Is that -- do you see where, beside the quad?

39 A I don't. These ones here?

40

41 Q Right -- right in here.

- 1 A Oh, okay, yeah, now I see them.
2
- 3 Q So in-between the semi-truck and the quad, if a vehicle is parked in there, the
4 only way it's going to back out to -- to leave is towards you?
5 A Correct.
6
- 7 Q So no -- no reason to believe that necessarily they were coming after you or did
8 you think they were actually driving at you?
9 A No. I didn't think that it was -- like, I didn't feel like they were trying to run us
10 over, just that they were trying to steal the quad still at that point.
11
- 12 Q Okay, but from -- as you were running towards them and they're backing up,
13 all of a sudden you almost got hit?
14 A Yes. Yes.
15
- 16 Q You weren't happy?
17 A No.
18
- 19 Q So how far -- or where were you when you struck the -- the vehicle with -- with
20 your hammer?
21 A Just behind the CAT probably, in this area.
22
- 23 Q Okay. So it kind of back passed you or at least up to the driver's door --
24 A Yes.
25
- 26 Q -- and then you hit it?
27 A As it was going to start to go forward, yeah.
28
- 29 Q And it's taking off already. Did you see anybody, at that point? Did you see --
30 get a good enough look at the driver or anybody in the --
31 A No. The driver was wearing dark clothes is all I remember. It wasn't -- it
32 wasn't a red jacket.
33
- 34 Q It wasn't the -- okay, so it wasn't the fellow with the red on his jacket, but --
35 A Yeah.
36
- 37 Q -- otherwise dark?
38 A Yeah.
39
- 40 Q Do you have any -- have glasses or anything as far as that goes?
41 A Not that I remember seeing.

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Q It all happened pretty quick?

A Yeah.

Q Okay. So the vehicle is leaving, and it takes -- starts going forward. Did you chase it?

A No.

Q Okay. Did your dad chase it?

A No.

Q Okay. So the two of you are basically standing by the cab as it drives away?

A Yeah, just kind of -- yeah, almost dumbfounded; right?

Q Okay, but it's --

A It's over.

Q -- it's over. Okay. So then what happens?

A As the vehicle is going down the driveway and gets beside the white -- or the -- sorry -- the blue Ford Escape, it takes a hard right into the rear quarter panel.

Q Okay. And what do you mean by hard right? Tell me a little bit about that.

A As we're standing there watching it, the -- the grey Escape is going straight down the driveway, and then like a 45 degree turn, never slowed down, and --

Q Appeared to you that they cranked -- that the driver cranked --

A Tried to hit it, yeah.

Q All right. Okay. Okay. at that point in time had you seen any firearms?

A No.

Q Before that, certainly you said you didn't think your dad had one, but you didn't frisk him obviously, so you didn't know?

A Right.

Q In the vehicle, did you have any belief there was a firearm in the vehicle?

A Not -- no.

Q Not at that --

A Nothing I'd seen, no.

1 Q -- at that point? Okay. So you head into the house or head for the house?

2 A Correct.

3

4 Q Okay. Now, my learned friend asked you about the shop there. Do you recall
5 the status of the -- the big door on the shop?

6 A The -- this overhead door would have been open just from us going in and out
7 for tools and --

8

9 Q Yeah.

10 A -- the side-by-side would have been parked inside.

11

12 Q Working in the shop?

13 A Yeah, going back and forth for stuff, yeah.

14

15 Q Okay. So as far as you took off from essentially by the CAT there, in front of
16 the CAT, and you took off for the house, running a little faster as a younger
17 person. Your dad, do you know where he went?

18 A I don't.

19

20 Q You don't, eh. Okay. Okay, but he was essentially right in front of the shop?

21 A He would have been a little bit in front of me as we watched the vehicle go
22 down the road, so --

23

24 Q Okay.

25 A -- if I was here, I -- because I could still see him when we saw -- when the
26 vehicle hit.

27

28 Q Okay.

29 A And at that point I went straight for the house, yeah.

30

31 Q Okay. So he's on the right. The vehicle splits you so that you're a vehicle
32 apart?

33 A Yeah.

34

35 Q Okay. So any words between any -- between either of you or your dad and
36 anybody in the vehicle?

37 A Well, other than to get out of here.

38

39 Q Yelling as you were approaching, and then --

40 A Yes.

41

- 1 Q Okay. So no other exchange of any kind?
2 A No.
3
4 Q Okay. Any exchange between you and your dad at that point?
5 A No.
6
7 Q No. You decided that after they hit the vehicle you felt it may be necessary to
8 follow them?
9 A Yes.
10
11 Q Up until that point no intention of following them?
12 A That's correct.
13
14 Q Okay. And you don't know what your dad decided to do?
15 A I don't.
16
17 Q Okay. So did you -- I guess the first two shots you didn't see those shots --
18 A Right. I --
19
20 Q -- or did you see those fired?
21 A -- I didn't -- I didn't see them, but I -- I could hear them behind me.
22
23 Q Okay. How far behind do you think they were? Do you have any idea?
24 A They weren't -- it wasn't like somebody beside you; right? So a little ways
25 away.
26
27 Q For what it's worth, in your best opinion, where do you think those shots
28 would have been fired as far as the yard goes?
29 A Maybe in-between the shop and the red trailer.
30
31 Q Can you point that out where you think --
32 A In here.
33
34 Q -- they would have come from?
35 A Somewhere in here.
36
37 Q So in there, so --
38 A Yeah.
39
40 Q -- more or less where your dad was when you left?
41 A Correct.

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Q Okay. Now, did you -- because you're -- you're at the house at that point -- did you hear any bullets going by or anything of that nature?

A No.

Q Okay. Where did you think those shots were directed?

A Into the sky.

Q Okay. That's your --

A That's my --

Q Okay.

A -- that was my thoughts, yes.

Q And fairly loud; is that --

A Yeah, not -- not loud like a -- like a heavy calibre rifle, but still a gun.

Q Okay. And at that point you're still thinking you need to get your keys in case and you're going to follow them?

A Yeah.

Q Okay. So you come back out. Did you see -- I'm talking about the third shot -- did you see that or did you witness that in any way, shape or form?

A No. I could see my dad go up to the driver's side of the vehicle, and then the focus went back towards the -- the white truck, and then heard the third shot.

Q Okay. So you weren't looking at that point in time when that went off?

A No.

Q Okay. Your dad was beside the grey Escape?

A Correct, yeah --

Q The driver's side?

A -- the driver's side, yeah.

Q The driver's side. Okay. Now, did you hear any bullet go past you or -- or at that point in time?

A No.

Q And you were just off the steps there? Whereabouts were you?

A Yeah, I would have been down here.

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Q Yeah, so just (INDISCERNIBLE) the steps?

A Yeah, the bottom of the stairs.

Q At the back of the grey Escape?

A Correct.

Q Okay. And you didn't notice any bullet going from the Escape to the house?

A No.

Q No. Okay. So you hear that gunshot, and then certainly the intention now is drawn back to where --

A To the gunshot, yeah.

Q Okay. So how many feet is it from where you would have heard the gunshot to coming around the -- the back of the vehicle?

A Maybe 15 --

Q Fifteen?

A -- ten, 15 feet.

Q So you walked that relatively quickly?

A Everything kind of -- it was almost like everything stopped moving. It was -- as my dad walked towards me, I walked towards him, but --

Q Okay.

A -- I don't remember it being at a running pace or anything like that.

Q And the first you saw of him he was -- what was in his hands?

A He had a -- a gun in one hand and a clip in the other.

Q Okay. And a clip is what the magazine (INDISCERNIBLE)?

A Correct, yeah.

Q So -- and can you demonstrate how he was holding those?

A It would have been --

Q So not very far. Okay. And that -- at that point he is still beside the vehicle; but coming --

A He had walked towards the back at that point.

1 Q Towards the back --

2 A Yeah.

3

4 Q -- but still beside the vehicle at that time?

5 A Yeah.

6

7 Q And I think my friend covered this, and my learned friend covered this fairly
8 well, but no other guns on your part? Your mom never had a gun --

9 A No.

10

11 Q -- no handgun, no long gun, no shotgun, no --

12 A No.

13

14 Q You never had a gun of any sort that day?

15 A Correct.

16

17 Q Okay. And the only gun is a handgun?

18 A And the one that got pulled out with the body.

19

20 Q Okay. And that's -- yeah, but as far as your -- your family's guns, there's the
21 one handgun that your dad was carrying in the one hand. That's the first you
22 saw of it?

23 A Yes.

24

25 Q Okay. Now, the gun that was in the vehicle, your indication was you didn't see
26 it while it was in the vehicle?

27 A Correct.

28

29 Q Okay. So you didn't see it there at all at any point flashing or anything that
30 would draw your attention?

31 A No.

32

33 Q Okay. You didn't see anybody go into the vehicle to get it out?

34 A No.

35

36 Q Okay. So it was in some way tangled up with the deceased is what your belief
37 is having watched it?

38 A Yes.

39

40 Q Any idea how it got several feet away from the body?

41 A The two girls had picked it up while I was on the 9-1-1 call.

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Q Okay. So you first saw it when the deceased was dragged out, and then they -- they moved it a little bit further and left it laying there on the ground?

A Correct.

MR. SPENCER: Okay. Your Honour, if I might suggest that we could have our afternoon break at this point. I'll check my notes quickly, and I think I'll wrap up with the witness very -- very shortly after -- after that.

THE COURT: Adjourn for 15 minutes.

MR. SPENCER: Excellent. Thank you.

(ADJOURNMENT)

THE COURT: Mr. Spencer?

MR. SPENCER: Thank you, Your Honour. Just a couple of quick areas.

Q MR. SPENCER: Firstly, I apologize, because I know I asked the question, but I didn't make note of the answer. The individual that was on the quad, did you have any ability to describe them (sic)?

A I wouldn't be able to identify them (sic) amongst the group, just not the gentleman in the red jacket.

Q Not the red one? Okay.

A Correct.

Q Yeah, that's -- I thought you said that. Now, the other thing I wanted to make sure that I understood is that there were two individuals that got out of the grey Escape?

A Yes.

Q When do you believe they got out of the grey Escape?

A Hard to say, between when I went up the stairs into the house and when I came out of the house.

Q Okay, fair -- fair enough.

A Yeah.

1 Q Now, when you came around the back of the grey Escape to meet your dad
2 after the third shot, where were they on that?

3 A It would have been behind my father, so on the gravel road beside the hedge.
4

5 Q Okay. Now, I'm going to test your arm here, but how far do you think they
6 are?

7 A Here.
8

9 Q Up in here?

10 A Yeah, but like closer to this side, so --
11

12 Q Okay.

13 A -- over here more.
14

15 Q So do you believe they could have seen anything from that vantage point?

16 A It's hard to say.
17

18 Q You don't know. Okay, so they're just behind your dad though?

19 A Okay.
20

21 MR. SPENCER: That's all I have. Thank you, Your
22 Honour.
23

24 THE COURT: Any re-exam, Mr. Burge?
25

26 MR. BURGE: No, thank you.
27

28 **The Court Questions the Witness**
29

30 Q THE COURT: One question, sir: You said you thought
31 the shots were directed into the sky. Why is that?

32 A Just if it was my father that was shooting that's -- that was my thoughts, in my
33 mind.
34

35 THE COURT: Okay, thank you very much. You are free
36 to go. Thank you.
37

38 THE WITNESS: Thank you. Thank you.
39

40 (WITNESS STANDS DOWN)
41

1 MR. BURGE: Thank you. Your Honour, the next
2 witness is Eric Meechance, and if I can be excused to go get him.

3
4 THE COURT: Yes.

5
6 COURT CLERK: Good afternoon. I'll just get you to come
7 here and remain standing, please. Will you swear on the Bible?

8
9 MR. MEECHANCE: Yes, Ma'am.

10
11 COURT CLERK: Take the Bible in your hand.

12
13 **ERIC TRIA WAUFULA MEECHANCE, Sworn, Examined by Mr. Burge**

14
15 COURT CLERK: State your name for the court, please.

16
17 THE WITNESS: Eric Meechance.

18
19 COURT CLERK: Please spell your full name for the court
20 record.

21
22 THE WITNESS: E-R-I-C, Tria, T-R-I-A, Waufula,
23 W-A-U-F-U-L-A, Meechance, M-E-E and then Chance.

24
25 COURT CLERK: Thank you. You may be seated.

26
27 THE COURT: Good afternoon, Mr. Meechance.

28
29 THE WITNESS: Good afternoon.

30
31 Q MR. BURGE: Mr. Meechance, I'd like to ask you a few
32 questions. How old are you, sir?

33 A I'm 21.

34
35 Q I'd like to ask you some questions about what you were doing on the 9th day of
36 August of 2016. I -- I understand at that time you had a relationship with
37 someone named Belinda Jackson?

38 A Yes, Your -- yes, sir.

39
40 Q And how long had you known Belinda at that time?

41 A For about two years.

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Q Do you know someone named Kiora Wuttunee?

A Yes.

Q And how do you know her?

A I grew up with her. We're from the same community.

Q And where is that?

A Red Pheasant.

Q Is Kiora the same age as you or nearby?

A She's like two years younger than me --

Q Okay.

A -- three years.

Q Colton Boushie, do you know him? Did you know him?

A Yes.

Q And how did you know him?

A He was pretty much my relation.

Q How long had you known him?

A Well, those boys they pretty much lived in the States for a while, and then they -- they came here a couple of years back.

Q So do you remember the morning and early afternoon of the 9th of August of 2016?

A Yes.

Q What were you doing that -- let's start in the morning. Where did you wake up that morning?

A At my grandma's.

Q And is that at Red Pheasant?

A Yes, sir.

Q And can you tell us what you did after you got up? Just maybe in general terms describe what you did that day?

A Just got up, and I guess it was around the fair at the time, and the Chief and Council were handing out tickets, I guess. My grandma got told, and she had

1 asked me to go get one for my sister, Ashley, she keeps. And then I went to the
2 Band office, and then I was -- well, first I went Gonze's (phonetic) house. His
3 name is Gonze. His nickname is Gonze, but he's a councillor, Mandy
4 Cuttan (phonetic), and I went to his house and tried to go get a bracelet, but he
5 wasn't there, so then I went to the Band office, and he wasn't there also, so --
6 and then as I was walking out Kiora and them ran into me -- well, not run into
7 me, but I -- they seen me and they asked me what I was up to.

8

9 Q Okay. Who was Kiora with?

10 A Kiora was with Cassidy, just with her and Cassidy at the time.

11

12 Q And Cassidy's last name is?

13 A Wuttunee, or Witsta (phonetic) and Wuttunee, he goes by either one.

14

15 Q Okay. So Kiora was with Cassidy, and they asked you what you were up to?

16 A Yes, Your Honour.

17

18 Q So what developed from there?

19 A They -- Kiora knew my girlfriend, so they were good friends, like. And then
20 she had asked me -- well, she had asked to go to the lake or something, to the
21 river, to the lake, and then at first I didn't really want to go, and then I was like
22 it doesn't really matter up to me. I was like you -- because she was
23 intentionally trying to like, more or less, hang out with my girlfriend -- well,
24 my ex-girlfriend at the time --

25

26 Q Okay. Kiora was --

27 A -- my girlfriend --

28

29 Q -- wanting to hang out with your --

30 A Yeah, my girlfriend at the time.

31

32 Q -- girlfriend?

33 A Yeah.

34

35 Q And that's Belinda?

36 A Yeah. And then, so I was like, I don't know, you could ask her, so she asked
37 her, and then after she asked her, and then she said, Yeah, and then we had left.
38 And then I went and dropped my truck off at my grandma's, and then after that
39 they came and picked us up. And Colton was in the vehicle at the time when
40 they -- when they come and picked us up.

41

1 Q Okay. Whose vehicle were they -- were they driving?

2 A Kiora's SUV. It's like a Ford Escape or something like that.

3

4 Q Okay. And so were you -- you were at your grandma's when you were picked
5 up?

6 A Yes.

7

8 Q And when they came to pick you up in Kiora's vehicle who was driving?

9 A Cassidy was.

10

11 Q Okay. So what happened from there?

12 A We -- we went to his grandma's.

13

14 Q Whose grandma's?

15 A Colton's grandma's. It's on -- kind of like on the -- when you first come into
16 Red Pheasant you take a left, and then about like a mile -- a couple of miles up
17 the road, then you take -- and then you go north again. Yeah, we were there for
18 a while, and then we were listening to music, and then we left from there.

19

20 Q Okay. What time would you have gone to Colton's grandmother's?

21 A It was probably about like 2:00.

22

23 Q Okay. Was there any alcohol involved in -- in this?

24 A Yeah, they -- they had alcohol when they picked us up, yeah.

25

26 Q So Cassidy, Kiora and Colton all picked you up?

27 A Yeah.

28

29 Q Was -- were you drinking? Were other people drinking?

30 A They were drinking, and I was drinking a little bit, but not as much because I
31 didn't -- I wasn't -- at the time I really didn't drink much because I was
32 keeping my grandma. And then I -- I just had a few shots, but I wasn't -- I
33 wasn't blacked out or nothing like that.

34

35 Q Okay. So you're at Colton's grandmother's, I think you said, listening to
36 music?

37 A Yeah. They were -- they were out -- we were all outside listening to music and
38 just -- like, they were -- everyone was just reminiscing, more or less, and then
39 just like having -- they were having a few shots and stuff like that outside.

40

41 Q Okay. What were you drinking?

- 1 A They had a 60 of Crown Royal, I believe it was.
2
- 3 Q Okay. Any other liquor?
4 A A 26, I'm pretty sure.
5
- 6 Q A 26?
7 A Yeah.
8
- 9 Q Of what?
10 A Smirnoff, I'm pretty sure.
11
- 12 Q Okay. So you -- you were at Colton's grandmother's for some time, listening to
13 music and drinking?
14 A Yeah.
15
- 16 Q And then what happens?
17 A And then Kiora decided to go to the lake, and then -- well, we all decided, I
18 guess. They decided to go to the lake, and then we go to the lake, but before we
19 go to the lake she stops at her dad's house or her grandpa's house.
20
- 21 Q Okay. Why?
22 A To grab some clothes. She grabbed some towels and -- some towels and a pair
23 for my -- for Belinda.
24
- 25 Q So like something to swim in?
26 A Yes.
27
- 28 Q Okay. When you say the lake, what -- what lake is this?
29 A Well, it's not really a lake. We went to Maymont River.
30
- 31 Q Okay.
32 A The -- the river, the Saskatchewan river by Maymont there.
33
- 34 Q Is that the location, the river -- I'm not from around here. Is that a location that
35 people would understand?
36 A Well, instead -- instead of turning left into Maymont, you just keep going
37 straight, and you go to like the -- to like the -- you go to the river --
38
- 39 Q Mmhmm.
40 A -- and like to the sand and stuff like that, yeah.
41

- 1 Q Sand. So is there like a beach or a sand bar?
2 A Well, yeah, yeah, a beach, I guess you could call it.
3
4 Q Okay. And is that a place to go swimming?
5 A It's not like a beach or nothing, but just people go there, so --
6
7 Q Mmhmm.
8 A -- I don't know, we went there.
9
10 Q Okay. Were there other people swimming there that day?
11 A No, there wasn't.
12
13 Q And how long were you guys swimming at -- at this location?
14 A I think roughly for like an hour or so, a little over an hour.
15
16 Q Okay. And were people drinking as well?
17 A Like us, you mean?
18
19 Q Yeah.
20 A Yeah.
21
22 Q What condition were -- how were you feeling from the liquor that you were
23 drinking?
24 A I was pretty much sober still.
25
26 Q Okay. What did you notice about the other people? What shape were they in?
27 A They were just -- they were swimming in the river and just having fun, you
28 know.
29
30 Q Okay.
31 A Just -- just --
32
33 Q Were they under the influence of alcohol?
34 A No, nobody was like blacked out, like where they were like getting all rowdy
35 or nothing like. They just -- if anything, that swim probably would have
36 sobered them up.
37
38 Q Okay. What kind of a day was it?
39 A Just another day, a regular day.
40
41 Q Was it sunny, warm? Was it --

- 1 A It was sunny, I guess, a little bit cloudy. It was a little bit cloudy.
2
- 3 Q Once swimming was finished, what happened then?
4 A We had left. We left, and we started leaving. And then we were leaving and
5 then we crossed the bridge, and we crossed on the -- the south side of the river.
6 We were back on the south side of the river, and then there's -- there's a
7 turnoff right after you cross the bridge. You take a right. And then there's a
8 culvert there. There's a culvert, and then Cassidy drove over the culvert, and
9 then you could just hear our tire just whistling, our driver's side front tire, just
10 like whistling. Like, it had -- it had a really good hole in it. And then you could
11 just hear the whistle, so we turned around, and then we -- we crossed back to
12 the culvert somehow. We didn't -- somehow we didn't get all of our tires flat, I
13 guess, must have hit a bad spot, and then we hit that one, and then on our way
14 out then you could hear our tire just whistling.
15
- 16 Q Okay. And so it sounds like Cassidy is behind the wheel?
17 A Yeah. He was driving the whole time.
18
- 19 Q Okay. What shape was the vehicle in? It sounds like you got a tire that's going
20 flat?
21 A Like the condition of the vehicle or the condition of the tire?
22
- 23 Q Both.
24 A I don't know. The vehicle was all right, I guess, but the tire was -- it was
25 getting worse as we went on.
26
- 27 Q Okay. Tell me how it got worse.
28 A Well, we drove and it just started -- it started getting worse and worse, and then
29 at one point the rubber came right off.
30
- 31 Q Did you see it fly off?
32 A No, but when we pulled over again we seen it was right on the rim --
33
- 34 Q Okay.
35 A -- because of our -- our muffler, too, came -- our muffler broke somehow, too.
36 Our muffler came off, too, somehow.
37
- 38 Q Okay.
39 A So that made the vehicle really loud, I guess.
40
- 41 Q So after you realized the tire, it was riding on a rim, did you keep on driving it?

- 1 A Yes, sir.
2
- 3 Q How far did you drive after you realized it was on the rim? Like, how many
4 minutes do you think?
5 A I don't even know, to be honest, maybe like 20.
6
- 7 Q How fast were you going, do you know?
8 A I don't even know. To be honest, I can't say something I'm not really 100
9 percent confident with.
10
- 11 Q Okay. Mr. Meechance, what else happened after you started -- after you guys
12 left the swimming at Maymont?
13 A We were heading down Sonningdale Road, I believe it is, that little highway
14 there, and then we turned west off the highway, and then we started driving.
15 Cassidy was still driving at the time. He was still driving, and then we were
16 driving about a couple -- a couple of kilometres up the -- a couple of clicks up
17 the road, and then there was this one other yard, and it goes like a 'U' or
18 whatever, and then he pulls into that one.
19
- 20 Q Pardon me? Pardon me? He what?
21 A He pulled into this one yard, and then all four of us we remained in the vehicle
22 and Cassidy jumped out. And then he looked in this one vehicle, and then he
23 jumped back in, and then we were leaving, and then he jumped back out and
24 then he tried to check this one other vehicle, and then he had asked for like
25 something. So then I had gave him a rifle.
26
- 27 Q Okay. Where was the rifle?
28 A It was in the back seat.
29
- 30 Q So Cassidy asked for something. Did he -- did he say what he wanted it for?
31 A I don't know, just to apparently hit a window, I guess. I don't really know.
32
- 33 Q Okay. So you gave Cassidy a rifle?
34 A Yeah.
35
- 36 Q And then what happened?
37 A And then the stock broke. The stock broke and then we carried on, and then we
38 -- after we left there we kept going, we kept going, and like two kilometres and
39 a half from there, then we stopped in the middle of the road, and then that's
40 when we noticed -- we noticed that it was right on the rim, and we -- we stayed
41 there for about like -- maybe like ten minutes because it was just like a big -- I

1 don't know, like, there was a big discussion about, like they wanted me to
2 drive at first because some kind of stuff happened when we were driving, and
3 then on our way to the lake, and then Cassidy just kept getting mad because he
4 didn't want me to drive, and then he was just kind of being like a little girl
5 about it. He was just trying to get mad. He's like, I'll just walk home. I'll just
6 walk home. So I told him, I was like, Go ahead, you can drive. I was like, I
7 don't care. I was like, Just watch how you drive. And then after that, like I was
8 going to carry on and saying after we left that one yard, and then we stopped
9 about a click and a half up the road, and then we noticed that it was right on the
10 rim, and then that's when we -- we tried to take our muffler off because it was
11 -- it was just dragging on the road. And then we tried that for a bit, and then it
12 didn't work, and then we kept going, carrying on. We were heading west down
13 the road, and then we go to not the Ranger Lake Road that heads east to west,
14 but I don't even know which road you'd call that, but the one on that Ranger
15 Lake, right on that Ranger Lake Road, not where -- not that Ranger Lake Road
16 that you turn off from the highway, but that -- as you're heading towards
17 Ranger Lake, when you turn left to Ranger Lake off that -- off that road that
18 heads east to west, that back road that heads to Sonningdale, that Sonningdale
19 Road, the gravel road, and then we turned -- when you go left there will be --
20 there will be -- Ranger Lake will be on the right -- left-hand side as you're
21 driving, as you're driving north.

22

23 Q Okay.

24 A And when you pass Ranger Lake, about maybe two kilometres, I'm not really
25 good with my kilometres or nothing like that, but I'm just estimating, but about
26 maybe like three or four kilometres up there's another country road that heads
27 east again, and it goes through like some bunny hills or whatever. And then,
28 yeah, we were coming that -- from that road. And then we turned left as in
29 south, and we were coming, and we passed Ranger Lake. I don't know, we
30 were probably going about like maybe like 80 I would say. I don't even know,
31 to be honest, 60. I don't --

32

33 Q That's like kilometres per hour? Is that what you mean?

34 A Yeah.

35

36 Q Okay.

37 A That would be awful fast to be going miles.

38

39 Q Yeah.

40 A And then after we leave from there, after we were driving we passed Ranger
41 Lake, and then we turned right on that Sonningdale gravel road, and then

1 maybe like half a click up, half a click, there's Mr. Stanley's farm there on the
2 right-hand side.

3

4 Q Did you know Mr. Stanley at the time?

5 A No, sir.

6

7 Q Okay.

8 A And then we pull in there, and then when we pulled in there, there's like the
9 house is on the left right here, and then the garage is right here, then there's a
10 bunch of like pine trees, I believe it is, like a bunch of pine trees or whatever,
11 and then we pull up into there, and then there's vehicles like this lined up or
12 whatever, in a line-up. I'm positive they were like that. Then we go in there,
13 and then Cassidy jumped out, and then I stayed in the vehicle for a few more
14 seconds, for like I don't know 30 more seconds. Then I jumped out. And then
15 Cassidy -- I saw him walking up to that quad or whatever, and then I -- and I
16 came, and I stood at the vehicle for a few seconds, then I went walking up
17 towards him, and then that's when -- and then that's when I heard somebody
18 yell, like, I don't know if you can swear or something like that, but --

19

20 Q Just tell us what happened.

21 A I just -- I'm not positive that's what -- but I'm positive I heard somebody
22 yelling. I just heard like, What the fuck, or something like that. And then at the
23 time -- and then that's when we got our -- our window smashed -- a window
24 smashed, and then that's when -- when we heard that, What the fuck, and then
25 that's when we ran -- Cassidy ran, and then -- and then he back up a little bit.
26 He almost left me there. And then he got --

27

28 Q Okay. Now, just slow down a bit, so somebody -- they yelled at you?

29 A Yeah, somebody was like, Hey, what the fuck, or whatever --

30

31 Q Okay.

32 A -- something like that. And then Cassidy jumped in before me, and then he
33 backed up a little bit. And then I jumped in. I jumped in behind the passenger,
34 and then when I jumped in, and then we were leaving -- we were leaving, and
35 then -- because we already -- we were already backed up at the time like that,
36 and we were leaving, and then there's a parked vehicle. It was a parked SUV.
37 And honestly I don't know what colour it was. I kind of think it was like a
38 darker vehicle.

39

40 Q Okay.

41 A I don't know 100 percent.

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Q Who was driving?

A Cassidy was driving through the whole --

Q Okay. Where were you?

A -- through the whole day. I was in behind the passenger seat. And then we backed up, and our window was smashed out at -- at the time, and it was -- it was like a spider web right across, and I just --

Q Which window was broken?

A The front driver's side -- no, the front windshield.

Q Okay.

A It was smashed, and then we were backing up, and then I remember Cassidy was driving like this because there was only like this much to see.

Q Okay. You're kind of bent over right now?

A Well, Cassidy was -- like, he was like bent like this because the higher part of the window was smashed. And then they only had like this much maybe to look through, so he had to like bend down like this to be able to see. And he hit a parked vehicle when we were leaving because, if you ask me, I think because there was no rim -- there was no rubber on the driver's side. There was no rubber on the driver's side, so there was only traction on the one side. And I was thinking that -- because I -- I know he -- I know Cassidy didn't hit that vehicle intentionally, but I was just thinking because of when we were leaving, we were leaving, and then -- and then that's when he hit that parked -- it was a parked SUV, and then we hit that, and then I just remember a big cloud of smoke right here. Like, the radiator went, and I just seen Cassidy open his door. Cassidy opened his door, and he started running, and I opened my door right after him, and then I started running, and I dropped my cell phone, and I picked it up real quick, and then I heard two shots, and I was positive those two shots were at me, and then after that I cut to the right between those pine trees, and there was a woman on a John Deere -- John Deere ride-on lawn mower or whatever, and then I just kept running, and then I crossed the road, and then that's when we -- we heard like a few -- heard like another shot, and then --

Q So you said you were in the back seat on the passenger side?

A Yes, sir.

Q And was that -- what door did you get out?

A I got out on the -- behind the passenger.

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Q Okay. What door did Cassidy get out of?

A On the driver's side.

Q So he -- he -- he was the driver --

A Yes, sir, throughout.

Q -- so he got out of the driver's door?

A Throughout the whole day, yes.

Q And you got out the passenger door back seat?

A Yes, sir, and then we -- we ran across the road, and then we kept running, and then we ran to the next farm over, and then I told Cassidy, I was like, Man, you've got to ask this guy for a ride or something. I was like -- I was like, man, I was like, because you know, like, I didn't think of anyone to get killed or nothing like that. And then, like, I was like, You've got to ask this guy for a ride. And sure enough, we went -- we went walking next-door, and that Cassidy was trying to get me to go with him. And I was like, No, man, I was like, You go by yourself, man. I was like, You're the one that hit that parked vehicle and -- and then because I was just going to walk to the Reserve, and then Cassidy was like, kind of -- kind of -- Cassidy was trying to like -- not trying to, but he was like kind of debating if he should go or not because he -- I don't know, he just didn't really feel safe or -- or what, but I don't know, but --

Q To go -- to go where?

A To that next farm. Like, on the west side of the Stanley's there's like, there's Mr. Stanley's, and then there's like some kind of RM shop there. There's a road and maintenance or whatever kind of shop, big -- big steel thing, just to take care of the roads there. And then on the left side of that, then there's a -- there's a -- there's another little small -- small house there. And that guy was actually -- he was cutting his lawn, too, I remember. He was cutting his lawn, too, and -- and I told Cassidy, I was like, go ask because at the time we were on the south side of the road because there's a road that -- we were on the south side of the road. There's a bunch of old tractors there, a bunch of old -- a bunch of old machinery, I should say, and then with all that old machinery -- we were standing there, we were talking, and I told -- we were kind of discussing about, you know, that he should go and ask him for a ride or if we're going to just walk, and then he's like telling me to go with him. And I was like, No, I was like, I'm going to just walk if that's the case, if you don't want to go. I was like, man, you know, I was like -- so after that he went and asked him, and then I just kept walking, and then like maybe like four minutes, five minutes later,

1 then I seen that guy driving Cassidy to the Reserve.

2

3 Q Okay. When you pulled in -- when the vehicle you were in pulled into Mr.
4 Stanley's residence or into his -- his yard, you said Cassidy was the driver?

5 A Mmhmm.

6

7 Q You were in the back seat on the passenger side?

8 A Mmhmm.

9

10 Q Where were the other people sitting?

11 A Colton was in the -- in front of me, and then there was Belinda to the left of
12 me, and then Kiora was on the other side of the door.

13

14 Q Was there any conversation in the vehicle when you pulled into the Stanley
15 yard?

16 A No, I was -- no, there wasn't actually. It was just really quiet because of
17 already what all happened, that everybody was like all disappointed that --
18 well, Kiora was pretty quiet because her vehicle was breaking, and the muffler
19 went, and then the tire was on a rim and --

20

21 Q Okay.

22 A Oh, you mean, like we were discussing? Before that he was -- they were trying
23 to like go to the -- they were trying to like discuss about going to like a -- the
24 ex-Chief's house, and I just told them straight up how it was. I was like, Do
25 you really think he's going to help us because Kiora's dad beat our old Chief?

26

27 Q Okay.

28 A And then -- so he's the Chief now. So I told him straight up. I was like, Do you
29 really think he's going to help you, Kiora? I was like, You guys just finished
30 beating him. And I was like, that --

31

32 Q So they beat him in the local election?

33 A Yeah.

34

35 Q Okay. So why was there talk about going to the ex-Chief's house? What --
36 what kind of help did you need?

37 A For -- to get a jack and stuff.

38

39 Q Okay.

40 A I'm pretty sure she was missing a -- I'm pretty sure she was missing that one
41 arm that goes beside the licence plate to jack down your tire, something like

1 that. She was either missing that or she was missing the jack, one of the two.

2

3 Q Okay. And so this conversation about going to the ex-Chief's house, where did
4 this occur? Like, in relation -- before this happened -- obviously before you
5 turned into Mr. Stanley's yard --

6 A Yeah.

7

8 Q -- how much -- how soon before you turned into Mr. Stanley's yard?

9 A Probably on those bunny roads, by those bunny roads.

10

11 Q Okay. So how many minutes would that be?

12 A Like, maybe ten minutes, 15 minutes.

13

14 Q Was everybody awake and aware of what was happening in the vehicle?

15 A Yeah. Yeah, it was about like 15, 20 -- 20 minutes because that's when we
16 stopped at -- we stopped on the road, and then that's when we stopped in the
17 middle of the road, and then we started trying to do something about it, and
18 then there was -- the muffler was completely hanging, so then we tried to back
19 up a few times -- backed up a few times to try and -- just to try to tear the
20 muffler off because it was just dragging already. It was already broken, so --

21

22 Q Now, there was a rifle in that vehicle?

23 A Yes, it was already in the vehicle when they picked us up. I guess they were
24 like duck hunting or something like that before that.

25

26 Q So where was the rifle?

27 A It was in the back.

28

29 Q In the back, like in the back seat?

30 A Yes.

31

32 Q And where in the back seat?

33 A It was between me and Belinda.

34

35 Q Like, was it on -- was it on the floor or was it resting against the seat?

36 A It was just sitting like straight up like this.

37

38 Q Pardon me?

39 A It was like up and down --

40

41 Q Up and down, so the --

- 1 A Like slanted.
2
- 3 Q -- so the barrel pointed which way?
4 A It pointed down.
5
- 6 Q Okay. Was there ammunition in the vehicle?
7 A I don't -- I don't -- I can't -- I don't know the 100 percent answer because it
8 wasn't my gun, so --
9
- 10 Q So when -- when you got into the vehicle, are you saying the gun was in the
11 vehicle when you got into it?
12 A Yeah, when they came to my house and picked me up, the gun was already in
13 the vehicle, yes.
14
- 15 Q Okay. What kind of a gun was it?
16 A It was a .22 calibre.
17
- 18 Q Was there any shooting going on that day?
19 A Not when I was in the vehicle, no.
20
- 21 Q Okay. You said after you left the -- where you were swimming, you pulled into
22 -- it sounds like another farm?
23 A Mmhmm.
24
- 25 Q And you said that Cassidy asked for the gun?
26 A He didn't ask for the gun. He just asked for something to, like, something hard.
27
- 28 Q And did he say what for?
29 A No, not -- more or less to smash a window, I guess, I don't know.
30
- 31 Q Okay. And did somebody hand him the gun?
32 A And then I gave him the gun, yeah.
33
- 34 Q Okay. And you said that the gun got broken?
35 A The stock came off, yeah.
36
- 37 Q Did you see the stock come off?
38 A It broke, yeah, it broke.
39
- 40 Q Did you see -- did you see where it came off or where it broke?
41 A Right beside the -- on the ground.

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Q Yeah, on the ground beside what?

A Beside a Dodge truck.

Q Okay. Did you see how the stock got broken?

A He -- he was hitting it, I guess. He was hitting it.

Q No, I'm asking if you saw this. Did you see this happen?

A Yeah, I seen it happen.

Q Okay. What did you see?

A Just hitting it with, like, the butt end, and then it just, like after a few hits, then it just all broke.

Q Okay. And what happened to the gun?

A And then we just put it back in the vehicle -- just put it back in the vehicle.

Q And so what part of the gun was put back in the vehicle?

A The stock -- not the stock, but I don't know what you could call that actually, but just --

Q The barrel?

A Yeah, like the barrel and everything.

Q Okay. What was done? What happened with the stock?

A It was just left there.

Q Okay. When -- when the barrel was placed back into the vehicle, where was it placed?

A It was placed in-between me and Belinda.

Q In the back seat?

A Yeah.

Q And --

A Yeah, in the back seat.

Q -- was anything else done with that gun before you got to the Stanley residence, the --

A No.

- 1 Q -- Stanley farm?
2 A No. It wasn't touched.
3
4 Q Okay. So when you got to the Stanley farm, where was the gun?
5 A It was in the back seat.
6
7 Q When you got out of that vehicle and ran away where was the gun?
8 A It was in the back seat in the same place.
9
10 Q And when you got out of that vehicle and ran away where was Colton?
11 A He was in the front seat.
12
13 Q And what was he doing?
14 A He was sleeping because -- from that long road, from the long drive, and we
15 were driving. Like, we weren't driving fast, we were driving pretty slow, and I
16 was even -- I was even laying down, too, in the back seat with my girlfriend --
17 well, my -- Belinda at the time. I was -- I was in the back seat, like you know,
18 kind of like shrugged back, you know, and like holding her, and then like just
19 trying -- just trying to get a little bit of a rest. And then like we were driving,
20 and then --
21
22 Q Where was Kiora?
23 A Kiora was behind the driver's side.
24
25 Q When you got out of the vehicle did you see where anyone else was in the
26 Stanley yard?
27 A No, but there was a -- no, but there was a woman cutting the grass.
28
29 Q Okay. The woman cutting the grass, where was she, like in relation --
30 A She was -- she was cutting the front lawn. Like, there's like -- I'm pretty sure
31 the -- the house is like this, and I'm positive they have some pine trees, like
32 some kind of big trees like this, and then she was cutting the grass on this side.
33
34 Q Okay. You said -- you said, when you first got into the Stanley yard, you -- you
35 pulled up, and Cassidy got out first?
36 A Mmhmm.
37
38 Q And where -- and then you got out?
39 A Mmhmm.
40
41 Q When Cassidy got out --

1
2 THE COURT: Excuse me. He is not answering with
3 words.
4
5 MR. BURGE: Okay. Yeah, please --
6
7 THE WITNESS: Pardon?
8
9 MR. BURGE: -- please say yes or no.
10
11 Q MR. BURGE: You said, Mmhmm.
12 A Oh.
13
14 Q Okay, I'll ask you again. When you -- you said Cassidy got out first?
15 A Yes.
16
17 Q Did you see where Cassidy went?
18 A No, not really, no.
19
20 Q And you -- you got out after Cassidy?
21 A Yeah.
22
23 Q Where did you go?
24 A I stood in front of the vehicle for a few more seconds, and then I seen him by a
25 quad.
26
27 Q You saw Cassidy by the quad?
28 A Mmhmm.
29
30 Q Okay. Where was the vehicle?
31 A Well, here's the shed right here --
32
33 Q Okay.
34 A -- and then his house is like right here. And his driveway is like this. And then
35 we pull up like this, and then Cassidy jumped out, and then I -- and then I
36 waited for a few seconds, then I jumped out, and then -- and then he was
37 standing by -- standing by a quad, and then I went walking up towards him,
38 and then by the time I made it up towards him, then that's when we --
39
40 Q Pardon me?
41 A And then by the time we -- by the time I made it up towards him, and then

1 that's when we heard, like, somebody yell.

2

3 Q Okay. What happened with the quad?

4 A Nothing. It -- it stayed where -- exactly where it was.

5

6 Q Was -- did anybody try to start it?

7 A Not really. I don't think so. I don't know. Like, I think Cassidy tried once or
8 twice or something like that, but --

9

10 Q Okay. And you said you heard voices --

11 A Yes.

12

13 Q -- or somebody yelling?

14 A Yeah, I heard someone yelling.

15

16 Q Did you see people?

17 A No, I just remember seeing two guys. As we were backing up, they're both like
18 standing beside each other or whatever, but I wasn't able to mark out who was
19 the one that smashed the window.

20

21 Q But you weren't able to which?

22 A I wasn't able to point out who -- who smashed the window.

23

24 Q Okay. And then you said Cassidy bent down and drove and hit that other
25 vehicle?

26 A Yeah, because that -- whoever came out, they had to have come out on the
27 driver's side, like on the right side of the vehicle, and then they -- they just
28 smashed the windshield, and then Cassidy backed up and then he was like, the
29 steering wheel is like this, and then he was like, the dash must have been like
30 this right here, and then he only had like a little -- a little -- like, not even a foot
31 to look through, I think I remember as -- and then it was all like smashed spider
32 web right across. It wasn't like smashed where there is no glass whatsoever.

33

34 Q Okay.

35 A It was like spider web right across, and then he's looking down like this, and
36 then he was leaving. We were leaving, and then all of a sudden we hit that
37 parked vehicle and then just a bunch of big cloud of smoke come up, and then
38 Cassidy opened his door, and then I opened my door. Well, Cassidy opened his
39 door, and he started running, and then I -- and then I opened my door and then
40 I ran, and then that's when I heard the first two shots, and then I'm positive
41 that those two shots were towards me because you could kind of hear like the

1 whistling or whatever. And then after I heard those first two shots come
2 towards me, then that's when I cut right into those pine trees or whatever, and
3 then -- and then I just ran across the road, and then I kept running, and I kept
4 running, and then -- we kept running, and then we ran next-door, and then --
5 and then Cassidy went and asked that guy for help, for a ride, and then that guy
6 gave him a ride.

7

8 Q Okay. I'm going to ask you some questions about the vehicle, Kiora's vehicle.
9 The driver's door window, do you know if it was up or down?

10 A I would have to -- I'm not positive with that, so I wouldn't really want to
11 answer that, but I don't even know, to be honest.

12

13 Q The front passenger door, that window, was it up or down, do you know?

14 A I would -- I can't answer that because I don't know the positive answer, and I
15 don't want to guess.

16

17 Q Did you notice if the window in the front passenger door had any damage to it
18 when you were driving around that day?

19 A Pardon?

20

21 Q When you were in the vehicle and driving around, you know, from -- from Red
22 Pheasant to the -- to swimming, and then for the rest of your trip, did you
23 notice if the window in the -- of the front passenger door?

24 A If it was smashed?

25

26 Q If it had been damaged in any way?

27 A No, not that I know of.

28

29 Q Okay. When you left the vehicle and you were -- were you running away?

30 A Yeah.

31

32 Q Did you look back?

33 A For my -- I dropped my cell phone, and I looked back, and then -- because
34 when I was running I dropped my cell phone, and then it was like maybe two
35 steps behind me, and then I just turned around real quick, and I reached and
36 picked it up.

37

38 Q Okay.

39 A And after I picked it up, then that's when I heard those first two gunshots.

40

41 Q Did you look back?

- 1 A For a split second, but I really didn't see anybody.
2
- 3 Q Okay. When you were at the Stanley farm, how far would it be from Red
4 Pheasant?
5 A Probably like five kilometres from the outskirts --
6
- 7 Q Okay.
8 A -- maybe.
9
- 10 Q So you -- and you had a cell phone with you?
11 A Yes.
12
- 13 Q In fact, you dropped it and then picked it up?
14 A Yes --
15
- 16 Q Did you --
17 A -- but it didn't have no minutes or nothing at the time.
18
- 19 Q It didn't?
20 A No.
21
- 22 Q Did you do anything with the phone?
23 A What do you mean? Like, was I able to make phone calls or texting?
24
- 25 Q Can you text?
26 A No, I wasn't --
27
- 28 Q Okay.
29 A -- able to text.
30
- 31 Q Do you know if anyone else in your party in that vehicle had cell phones?
32 A Yeah, Kiora and Belinda did.
33
- 34 Q Okay. And were they both -- they had them with them?
35 A Yes.
36
- 37 Q Okay.
38 A Yeah.
39
- 40 Q Now, you said -- you said Colton was sleeping in the front passenger?
41 A Yes, sir.

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Q Do you know if he was still sleeping when you jumped out of the vehicle?

A That I -- I don't even know, to be honest. It happened too quick.

Q Okay. You said you said a woman riding --

A Riding on --

Q -- riding on a riding mower? Was this before or after you heard the shots, the first two shots?

A After because when I heard those -- when he first -- when he first shot at me, then that's when I cut right.

Q Okay. Okay. You look -- there is a photo, if you could look to yourself, is there anything that you recognize about that photo?

A Those trees right here, and she was like, yeah,

Q Okay, just -- just take your time. Take a good look and tell us --

A That was --

Q -- what does this photo show?

A It's the layout of his yard.

Q The Stanley yard?

A Yes, sir. And that was where she was cutting the grass was right here, and that's --

Q You can even stand up and come over here, if you like, and point to it, or just stand up. You can stand up where you are and so you can reach to point to it.

A She was cutting this part of the lawn right here.

Q Okay. And you said that you --

THE COURT: Okay. He said, Right here. He is indicating on the front side of the house; is that correct?

THE WITNESS: Yeah, on this -- on the west side of the --

THE COURT: The west side of the house?

THE WITNESS: -- of the -- of the road, yeah, of that little driveway.

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THE COURT:

Okay.

Q MR. BURGE:

And you said that you started to run, and then you said about -- something about cutting to your right?

A Yeah, I cut to these trees right here.

Q Okay. So those are some trees that, in this photograph, are just below the -- the -- it looks like the main driveway?

A Yeah, I'm positive these -- those trees keep going right to the --

Q Okay.

A -- to the thing.

Q And where was the lawn mower when you cut into that -- or through those trees?

A The lawn mower, it was probably like more over -- on right here somewhere.

Q Okay. So you were pointing to an area just to the -- just above the -- the roof line of the -- of the house that's to the top part of the house --

A The top of the lawn.

Q -- as we see in that photo?

A Yeah, about right here she was cutting the grass somewhere.

Q Okay. And that was after you heard the shots that you went into that area?

A Yeah. Then I started running alongside those trees, and I -- I started running. I went directly across the road.

Q Okay.

A Then there's like a little open brush across his road. There's a little open brush, and if you follow that it'll take you to old machinery.

MR. BURGE:

Mr. Meechance, I thank you for answering my questions. Please answer any questions that my friend might have.

THE COURT:

Cross-exam?

MR. SPENCER:

Your Honour, could I just have five minutes, and then I can go to whatever your --

1 THE COURT: Okay.

2
3 MR. SPENCER: -- preferred end of the day is.

4
5 THE COURT: Around 5:00.

6
7 MR. SPENCER: Around 5? Okay. Yeah. If I can give five
8 minutes (INDISCERNIBLE).

9
10 THE COURT: Okay.

11
12 (ADJOURNMENT)

13
14 THE COURT: Mr. Spencer?

15
16 MR. SPENCER: Thank you, Your Honour.

17
18 **Mr. Spencer Cross-examines the Witness**

19
20 Q MR. SPENCER: So Mr. Meechance, can you tell me who
21 you've given statements to or who you've discussed the facts of what
22 happened on the Stanley ranch, who you've discussed it with. Can you tell me
23 everybody?

24 A Who did I give a statement to?

25
26 Q Yeah.

27 A Just the police and FSIN.

28
29 Q Okay. And you've only given one statement to the police?

30 A Yes.

31
32 Q And that was the day after the incident?

33 A On August 10th, yes.

34
35 Q Okay. And when did you give a statement to the FSIN?

36 A Sometime in September.

37
38 Q Okay. And why was that?

39 A Pardon?

40
41 Q Why did you give a statement to the FSIN?

1 A They wanted -- they wanted to proceed -- well, not proceed, but they wanted to
2 have a -- to hear the statement just to make sure everything is handled the way
3 it's supposed to be handled.
4

5 Q Okay. Had you made any complaint at that point or did you have any concerns
6 with how things were being handled?

7 A Did I have any concerns?
8

9 Q Yeah.

10 A Not really, no.
11

12 Q No. Okay. Did you discuss the circumstances with anybody else? Did you
13 discuss the circumstances with anybody else?

14 A No.
15

16 Q Okay.

17 A I didn't give any other statements to anybody else, no.
18

19 Q Okay. And I appreciate those are somewhat formal statements, I get that, but
20 have you discussed the circumstances with anybody else?

21 A What do you mean by circumstances?
22

23 Q What happened on the Stanley ranch that day and leading up to it?

24 A No, I don't really like talking about it.
25

26 Q Okay. Did you meet with the family and tell them what happened that day?

27 A I went and seen the family, yes.
28

29 Q And did you tell them what had -- what happened on that day?

30 A I told them, like, what went on, yes, not -- yes.
31

32 Q Okay. The media -- and did you discuss with the media what happened that
33 day? Have you spoken to any reporters about what happened that day?

34 A Yes, I did.
35

36 Q Mmhmm.

37 A At the funeral.
38

39 Q So when I asked you how come you didn't -- or who you spoke to about the
40 incident that day, why wouldn't you mention girls?

41 A Well, you asked if I spoke to the -- like, if any -- I don't even know, to be

1 honest actually. I didn't think because he would have got it, too. Well, he
2 would have got the -- the (INDISCERNIBLE), but yeah, I spoke to the -- the
3 family wanted me to speak to the -- to the media, so --
4

5 Q Okay. Who else was present when you spoke with the family? Who was -- who
6 was there when you told them about what happened?

7 A Just the -- the media. Like, any other witnesses you're trying to get at?
8

9 Q Well, I don't know, I wasn't there, but --

10 A But is that what you're trying to ask?
11

12 Q -- you went and talked to the family and you told them about what happened.
13 When was that and who was there?

14 A There was their mom and the -- and the two brothers.
15

16 Q Okay. And what day was it? What day was that?

17 A August 10th.
18

19 Q Okay, so the next day, pretty quick after you --

20 A Yeah.
21

22 Q -- left the --

23 A Yeah.
24

25 Q -- North Battleford Police? And did you tell them all the details of what
26 happened?

27 A Not really, no.
28

29 Q No. Then what did you tell them?

30 A I told them that their son had been shot, and that I didn't find out until I was in
31 the police station.
32

33 Q But they would have known that. Did you tell them anything about the
34 circumstances around the tragedy?

35 A What do you mean by that?
36

37 Q What happened. Did you tell them about what happened, what you guys were
38 doing there?

39 A I -- I really didn't know what -- what happened, and then I just -- I just told
40 them that, what I knew from my point, and Belinda was -- didn't really want to
41 talk to the family at the time because it was still hard to all take in.

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Q And -- and the family encouraged you to speak to the media about what had happened that night?

A Yeah.

Q Okay. And what did you tell the media?

A I told them that it was just an ordinary day, and --

Q Did you mention anything about having a rifle with you guys?

A No --

Q Did you mention anything about --

A -- because -- because it wasn't pulled out at any time at that farm.

Q Right, but you didn't mention that. Did you mention anything about going through vehicles and searching through vehicles, damaging a vehicle with the rifle, any of those things?

A I didn't search no vehicles, so I didn't have to say that.

Q Okay. Okay. Did you indicate to the media that other people with you might have been --

A I was just speaking on my behalf.

Q Okay.

THE COURT: Mr. Meechance, if you'd just wait for the question to be finished, and then just answer the question. Okay?

THE WITNESS: Yes, sir.

Q MR. SPENCER: Okay. I think, if it's the same media that I'm thinking of, I think your indication was that -- that you were just looking for help with a -- with a tire?

A Well -- yes.

Q Okay. Now, is that still your position today or would you accept today that there was more to it than that?

A I would accept that we were going there for help.

Q Okay. So today you're not prepared to accept that it was inappropriate to be rifling through people's vehicles?

- 1 A We didn't -- I didn't rifle through nobody's vehicle.
2
- 3 Q Okay, but the people with you, some of the people with you did?
4 A And I can't speak on their behalf.
5
- 6 Q But you do understand you're here to -- to tell the court and -- and to give the
7 -- the full evidence. It's not just you speaking on your behalf. You're a witness,
8 and you need to tell what happened. You understand that?
9 A Yes.
10
- 11 Q Okay. So would you agree with me that Cassidy was on the quad and that he
12 started it up?
13 A I can't agree with that, no.
14
- 15 Q Okay. So who was on the quad then?
16 A I didn't see him go on the quad so I can't --
17
- 18 Q Okay. Did you see him on -- not getting on it, but did you see him on it?
19 A He went walking towards it, but I don't recall him. Maybe he would have
20 jumped on and off, I don't know --
21
- 22 Q Okay. Where were you --
23 A -- but --
24
- 25 Q -- where were you when you think --
26 A -- but --
27
- 28 Q -- he might have jumped on and off?
29 A -- but I'm positive that I know that that quad didn't move a foot. It was in the
30 same spot where it was.
31
- 32 Q Did it start up?
33 A Not that I know of, no.
34
- 35 Q You didn't hear it start up?
36 A No.
37
- 38 Q Is it possible it started up?
39 A It couldn't have, no. I don't think it did.
40
- 41 Q Is it possible?

- 1
2 THE COURT: Well, counsel, you're asking him to
3 guess at this point. He -- he was there. He saw what he saw, and he says he doesn't
4 know. So asking if it's within the realm of possibilities, is that not asking him to
5 guess?
6
- 7 MR. SPENCER: Well, it's asking whether he's got
8 evidence to the contrary, I guess, is what I'm --
9
- 10 THE COURT: Well, then, perhaps you can make it
11 more specific then.
12
- 13 MR. SPENCER: Yeah. No, and that's fair, Your Honour.
14
- 15 Q MR. SPENCER: So where were you when Cassidy might
16 have gotten on the quad?
17 A I was just getting out.
18
- 19 Q Okay. Getting out of what?
20 A The vehicle.
21
- 22 Q Okay. And where was the vehicle?
23 A Probably parked like over here, maybe. I don't even know, like right here I'd --
24 it happened too fast to -- it happened really fast, actually, to be honest.
25
- 26 THE COURT: For the record, he was pointing above the
27 whatever white or gold-coloured truck.
28
- 29 THE WITNESS: Yeah, about right here somewhere. I
30 don't know directly exactly where, but --
31
- 32 Q MR. SPENCER: Okay. Where did you go when you got
33 out of the truck --
34 A I stood --
35
- 36 Q -- or out of the SUV rather?
37 A -- I stood in front of the vehicle for a few seconds.
38
- 39 Q Okay. So (INDISCERNIBLE) approach you here. If, in fact, the vehicle was
40 parked right here, right beside the quad, and you went in front of the vehicle,
41 then you would be within feet of the quad? Do you agree with that?

1 A Pardon?

2

3 Q I'm going to suggest to you that the vehicle was parked right there. The left
4 front of the vehicle --

5 A So that's where it was parked?

6

7 Q That's what I'm suggesting to you, yeah. Would you agree with that?

8 A I can't agree with you because I don't even know exactly where it was parked.

9

10 Q Okay, but there was -- so you don't know, but there is other evidence that you
11 put the vehicle exactly there, and you're saying you went in front of it?

12 A Yeah, I went in front of the vehicle, yes.

13

14 Q Yeah. And would you not agree with me that that would put you within feet of
15 the quad?

16 A If the vehicle was parked there?

17

18 Q Yeah.

19 A Well, if you're saying the vehicle was parked right here, then obviously it
20 would be within feet of the vehicle, within a couple of feet of the quad, I guess.

21

22 Q Okay. Do you have any explanation why you wouldn't have seen whether
23 Cassidy got on the quad if the vehicle was parked there?

24 A Because I was getting out, like I said. I was getting out from the front seat --
25 no, from the back, sorry, from the back and then --

26

27 Q Okay. So the -- the first farm you went to -- how -- many farms did you go to
28 that day?

29 A Just one, two --

30

31 Q Two?

32 A -- one with the Stanley's. Two with the Stanley's.

33

34 Q Well, the -- the first one you went to, do you know where that is on the map?
35 Can you show me that?

36 A I can show you exactly.

37

38 Q And this is your home area. You are pretty familiar with it; is that right?

39 A Yeah.

40

41 MR. BURGE:

So that's P-4?

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MR. SPENCER: That's P-4, yeah.

MR. BURGE: Maybe you can tell which way is south
(INDISCERNIBLE).

Q MR. SPENCER: So maybe I'll get you to point out on P-4
where -- where you started that day when you guys first met up.

A Well, I can't tell you where exactly it ran up this here, but somewhere
(INDISCERNIBLE) working on the (INDISCERNIBLE) here. This old
number 4, they're (INDISCERNIBLE) number 4.

Q Well, I think that's the main highway.

A Where is Cando then? Do you have Cando on here?

Q I don't know. It's a -- it's a Crown exhibit. It's the RM map for that area. What
I'm going to suggest to you is that -- that Red Pheasant, the town site is up
here. Does that make sense to you?

A But there is no circle there though.

Q Yeah, the map ends, but in any event what I'm suggesting is that Red Pheasant
is off the map to the upper left. Is that right or am I mistaken?

A So this red line right here, is this the highway?

Q No, no.

A This is the highway going north and south. I can't even find --

Q Well, this is the highway, and I think it goes around and then goes further
north, but --

A Are you able to help me find Cando on here?

Q No. No, what is your answer?

A I can't find Cando, so I just can't guess.

Q Okay. Okay. Well, maybe I'll have to get a better map with more --

A (INDISCERNIBLE). I believe this is Lizard Lake right here. This is
(INDISCERNIBLE) here.

Q Yeah, and the Bible camp is there?

A Yeah.

1 Q The first farm --

2 A Should be on the highway here somewhere, right here is the river, and here is
3 when -- where all those bunny hills are.

4

5 Q So when you finish that --

6 A (INDISCERNIBLE).

7

8 Q Okay. So out here is where you went swimming at the river. That there?

9 A Yeah.

10

11 Q So the (INDISCERNIBLE) for line 4 --

12

13 THE COURT: Gentlemen, we're having trouble picking
14 up whatever your -- is being said on the microphones.

15

16 MR. SPENCER: Okay. Okay. All right. Can you hear
17 now?

18

19 COURT CLERK: Yeah, that's fine.

20

21 MR. SPENCER: Yeah, okay.

22

23 Q MR. SPENCER: So the area you were swimming on, is it
24 fair to say it's over here off the map, this area that you would have come down,
25 this road here, 715W? Do you see that? Does that look like the road that you
26 were on?

27 A Yeah.

28

29 Q Okay. So you were over here at the -- at the river, but it's that road; is that fair?

30 A Yes.

31

32 Q Okay. And then when you decided you were leaving the river, had you
33 discussed where you were going then?

34 A Back to the Reserve.

35

36 Q Okay. Now, where -- what part of the Reserve?

37 A My house, to get dropped off.

38

39 Q Your house, so the town site area?

40 A No, I don't live in the town site.

41

1 Q Okay.

2 A I live on the north end of the Res (sic).

3

4 Q Okay. And so where is -- can you see that anywhere on the map or can you
5 give me an idea of where that would be?

6 A It would probably be like right here somewhere. Well, if this map kept going,
7 it'll be like -- I live on the far north side of the Res --

8

9 Q Okay.

10 A -- the far northeast side.

11

12 Q Well, that's what I'm saying is, it would be up in this corner --

13 A Yeah.

14

15 Q -- the northwest, east --

16 A Yeah.

17

18 Q -- south symbol is, up in there somewhere?

19 A Yeah.

20

21 Q Okay. So you're on this road, 715W, it's coming from the river. And you stop
22 at one of the farms along there?

23 A Mmhhh.

24

25 Q Do you have any idea who those people were?

26 A No.

27

28 Q No? Okay. And why did you stop there?

29 A I don't know. I wasn't the one driving.

30

31 Q There was no discussion of -- of why you were pulling into a farmyard?

32 A Well, Cassidy was -- at first when we -- when we pulled into that yard, our -- at
33 that point our rubber was still on -- our rubber was still on the tire.

34

35 Q Okay. Now, the tire had been damaged actually at the river; right, at the
36 bridge?

37 A Yeah, on the south side of the bridge.

38

39 Q And then you said it was losing air. You could hear it losing air?

40 A Yeah, and it was losing air rapidly.

41

1 Q Okay. How far are you from the bridge to Maymont, the town?

2 A From when it happened?

3

4 Q Yeah.

5 A We were just right at the bridge.

6

7 Q Okay. How far was the actual town from the bridge?

8 A I don't know, 20 minutes -- 15 minutes, 20 minutes. I don't even know. Ten
9 minutes, 15 -- 15 minutes.

10

11 Q So why wouldn't you have driven to the town to deal with the tire?

12 A There is no tire shop.

13

14 Q There is no garage in Maymont at all?

15 A Not that I know of, no.

16

17 Q Okay. Did you talk to anybody at the park, go back to the park and say, hey --

18 A Like I said, we didn't go to the park.

19

20 Q You didn't go to the park?

21 A No.

22

23 Q You were never at the park?

24 A No, we were never at the park.

25

26 Q Oh.

27 A Like I said, we were at the river.

28

29 Q Okay. So you were never asked to leave the park?

30 A We weren't ever at the park.

31

32 Q Okay. Okay. So certainly you've -- by the time you get to the first farm your
33 tire is flat --

34 A Mmhmm.

35

36 Q -- right? So what was your understanding of why you would pull into that first
37 yard?

38 A I don't know, I just stayed in the vehicle. Like I said, we all stayed in the
39 vehicle.

40

41 Q Okay. So did you pull up to the house?

1 A Yeah, we pulled -- the house is right here, and we pull up in front there like
2 that and --

3

4 Q Of the house?

5 A Yeah.

6

7 Q Yeah, okay. And did anybody go and knock on the door to see if you could get
8 some help?

9 A No, Cassidy didn't, no.

10

11 Q What's that?

12 A No, Cassidy didn't. No, he hadn't.

13

14 Q Okay, but none of you thought we should knock and get some help?

15 A No, I -- I stayed in the vehicle. Like I said, Cassidy jumped out and --

16

17 Q Okay. I thought you said you all stayed in the vehicle, so --

18 A I said, Us four stayed in the vehicle. And -- there was five of us.

19

20 Q Okay. So Cassidy got out. And did he go up to the house?

21 A No.

22

23 Q All right. Where did he go?

24 A He checked the vehicle.

25

26 Q Why did you think he was checking the vehicle? What was he checking it for?

27 A I don't know.

28

29 Q Hmmm?

30 A I don't know, probably trying to find a different ride home, I guess. I don't
31 know.

32

33 Q Okay. What do you mean by that?

34 A Pardon?

35

36 Q What do you mean by that, find a different ride home?

37 A I don't know. We were -- that one -- Kiora's vehicle was just right on the rim,
38 like, and then --

39

40 Q So you were thinking of taking another vehicle to get home?

41 A I wasn't thinking, no.

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Q Okay. What do you mean, you said, get another ride home, but what do you mean? What do you mean by that?

A Cassidy looked at this. There was a white truck there that -- that he checked it, I guess, and I don't know what happened. I didn't really ask him.

Q Okay. Now, I understood you were looking for a jack. You thought you needed a jack?

A A jack or a -- one of those wheel wrenches, yes.

Q Okay. And the farm -- the first farm you pulled into, you don't know whose farm it was?

A No.

Q No. Did they have a shop there?

A Did they have a shop?

Q Yeah.

A I don't even -- I don't even recall. I was -- I was in the back seat, and I was more or less just laying back, waiting to go back to the Reserve because it was --

Q Okay, but you had a problem. You knew you had a flat tire; right?

A Yes, I knew that.

Q Right. So you needed to get that fixed, didn't you?

A Yes, sir.

Q And so you were at a farm that had a shop, tools?

A I didn't know -- I -- I didn't see a shop. I didn't see a shop, no.

Q Okay. So you didn't think the farm would have a jack?

A I didn't -- I wasn't the one that went and who jumped out.

Q Okay. Certainly Cassidy wasn't going to find a jack in the other vehicle?

A I don't know.

Q Will you agree with me, sir, that it would be a reasonable assumption that he was thinking of taking that vehicle?

A What do you mean by reasonable assumption or whatever?

1 Q Well, you were there, sir. I'm going to suggest --

2 A No, but I -- I know that, but I said what did you mean by that, like by -- a
3 reasonable?

4

5 Q Well, you were there when he got in that vehicle, the white truck?

6

7 THE COURT: He's asking for a definition of reasonable
8 assumption.

9

10 Q MR. SPENCER: Did you think Cassidy was going to take
11 that vehicle if it had keys in it?

12 A Maybe. I don't know. The lights came on, but I don't know why -- I don't
13 know, if he was going to take it he would have took it, I guess, I don't know.

14

15 Q Okay. Did he try to start it?

16 A I don't think so. I just seen the brake lights come on, and that was it. Then he
17 jumped out and he jumped back in the vehicle and he left.

18

19 Q Okay. And did you leave right away?

20 A Yes, sir.

21

22 Q Okay. So he went and he checked out the white truck, which was unlocked?

23 A Mmhmm.

24

25 Q And --

26

27 THE COURT: You'll have to use words. Okay? You
28 went, Mmhmm.

29

30 THE WITNESS: Yes, sir.

31

32 THE COURT: Thank you.

33

34 Q MR. SPENCER: And he -- you could tell the lights came
35 on, so do you think he turned the key?

36 A I don't know, maybe, I guess. Yeah, I guess so.

37

38 Q Okay, but he didn't get it started so then he jumped back into the SUV?

39 A Yeah, he jumped back in the SUV, yeah.

40

41 Q And then you guys left immediately --

- 1 A Mmhhh.
- 2
- 3 Q -- is that right?
- 4 A Yes, sir. Sorry about that.
- 5
- 6 Q Yeah. Okay. You didn't go to another farmyard that was attached to that
- 7 farmyard by chance?
- 8 A Well, if you ask me it was all one farm, I think, I don't know, but if it was two
- 9 different ones, then that makes it three of them, I guess.
- 10
- 11 Q Okay. Yeah, and I'm not too worried about that part. I'm worried about where
- 12 you said you left right away, and I'm suggesting --
- 13 A And then there was a loop like this.
- 14
- 15 Q Okay. So what did you do then after Cassidy got out of the white truck?
- 16 A What did I do? I stayed in the vehicle.
- 17
- 18 Q What did you as a group do? Where did the vehicle go?
- 19 A We all stayed in the vehicle, and Cassidy jumped in and we all left.
- 20
- 21 Q Okay. So when did the -- the red truck, when did that happen, that you told my
- 22 learned friend about?
- 23 A That happened when we were -- when we were leaving there, there was like a
- 24 'U' thing. As you come in there's like a 'U' approach. There's like a 'U'
- 25 approach.
- 26
- 27 Q Yeah.
- 28 A And then when we're leaving that one, and there was one like in the garage or
- 29 whatever, a little half a garage or whatever you want to call it.
- 30
- 31 Q Another truck?
- 32 A Yeah.
- 33
- 34 Q So you didn't actually leave. You pulled over to another truck; is that right?
- 35 A Yeah.
- 36
- 37 Q A vehicle there?
- 38 A Mmhhh.
- 39
- 40 Q And Cassidy gets out again?
- 41 A Mmhhh.

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Q What does he do with that truck?

THE COURT: Again, you're not wait -- you're not getting words from him.

MR. SPENCER: Oh.

THE COURT: So a transcript is not going to be what you're hoping for.

Q MR. SPENCER: So you didn't leave right away, did you?

A No.

Q You pulled up to the red truck?

A Yes.

Q Cassidy got out?

A Yes.

Q What did you do at the red truck?

A He tried to open the door.

Q Okay. And did he get it open?

A No.

Q Okay. So you're looking for a jack? Are you still saying that as a group, Cassidy, you, you guys were looking for a jack to change a flat, or are you now --

A At first we were, and then -- and then after you check a vehicle for whatever, you really can't ask for -- for help again, I guess.

Q It might be kind of tough to go, after you've rifled through the vehicle and tried to take it, to then go to the house and ask for help?

A Mmhhh.

Q Okay. I get that. So the second vehicle, the red vehicle, are you -- would you agree with me at that point Cassidy decided he was going to take that vehicle if he could get into it?

A I wouldn't agree with you because he didn't get into it, so we wouldn't know, just if -- if he -- if he did want to take a vehicle I'm sure he would have took

1 that white one because I'm pretty sure the lights just don't come while -- those
2 lights just don't come on like that, if there's no keys in them, so --

3

4 Q Okay. So you'd agree with me he likely had the keys in the ignition at that
5 point?

6 A Probably there was, I don't know. I didn't -- I didn't really talk -- I didn't talk
7 to him after all of this.

8

9 Q Okay. Okay. So he's at the red vehicle now, and you give him the rifle?

10 A I didn't give it to him. He asked for something.

11

12 Q And then what did you do?

13 A I gave him something he could use.

14

15 Q Which was?

16 A A rifle.

17

18 Q Okay. So why when I asked you, did you give him the rifle, why wouldn't you
19 just say that, sir?

20 A Because you're making it sound like I intentionally gave it to him when he
21 asked for something to use, and I -- I gave him that.

22

23 Q So why would you give him a rifle if you were looking for help?

24 A Pardon?

25

26 Q Why would you give him a rifle if you were looking for help?

27 A Because there's -- nobody came out, I guess.

28

29 Q But you didn't knock?

30 A No. When we pulled up I was behind -- I was behind the passenger, so -- and
31 then when he jumped out, by the time I looked to the right already, I seen the
32 front door was open and the screen door was -- was like just a screen door was
33 open and then already he was in that vehicle, so it was already too late to try to
34 tell him to go -- go to the front door.

35

36 Q So -- okay, so this is helping me. So he is in the white vehicle and you see the
37 homeowner open the door?

38 A I didn't see the homeowner. I didn't say that I seen the homeowner.

39

40 Q You saw the door open?

41 A I said the door was open.

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Q Okay. You got me confused. This is while he's in -- while Cassidy is in the white truck?

A Mmhmm. Yes. Sorry.

Q And was -- was the door open when you pulled in or did you believe that you saw the door open, that that meant somebody was home?

A I didn't see the door open on it, like someone intentionally opened it. I said when Cassidy was in the truck really quick, and then when I happened to look to my right, I -- I noticed that the screen door was just -- there was two doors, and that one door was open, and it's just the screen door.

Q But you hadn't got the gun out at that point?

A No.

Q Okay. So you go to the other side of the yard, the 'U' part of the yard?

A Mmhmm. Yes.

Q And why wouldn't you suggest that you should leave now that you've seen the doors open and he's tried to get a vehicle started? What did you do? Did you just say, that's good, we should try to get another one? Is there no discussion going on at all?

A No, I just sat there at that -- he was that -- that actually pulled up to that red truck and then --

Q Okay. So what did Cassidy do with the red truck?

A Nothing. We just left.

Q He didn't do anything with the red truck?

A Oh, well, he didn't take it if that's what you're trying to ask, but --

Q No, I'm asking exactly what he did. You witnessed. What did he do with the red truck after you gave him the rifle?

A He hit the window a few times, and then the butt end broke, and then we left.

Q Okay. So he tried to break into the truck, using the gun?

A Mmhmm. Yes.

Q Okay. And then he brought the gun back into the vehicle?

A Yes.

1 Q And handed it back to you in the back seat?

2 A Mmhmm. Yes, Your Honour, yes.

3

4 Q Okay. You were never out of the vehicle in -- in that yard?

5 A I jumped out to give it to him because he asked for it. He asked for something,
6 and I gave it to him.

7

8 Q So you were actually out of the vehicle?

9 A Not when we pull up in front of the house.

10

11 Q Okay, but I think --

12 A In front of the house we all stayed -- the four of us stayed in the vehicle, and
13 then he jumped out, and then we moved, and then that's when he -- he jumped
14 out again, and then he was like he asked for something, so -- he asked for
15 something hard, so I just gave him that gun.

16

17 Q Okay. Did you ask him what he needed something hard for or did you know?

18 A Well, to smash the window because he was -- he -- to smash the window
19 obviously, I guess.

20

21 Q Obviously, yes. Yeah. Do you still think it was fair to characterize it as just
22 looking for help with a tire?

23 A Pardon?

24

25 Q Do you still think it's fair just to say, you as a group, were just looking for help
26 for a tire, a flat tire?

27 A Somewhat, yes.

28

29 Q Have you discussed what happened that day with any of the other people there
30 were in the grey SUV then?

31 A The other witnesses?

32

33 Q Yeah, the other witnesses?

34 A No, not -- no.

35

36 Q No?

37 A I didn't really hang -- I didn't really see Cassidy or Kiora after that because
38 Cassidy didn't come in right away, and by the time we -- we got released
39 Cassidy didn't even go see the police, and then I found that pretty
40 disrespectful. And he was there when we all got out, but he wasn't there to go
41 and give a statement.

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Q Okay. So are you sure that you haven't sat down and discussed this with Cassidy or Belinda or Kiora?

A Like, what do you mean? I haven't discussed it with Kiora, but in -- we -- we were still together for a while after that, me and Belinda.

Q Okay. So you discussed it with her?

A Well, no. We wouldn't really like discuss stuff because she didn't really like talking about it because of what happened, and it's -- it's just not anything you talk about with anybody, I guess.

Q Okay.

A Like -- just like me, like to go talk to you if you ask me something, I'm not just going to start telling you about it.

Q So are you saying you didn't get together with the other witnesses and discuss things and -- and try to piece together what happened that day?

A At the funeral, at the -- at the hall that was the only time we actually all came together, but it -- it wasn't intentionally to talk about what all happened. It was to pay our respects and -- and then when -- at the funeral, then that's when Kiora and Belinda started remembering more stuff as, you know, just like when you talk about something that you don't really remember, but then someone says, oh, yeah, there's this, and then all of a sudden they're oh, yeah, they're this, and then they start piecing it together, but yeah, it's -- that was -- that was the only time, if anything, but -- but we didn't intentionally to -- we didn't intentionally to do that.

Q Okay, because Belinda's comment in the statement she provided was, But when we all --

MR. BURGE: My Lord, I don't -- or Your Honour, I don't know if we should be reading other witness statements to a witness.

THE COURT: Yes, I don't -- counsel, I don't think you should be having one witness comment on what another witness says.

MR. SPENCER: Okay. Well, I guess, Your Honour, my -- my purpose is that the witness, you know, indicated they didn't get together and talk, and so we've got one of the other witnesses that said they did, and I'd like to put that to him and give him an opportunity to provide an explanation.

1 THE COURT: Well, perhaps you can suggest to him
2 that, in fact, they did talk, and also indicate maybe what was said, but not where it
3 came from, and start with that.
4

5 Q MR. SPENCER: Okay. Would you -- would you agree
6 with me that -- that you did get together and discuss this incident with the other
7 witnesses, and you began to remember more things?

8 A Like I said we didn't intentionally get together to remember everything. It was
9 at the -- at the -- at the hall, and I could recall one person that's in the stand that
10 was there with us and they started remembering more and more. And well,
11 there's one person that was in the stand that was -- that was at the hall, and at
12 the table when Kiora and them because I was there for quite a while -- for quite
13 a while, and then they showed up, and then that's when -- and then that's when
14 her and Kiora started -- Kiora and Belinda started talking because when that
15 happened Cassidy was -- wasn't ever around. He -- he left, and he didn't -- he
16 didn't go to the funeral or nothing, and that he -- now, he's coming for trial, I
17 guess, if that's what -- or prelims or whatever.
18

19 Q Okay. You said there was somebody that was in the stand and they were
20 remembering things?

21 A No, I said there's somebody that's here that was there with us to even be -- to
22 -- to help -- help be a witness towards me to stating that we didn't go there to
23 intentionally to bring the -- the story together that -- say me and you done
24 something, and I don't really remember and you don't really remember, and
25 we met somewhere and then that you say something, and then -- and then that's
26 when I remember it, and then you remember a little more that -- you remember
27 a little more that you didn't remember because I was refreshing your memory
28 with a little bit of stuff --
29

30 Q Yeah. I think --

31 A -- but what I'm trying to say is we didn't intentionally all get together to get the
32 story straight. We didn't, but if that's what Belinda thinks, that's what she
33 probably thought is because it was at that time, at that hall --
34

35 Q Okay.

36 A -- which there was only three of us, and you'd think if we were all to get our
37 stories straight we'd have all of us there.
38

39 Q Okay. No, I'm just trying to find out what happened.

40 A Well --
41

1 Q So who is the person -- you said there's a person helping you. Who was that?

2 A I didn't say they were helping me.

3

4 Q Who was that though? Who were you referring to?

5 A I said there was somebody at the table.

6

7 Q Who was that?

8 A Sheldon.

9

10 Q Okay. So he's --

11 A He --

12

13 Q -- he was helping you guys get your --

14 A No. He was -- he was asking me if I was all right and if I needed anything, and
15 then that's when it happened to be that Clint and Kiora and them showed up,
16 and then they came and sat at our table, and then my -- my -- Belinda and
17 Kiora were sitting on the side, and then that's when they started remembering
18 more stuff than they did from their first statement.

19

20 Q So you were all talking, and that caused people to remember things?

21 A Not people, but they were talking on the side, yes.

22

23 Q Have you discussed the facts with anybody else and what we've dealt with, the
24 media, the other witnesses and Sheldon, the FSIN and the police, have you
25 discussed it with anybody else? Anybody else?

26 A Well, the family, that's about it, the family.

27

28 Q Nobody other than the family? Did you ever meet with the family's lawyer?

29 A Not in person, no.

30

31 Q Not --

32 A My first time was today.

33

34 Q Okay. So you haven't met him. Okay. So there's been no discussion that way
35 of what happened that day?

36 A Pardon?

37

38 Q You've had no discussions with Mr. Murphy about what happened that day?

39 A I had a few phone calls with him, but he -- he was just letting me know what
40 was all going on, and he was just -- he was just saying who he was and what he
41 was doing, and then he was saying like -- he was just there to make sure that

1 everything goes as --

2

3 Q Okay. Did you kind of give him a summary or -- a summary of what happened
4 that day when you were talking to him on the phone?

5 A No, I didn't.

6

7 Q Okay. So when you left the river you were going to head back to the main town
8 site of the Reserve, your -- your home, that's where you were headed?

9 A Yes.

10

11 Q Okay. And how did you get to the river? Like, what route did you take to get to
12 the river? (INDISCERNIBLE)?

13 A The same way you were -- the same way you're pointing on that same road.

14

15 Q Can you show me on the map? I'm not -- I'm not (INDISCERNIBLE).

16 A You were pointing right here, this road right here.

17

18 Q Okay. So where did you come?

19 A This road right here, we went down that road.

20

21 Q Okay, but where on there?

22 A This one right here -- right here.

23

24 Q Oh, no, no, when you --

25 A Then this way.

26

27 Q -- went to the river which way did you go?

28 A The same way we -- we came back.

29

30 Q Oh, yeah, so you came down the hallway and across?

31 A Not on the highway, on the gravel road like this.

32

33 Q Okay, but isn't that a lot longer way to arrive at the town site than up on these
34 red -- red roads through (INDISCERNIBLE)?

35 A If you know your way -- if you actually looked at it and flew, or whatever you
36 want to look at it, but that was the -- the way you're trying to just ask me why I
37 didn't go that way, that's the longer way, and that's a faster way.

38

39 Q You went south down on the poor road past the Bible camp?

40 A Well, it beats going all through (INDISCERNIBLE) Road and all this way
41 because the Reserve actually just ends right here, I'm pretty sure because this

1 is -- this is -- my house should be over here, right here.

2

3 Q Okay. We'll get a better -- a better map for that. Now, what were you doing the
4 night before this incident? My friend -- my learned friend asked when you --
5 when you started the day, but what were you doing the evening before?

6 A I was at my grandma's.

7

8 Q Okay. You were -- were you hanging out with any of these guys that night?

9 A No.

10

11 Q And your evidence was that the -- when you got in the vehicle, the rifle was
12 already there?

13 A Yes.

14

15 Q Okay. And where was it? Where did you first see the rifle?

16 A In the back.

17

18 Q In the back seat?

19 A Yes.

20

21 Q Okay. Standing up with the barrel down?

22 A Yeah, barrel down.

23

24 Q Okay. So did you ask whose gun it was?

25 A I knew whose gun it was.

26

27 Q Oh, why did you -- how did you know that?

28 A Because I seen it before.

29

30 Q Okay. Where had you seen it?

31 A At Cassidy's house.

32

33 Q Okay. So you knew it was Cassidy's gun?

34 A Yes.

35

36 Q Okay. And was that gun -- the stock of that gun, was -- is it modified to make
37 it --

38 A Yes, it's modified.

39

40 Q -- into like a pistol grip?

41 A Oh, no, no. No, I -- I thought you were saying modified. There was like

1 grooves in it, but I -- I can't answer what kind of grooves, so if that's what
2 you're going to ask me next.

3

4 Q Okay. Well, no, I'm wondering is that a rifle stock usually is a fairly long
5 stock?

6 A It was a long gun.

7

8 Q Right, but the stock itself, was it modified to make it closer to a pistol than a
9 rifle?

10 A It -- it had a regular stock on it, like this big of a stock, like --

11

12 THE COURT: The witness is indicating approximately
13 18 inches.

14

15 Q MR. SPENCER: So you think it had the -- the stock was
16 the regular length of a rifle stock?

17 A Maybe a couple of inches shorter.

18

19 Q Okay. So where did you get the liquor from?

20 A Like I said before, the liquor was already in the vehicle. I didn't know where
21 they got it, so I can't answer --

22

23 Q Okay.

24 A -- on something I don't know or guess on something that I don't know.

25

26 Q Okay. You said you recall a magnum, a 60 of Crown Royal --

27 A Mhmm. Yes.

28

29 Q -- and some vodka?

30 A Yes.

31

32 Q Do you recall whether that was flavoured vodka or regular vodka?

33 A I can't really remember.

34

35 Q Okay. And then was there any beer?

36 A No, there was no beer, no.

37

38 Q No beer?

39 A No. Must have been empty beer cans from before, but I don't know.

40

41 Q Okay. Was there any discussion of where the liquor had come from?

1 A No.

2

3 Q Was there any discussion of --

4 A I don't know where that liquor came from, and I don't know where they bought
5 it, but all I know is that they showed up with it, and --

6

7 Q Okay. Was there any discussion about robbing a liquor store the night before?

8 A No. I don't know. They didn't talk about robbing a liquor store.

9

10 Q No -- nobody mentioned that --

11 A No.

12

13 Q -- but you said that's where the booze might have come from?

14 A No, I didn't say. I -- I didn't -- I don't recall any of them talking about it.

15

16 Q Now, what truck were you driving that morning when you first started?

17 A A 2004 Avalanche.

18

19 Q Okay. And whose truck is that?

20 A My buddy's. Well, it was pretty much like mine, but at the time it was
21 registered under me.

22

23 Q It was registered under?

24 A Under me.

25

26 Q Under you?

27 A Yeah.

28

29 Q Your buddy's truck was registered under your name?

30 A Yeah.

31

32 Q How does that work?

33 A That's just a good friendship we have, I guess.

34

35 Q Okay. And who is that friend?

36 A Does that matter though? It has nothing to do with what happened that day,
37 does it, or do I have to answer that?

38

39 THE COURT: Yes.

40

41 THE WITNESS: His name is Sam.

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Q MR. SPENCER: What's his last name?

A Wuttunee.

Q And so when did -- how it come to be that --

A I was there when I bought the truck. I was the one that found the truck for him on Kijiji.

Q And where did you buy it from?

A In Saskatoon.

Q Okay. Was it -- it may not make any difference. It just -- it just seems very odd that he bought a truck and put it in your name. It seems odd.

A He didn't have a licence. Does that answer your question? He didn't have a licence, and he made me register it. Well, I pretty much kept the truck. I would just pick him up every -- any time he needed to get picked up, and I pretty much -- that was pretty much my truck.

Q So when you got to the Stanley ranch, you didn't -- you didn't have any way of knowing who lived there or what -- what was going on?

A No.

Q So that was total strangers to you?

A Yes, sir.

Q Okay. And Cassidy is driving?

A Like I said, Cassidy was driving throughout the whole day.

Q Okay. So -- and you were awake and alert. It was 5 -- 5:30 in the afternoon or something like that, and you hadn't been drinking?

A I didn't say I hadn't. I said I wasn't drunk, but I'd had a few shots, yes.

Q Okay. How many shots do you think you had?

A I don't know. I wasn't counting.

Q Okay. So where did you go when you pulled into the Stanley yard? Where did you first go?

A Where did we first go?

Q Yeah.

A I don't know, I just remember pulling into the farm, and then it happened so

1 quick, and then backing up, backing up and then leaving and hitting an SU --
2 hitting a vehicle. And then a cloud of smoke came up and right where that lawn
3 mower is, a little more further in, south or -- yeah, it's south I'm pretty sure,
4 but I -- coming this way there was a woman cutting the grass right along -- the
5 exact same lawn mower right there and --
6

6

7 Q I've got lots of questions about what happened on the Stanley farm, so I think
8 we should do it one at a time instead of doing a story. Do you understand what
9 I'm saying? Okay. I'm looking for where you went when you first got there?

10 A I don't know, I was kind of -- I was in the back seat, and I was kind of like
11 shrugged down like -- like -- kind of laid back and holding my girlfriend
12 because it was the -- kind of a bit longer drive, and there's the tire and
13 everything and --
14

14

15 Q Okay. Well, let's do it this way. Did you pull up to the house?

16 A No, we didn't pull up to the house.
17

17

18 Q Was there any suggestion after what happened at the last farm that we should
19 maybe pull up to the house and ask for help?

20 A I don't know. I wasn't the one driving.
21

21

22 Q Okay. Did you look around to see if there was any people on the farm?

23 A I thought there would have been at the shed. The shed -- if I recall -- the shed
24 was open, I'm pretty sure.
25

25

26 Q Okay. So did you pull up to -- directly up to the shed, the vehicle?

27 A I'm not 100 --
28

28

29 Q I appreciate you're not driving.

30 A -- I'm not 100 percent. I can't really answer that. I'm not confident in my
31 answer with -- with where we were parking, so --
32

32

33 Q Okay. Well, if I suggested to you that when you pulled --

34 A -- but I -- but I remember that we backed up this way, and then we hit a vehicle
35 on this side of their driveway.
36

36

37 Q Okay. I'm going to suggest to you that -- that Cassidy was driving, and he
38 pulled up directly to this vehicle right here. He pulled up right beside it. Does
39 that sound right?

40 A I don't know. I can't answer that. I don't --
41

41

1 Q No idea?

2 A Not 100 percent, honest.

3

4 Q Okay. Did anybody get out of the vehicle at that point?

5 A We -- I don't know if we parked by that truck --

6

7 Q Okay, so you have no recollection?

8 A -- but Cassidy jumped out, and then I jumped out moments after.

9

10 Q Okay. So you don't know whether you stopped at one place or two places or
11 where you actually --

12 A In the yard?

13

14 Q Yeah.

15 A We only stopped at one -- I just -- we just only stopped once because I -- when
16 -- when we were driving, and I noticed it was going to be a long drive, and I
17 noticed it was slowing down, and that's when I got up to find out if --

18

19 Q So you have no recollection of the grey Escape pulling up beside the white
20 truck, and somebody getting out of the grey Escape and going through the
21 console of the white -- or the gold truck, sorry, gold truck?

22 A No.

23

24 Q No recollection of that at all?

25 A No, I --

26

27 Q And you don't know where you parked? You don't recall parking by the gold
28 truck? You don't recall parking over by the quad?

29 A I just remember parking like right here somewhere, around here somewhere or
30 something. I don't -- I don't really 100 percent honest, and I can't answer
31 something that I'm not 100 percent confident with.

32

33 Q So --

34 A And I'm pretty sure --

35

36 Q -- do your best to answer. You were there.

37 A So you want me to guess or what?

38

39 Q No, I want you to give me the best evidence.

40 A Well, that --

41

1 Q If you say you have no recollection, then so be it.

2 A I'd probably say, if I have to say anything, you know, it would probably be
3 about right here, someone would park.

4

5 Q Okay. At the front of the trailer?

6 A Yeah.

7

8 Q Now, do you recall -- you were out of the vehicle when you heard the yelling
9 of the farmers?

10 A Pardon?

11

12 Q You heard yelling, so you would -- did you assume that was the farmers that
13 lived there --

14 A Yes.

15

16 Q -- the people that lived there? Okay. And they were -- they were saying
17 something as far as, What the fuck, or something like this?

18 A Yeah. Hey, what the fuck, something like that.

19

20 Q Okay. And so what did you reply? You're out of the truck. They're coming
21 towards you.

22 A I didn't see them coming towards me. I just heard yelling from somewhere.

23

24 Q Okay. Well --

25 A The only -- the only time I had seen the two people that I -- I seen was when
26 we were backing up, and they were like kind of standing beside each other in
27 front of us, and then we backed up and then we -- as we were leaving we hit
28 that parked vehicle.

29

30 Q Okay, But you were out of the vehicle when you heard the yelling?

31 A Mmhhh.

32

33 THE COURT: Use words, please.

34

35 THE WITNESS: Yes, sir. Sorry.

36

37 THE COURT: Yes, no problem.

38

39 MR. SPENCER: Thank you, Your Honour.

40

41 Q MR. SPENCER: So why wouldn't you have said, hey,

1 guys, we've got a flat tire here. Can we get some help? Was there anything of
2 that nature said?

3 A Because he probably seen Cassidy beside his quad, and then started yelling.
4

5 Q Okay, but why wouldn't you have said we need help with the tire?

6 A I don't know. He was out -- someone yelling, and then someone yelling, and
7 then the next moment our window is smashed.
8

9 Q No, not necessarily. You -- you backed up and almost hit them; right?

10 A I can't -- I can't answer that.
11

12 Q Okay, but at the time that they're yelling, and they're coming towards you, you
13 hear this yelling, why wouldn't you have said, oh, good, there's some people
14 here, they can help us?

15 A I don't know, probably because they already seen Cassidy by their quad or
16 something, and then they started yelling because --
17

18 Q Okay. So your thinking is that they might have thought he was trying to steal
19 the quad?

20 A Because if -- because if I'd -- you know, I don't even want to say that.
21

22 Q What's that?

23 A Nothing.
24

25 Q Are you tired of this?

26 A No, I didn't say I was tired. I just --
27

28 Q What did you say?

29 A I said, Nothing, but you carry on.
30

31 Q Okay. I thought you said you didn't want to do this anymore?

32 A I didn't say that.
33

34 Q It's a fairly serious thing?

35 A I know it's serious.
36

37 Q Okay. So you have no explanation, but you would agree with me that nobody
38 attempted to engage the farmers about getting any help?

39 A Pardon?
40

41 MR. SPENCER:

Your Honour, I think we probably might

1 be better to break now and get both of us refocused and start in the morning. I
2 think that's likely going to get us done quicker.

3

4 THE WITNESS: If we -- we can't finish this today? Like
5 I --

6

7 THE COURT: Well, we won't be finished today, Mr.
8 Meechance. You're going to have to come back tomorrow. Yes, okay, Mr.
9 Meechance, I wonder if you'd step down for a moment. Actually --

10

11 MR. SPENCER: Can you direct him to come back at 9:30
12 tomorrow?

13

14 THE COURT: Yes, you'll have to -- I'm directing that
15 your subpoena still applies, and you're to be here tomorrow morning at 9:30.

16

17 THE WITNESS: Yes.

18

19 THE COURT: We'll see you tomorrow.

20

21 (WITNESS STANDS DOWN)

22

23 **Discussion**

24

25 THE COURT: Okay, gentlemen, tomorrow morning at
26 9:30. Yes, anything before we --

27

28 MR. BURGE: No, I thought -- well, maybe I can advise
29 you tomorrow. In some way, we've made more headway today than expected, and
30 we -- and we might end up --

31

32 THE COURT: We can -- we can discuss whatever you'd
33 like to discuss now or do it tomorrow.

34

35 MR. BURGE: Well, my -- my sense of where we are --

36

37 THE COURT: Yes.

38

39 MR. BURGE: -- is that tomorrow obviously we'll have
40 Mr. Meechance.

41

1 THE COURT: Yes.

2

3 MR. BURGE: We'll have likely three other occupants
4 of the vehicle, possibly a peace officer, and if we -- that might give us the day off
5 on Wednesday because the next witness is travelling from Ottawa and won't be
6 here until Thursday, so that's how I see things happening right now.

7

8 THE COURT: Okay. So -- well, at the speed we're
9 going through Mr. Meechance, it may -- we may not get through your witnesses
10 tomorrow.

11

12 MR. BURGE: Well, that's --

13

14 THE COURT: So your witness is travelling from
15 Ottawa and will testify Thursday. Are you expecting further witnesses after that
16 witness?

17

18 MR. BURGE: I think that likely will be it.

19

20 THE COURT: That will be it?

21

22 MR. BURGE: Yeah.

23

24 THE COURT: So unlikely that we'll be here on Friday?

25

26 MR. BURGE: I sure hope not.

27

28 THE COURT: Okay. Anything, Mr. Spencer?

29

30 MR. SPENCER: No, and I was going to ask my friend
31 whether that was the way the scheduling looked and whether we were -- had any
32 chance of finishing sooner than that, and I appreciate that you have to schedule
33 witnesses to your best -- best guess, and we haven't worked beside each other so
34 that's fair enough. So we can work around that, and I certainly think we'll be done
35 Thursday though.

36

37 THE COURT: Okay. Okay, thank you, we're adjourned
38 until tomorrow.

39

40

41

PROCEEDINGS ADJOURNED UNTIL 9:30 AM, APRIL 4, 2017

1 April 4, 2017 Morning Session
2
3 The Honourable Judge The Provincial Court
4 B. Bauer of Saskatchewan
5
6 W. Burge, Q.C. For the Crown
7 C. Browne For the Crown
8 S. Spencer For the Accused
9 S. Yoner Court Clerk

10

11

12 THE COURT: Good morning.

13

14 MR. BURGE: Good morning.

15

16 THE COURT: Sorry about the delay. We had some TV
17 problems in the next courtroom. Mr. Meechance, good morning. You're still under
18 oath.

19

20 (WITNESS RE-TAKES STAND)

21

22 THE WITNESS: Yes, sir.

23

24 THE COURT: Is that light --

25

26 THE WITNESS: Yes, sir.

27

28 THE COURT: -- shining on your face bothering you?

29

30 THE WITNESS: No, sir.

31

32 THE COURT: Good. Okay. Thank you.

33

34 MR. SPENCER: Good morning, Your Honour.

35

36 **ERIC TRIA WAUFULA MEECHANCE, Previously Sworn, Cross-examined by**
37 **Mr. Spencer**

38

39 Q MR. SPENCER: Mr. Meechance, just to close a couple of
40 loops, you referred to Sheldon that assisted you with -- or that you met with or
41 discussed things. What's that gentleman's last name?

1 A Wuttunee.

2

3 Q Okay.

4

5 THE COURT: I'm sorry, I didn't hear Sheldon's last
6 name?

7

8 THE WITNESS: Wuttunee.

9

10 THE COURT: Okay.

11

12 Q MR. SPENCER: Okay. Now, well maybe I'll do that last.
13 Were you ever tested for GSR? Did anybody ever swab your hands?

14 A Swab my hands?

15

16 Q Yeah.

17 A Like, when this happened?

18

19 Q Yeah.

20 A No, on one --

21

22 Q Okay. Now, one thing still troubling me is when you pulled into the Stanley
23 yard there you were driving an Escape with a flat tire; right?

24 A Yes.

25

26 Q And you were looking to repair that tire?

27 A Yes.

28

29 Q Why would you drive right by another Escape?

30 A I don't know, I wasn't the one driving.

31

32 Q Okay. Did you suggest, hey, there's another Escape, it's going to have a jack
33 and a spare, perfect?

34 A No, I didn't suggest that, no.

35

36 Q No. Okay.

37 A I was just, more or less, kicked back in the back seat.

38

39 Q Right, but then you got out -- you got out at the gold truck. Did you, at that
40 point, say hey, guys, we've got a perfect -- we've got a spare over here, for an
41 Escape?

1 A No, I didn't say that.

2

3 Q Any -- any reason that you wouldn't have brought that to anybody's attention
4 that there was the exact same vehicle you were driving sitting, it looked like,
5 about 30 feet away or you can see it right there?

6 A No.

7

8 Q No? Okay. Now, did you personally see any firearms that day?

9 A I seen one with -- that one was -- the one that was in the vehicle when I got
10 picked up.

11

12 Q Okay. And it was in the back seat all day as far as you knew?

13 A Yeah.

14

15 Q Other than you gave it to --

16 A Yes.

17

18 Q -- sorry, what's the boy's name -- Cassidy, sorry. You gave it to Cassidy to try
19 to break into the red truck?

20 A Yes.

21

22 Q And then it had -- then the barrel ended up back in the back seat?

23 A Mmhmm. Yes.

24

25 Q That's the last you know of it?

26 A Yes.

27

28 Q Okay. So did you see any other firearm at any point that day on the Stanley
29 farm?

30 A No.

31

32 Q Okay. And so the third -- you heard what you believed to be gunshots?

33 A Yes.

34

35 Q You believed some of those were directed at you?

36 A Yes.

37

38 Q The third gunshot -- well, I guess, how many did you think there were? How
39 many do you recall, I should say?

40 A I'm positive there was three.

41

- 1 Q Okay. You're positive three. Okay, because at one point you say --
2 A And I'm --
3
4 Q -- you thought four?
5 A In my first statement, yeah, when I was talking to the police.
6
7 Q Okay. Okay. So you thought four?
8 A Yeah, I thought four, but I was positive I heard three.
9
10 Q Oh, okay. How does that work? How are you positive it's a different number
11 than what you thought at the time?
12 A I heard -- definitely I heard three, but I -- I thought I heard four then, but I
13 wasn't -- wasn't really too sure about the fourth one.
14
15 Q Okay. There might have been a fourth one?
16 A Yes.
17
18 Q Okay. So the -- you say the third one -- you say the last one?
19 A I wouldn't say it was the last one because I'm kind of not too sure about that
20 fourth one, so --
21
22 Q Okay. Well, where was -- where were you when those gunshots were fired?
23 A I was running behind Cassidy.
24
25 Q Okay. And Cassidy was running with you?
26 A He was in front of me, yeah.
27
28 Q Okay. So it's fair to say you have no idea who had the gun, where they were
29 shooting at, what -- what happened at the truck, you ran away?
30 A I can't say who shot the gun because I didn't see who shot the gun.
31
32 Q Right. And of course, you -- you didn't even know that Colton was deceased
33 until --
34 A Yes.
35
36 Q -- well after this?
37 A Yes.
38
39 Q So -- so as far as the actual shooting of the vehicle you have no information
40 about that at all?
41 A No.

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Q So do you have any idea how the bullets got into the grey SUV?

A What bullets?

Q Well, there's bullets all over the SUV, the front and the back?

A I think they were shooting -- they were shooting ducks earlier, before that, I think, I don't know, I'm not too sure --

Q Okay.

A -- but there was bullets in there before, so --

Q Okay. So who was shooting ducks?

A I don't -- I think Cassidy and them --

Q Okay.

A -- but the gun was in there before -- before they picked me up, so I didn't really ask too many questions about it, I guess.

Q Okay. And what about the shell casings, the bullets that had already been fired?

A Yeah.

Q Did you see those?

A No, I didn't see those.

Q Do you have any idea how those would have got in the vehicle?

A No.

Q Do you think Cassidy was shooting ducks out of the vehicle?

A I can't say that. I can't, yes, or answer on someone else's behalf.

Q Okay.

A That -- that I don't know of.

MR. SPENCER:
all I have. Thank you.

No. No, I appreciate that. Okay. That's

THE COURT:

Okay. Any re-exam?

MR. BURGE:

No, thank you.

THE COURT:

Okay, Mr. Meechance, thank you very

1 much. You're free to go.

2

3 THE WITNESS: Thank you, Your Honour.

4

5 (WITNESS STANDS DOWN)

6

7 THE COURT: And the next witness, I assume, Mr.
8 Browne has gone to get him?

9

10 MR. BURGE: We're nodding. We're just -- we're
11 seeing who is here.

12

13 THE COURT: Okay.

14

15 MR. SPENCER: Your Honour, could I just have one
16 minute to speak with security for a second?

17

18 THE COURT: Yes. No problem.

19

20 MR. BURGE: Your Honour, we're just waiting for
21 Cassidy Cross to come and so --

22

23 THE COURT: Okay.

24

25 COURT CLERK: Good morning. If you'd just come up
26 here to the front and remain standing. Will you swear on the Bible?

27

28 MR. CROSS: Yeah.

29

30 COURT CLERK: Take the Bible in your hand, please.

31

32 **CASSIDY CROSS, Sworn, Examined by Mr. Browne**

33

34 COURT CLERK: State your name for the court, please.

35

36 THE WITNESS: Cassidy Cross.

37

38 COURT CLERK: Would you spell your full name for the
39 court record.

40

41 THE WITNESS: C-A-S-S-I-D-Y C-R-O-S-S

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COURT CLERK: Thank you. You may be seated.

THE COURT: Good morning, Mr. Cross.

THE WITNESS: Good morning. Mr. Browne?

Q MR. BROWNE: Good morning, Mr. Cross. Mr. Cross,
I'm going to start off, how old are you?

A I'm 18 years old.

Q Okay. So when did you turn 18?

A February 6th.

Q So you just turned 18 recently?

A Mmhhh.

Q So we're here talking about the events from last August. Do you remember those events?

A Yeah.

Q Do you remember what day we're talking about?

A I know it's in August.

Q This is around August 9th, does that sound right to you?

A Yeah.

Q Do you go by another last name sometimes, Cassidy?

A Woodstone.

Q Pardon?

A Woodstone?

Q Woodstone. Okay, thank you. So I'm going to get you to go back to August 9th, and kind of start from the beginning of the day and tell me what you remember about that day?

A The whole day?

Q Start in the morning and we'll go from there, yeah.

A The morning? We were drinking. We didn't drink that much, but we had a 26.

- 1 Q Who is we?
2 A There's me and Colton, Eric, Belinda and Kiora.
3
4 Q Okay. So obviously I'm going to get you to give everybody's last names if you
5 have any, please.
6 A Boushie, Meechance.
7
8 Q Try and give me the whole name, so --
9 A Belinda something.
10
11 Q Okay.
12 A Eric Meechance, Kiora Wuttunee, Colton Boushie.
13
14 Q Okay. So how do you know those individuals?
15 A Just being around the Reserve and growing up.
16
17 Q And you knew all of them from growing up?
18 A Mmhm.
19
20 Q So --
21 A Not Belinda.
22
23 Q Pardon?
24 A I don't know Belinda.
25
26 Q Okay. So you were all sitting around drinking. Where were you drinking?
27 A At Cookie's house.
28
29 Q Who is Cookie's house?
30 A Colton's.
31
32 Q Okay. How did you get there that morning?
33 A Kiora's vehicle.
34
35 Q Okay. Kiora's vehicle. Who was driving?
36 A I was driving.
37
38 Q Okay. And where did you come from?
39 A I came from my grandpa's.
40
41 Q Okay. And who came with you?

- 1 A The same people.
2
3 Q Which would be?
4 A Belinda, Eric Meechance, Kiora Wuttunee, Colton Boushie.
5
6 Q So I'm going to get you to go back in the day a little bit further, so maybe
7 when you got up that morning. Okay.
8 A When I got up?
9
10 Q Yeah. Start when you got up that morning?
11 A I got up, went to the town site, and Colton was there. I think Kiora was there,
12 and I took her vehicle to go pick her up, and then --
13
14 Q Pick who up? Sorry.
15 A Kiora.
16
17 Q When you say her, you mean?
18 A Yeah.
19
20 Q We're trying to record everything, so --
21 A Okay.
22
23 Q -- if you don't use names we don't know.
24 A Okay. I went to go pick up Kiora and Colton.
25
26 Q Okay.
27 A And then they had a 26, and then --
28
29 Q Where did you pick them up?
30 A At the town site, yeah. That's when Eric came out of nowhere and then he -- I
31 forget what kind of vehicle he was driving, but he had a vehicle and -- that he
32 was driving. And then we ended up meeting up with each other in the town
33 site.
34
35 Q Okay.
36 A So I don't know how he knew, but somehow he knew that we had a 26, and he
37 wanted to drink with us, so we went to Eric's house, just me and Kiora. Yeah,
38 just me and Kiora, and then we waited for Eric and Belinda at their house.
39
40 Q Okay. And then where did you go?
41 A And then after that I went back to my grandpa's house, and that's where we

1 left off from where I told you.

2

3 Q Okay. So then you went over -- from your grandpa's house you went over to
4 Colton's --

5 A Yeah.

6

7 Q -- grandpa's house. Okay. So you were drinking there. What did you guys do
8 there?

9 A We just stayed there for a bit. It got boring, so Eric said that -- to go, like,
10 swimming and stuff at Maymont, and everyone agreed with him, but we were
11 debating on if we should go to -- by Sweetgrass or Maymont, and we ended up
12 going to Maymont, went there.

13

14 Q What time of day was this?

15 A It was like -- probably like by 12, around there.

16

17 Q Okay. So how did you get to Maymont?

18 A We drove Kiora's vehicle.

19

20 Q Okay. Who was driving?

21 A I was.

22

23 Q Okay. And where was everybody sitting in the car?

24 A It was just back and forth. Colton was sitting in the front. Eric was sitting in the
25 front. And they were just in the back the whole time.

26

27 Q On the way to Maymont --

28 A Yeah.

29

30 Q -- it kept changing?

31 A Yeah.

32

33 Q Okay. So do you know what time you got to Maymont?

34 A No.

35

36 Q Okay. And what did you guys do there?

37 A We swam for a bit. Well, I didn't swim, but they swam for a bit.

38

39 Q And what else did you do while you were there?

40 A That's it.

41

1 Q Okay.

2 A Just parked there, swam for about a half-an-hour or 20 minutes, and after all
3 that, that's when we started heading back.

4

5 Q Okay. Okay. Heading back to where?

6 A To Red Pheasant.

7

8 Q And do you remember the roads you were driving on?

9 A We didn't know the back roads, and we were just chancing it, and we knew
10 that road once we were at Red Pheasant, but we weren't sure exactly when, but
11 it went by Red Pheasant, yeah.

12

13 Q Okay. So who was driving when you left?

14 A I was.

15

16 Q Okay. And tell me what happened next? Who do you meet?

17 A What happened next? Well, we were driving by Maymont. We got a flat, and
18 then we weren't sure if we were going to make it back, so --

19

20 Q How did you get the flat?

21 A Probably just too worn out of tires --

22

23 Q Okay.

24 A -- and then by the time we got on the gravel road it started ripping, and then we
25 kept on driving, and we were like oh, we're going to make it, we'll make it to
26 the Red Pheasant. We kept on going, and then finally all the rubber came off,
27 and then it was just riding on rims, so it was hard to drive. We kept on pulling
28 to the side, and it wouldn't drive right, but we had no other way back home, so
29 -- and then this other -- you know, the exhaust, like the pipe --

30

31 Q Yeah.

32 A -- it was dragging for about like a week or two, and then finally it just had it,
33 and it just -- it just crumpled inside.

34

35 Q Okay.

36 A So we stopped and we tried taking it out. We didn't have any tools to take it
37 out with so we tried taking it out with our hands, but we couldn't do it. We
38 spent like half-an-hour, and then Belinda and Eric started fighting, and then
39 Colton and Kiora started fighting, and then Eric took off. And then we -- he
40 went walking up the road, and then after we all talked it out, we settled it out,
41 and we started driving again.

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Q Okay. So who is all -- we all started driving again at that time?

A Me, Colton, Belinda and Kiora.

Q Okay. And where was everybody sitting at that point?

A Colton was sitting in the front. I think Kiora -- Kiora and Colton were sitting in the front, and Eric was -- he was pretty -- pretty much down there, probably like a mile.

Q Okay. And then who was driving?

A Me.

Q Okay.

A I was driving, and then I picked him up. He jumped in, and nothing really.

Q Where did you pick him up?

A We're like a farm down, like a farm there.

Q Okay. So were you in a farmyard?

A No.

Q Okay.

A We're on the approach.

Q You're on the approach of --

A Yeah.

Q -- a farmyard? Okay. And what did you see or notice of Eric at that time?

A He was -- he was pretty hammered. He was -- not like people walking and drunk, but not really drunk.

Q So I'm going to take you back then, so why was Eric hammered?

A Because we had that 26.

Q Okay. So were you drinking that 26 the whole time?

A Not the whole time. Once we got to the -- Maymont --

Q Yeah.

A -- I think we had a couple of shots.

Q Okay. So you were drinking when you were at the lake, too, then?

1 A Mmhmm.

2

3 Q Okay. So when you go to pick up Eric do you notice anything there?

4 A No, he was taking a while, and he was -- he was in the back for a while, like in
5 the trunk, he was just chilling there for a while, and then he'd go back inside,
6 and then go check on Belinda and then he'd come out and he'd start talking to
7 us again, and then he'd go back inside. He kept on going --

8

9 Q Inside where?

10 A His house, by the garbage dumps at Red Pheasant.

11

12 Q Oh, this is the beginning of the day?

13 A Yeah.

14

15 Q Okay. Sorry.

16 A Well, you asked me what --

17

18 Q No, I meant when you picked him on the road. Sorry.

19 A Oh.

20

21 Q We'll talk about that.

22 A All right.

23

24 Q So when you picked him up in the morning --

25 A Yeah.

26

27 Q -- he was -- he was doing something with the trunk?

28 A He was just -- he was going back and forth, telling me and Kiora that his
29 girlfriend was getting ready, having a shower, doing her makeup, all that. She
30 took like an hour. We were sitting there.

31

32 Q What was he doing in the trunk?

33 A I'm not sure. He was just going back and forth, then I don't know, there was a
34 bunch of stuff in the vehicle. He was --

35

36 Q Did he put something in the trunk?

37 A I'm not sure. He was -- he went to his shed. I'm not --

38

39 Q Did you see him put something in the trunk?

40 A He opened the trunk, but I don't -- I didn't see anything.

41

1 Q Okay. So we'll go back to where -- just after Eric left the car. Did you notice
2 anything about Eric when he was leaving you guys?

3 A He was pretty pissed off.
4

5 Q Okay.

6 A Yeah, because of Belinda.
7

8 Q Did he have anything with him?

9 A I don't know. I was -- while he was taking off, I was trying to pull that thing
10 off, me and Colton --
11

12 Q Yeah.

13 A -- and Kiora and Belinda were talking to Eric, and then they were having a
14 cigarette, and I think they were using the bathroom.
15

16 Q Okay.

17 A We pulled over, and we were trying to take that thing off for the longest time. I
18 went under the vehicle. I tried taking it off, and like it already sounded really
19 loud, so might as well take it off.
20

21 Q Okay. So did you see Eric leave?

22 A I didn't see him leave, no, but he left.
23

24 Q Did you see him take anything when he left?

25 A Like I said, I was under the vehicle.
26

27 Q Okay.

28 A Well, I wasn't -- I don't think I was under the vehicle. I was probably like
29 trying to rip it off.
30

31 Q Okay. So Eric leaves. How long were you guys standing at the road?

32 A Half an hour.
33

34 Q Okay.

35 A Yeah.
36

37 Q So half an hour goes by, and then you guys start driving down the
38 road --

39 A Mmhmm.
40

41 Q -- and you find Eric where?

- 1 A We just gave up on that thing. A little bit past the farm, and then go up -- it was
2 almost at this other one, and then we picked him up, and then --
3
- 4 Q What was Eric doing when you picked him up?
5 A He was walking aggressively.
6
- 7 Q Walking aggressively?
8 A Yeah.
9
- 10 Q So he was running?
11 A No, like you know, how you walk determined.
12
- 13 Q Okay.
14 A Yeah. I don't know, but he seemed --
15
- 16 Q Was he carrying anything at that time?
17 A I'm not sure, not that I can go back out on.
18
- 19 Q So -- and this was at an approach to a farm?
20 A A little bit further, yeah.
21
- 22 Q Okay. A little bit past the approach to the farm?
23 A Yeah.
24
- 25 Q Okay. So then what -- you picked up Eric. Where did he get into the car?
26 A He got into the car, and he got -- Colton jumped in the back, and then he
27 jumped in the front.
28
- 29 Q Okay.
30 A I'm not sure if I bring up when we approached the house because that's like
31 right after --
32
- 33 Q Yeah.
34 A -- we approached the house.
35
- 36 Q Yeah, you can keep going, yeah.
37 A Mmhhh. Yeah. So we were driving down, and then this is exactly what
38 happened. We drove -- I pulled in there, and then I was going to ask for help. I
39 told Kiora that we -- I don't think we'll probably make it back to Red Pheasant
40 because we were only catching speeds at about 30, 40 without it dragging to
41 the side. And we stopped there, and then right when we stopped there Eric got

1 off and he went to the quad. And he was trying to start it up. He started it up
2 about seven times --

3

4 Q Okay.

5 A -- trying to start it up. After that I heard yelling. Someone said, Hey. And then I
6 didn't -- I didn't look exactly to them and -- but I looked around before that
7 and nobody was around. I was looking -- I was going to go inside. That's when
8 he got off, and I was like, What the hell are you doing? Like, I got mad at him,
9 and then those people started yelling, and then one came up with a -- I'm not
10 sure if it was an axe, but they hit the windshield. All that glass came flying into
11 my face, and I got -- I panicked, and I took off. I put it in reverse, and then I
12 floored it, and then that wheel must have pulled me, then I -- I hit that vehicle a
13 little bit.

14

15 Q Okay. You hit the vehicle while you were in reverse?

16 A No, drive. I reversed, and then I just took off, and then that wheel must have
17 pulled me in a what's it called, the -- I tried starting it up, but it wouldn't start
18 up. I kept on trying. Finally it started up. I tried putting it in drive, and then it
19 wouldn't go.

20

21 Q Okay.

22 A Yeah.

23

24 Q Then what did you do?

25 A I got out, and I started running because those guys were all yelling around.

26

27 Q Okay.

28 A By the time I got to the approach, probably like about ten feet -- like say that
29 approach is right here, and then the road is going down this way, like right
30 there, I heard bullets flying, like --

31

32 Q You heard bullets flying?

33 A Yeah.

34

35 Q Okay.

36 A Two shots.

37

38 Q You heard two shots. Okay.

39 A One happened when I was just out of the approach, and then the second
40 happened when we were like in the field.

41

1 Q Okay. And so --

2 A So --

3

4 Q -- what did you do after that?

5 A I don't know. He had a -- I think -- I don't know. It's a messed up thing
6 (INDISCERNIBLE).

7

8 Q What did you do after that?

9 A I went running, and then I kept on running and running, and I had heavy boots
10 on, and I kept on running and running and running until I was out of breath,
11 and I kept on running. And then what's it called -- there was this farm up
12 ahead, probably like a mile and a half or maybe a kilometre, and then we went
13 there. Well --

14

15 Q Who is we?

16 A Me and Eric.

17

18 Q Okay.

19 A Okay. We went to the approach, and then Eric didn't want to go here. He
20 didn't want to go ask them for help, so he took off in the field. We went
21 towards the bushes, and then I was like I don't know why -- the big reason is
22 why you can't ask for help, so I went there. And then I asked that guy for help,
23 and I asked him if I could use a phone to call for a ride, so I did, and he told me
24 he'd give me a ride. So I jumped in --

25

26 Q So this was in a different farmyard?

27 A Yeah --

28

29 Q Okay.

30 A -- because I -- I ran to the next farm and asked them for help because I was
31 going to ask them for help, but everything happened like that, so I asked them
32 for help. And then once I got there I told my uncle and my mom what
33 happened, and then they -- already told me the news, and I --

34

35 Q Okay. So I'm going to get you to back up here now. So let's go back to the
36 lake. So you guys were swimming at the lake?

37 A Yeah.

38

39 Q Okay. And everybody is swimming?

40 A Eric wasn't swimming.

41

1 Q Eric wasn't swimming?

2 A No.

3

4 Q Okay. You were swimming?

5 A Well, what happened there was they were swimming, and then a current --
6 Kiora was swimming and that current pulled her in, and then she almost got
7 taken (sic) away by the river.

8

9 Q Okay.

10 A So I had to jump in. I -- I wasn't swimming or nothing. I jumped in, and I
11 swam to her, and I grabbed her, and then I was struggling to get back because I
12 was drowning, too. I was trying to save her, and then I was drowning, too,
13 while I was saving her, and I almost didn't make it. And finally we got back to
14 the shore, and then she tried jumping in again. I was like --

15

16 Q And everybody was drinking from this 26?

17 A Yeah.

18

19 Q Did you have any other alcohol?

20 A No.

21

22 Q So you got into the car and you guys decided to leave. You're driving down the
23 road, and at what point do you get the flat tire?

24 A Probably around just before I hit the gravel road.

25

26 Q So how far?

27 A I'm not sure how far that -- the turn off is from Maymont. I've only been to
28 Maymont a couple of times, like five times in my life, like through the back
29 roads, so I didn't -- I didn't know my way around. I just -- the first road I seen
30 to the right I took. Yeah.

31

32 Q Do you know how -- can you --

33 A Like --

34

35 Q -- estimate how long you were driving for?

36 A -- five minutes --

37

38 Q Okay.

39 A -- ten minutes, and then we turned off.

40

41 Q So then you drove on it for a little while, and you -- you guys stopped, and

- 1 there was some arguing going on you said?
- 2 A Yeah, well --
- 3
- 4 Q Okay. What were -- just what were -- you said Eric and Belinda were arguing?
- 5 A Yeah. And Colton and Kiora.
- 6
- 7 Q What were they arguing about?
- 8 A Just, I don't even know, like dumb stuff. Like, you know how relationships are,
- 9 they argue about the stupidest stuff. Yeah.
- 10
- 11 Q And what were Colton and Kiora arguing about?
- 12 A I don't know, Kiora just likes arguing when she is drunk, I guess. I don't know.
- 13
- 14 Q So Kiora was drunk?
- 15 A Yeah.
- 16
- 17 Q And Eric was drunk?
- 18 A Yeah, by this --
- 19
- 20 Q Was anybody else drunk?
- 21 A Well, that 26 we drank, so --
- 22
- 23 Q Okay. How much of that was left?
- 24 A I'm not sure. I only had like three shots, and then I never seen it again.
- 25
- 26 Q Okay. So then Eric leaves. You're there for about a half-an-hour, you said?
- 27 A Yeah.
- 28
- 29 Q And then you drive along and you pick Eric up at -- at an approach?
- 30 A A little bit further from the approach.
- 31
- 32 Q Okay. So did anybody --
- 33 A I don't know. Everything was a blur.
- 34
- 35 Q -- go into that farmyard?
- 36 A I'm telling you the best I can. I'm telling you what I remember.
- 37
- 38 Q Okay.
- 39 A I just -- some parts are a blur, and --
- 40
- 41 Q So you don't --

1 A -- the -- the statement I wrote was, I just wrote it off my mind, and I just told
2 what I knew.

3

4 Q Okay. So do you remember anybody going into that farmyard?

5 A The second one --

6

7 Q No, the first one?

8 A The first one?

9

10 Q Yeah.

11 A Eric probably went in it because he was -- he was probably like 30, 40, 50 feet
12 away from there.

13

14 Q Okay.

15 A I was like half-an-hour. It was a long time. He was --

16

17 Q Why do you think Eric went in?

18 A Because we were there for half-an-hour over a hill, and then he -- it was half-
19 an-hour, and he hadn't even gone far.

20

21 Q Okay. How far?

22 A Okay. Maybe two miles --

23

24 Q Okay.

25 A -- not that far, a mile.

26

27 Q About a mile?

28 A Mmhmm.

29

30 Q Okay. So --

31 A Half-an-hour would probably get you like five miles.

32

33 Q Okay. So anybody else in the car go into the farmyard?

34 A No.

35

36 Q Okay. And at that point you were driving on the rim?

37 A Yeah. Can I drink this?

38

39 Q Yeah.

40 A Thank you, sir.

41

- 1 Q So then let's go to the second farmyard then. So you're driving along, you pull
2 into this second farmyard?
- 3 A Mmhhh.
- 4
- 5 Q Okay. Can you just describe what happens as you're driving into this
6 farmyard? What do you pass? What do you see?
- 7 A Like, which one?
- 8
- 9 Q The second farm?
- 10 A The second? Everything is just a bunch of big blurs.
- 11
- 12 Q Okay. So where did you go when you pulled into this farmyard?
- 13 A We went straight to the front, right to their house.
- 14
- 15 Q Right to their house?
- 16 A Yeah.
- 17
- 18 Q Okay.
- 19 A And I don't think anyone was there.
- 20
- 21 Q Why don't you think anyone was there?
- 22 A Because it didn't seem like anyone was -- I didn't see anyone.
- 23
- 24 Q You didn't see anyone? Okay.
- 25 A No, I parked there for a while. And then we pulled off, we started going, and
26 then Eric jumped out, and then he went to -- there was a shed like that, and
27 there was a truck in there.
- 28
- 29 Q Like what, sorry?
- 30 A Like -- you know, like how sheds are, just like made of cheap metal.
- 31
- 32 Q Okay.
- 33 A Yeah, it was like -- like that. I think it was a big truck, that I can remember,
34 and I told Eric to get back in the vehicle, and then he just -- he did. Like, he
35 went there and back, just like this happened, and then he left, went to the next
36 farm, and then I tried to ask him for help, and that's when everything
37 happened. I don't know --
- 38
- 39 Q Okay. Again, we're going to slow down.
- 40 A -- growing up around --
- 41

- 1 Q You're jumping way ahead.
2 A -- (INDISCERNIBLE).
3
4 Q Let's slow down and do it little by little here, so Eric got out of the car?
5 A Mmhhh.
6
7 Q Where are you?
8 A I'm in the vehicle --
9
10 Q Okay.
11 A -- telling him to come back.
12
13 Q And how are yelling at Eric?
14 A With the window open.
15
16 Q Okay. So you're in the driver's seat?
17 A Mmhhh.
18
19 Q And you're yelling at him through your window?
20 A Mmhhh.
21
22 Q Okay. And --
23
24 THE COURT: Excuse me, counsel, he's not answering
25 in words.
26
27 MR. BROWNE: Sorry, Your Honour. Use yes or no's,
28 please.
29
30 THE WITNESS: Yes.
31
32 Q MR. BROWNE: So you're yelling at him through the
33 window, you said?
34 A Yeah.
35
36 Q And what's Eric doing at that point?
37 A To -- okay, this is how it went. The approach is like that; right? The approach
38 goes in a loop like that, and the house is right here and the shed is right there,
39 and then we're going around, and then just he got out right there, and then he
40 went behind us, and then I started yelling for him, and then he came back, and
41 then we left. That's it.

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Q This is the first farmyard?

A The second.

Q The second farmyard?

A Yeah.

Q Okay. So --

THE COURT: Did you want to put on the record that he
-- what he said, The approach is like that, and he made a 'U' shape with his hands.

MR. BROWNE: Yes. Yes, Your Honour.

Q MR. BROWNE: So again, can you describe it in words,
you know, what the approach looked like?

A All I remember is how it looked the way it was.

Q So did --

A Like I said, I'm just telling you what I remember.

Q Right. Right. And just --

A Yeah.

Q -- I'm just asking you to say again in words.

A I can't answer any questions I don't know.

Q All right. I'm not asking you to say anything you don't know. I'm just asking
you to tell me -- describe the approach or the --

A Lots of trees.

Q Pardon?

A Lots of trees.

Q Okay. And what's the road like?

A The only road I remember is that loop.

Q Okay. So you remember kind of a 'U' shaped driveway?

A Yeah.

Q Okay. So you're in that 'U' shaped driveway. Eric is out. He's on a quad?

1 A No. Well, that's at Gerald's house.
2
3 Q Okay. This --
4 A This is the second farm.
5
6 Q -- this is the second farm?
7 A Yeah.
8
9 Q Okay. So Gerald's farm is which farm then, the third farm?
10 A The third. Yeah. I should have asked him for help at the second one. That's
11 why I went right at the front.
12
13 Q Okay.
14 A And nobody was answering, so I left and then I got (INDISCERNIBLE).
15
16 Q I was confused. I thought there was only two farms. Sorry.
17 A No, no.
18
19 Q So on this -- at the second farm, Eric is out of the vehicle?
20 A Yeah.
21
22 Q And he's doing something?
23 A Yeah.
24
25 Q Okay.
26 A I don't think he did anything though. He just ran there and ran back, you know.
27
28 Q Ran where?
29 A Behind the vehicle.
30
31 Q Behind -- behind your vehicle?
32 A Because -- yeah, we were pulling out, and then, like, there's a bunch of bushes
33 because the other vehicle is like this. The nose is right here. There is a bunch of
34 bushes right here. Then there's the shed right there. And I don't even think he
35 went to the shed.
36
37 Q So the shed would be behind --
38 A Yeah.
39
40 Q -- behind your car?
41 A About 25 feet.

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Q The bushes were in front of your car?

A Mmhhh.

Q And where is that house?

A That house was on the -- this side and it goes -- like, you know, how it goes like that, and the house was right there.

Q So on the passenger side or the driver's side?

A The passenger side was the house, and the -- it was a shed on that left -- left side.

Q A shed on the driver's side. Okay.

A Mmhhh.

Q So Eric was out of the car. Was anybody else out of the car?

A No.

Q Okay. And how long were you at that farmyard?

A Oh, two minutes, one minute, just enough for me to tell him to come back. He came back.

Q Did you see Eric doing anything in that yard?

A No, he was just running around, that's it.

Q Did you see him carrying anything?

A Not at that point.

Q Okay. And you didn't get out?

A No.

Q Okay. So then you guys leave this second farmyard?

A Yeah.

Q And you continue driving?

A Mmhhh.

Q How long were you driving for?

A A long time, probably like ten, 15 minutes. We were on rims, so we were going about 30, 40, 50, around there. I was driving my fastest because we kept on getting pulled to the side because there was lots of gravel.

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Q Okay.

A And finally we made it to -- like, I already told you -- I already told you what happened at Gerald's farm, and you told me to go back, so --

Q Yeah, and so -- so now you're pulling up to -- and do you know Gerald?

A No, I don't know him, no.

Q Okay. So you're pulling up to another farm?

A Yeah, but I've heard the farmers --

Q And you now proceed to the Stanley farm?

A Yeah.

Q Okay. And you pull into a driveway?

A Mhmm.

Q Okay. And where do you go from there?

THE COURT: Again, counsel, he should be answering with words.

MR. BROWNE: Sorry. Yes.

THE WITNESS: Yes. Sorry.

Q MR. BROWNE: So you then pull into the driveway?

A Yeah.

Q And you tell us kind of what happens at that point?

A It happened so fast. We pulled in, and then I looked around, and then I -- I was going to get out and go to the -- the front, like the house, and then as I got out, and then I was like -- probably like five feet from my door, and I was going, and then Eric just got out and he ran to that quad, and I was like, What the hell are you doing? Then right when he jumped on that quad, about the third start, he tried starting it, and that's when we heard yelling.

Q Okay.

A Yeah.

Q So where -- as you're driving, describe what you're passing as you're driving

- 1 into that farmyard?
- 2 A There was some vehicles, two of them --
- 3
- 4 Q Okay. What's the --
- 5 A -- and then there's a white --
- 6
- 7 Q -- can you describe those vehicles?
- 8 A A blue BT Cruiser, I think. I'm not sure.
- 9
- 10 Q Okay.
- 11 A And I'm not sure what the other one is. I just -- I just remember it's a blue
- 12 vehicle that I ran into --
- 13
- 14 Q Okay.
- 15 A -- because I remember the colour.
- 16
- 17 Q You passed that when -- you passed that when you were going in the yard?
- 18 A Yeah, I passed it, and then --
- 19
- 20 Q Okay. Where did you drive to when you passed that?
- 21 A Right beside the vehicles, like say -- well, not right beside, but say it goes in
- 22 like this, like say, the roads are here and it goes in like that, and it goes like
- 23 that.
- 24
- 25 Q So --
- 26 A And there's a Quonset here, and there's a farm. There's their house.
- 27
- 28 Q Okay. So let's just go through some of it. As you're driving in, you pass the
- 29 house?
- 30 A No, I don't pass the house. We're like -- drive like beside the house, and then
- 31 we get out.
- 32
- 33 Q Okay. So you drive up to beside the house?
- 34 A Yeah.
- 35
- 36 Q And then everybody gets out?
- 37 A No, not everybody.
- 38
- 39 Q Who?
- 40 A Just -- just me, and then I went to -- I was going to go to the door, and then all
- 41 that stuff happened.

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Q Okay. And then Eric --

A And like, I was like, I know these people. They're not going to help us no more.

Q Okay. So then Eric gets out?

A Mmhmm.

Q Okay. And Eric goes where?

A He goes straight to the quad.

Q Where is the quad?

A It's on a trail here.

Q It's on a trail?

A Yeah.

Q Okay. So you said about the third time, it kind of starts?

A No, I said, The third time it started on.

Q Oh, sorry.

A So he tried starting it a bunch of times.

Q He tried starting it about seven times. So you hear the yelling, then what happens?

A I look, and then I seen two -- two Caucasians come running from, I think afar, and then I look and I swore to myself. I was like, shit, and then I jumped in, and then that's when I was like, Eric, let's go. What the hell are you doing? And then he was still trying to start that quad, and then he finally jumped in, and then we backed out. Oh, yeah, and then before that he jumped in, and then that guy came with the axe --

Q Okay.

A -- and busted the window.

Q And so one guy had something that looked like an axe?

A Yeah, he had an axe, and that guy must have went -- went back and got the gun.

Q Okay.

A Yeah.

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Q Did you see the gun?

A No.

Q Okay.

A I thought the axe was a gun for a bit, and then, like it's not (INDISCERNIBLE). I don't think it's a gun.

Q Okay. So then you start backing out, you said?

A Mmhmm.

Q And then you -- how do you drive at that -- at the point where you're backing up, tell me what happened then?

A I backed out, and then I put it in drive, and then I -- I slam on the pedal, and then it goes like -- it goes (INDISCERNIBLE), and then it went this way --

Q Okay, so --

A -- and then I hit that vehicle.

Q You've shown me something that looks like what's commonly referred to as a fishtail?

A Yeah.

Q Okay. So --

A It was all-wheel drive.

Q Pardon?

A All-wheel drive.

Q Okay. So the back end kind of slid out --

A Yeah. Yeah.

Q -- is what you're saying?

A Yeah, because the front end was all -- there was too much pressure on the front end, so it'll make the back tires spin because it's lighter.

Q Okay.

A Yeah.

Q And then you keep driving forward at that point?

A Yeah, we were going about ten, 15 --

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Q Okay. And then what happens?

A -- and then, like were fishtailing. We -- we just fishtailed a little bit, and then that -- that rim just pulled us, and then after we hit that vehicle --

Q So then you hit a vehicle?

A Yeah.

Q Okay.

A I turned into that vehicle.

Q Try and be as detailed as you can --

A Okay.

Q -- as you go through each step. Okay?

A Yeah. I hit that blue vehicle on the right --

Q Okay.

A -- the right-hand side, yeah.

Q And then what happened?

A It shut off, and I tried starting it up the second time. It started up, and then I tried putting it in drive, but it wouldn't go in drive.

Q So at that point in time where is everybody sitting in the car?

A Eric and me in the front, Colton is in the back.

Q Where in the back?

A I'm not sure, but he was in the back.

Q Okay.

A Kiora was in the back, Belinda is in the back.

Q Okay.

A And should I go on?

Q I'm actually -- we're going to go -- so what were you wearing?

A It was a long time ago. I don't remember.

Q Okay. Do you remember what anybody else was wearing?

A No, I don't --

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Q Nothing at all?

A -- look at people's clothes.

Q Okay. (INDISCERNIBLE) or anything like that?

A No.

Q Okay. So the vehicle wouldn't go any further, and then what happened?

A I got out with my big boots, and they're really heavy, and I had to run with them. We started running, and then it probably got them enough time to get the gun and stuff.

Q You said, We started running.

A Me and Eric started running, so by the time we got to the approach, they might -- they probably already got the gun and then --

Q Don't go with probably, just what you saw.

A Okay. Okay. Yeah. I went to the approach, about ten feet, 15 feet away from it, and then I hear bullets flinging.

Q Okay.

A And then what's it called -- we kept -- we kept on running, and then by the time we jumped over the fence to the -- a field, we heard another bullet, and it -- well, like it hit something, like people or something. And then, I don't know, it might have hit the vehicle or it might have come towards us. I'm not sure. And after that we ran about a mile and a half. We ran pretty far, and then Eric, once he approached that farm, Eric went running into the bush, and then I went straight to that farmer.

Q Okay. So I'm going to ask you about Kiora's car, Eric (sic).

A Mmhmm.

Q Do you know what kind of car it was?

A It was a Ford Escape.

Q Okay. Do you know what colour it was?

A Grey.

Q Okay. And when you guys started driving that day, was there anything wrong with the car?

A Just the drive shaft -- I mean, exhaust.

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Q Okay.

A It just -- it sounded really loud.

Q Okay. Anything else that you remember being wrong with it?

A Busted -- the back -- the back window was busted, nothing from the right side.

Q Okay.

A It stunk in there.

Q And what?

A It stunk.

Q It stunk?

A Yeah.

Q Okay. So when you guys are driving down the road before you get to this next farm, where is everybody in the car?

A Before we get there, like I told you, Colton, Belinda, Kiora were in the back. And Colton was in the front, and then he jumped in the back.

Q Okay. When did he jump in the back?

A When we picked up Eric.

Q Okay.

A That was at the first farm.

Q So at that point, the windows on your car, you said one was broken, the back one?

A Yeah, the back.

Q And any other ones?

A No.

Q Were they rolled up, rolled down?

A They were all rolled up.

Q They were all rolled up?

A Yeah.

Q Okay.

- 1 A No windows were rolled down. The back window was smashed. That's about
2 it.
3
- 4 Q So you said you yelled at Eric?
5 A He yelled at all of us. He yelled at the vehicle.
6
- 7 Q Eric did? Who?
8 A Those guys yelled --
9
- 10 Q Okay.
11 A -- from the Stanley's.
12
- 13 Q Okay, but you yelled at Eric, you said?
14 A Oh, yeah. I told him to get in.
15
- 16 Q How did you yell at Eric?
17 A I used my voice.
18
- 19 Q Okay. And where were you?
20 A I was in the vehicle.
21
- 22 Q Okay. So was your window up or down?
23 A The -- the door was open --
24
- 25 Q The door was open?
26 A -- like I said, and I went five feet from the vehicle.
27
- 28 Q Okay.
29 A I was going to go inside to go knock on the door.
30
- 31 Q The driver's side window, was it up or down?
32 A It was down -- I mean, up.
33
- 34 Q It was up?
35 A It wasn't -- yeah.
36
- 37 Q It wasn't down when you were in --
38 A No.
39
- 40 Q -- the Stanley yard? Okay. The passenger's window, was that up or down?
41 A I'm not sure. I was only on my side.

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Q Okay.

A Yeah. I was -- never mind.

Q I'm going to ask you to look at the pictures here, P-3, so -- and do you recognize this?

A I'm not familiar with this angle, no.

Q Okay. Is there anything on here that you recognize?

A It was very difficult. It was difficult to recognize it from -- so you're standing up, from that point of view, and then like someone from right there because I don't think anyone, like, has ever been that I talked to, so --

Q Fair enough.

A Yeah.

Q Though this is taken from above, that's for sure. Do you recognize anything in this yard at all? What's -- you're pointing at something. What is that? What do you recognize?

A It's a Quonset.

Q Okay. And which side of the picture is at?

A Which --

Q It's on the left side of the picture about the --

A This is the Quonset, yeah.

Q -- about the middle, so that's the Quonset. You remember that?

A The only Quonset there, yeah.

Q Okay. And do you remember seeing a Quonset that day?

A Mhmm.

Q And in which farmyard?

A What's his name again? Gerald.

Q So in the Stanley farmyard?

A Yeah.

Q Okay. So you then recognize this to be the Stanley farm?

A Well, it looks like it.

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Q Okay.

A If I -- you guys took a picture from like a different angle, then yeah --

Q Okay.

A -- I could recognize it.

Q So where did -- where did the car you were driving go? Can you point to where you stopped?

A Point to where I stopped?

Q Yeah. When you drove into the yard where did you stop?

A You guys don't have another picture where I can actually identify the image because I can't look at it from this point of view.

Q Okay. This doesn't help you at all. You know where --

A No.

Q -- the Quonset is?

A Like, I know where the -- the places are. I just can't -- I don't -- like, from my perspective I just --

MR. BROWNE: Okay. If I can have a short --

THE WITNESS: -- from satellite.

MR. BROWNE: -- adjournment, Your Honour. I'm going to load up, I think it's P-1, and have him look at some of those photos then.

THE COURT: We'll take five minutes.

THE WITNESS: I'm good or --

(WITNESS STANDS DOWN)

(ADJOURNMENT)

(WITNESS RE-TAKES STAND)

MR. BROWNE: Thank you, Your Honour. So, Your Honour, I've got P-1 in the computer here. We're looking initially at image 3 on

1 that.

2

3 Q MR. BROWNE: So Mr. Cross, does this look familiar to
4 you at all?

5 A No.

6

7 Q No, it doesn't provide any assistance at all?

8 A No.

9

10 Q Okay. And I go to number 4, does that help at all? Just take your time and look
11 carefully.

12 A No.

13

14 THE COURT: If you'd like to get a closer look feel free
15 to walk over there and take a look.

16

17 THE WITNESS: Oh, no, I have already glasses on, but no,
18 everything that I pictured and everything -- like, everything looked exactly the
19 way it looked when I was there. It probably happened so fast. The house looked
20 like it was by the road, probably like about a good 30 feet from the road, from the
21 fence, and --

22

23 Q MR. BROWNE: No, that's fine. Do you recognize the
24 farmyard at all?

25 A No.

26

27 Q Does that help at all? Okay. So then I go to -- I'm going to take you to image 8
28 here on P-1. Does that look at all familiar? It's kind of dark, if you want to go
29 up a little closer and look at it.

30 A No, I can see it. It doesn't look familiar, no.

31

32 THE COURT: Did you say no?

33

34 THE WITNESS: No.

35

36 THE COURT: Okay.

37

38 Q MR. BROWNE: How about that, picture 9?

39 A Yeah, sort of. It's --

40

41 Q Sort of? A little bit? Okay.

1 A -- that spot --
2
3 Q That looks like -- what does that look like to you? What does it --
4 A It doesn't look like Gerald's farm.
5
6 Q It does?
7 A No, it doesn't.
8
9 Q It doesn't, okay. What about that, picture 10?
10 A I don't remember going through a long approach.
11
12 Q Okay, that's fine. I'm going to have you look at picture 12 here. Does any of
13 that look familiar to you?
14 A No.
15
16 Q Nothing in that photo looks familiar?
17 A (NO AUDIBLE RESPONSE).
18
19 Q So I'm going to get you to look at picture 13, how about that?
20 A No, it does not.
21
22 Q So how about picture 16?
23 A No, as I remember it, everything was closer together.
24
25 Q Okay.
26 A I must have just seen that.
27
28 Q But do the buildings look at all familiar?
29 A Yeah, they do, yeah.
30
31 Q Okay.
32 A They're just far apart, and I can't recognize it.
33
34 Q Okay. So let's not worry about the distances then.
35 A Yeah.
36
37 Q Let's worry about the items in the pictures.
38 A Okay.
39
40 Q So I'm going to take you back to picture 12. Do any of the items in that picture
41 look familiar?

- 1 A No. Again, no.
2
3 Q No -- no items. What about the vehicles?
4 A Yeah, right there.
5
6 Q Which one?
7 A That vehicle, that window wasn't smashed, but the Ford Escape, the first one
8 with the --
9
10 Q Okay.
11 A -- driver door open.
12
13 Q The one on the left side of the picture?
14 A Yeah, with the driver door open.
15
16 Q Okay. And what do you recognize that to be?
17 A Kiora's vehicle.
18
19 Q Okay. So that was the vehicle you were driving that day?
20 A Mmhmm.
21
22 Q Picture 13, anything there look familiar?
23 A The quad.
24
25 Q The quad. Okay.
26 A I didn't see the semi.
27
28 Q That's fair.
29 A Yeah.
30
31 Q Anything else look familiar?
32 A That bush in the back, where that light is --
33
34 Q Okay.
35 A -- that, yeah.
36
37 Q And what do you recall about that?
38 A I just recall it being a little bit far from us.
39
40 Q Okay.
41 A Yeah.

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Q So I'm going to show you picture 17. Does that look familiar at all?

A That looks like a blue vehicle.

Q Okay.

A It doesn't look like her vehicle.

Q Pardon?

A It doesn't really look like her vehicle. It was like dark blue --

Q Okay.

A -- tan blue.

Q So it doesn't quite look like what you remember?

A No, it was grey. Maybe if you guys took a picture in the lighting when it was daytime.

Q Okay. So how about now?

A Yeah.

Q That looks like --

A The one in the back.

Q Okay. So I'm going to take you back to P-3 here. So what if I were to suggest that this is the same yard?

A The house. Hold on.

Q Does that help you kind of -- not worrying about the distances, of course.

A Yeah, I know.

Q So --

A Yeah, it brings up memories, yeah.

Q Okay. So where did you, using P-3 then --

A Yeah.

Q - where did you pull into -- and stop. Just grab the ruler that's in front of you there. I'll just get you to point out where on the picture do you think you initially stopped?

A Probably around right here --

1 Q Okay.

2 A -- and then just --

3

4 Q Okay.

5 A -- because we had a vision of down there.

6

7 Q Okay. And where did Eric go? Okay. That area there?

8 A This was what right here was the quad on top of it.

9

10 Q Okay. So you figure that this trailer was over there with a quad?

11 A Mhmm.

12

13 MR. BROWNE: Okay. So Your Honour, just for the
14 record then, he has pointed to the trailer that's across from me in the middle of the
15 picture indicating that it would be behind the yellow object.

16

17 MR. SPENCER: I'm not sure that's what he said, counsel,
18 but --

19

20 MR. BROWNE: He said the trailer.

21

22 MR. SPENCER: I thought he said the quad was on the
23 trailer, but I don't think he indicated the location of the trailer, but I'll --

24

25 THE WITNESS: Yeah, I -- located, yeah.

26

27 MR. BROWNE: I thought he had said that the trailer
28 was --

29

30 MR. SPENCER: Okay. Okay.

31

32 THE COURT: Where's -- let's try that again then.

33

34 MR. BROWNE: Okay. So --

35

36 THE COURT: Where did you see the quad?

37

38 THE WITNESS: I saw the quad on here. The trailer was
39 where this was.

40

41 THE COURT: Okay. So you saw the quad on a trailer

1 that --

2

3 THE WITNESS: Yeah, it was on the trailer.

4

5 THE COURT: -- it's got some red on it?

6

7 THE WITNESS: Yeah.

8

9 THE COURT: Okay. And the trailer was where there is
10 some yellow down by the building?

11

12 THE WITNESS: Yeah, right there, around there, by the
13 building. I knew it was by here because we were pulled around, I don't know,
14 somewhere around there, just --

15

16 Q MR. BROWNE: And which way was your vehicle facing
17 when you were parked? Okay, so --

18

19

20 Q So which object would it be facing towards here?

21

22

23 Q So --

24

25

26 Q You figure it was below the silver building?

27

28

29 Q It was --

30

31

32 Q So --

33

34

35 Q -- does it help if I told you that this direction -- what direction do you think that
36 would be? Do you have an idea?

37

38

39 Q Okay. So you figure your vehicle was also pointed that way?

40

41

41

A Yeah, but like I'm not sure. It happened so fast, but I know I parked around there somewhere.

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Q Okay. So you said you put it into reverse. Can you show me where you think you backed up?

A I backed up. I don't know if I went that way or this way, but I backed up and then that's when I just pinned it.

Q Okay. So you're indicating you backed down --

A I backed --

Q -- going towards the top of the picture?

A Yeah. I think it was -- I was right here somewhere. I backed up. What's it called? And then I thought that vehicle was blue.

Q Okay.

A And --

Q You thought which vehicle was blue? Sorry. So again he has pointed to the vehicle on the right-hand portion of the centre of the picture, I guess.

THE COURT: He is pointing to the blue Escort (sic) --

THE WITNESS: Mmhmm.

THE COURT: -- or Escape, sorry.

MR. BROWNE: Escape.

Q MR. BROWNE: So then what do you recall about that vehicle, the blue vehicle here?

A I remember just -- there. It was parked there.

Q Okay. And what happened with that?

A Like I told you, we -- we were -- we skidded, and then, that -- the wheel over here, you can see how it pulled us.

Q Okay.

A That's it.

Q So do you recall which wheel it was that was flat?

A (NO AUDIBLE RESPONSE).

- 1 Q So again I want you to use words, please.
2 A Oh. It was a long time ago, probably I'd say from the left.
3
4 Q So on the left would be which side of the car?
5 A Left, on your left side.
6
7 Q So the driver's side?
8 A Yeah, the driver.
9
10 Q And which -- which tire on that side?
11 A The front.
12
13 Q Thank you. Okay. So you were driving at this point?
14 A Yeah.
15
16 Q So can you kind of show us where you think you ran?
17 A I ran down that road right there.
18
19 Q So up the road or driveway?
20 A Yeah.
21
22 Q So do you recall there being a gun in the car that day?
23 A Not that I remember, but I heard there was one, yeah, but I don't remember
24 there being a gun.
25
26 Q So you heard there was one. How did you hear there was one?
27 A Lots -- hundreds of people talking about it --
28
29 Q Okay.
30 A -- on Facebook.
31
32 Q Okay. So would you have any recollection of that?
33 A A recollection?
34
35 Q Do you remember seeing a gun in the vehicle?
36 A No. Oh, when we were in Red Pheasant --
37
38 Q Okay.
39 A -- Eric had a .22.
40
41 Q Okay. Where, on Red Pheasant? What time of day?

1 A I think it was later on that day, before everything happened. I'm not sure if we
2 had bullets or not. I don't think we did -- well, he did.

3

4 Q Okay.

5 A He told me he had a .22 --

6

7 Q Okay. So Eric told you he had --

8 A -- and that he wanted to go hunting.

9

10 Q Eric told you he had a .22?

11 A Mmhmm.

12

13 Q Okay. And what happened to that gun that day?

14 A I'm not sure. Maybe he -- he hid it somewhere or maybe he has it. I don't
15 know.

16

17 Q Okay.

18 A I never --

19

20 Q Did you see it all that day?

21 A -- I never saw that gun. After he showed me that one day, I never saw it again.

22

23 Q Okay. So he showed you?

24 A Mmhmm.

25

26 Q When? What were you doing when he showed you?

27 A I was looking at it, standing.

28

29 Q Can you describe it?

30 A It was brown, had a -- not -- it was, I don't know, probably like -- there was a
31 magazine under it. It was probably like that long, and then it was wooden --

32

33 Q Okay.

34 A -- and it looked like it was polished or something, I don't know.

35

36 Q Okay.

37 A It didn't --

38

39 Q Do you know what kind of gun it was?

40 A A .22. It held 22 bullets.

41

Q Okay. And so what were you and Eric doing that day when -- when he showed

1 you the gun?

2 A We were at his house. Well, we weren't at his house. He showed us when we
3 were halfway from town site to his house, at his house --

4

5 Q So --

6 A -- at his trailer.

7

8 Q -- in what car were you driving at the time?

9 A Same vehicle.

10

11 Q Okay. So it was in Kiora's car at some point?

12 A Oh, yeah. He -- there was a gun at that trailer.

13

14 Q At which trailer?

15 A I don't know if he brang (sic) it or he put it there.

16

17 Q Which trailer? Sorry.

18 A I don't know if I -- I could probably point it out, but it's from going down that
19 road to (INDISCERNIBLE), but from the town site to the garbage dump.

20

21 Q Okay.

22 A Yeah.

23

24 Q So this was before you left to go swimming?

25 A Mmhmm.

26

27 Q Okay. Do you recall seeing the gun any other time during the day?

28 A No.

29

30 Q Do you know what Eric did with the gun?

31 A I'm not sure. You'd probably have to ask him that. I don't know, if he still has
32 it or maybe, I don't know, what happened to it.

33

34 Q Did you see anybody else with a gun that day?

35 A No.

36

37 MR. BROWNE:

No further questions, Your Honour.

38

39 THE COURT:

Cross-exam?