

IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE OF BATTLEFORD

BETWEEN

HER MAJESTY THE QUEEN

and

GERALD STANLEY

Accused

TRIAL
Volume 2
(Pages T201 - T400)

January 29, 30, 31, 2018
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Battleford, Saskatchewan

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1 Proceedings taken in the Court of Queen's Bench, Battleford, Saskatchewan

2

3

4 January 30, 2018

Afternoon Session

5

6 The Honourable Chief Justice

The Court of Queen's Bench

7 M. Popescul

for Saskatchewan

8

9 W. Burge, QC

For the Crown

10 C. Browne

For the Crown

11 S. Spencer

For the Accused

12 D. Gillanders

For the Accused

13 K. Christopherson

Court Clerk

14

15

16 **JENNIFER BARNES, Previously Sworn, Examined by Mr. Burge**

17

18 Q MR. BURGE:

Okay. Are there accumulations of blood

19 in the photographs that you observed that could have resulted in satellite stains
20 that you see on this -- on this rifle?

21 A Yeah, in photograph -- if you'll flip to page 3 --

22

23 THE COURT:

And we're talking about the photograph

24 booklet?

25

26 A The photograph booklet.

27

28 THE COURT:

Okay. Thank you.

29

30 A Yes, My Lord. Page 3, you'll notice the -- as I had previously indicated, the
31 blood pooling along the frame immediately adjacent to the plastic base of the
32 seat. And on -- there's an accumulation there. There's also an accumulation in
33 the carpet in front of the seat. And if you look closely, and it might be hard to
34 see in this photo, but there are satellite and/or spatter stains on the frame and
35 on the plastic seat base as well. I apologize, in the photograph it's not very
36 close, but there -- there's small, circular stains that are -- surround the --
37 they're slightly above the pool, and where you see the blood with the flow
38 patterns coming down, they're -- they're along the sides on the surfaces.
39 There's also a photo of the corresponding ones. On page 6, you can see the

1 satellite stains a little bit better along the bottom storage compartment of the
2 door. There's the blood and the flow patterns, and then there's all the satellite
3 stains surrounding this bottom pattern. Is -- perhaps you can see them a little
4 bit better.

5
6 Q MR. BURGE: And you said that it could -- it -- the
7 blood on the Cooley rifle could also be the result of spatter, which I -- and you
8 talked about sometimes you use that word in general to describe something
9 where you're uncertain of the source?

10 A Yes, that's correct.

11

12 Q Okay. And -- and would this be a situation where there is force -- force applied
13 to a body causing blood either to go forward or backwards? This -- this would
14 be the spatter that we're talking about?

15 A Yes, that's correct.

16

17 Q Okay.

18 A That's possible.

19

20 Q If a body -- if there's -- if a body is clothed -- let's assume there's a wound to
21 the head, and the body has -- the person is wearing a hat and has a -- a jacket
22 with a hood, and there's -- we're -- we see that there's holes in the -- each side
23 of the hood, indicating that perhaps the bullet has passed through the clothing,
24 through the body, and through the clothing again. In that kind of a
25 circumstance, is there any -- does that have any impact on whether or not you
26 might see spatter?

27 A The spatter could be blocked by clothing, but it's -- I can't say for sure how
28 much, if -- if it would be blocked at all or -- but there is a possibility that it
29 could -- that it could hinder the amount of spatter produced or block it
30 completely.

31

32 Q I understand that you were consulted by Corporal Heroux during his
33 investigation?

34 A Yes, that's correct.

35

36 Q And this would be a telephone conversation?

37 A Yes, that's correct.

38

39 Q And as a result of that, you decided it wasn't -- wouldn't be beneficial to attend
40 to the crime scene?

41 A When Corporal Heroux called me, he had indicated that the vehicle had been

1 removed from the crime scene.

2

3 Q Okay. Was it still in the -- in his secure bay, do you know?

4 A I'm not sure exactly where it was. It was stowed -- or towed to an indoor bay.
5 I'm not certain where it had been.

6

7 Q Okay. Okay. If -- if you assume that there was blood -- a blood pattern, as
8 we've seen, in these photographs in this vehicle, primarily in the driver's seat,
9 in the driver's floor, on the side of the seat, and on the driver's door, and if the
10 investigator hadn't observed any other blood in any other portion of the
11 vehicle, would there be anything for you to come and analyze?

12 A With the information that I was provided and the photographs and the -- the
13 discussion that Corporal Heroux and I had, we determined that I was not able
14 to offer any additional information that would be essential to the investigation.

15

16 Q Based on what you were provided, were you able to form an opinion about the
17 location of the victim during the -- the period of bloodletting?

18 A I was able to -- after my analysis, I was able to determine that the stains,
19 specifically the saturation stains, were consistent with the -- with Colten
20 Boushie bleeding onto the seat for an indeterminate time period. That's in the
21 driver's compartment. If -- sorry. Because the swab was taken from the
22 driver's seat.

23

24 Q Okay. Sergeant, if -- if a person were shot with a firearm while in the
25 passenger's seat, would you expect to see anything in the passenger's seat area
26 indicating that a person was shot with a bullet?

27 A I would expect to see bloodstains in the passenger compartment, yes.

28

29 Q If -- if a person, after being shot, were able to move from the passenger's seat
30 to the driver's seat or if someone moved a body from the passenger's seat to
31 the driver's seat who had been shot in the head while located in the passenger's
32 seat, would you expect to see any evidence of that?

33 A I would expect to see stains where the original bleeding was, and I would also
34 expect to see stains along the path of movement of that blood source.

35

36 Q Okay. And what kind of stains would you expect to see?

37 A I would expect to see transfer stains, so the contact stains, possibly some swipe
38 because the -- there's movement. There might be drip stains coming off the
39 blood source. There could be wipe patterns. There could be a number of
40 different stains, depending on what -- how much movement there was and --
41 and the distance travelled.

1

2 Q Okay. Let's -- if, through more detailed examination, there were some blood
3 that couldn't be seen by the naked eye or couldn't be seen through an
4 examination with a white light -- are you familiar with a white light?

5 A Yes, I am.

6

7 Q What is a white light?

8 A It's a -- it's a bright light that we use to search scenes for evidence, be that
9 bloodstains or small pieces of evidence. It's not a specific forensic light. It's a
10 normal visible wavelength that we perceive as white light.

11

12 Q And is it -- is it something that you use?

13 A Yes, I do.

14

15 Q If, through either you just using your eyes or using white light, if there was
16 nothing seen in -- apart -- apart from these significant staining areas that I've
17 already drawn your attention to, would you be able to -- if there was only a
18 small amount of -- of blood, say, that could only be seen or determined through
19 something beyond the white light, would this be sufficient to allow you to do
20 any kind of analysis?

21 A Unless there was enough bloodstains to form a pattern or a distinct -- another
22 area of bloodstaining that would be significant to me, the presence of some
23 small extra bloodstains would likely not assist my analysis in any fashion. I
24 can't say exactly. I won't put a number on how many stains I need because it --
25 it differs, but you have to be able to see a pattern in order to be able to
26 associate it to a mechanism. And a few stains here and there sometimes don't
27 get recorded or don't get seen and -- but in the big picture in what's happened
28 and what I'm able to say with this bloodstain analysis, I don't believe that it
29 would influence or change my analysis or my results in any fashion.

30

31 Q And it -- do you have any comments about -- about just the location of where
32 you're working? Like, inside of a vehicle, does that have any impact on your
33 ability to -- to analyze and come to determinations?

34 A The interiors of a vehicle are difficult to -- when doing an analysis because
35 there's a number of different surfaces. There's different materials and textures
36 that we are involved with. If we have to get measurements, it's a lot more
37 difficult than if it's just a pattern on a flat vertical surface that's easy to
38 measure. Vehicles are more challenging to determine. Also, there's restricted
39 movement in vehicles. So you're -- if you're inside a vehicle, your range of
40 movement is restricted rather than standing in an open room. So it -- the levels
41 of movement change is -- is a lot -- is a lot less than in an open area. So it does

1 provide some challenges into -- into the amount of information that we can
2 provide as to maybe what happened or the mechanisms.

3

4 Q And when you say "restricted movement", so are you -- are you thinking of the
5 person who receives the injury that -- that caught -- that results in the
6 bloodletting?

7 A Well, the movement of the blood source in the vehicle is restricted if you're
8 inside the vehicle. You obviously have things blocking movement, such as
9 your steering wheel, your seat, your console, so you're not able to change
10 things as much as you would if you were standing in an open room where you
11 could change heights very quickly at quite a marked difference. If you were
12 standing versus laying on the ground and you had bloodstains at both levels, it
13 would be easier to see than in a vehicle. If you're seated in a -- in a
14 compartment, the -- the range of motion is just not -- not available to you. It's a
15 very smaller movement. So the stains might be more -- less obvious if there's
16 movement around. Or they might overlap a little bit more due to the small
17 compartment.

18

19 MR. BURGE: Okay. Thank you, Sergeant Barnes.
20 Please answer any questions that my friend may ask you.

21

22 THE COURT: Mr. Spencer, cross-examination.

23

24 MR. SPENCER: Thank you, My Lord.

25

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

27

28 Q MR. SPENCER: You're not a DNA expert?

29 A No, I'm not a DNA expert.

30

31 Q Okay. It may -- may not make any difference, but -- so how do you come to
32 conclusions that -- that this is Colten Boushie's DNA? How do you even know
33 who Colten Boushie is?

34 A I received the laboratory analysis report, and it's referenced -- in my report,
35 you'll see a number 1 after the name "Colten Boushie." And if you refer to
36 page 3 of 6 in my report, my written report, it will list the references. And
37 that's the information that I've taken from the DNA report produced by the lab.

38

39 Q Right. So on your own information, you -- you -- and I guess maybe I'm just
40 looking at it scientifically. I would think that you would look at the photos. In
41 this case, you didn't actually examine the vehicle?

- 1 A I did not examine the vehicle, no.
2
- 3 Q So you've looked at some photos, and they told you who -- put a name to it,
4 and that's why you're saying that person was bleeding in that vehicle?
- 5 A The result that I've included, the only DNA profiles that I've included are the
6 ones that I can associate to -- directly to swabs. So FIS number 36 on the
7 driver's seat came back to a result, a DNA profile to Colten Boushie, and the
8 two swabs that I obtained from the firearm came back to the DNA profile
9 Colten Boushie. That's all that I've included in my results for -- with that
10 specific DNA profile. The other -- you'll notice in the -- in the inner side of the
11 driver's door and the outer side of the driver's door, I don't include any results
12 in my report because I don't have DNA results for it.
13
- 14 Q Okay. And that will come together. All I'm getting at is that you as a
15 bloodstain expert, you should be working with a bloodstain, that DNA has
16 nothing to do with you?
- 17 A The DNA portion of the -- how we use the DNA is for me to associate patterns
18 to blood sources, to be able to offer more complete information to the Court in
19 terms of who was bleeding and where or whose blood was sampled where.
20
- 21 Q Okay. Now, would -- looking at the picture number 3, your picture number 3,
22 from -- from that, would you even know whether it was a gunshot or -- or some
23 type of other injury?
- 24 A No. From the bloodstains in photo number 3, I can only say that they're
25 bloodstains. I can't assign a specific weapon or injury, specific injury, that
26 caused them.
27
- 28 Q Right. Somebody was bleeding in the driver's seat?
- 29 A Yes.
30
- 31 Q That's all you can do?
- 32 A That's correct.
33
- 34 Q And based on your review, nobody was bleeding in the passenger's seat?
- 35 A With the information that I had, I have no reason to believe that there was.
36
- 37 Q Okay. Now, I'm not really concerned with the -- the bleeding part. That's
38 pretty -- pretty straightforward, I think. What I'm interested in is the projectile
39 aspect of what you can help us with. So what a -- what I'm -- I guess it would
40 be in your list of bloodstain, back spatter -- back spatter and forward spatter, I
41 guess?

- 1 A Those are types of spatter, yes --
- 2
- 3 Q Right. So that --
- 4 A -- created by projectiles. Yes.
- 5
- 6 Q -- that's -- yeah. And that's what I'm looking at here is certainly you've got
- 7 enough information to know we're dealing with a projectile.
- 8 A Yes, that's correct.
- 9
- 10 Q A projectile hits -- I hate to say it -- a human skull, would that ordinarily
- 11 generate back spatter?
- 12 A Generally, as a projectile passes through something like a human skull, it does
- 13 create back spatter. However, the amount and the -- the distribution of the
- 14 spatter, it depends on a variety of factors.
- 15
- 16 Q So you actually have to go looking for the actual blood to determine if there's a
- 17 pattern that you could analyze and assist us?
- 18 A We would analyze -- a lot of the time when we analyze back spatter, it's to
- 19 show objects or people in the vicinity of a shooting or a projectile passing
- 20 through someone. The presence of back spatter on somebody or on an object
- 21 can indicate the proximity when the projectile passed through. However, it's
- 22 not always there. Like I said, it could be blocked by things, clothing, items,
- 23 walls, people. You know, there's a number of factors. The calibre of the
- 24 projectile used is also a factor in the amount of back spatter. So we can use it,
- 25 yes. But I didn't -- I didn't see some -- anything in these particular photos that
- 26 would indicate clearly to me -- differentiate back spatter as opposed to general
- 27 spatter.
- 28
- 29 Q Right. But -- but that's why it would have been a lot better if you'd actually
- 30 looked at the truck instead of some photos a year later?
- 31 A But if it -- if it -- it's beneficial for me to look at the scene. However, if there is
- 32 enough spatter, be it back spatter, forward spatter, or any type of spatter to -- to
- 33 be visible and create a pattern, then I -- when I talk to the investigator about it,
- 34 we discuss those sort of things and what they're seeing, and then they send me
- 35 the photos. And if I don't see it in the photos and they are not telling me about
- 36 it, then I'm working with what I -- what I can get and what I get. And if it's not
- 37 -- and if it's not there and I go to the scene, there's nothing I can do either,
- 38 so ...
- 39
- 40 Q Well, okay. But a vehicle is a confined space, right?
- 41 A Yes.

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Q So if someone's shot in a vehicle, the back spatter will be, for the most part, contained in that vehicle, the windows and all that. But you -- you should look for that back spatter pattern to gather the most information available?

A It could be in the vehicle, yes, or on the clothing or on -- you know, another person. Or there -- it could be deposited on anything in the vicinity of that vehicle, if there is enough to actually produce a measurable amount of -- of spatter.

10 Q Okay. Now, does white light, does that always show you all the fine particles
11 of blood that might be on a scene?

12 A Without using a microscope, white light is actually the best way for us,
13 visually, to determine if it's -- hasn't been cleaned up or altered in some
14 fashion. If it's been cleaned up, then we have to use chemicals to enhance
15 where the blood might have been, and -- and that's where we get into the
16 chemical enhancement. But if it -- if it's visible, the -- the white light is the
17 best way to -- to find it.

18

19 Q Well, don't you use Luminol to find blood? Am I watching too much CSI or --

20 A We actually don't use Luminol anymore. We use a more modern version of it
21 called BlueStar. And that will -- we use that to -- mostly when it's been
22 cleaned or if it's -- because if it's enough to form a pattern, then it's usually
23 visible without the BlueStar. The BlueStar, Luminol -- it's a Luminol
24 derivative. They -- it has limitations in that it dilutes your stains. And if you're
25 doing stains on a non-porous surface, sometimes it can create -- it runs down a
26 little bit. It's -- it's a particulate that you spray onto it and then turn off the
27 lights, and it -- it luminesces.

28

29 So it will show you areas, but the particulate in the chemical sometimes gives
30 you a luminescent effect, like a -- it's almost like a speckled effect that you
31 have to be very careful that you don't interpret that as small spatter stains when
32 it's, in fact, the chemical particulate on there. So it's -- I don't like to use it to
33 -- to find extremely small stains, because of my level of confidence. If I am
34 concerned that there are tiny stains, I'll actually just use a magnifying glass and
35 my white light to try and find it. And if it's so small that I can't see it with my
36 naked eye, then it's microscopic and I won't be able to speak to a pattern about
37 it because it's just not enough. It's not visible, and you're getting to a point
38 where they're so small -- these stains that we can see, a lot of them are less
39 than a millimetre in size, and you can still see them. In this instance, it's a grey
40 interior, so you can see a bit of contrast. If it was a different colour, then we
41 might have to look at -- that might be the only option is the BlueStar, the

1 Luminol.

2

3 Infrared photography is also a tool that we use to try and view bloodstains that
4 are a little bit more on challenging surfaces, but what we're talking about here
5 is -- is grey. And you can see the stains on the other portion of the seat.

6

7 Q Would it have been better to look at the actual vehicle and the actual seats and
8 the actual far door panel and the actual well of the vehicle? Would that have
9 been better than looking at a few pictures?

10 A To see the -- the evidence in situ is always preferred than looking at photos.
11 However, the amount of information that I'm able to offer might not be any
12 different than being able to look at photos. At -- it -- for each call, we make
13 decisions, whether or not in consult with the investigative team and the Ident.
14 people, who have a basic bloodstain course. We teach them what we do and
15 how to look for stains and what we want. And with that information, we make
16 a determination whether or not it's of value to the investigation for me to
17 attend, because it's -- it's impossible for us to attend all blood scenes that there
18 are because we cover a large area in my section.

19

20 Q Okay. Would you expect forward blood spatter if someone was shot?

21 A I would expect it unless it's blocked --

22

23 Q Okay.

24 A -- by the other variables.

25

26 Q Okay. But, Sergeant Barnes, could I ask you to answer the question instead --

27

28 MR. BURGE: Well, I think she did, My Lord.

29

30 THE COURT: Well --

31

32 MR. SPENCER: Well --

33

34 THE COURT: -- just -- I -- I don't see her doing
35 anything but answering your questions. So just ask your question, and she has
36 answered it.

37

38 MR. SPENCER: Yeah. And, My Lord, my -- my objection
39 to that answer was "unless it's blocked." It's a clear question. Would you expect it,
40 and then trying to provide an explanation. And that's the concern I have.

41

- 1 THE COURT: Well, I think the answer is, she would
2 expect it unless it's blocked.
3
- 4 MR. SPENCER: Okay.
5
- 6 THE COURT: So there's your answer.
7
- 8 Q MR. SPENCER: So there wouldn't be forward blood
9 spatter if it was blocked. Explain that to me, then.
- 10 A When a projectile passes through like -- something like a human skull, if
11 there's nothing there, and -- I would expect to see forward spatter. However, if
12 there's clothing or something next to the exit, it can be blocked by something.
13 So that prevents the spatter from actually being dispersed through the -- onto
14 the different surfaces. And I can't say exactly what -- how much would be
15 present, you know, if -- if there was clothing there. We can't quantify that
16 amount of spatter that would be there. I would expect to see it if there were no
17 other interfering factors.
18
- 19 Q Okay. So in answer to my question, there would be forward spatter, right?
20 A I would expect it, yes.
21
- 22 Q Well, in -- in almost all cases, there would be forward spatter. Where it would
23 contact a surface might depend on something interfering with it?
24 A Yes, that's correct.
25
- 26 Q Okay. And as far as clothing goes, you're saying that could interfere with how
27 much of the spatter gets to a surface?
28 A Yes. Clothing could be a factor, yeah.
29
- 30 Q What's the word you use, a contact point or what's your terminology there?
31 A I'm sorry. I --
32
- 33 Q Surface -- the contact surface? Is that what you --
34 A The target?
35
- 36 Q The target surface. Sure. So in a confined space, the far door, the far -- the seat,
37 that would be a potential contact surface?
38 A Yes. There's potential surfaces anywhere --
39
- 40 Q Okay.
41 A -- in the vicinity of the spatter that it can travel to.

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Q Right. And if you could identify the spatter on those contact surfaces, then that would allow you to provide an opinion, potentially, on the trajectory of the projectile?

A We wouldn't provide an opinion on the trajectory, necessarily. We may be able to differentiate forward and back spatter if we had the blood source in place and in conjunction with the -- if there was a resulting projectile found in the scene or -- and the wounds. But I couldn't say for sure what I would be able to say. It would -- it's a hypothetical how much I wouldn't -- I would have to really -- it would depend. It's -- each situation is different, and how much would be deposited and whether or not I would be able to tell it was forward spatter or back spatter, I'm -- I don't know. It would totally depend on the situation.

Q And I guess --

THE COURT: Mr. Spencer, just before you go further, I see it's about five minutes after five. Ideally we would finish this witness today because you are from Edmonton, and I would like to have her be able to leave. About how much longer do you think you might be?

MR. SPENCER: Are you flying out tonight, witness?

A Sorry?

MR. SPENCER: Your intention is to fly out now?

THE COURT: Well, I am asking you the question.

MR. SPENCER: Sure. Okay.

THE COURT: About how much longer do you think you might be?

MR. SPENCER: Well, I can finish in five minutes.

THE COURT: Okay. Well, I am not asking you to rush, but just -- about five minutes, ten minutes?

MR. SPENCER: Five minutes, ten minutes.

1 THE COURT: Okay. And, jury, you're able to just stay
2 a little bit longer so we can finish this witness? Okay.

3

4 And I don't wish to rush you, but -- so take as much time as you need, and that
5 gives us a bit of an estimate. And if you go a bit longer, then we'll assess it at that
6 time.

7

8 MR. SPENCER: Thank you, My Lord.

9

10 Q MR. SPENCER: What my concern is is to make your
11 expert opinion, you need to actually get the information, correct?

12 A Yes, that's correct.

13

14 Q So what led you to believe there would be no information in that SUV that
15 would assist you in determining whether you could make any -- do any of the
16 tests? And I appreciate it might not work out, but what convinced you that
17 there was no point in you even looking for forward spatter on the far door, on
18 the -- of the SUV or back spatter, based -- based on other information, but what
19 led you to believe you couldn't get any information out of that SUV?

20 A Well, through discussions with the -- the Ident. member, Corporal Heroux, and
21 the photographs that he had sent me. I didn't see any stains in the photographs,
22 and he -- I had asked him about other staining, and he had indicated that there
23 was none located. And also, there had been -- since the vehicle had been
24 moved, there was -- I understood, again, wasn't there -- that it had rained and
25 changed some of the staining -- the appearance of the staining on the vehicle.
26 At that point, with the information that he had given me -- also to -- normally
27 we will attend if there's a question, a lot of questions, if there's multiple
28 bleeders or there's a lot of movement or there's a question as to whether or not
29 someone was in a certain position. And at the time when he consulted me,
30 there was no issue with the position of the deceased. And therefore, there was
31 nothing that I could determine that would add any further information to the
32 investigation.

33

34 Q Okay. So what -- what was the position of the deceased, then, based on the
35 information you had? Because I have no idea what the position of the deceased
36 is, but --

37 A Well, in the photos, the position of this deceased was outside the vehicle. At
38 some point, the information was that he was possibly inside the vehicle when
39 he was bleeding. Now, that's why we wait to determine where -- how -- the
40 DNA to find out who is bleeding in the vehicle and associate the patterns to a
41 specific bleeder. So looking at these photos, somebody was bleeding in the

1 vehicle. We have to wait for the DNA to say who it was, of course, but --

2

3 Q But if we're looking -- if we're trying to figure out what the position of the
4 deceased was at the point of the projectile hit them, all that you've said has
5 nothing -- none of what you've said has anything to do with helping us of the
6 position of the deceased at the point of the -- being hit by the projectile, does
7 it? Nothing? Anything?

8 A No.

9

10 Q No? So if that's what we need to find out, again, I -- where -- where he's
11 bleeding doesn't matter to me. I want to know what his position was. If you'd
12 have attended and been able to determine whether there was any forward
13 spatter on the far door, that might have assisted us determining a trajectory,
14 correct?

15 A Possibly.

16

17 Q Okay. It would have also potentially -- if it can tell us where the bullet went, it
18 might also tell us where it came from?

19 A The only information in terms of where it came from would be the location of
20 the blood source to create the spatter. I can't give you an angle or path of the
21 bullet. That's not my area of expertise at all.

22

23 Q Okay. Maybe I'm being slow here, but if we have the -- a portion of the
24 trajectory and an angle and we were able to determine the blood -- a forward
25 spatter pattern in front of that, away from that, we can connect those and we
26 have a trajectory. That's what I'm saying. Does that make sense to you?

27 A It does make sense to me. However, the -- I would have to know for sure which
28 was an entrance and which was an exit wound to determine the -- the type of
29 spatter. If it's forward or back spatter, it depends on which way. And if I go to
30 a crime scene and I have a -- someone with an injury, say, one on each side of
31 their head, I would not -- I don't have the medical training. I would defer to the
32 medical investigator to indicate to me which one was the entrance and which
33 one was the exit. So I wouldn't definitively say that one was forward and one
34 was back. You could maybe, from basic -- if you have spatter on one side and
35 you've got a hole on one side and a hole on the other, you would -- you could
36 maybe indicate that something happened on this side. Now, whether it was
37 travelling this way or this way, we have to defer to the medical experts for that.
38 I -- I wouldn't be able to look at it and say, oh, yeah, for sure. That's -- that's
39 out of my -- I can't -- it's out of my area of expertise.

40

41 Q Oh, no, I agree with you, but -- but certainly that's what -- exactly what the

- 1 pathologist would do. So the pathologist would give you that information. And
2 then you would know. You could do your tests, right?
- 3 A When the pathologist -- at the autopsy, if they're able to determine which was
4 forward and which was back, which was an entrance and which was an exit,
5 then during my analysis of the -- the bloodstains, I might be able to say, yes,
6 that corresponds to forward spatter. But that would be after the fact during my
7 analysis. I likely -- unless they do an autopsy while I'm still at the scene, it
8 would be I would collect all of the information, take it back, and then collect
9 the other information, the DNA, the medical reports, and that sort of thing, and
10 then do my analysis. So I make my observations at the scene and then do my
11 analysis after, after I get the information.
- 12
- 13 Q Okay. But in this case, you didn't make any observations at the scene. So then
14 when the pathologist fills in that blank of the direction, you don't have any
15 information. But if you'd have attended at the scene and gathered your
16 information, you could have done an actual analysis.
- 17 A If there was any information to gather. If there wasn't any there, then I
18 wouldn't be able to say any more than I am now. I can't say that for sure
19 because it's --
- 20
- 21 Q It's gone.
- 22 A -- it is what it is. It's -- this is the analysis that I've done, and from the
23 questions that -- that I asked the investigator -- and I can't testify to his
24 knowledge or training, but they are our eyes at the scene. And if they -- they
25 take a good look and they say there isn't anything else, then I take that as part
26 of my assessment as to whether I should go or not.
- 27
- 28 Q So what is the percentage where someone is -- using bullets, shot through
29 clothing, that there is no forward blood spatter at all?
- 30 A I don't have a percentage. I can't even guess as to what a percentage would be.
31 It's -- it depends on the thickness of the clothing, the number of layers of
32 clothing, the calibre of the bullet, where it strikes in the body, because, of
33 course, it -- where it strikes, it's -- it's different, because the energy dispersed
34 as the projectile passes through creates damage. And how much is absorbed by
35 the body and how much goes outward in the form of spatter or other
36 bloodstains is totally dependent on the specifics of the scene. It can even
37 depend on air currents and -- and presence of windows or glass or anything. I
38 mean, there's so many variables through it that I couldn't even -- I wouldn't
39 even want to guess at a percentage because it wouldn't be accurate for you.
- 40
- 41 Q Okay. I would think as the expert, you -- you'd have some ballpark that you

1 could help me with, but do you see my problem is did you ask how many
2 layers of clothing? Did you ask any of those questions? You've listed off a
3 whole bunch of factors. Did you ask any of those questions before you
4 determined that you couldn't get any evidence out of that vehicle?

5 A I saw the body of the photos in situ and what he was wearing. And --

6

7 Q Hoodie, just a cloth hoodie.

8 A Hoodie and a baseball cap. There was a baseball cap there. What -- what those
9 positions were exactly when the firearm -- when he was shot, I couldn't tell
10 you.

11

12 Q Okay. What -- what would the base -- in your opinion, what would the baseball
13 hat have to do with the exit wound? The exit wound has nothing to do with the
14 baseball cap. Why would you raise that?

15 A If there was a -- if there was a hat being worn and there's an injury to the head,
16 if it's worn properly, possibly not. If it wasn't, if it -- if you had a hood on and
17 there was other layers of clothing, it could be blocked, depending on what
18 position it is. If it's -- it could come into effect. But again, it's -- I can't say for
19 sure how much effect each piece would have on -- on this fact.

20

21 Q If you don't do any investigation, you can't form an opinion. Is that fair?

22 A I formed my opinion and analysis based on the information that I had from the
23 investigator at the scene and when I was consulted about it.

24

25 Q Okay. What do you think the chances are that a single layer of a hoodie would
26 totally block all forward spatter?

27 A I can't give you a number. Again, I wouldn't even want to guess. There's --
28 there's too many factors involved.

29

30 Q Okay. And those -- and you never looked into any of those factors?

31 A The factors -- because I can't measure them. Because I didn't see them when it
32 happened. All I can do is look at the stains in -- within the area as a result of
33 the injury and make my analysis from there.

34

35 Q I'm sorry for being frustrated, but as the expert, that's what we're looking for
36 is that opinion, and if you don't gather the information, you can't give an
37 opinion. Is that fair?

38

39 MR. BURGE: It might not be legally fair, My Lord.

40

41 THE COURT: Well, she already answered the question

1 once. Do you want a second answer?

2

3 MR. SPENCER: No, that's fine, My Lord.

4

5 THE COURT: Thank you.

6

7 MR. SPENCER: No.

8

9 THE COURT: Any re-examination?

10

11 MR. BURGE: No, thank you, My Lord.

12

13 THE COURT: Okay. Is there any reason to keep this
14 witness any further?

15

16 MR. BURGE: No.

17

18 THE COURT: Thank you very much, Sergeant. You are
19 free to go.

20

21 A Thank you, My Lord.

22

23 (WITNESS STANDS DOWN)

24

25 THE COURT: Okay. What I am going to do is I am
26 going to release you. I am going to have a -- a conversation with the lawyers for a
27 few minutes after you are gone, but for today, you are free to go. And we are going
28 to start tomorrow again at 10 o'clock. Hopefully we won't have the type of
29 morning we had this morning as far as driving is concerned. That was a little ugly,
30 and again, I thank you for your efforts on being here. Try to be here on time,
31 because as you may appreciate, we can't start unless we are all here. So all the key
32 players, the jury, the accused, the lawyers, and me, all have to be here. And so I
33 am going to ask you to try to be on time if you can.

34

35 I am going to remind you again. I know that there's lots of media because I see
36 their cars in the parking lots and around. And I am going to again urge you not to
37 look at any of that stuff because there's no sense having your mind influenced in
38 any way, and I direct you not to look at any of those things. All that counts is
39 exactly what you're hearing here in this courtroom as we go through. So anything
40 else that you have seen or will hopefully not see is nothing -- none of your
41 concern. So with that, I am going to bid you a good night, and we will see you

1 tomorrow at 10 o'clock.

2

3 (JURY RETIRES)

4

5 THE COURT: Thank you, Sergeant, for politely waiting
6 as everyone left, but you are free to go, again. Thank you.

7

8 What I wanted to just clarify with counsel is this. The media have made a number
9 of requests for certain exhibits, and the protocol that I wish to adopt is to have the
10 two lawyers look at what the media is asking for. And I'd like to elicit your input
11 before I make my decision as to what they can and cannot have. And there's quite
12 a list of information that has been provided. Now, I understand, Mr. Burge and
13 Mr. Spencer, you have not yet had a chance to go through these requests; is that
14 correct?

15

16 MR. SPENCER: I -- I have some, and Mr. Burge has had
17 some, and maybe they're the same and maybe they're not, but I don't think we've
18 got a full package yet.

19

20 THE COURT: Okay. Are you -- do you need the
21 evening? I know the news outlets like to be -- have us deal with these things
22 quickly, although I realize as well that you -- the two of you or the four of you are
23 running a case, and it may not be the easiest thing for you to address these matters
24 as quickly as you are able. So what, if anything, would you like to do about this?

25

26 MR. BURGE: My Lord, I could -- I could take a look at
27 them now. It just wasn't practical when they were presented to us to look at them,
28 so ...

29

30 THE COURT: Okay. Would you like to -- well, what
31 you can do is take a look at them. I can tell you offhand, I am inclined to grant the
32 media everything that they are requesting but for -- I don't think it's appropriate
33 for any pictures with the deceased in the photographs to be provided to the media.

34

35 MR. BURGE: They're also asking to copy the -- the
36 flash drive, and I would -- they -- they can hardly copy that without taking the
37 photos of the deceased.

38

39 THE COURT: Well, that's the mechanics, I guess. The
40 first thing is what they are entitled to have, and the second thing is how we might
41 coordinate to provide that information. So there's really two steps to it. So ...

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MR. BURGE: I can tell you, My Lord, if -- if -- I would only object to the sensitive things such as the body of the deceased. I -- the other evidence that's been presented in court, I wouldn't object to that.

THE COURT: Okay. And, Mr. Spencer, do you have any comment?

MR. SPENCER: I would suggest that maybe my learned friend and I try to take five minutes with the full pack and see if we can deal with them before we leave today, before you leave today, you know, a very short period of time. If we can do that, great. If not, we can process the ones that we don't have a problem with. So my suggestion is if we took five minutes, we might be able to get it all resolved here very quickly. It's getting late in the day, of course, but ...

THE COURT: All right. Well, again, if we think about what has been presented, we pretty much know what has been presented. And the only thing that I see of any nature that I think would be disrespectful to the Boushie family is to have photographs that have the deceased in the photographs.

MR. SPENCER: And I certainly agree with you -- your rationale there. And I'm just thinking we could quickly look at it, just make sure that that's -- that we don't have an additional problem, and sign off on those and provide them to the clerk here within five minutes is what my thinking would be.

THE COURT: Okay. So what you are suggesting, then, is that we adjourn court until tomorrow. You will look at it, and you will provide the clerk with your written comments --

MR. SPENCER: Before we leave the building. And if there's one that's in dispute, we can address it in the morning. And if there isn't, then you will proceed as you see fit.

THE COURT: Well, again, as far as in dispute, I think I am going to take your views into account.

MR. SPENCER: Fair enough.

THE COURT: But I am going to make the final decision.

1 MR. SPENCER: Well, yes.

2

3 THE COURT: So whether it's in dispute or not. So
4 there's no need, then, to reconvene. You are just going to look at that, provide it to
5 the clerk, and I will take a look at it tonight. And then I think the real challenge is
6 going to be trying to facilitate how it is that we can get this information to the
7 media outlets in a fair and reasonable way. I don't see that we can give them the
8 exhibit, but I think that that's something that perhaps the Registrar and perhaps
9 Ms. Blais (phonetic) and the deputy registrar can help. So what we'll do, then, is --
10 is there anything else that we need to address today in the absence of the jury?

11

12 MR. BURGE: I -- I don't think so, My Lord. We're one
13 witness behind, but it's a very short witness that we didn't get to today, so ...

14

15 THE COURT: Okay. Mr. Spencer, anything further?

16

17 MR. SPENCER: No. And I agree, timeline, I think we can
18 make up any slippage we may have had.

19

20 THE COURT: Okay. What I am going to do, then, is we
21 will adjourn the proceedings until tomorrow morning at 10 o'clock AM. Thank
22 you.

23

24 MR. SPENCER: Thank you, My Lord.

25

26

27 PROCEEDINGS ADJOURNED UNTIL 10:00 AM, JANUARY 31, 2018

28

29

30

31

1	January 31, 2018	Morning Session
2		
3	The Honourable Chief Justice	The Court of Queen's Bench
4	M. Popescul	for Saskatchewan
5		
6	W. Burge, QC	For the Crown
7	C. Browne	For the Crown
8	S. Spencer	For the Accused
9	D. Gillanders	For the Accused
10	K. Christopherson	Court Clerk
11	<hr/>	
12		
13	Discussion	
14		
15	THE COURT:	Good morning.
16		
17	MR. BURGE:	Good morning, My Lord.
18		
19	MR. SPENCER:	Good morning, My Lord.
20		
21	MR. GILLANDERS:	Good morning, My Lord.
22		
23	MR. BROWNE:	Good morning, My Lord.
24		
25	THE COURT:	Is there anything that need be done
26	before we bring the jury back in?	
27		
28	MR. BURGE:	My Lord, I am seeking your leave to be
29	absent for most of the next witness. I have some people that -- to deal with, and	
30	my colleague, Mr. Browne, will take the witness, if that's --	
31		
32	THE COURT:	That's certainly fine with me. Thank you
33	very much.	
34		
35	MR. BURGE:	Thank you.
36		
37	THE COURT:	Anything else?
38		
39	MR. SPENCER:	Nothing on our side, no.
40		
41	THE COURT:	Okay. You can bring the jury back in.

1
2 THE COURT CLERK: Mr. Browne, you're going to have to
3 move the microscope closer to your station.
4
5 MR. BROWNE: Is that better, Madam Clerk? I will speak
6 up. I'll speak up, as well.
7
8 THE COURT CLERK: A little -- a little more there. Thank you.
9
10 (JURY ENTERS)
11
12 THE COURT CLERK: Sometimes that -- it sticks, and you have
13 to ...
14
15 THE COURT: Good morning, ladies and gentlemen.
16
17 I hope you had a nice evening and that your drive was better than it was yesterday.
18 I hope you saw the blue moon this morning, as well. It was quite -- quite a sight,
19 wasn't it?
20
21 I understand that Mr. Burge has stepped out to deal with some other matters, and
22 that, Mr. Browne, you are ready to call your next witness?
23
24 MR. BROWNE: I am, My Lord, thank you. My Lord, the
25 Crown is going to be calling Constable Andrew Park. I'll just step out and get him.
26
27 THE COURT CLERK: How do you take an oath? Do you swear
28 on the Bible or do you affirm?
29
30 CONSTABLE PARK: I'll swear.
31
32 THE COURT CLERK: Okay. Take the Bible in your right hand.
33 State your full name.
34
35 CONSTABLE PARK: My name is Andrew Park.
36
37 THE COURT CLERK: Spell your first and last name for the
38 record.
39
40 CONSTABLE PARK: A-N-D R-E-W P A-R-K.
41

1 **ANDREW PARK, Sworn, Examined by Mr. Browne**

2

3 THE COURT CLERK: (INDISCERNIBLE).

4

5 A Thank you. Thank you.

6

7 THE COURT CLERK: Do you wish to stand or sit?

8

9 A I will stand, if that's okay.

10

11 Q MR. BROWNE: Good morning, Constable Park.

12 A Good morning.

13

14 Q Constable Park, what is your current occupation?

15 A I am a peace officer for the Royal Canadian Mounted Police.

16

17 Q Okay. And where are you currently stationed?

18 A I'm currently stationed in Biggar, Saskatchewan.

19

20 Q And how long have you been a member of the Royal Canadian Mounted
21 Police?

22 A Just about four years now.

23

24 Q Okay. And where were you stationed prior to being stationed in Biggar?

25 A Biggar, Saskatchewan, was my first posting.

26

27 Q Thank you. So, Constable, we're here discussing the matters from August 9th,
28 10th, and 11th. Do you recall what you were doing on those days?

29 A Yes, I do.

30

31 Q And what were you doing on those days?

32 A On August 9th of 2016, I was working. And -- and I went home. I went home
33 at 1600 -- sorry, at 4 o'clock in the afternoon.

34

35 Q Okay. And you're aware of the -- the events that we're here to talk about
36 today?

37 A I do, yes.

38

39 Q So what was your involvement in the investigation that we're here to discuss?

40 A At approximately 5:30 in the afternoon, I received a phone call from my
41 partner, Constable Arvind Parmar (phonetic), requesting an assistance in

1 attending to a shooting call which took place at Mr. Gerald Stanley's farm
2 where one male was shot and killed.

3

4 Q Okay. And what did you do after you received that phone call?

5 A I went to the detachment immediately. I got ready, and myself and Constable
6 Parmar attended to the shooting scene immediately.

7

8 Q Okay. And while you were driving to that scene, what did you do?

9 A I -- I called back the complainant, who I believed to be a Mr. Sheldon Stanley,
10 who told me that -- and I learned that five people came onto the scene. One
11 male was shot and killed. The remaining four, two females and two males, left
12 the scene on foot.

13

14 Q Okay. And how did you get that -- Mr. Sheldon Stanley's phone number?

15 A Mr. Stanley was already on the phone with our dispatch. So I called our
16 dispatch and asked them to transfer Mr. Stanley over to my cell phone.

17

18 Q Okay. So you attended the Stanley farm. What did you do at that point?

19 A I arrived at Mr. Stanley's farm, and approximately 200 metres west of
20 Mr. Stanley's farm, I saw two females on the ground, already cuffed by the
21 RCMP members from North Battleford. I took custody of them, and they both
22 verbally identified themselves to me as Ms. Kiora Wuttunee of Red Pheasant
23 and Ms. -- Ms. Belinda Jackson of Goodfish First Nations. And --

24

25 Q Okay. And when --

26 A -- I arrested them both for mischief, and I read them the *Charter of Rights*
27 verbatim, as well as a police warning verbatim.

28

29 Q Okay. Verbatim, that's lingo that we've seen. What do you mean by
30 "verbatim"?

31 A It is a -- a phrase, if you want to say, that -- that's read to the person who is
32 under arrest. And I have a card that I basically read from, basically straight --
33 straight off from the card.

34

35 Q So when you say "verbatim", you mean you're reading to them from that card?

36 A Absolutely, yes.

37

38 Q Okay. Thank you. So what did you do with them at that point after you'd read
39 them from that -- read to them from that card?

40 A At that point, I read them the verbatim, which means I guess I formally
41 arrested them both. And I updated the other police members who arrived on the

1 scene shortly after that.

2

3 Q Okay. So what happened with these two young women?

4 A I left them both with my partner, Constable -- Constable Arvind Parmar, and
5 then I went over to the other police officers, updated them, and I -- and I and
6 myself and other police officers arrested Mr. Stanley, Mr. Sheldon Stanley, as
7 well as Ms. Lisa Stanley.

8

9 Q Okay. And then what did you do?

10 A After that, I left the scene briefly. I went back to the detachment. And I came
11 back.

12

13 Q Okay. And what did you do when you returned to the scene?

14 A I returned to the scene and resumed my duty as exhibit officer.

15

16 Q Okay. So you were the exhibit officer on this matter?

17 A I was, yes.

18

19 Q Okay. Tell us about what your role entails as exhibit officer.

20 A My role as an exhibit officer entails seizing of the exhibits, as well as
21 maintaining the continuity of all the exhibits.

22

23 Q Okay. And how do you do that?

24 A I keep the logs of all the movements, and I make notes, and I make reports of --
25 of all the movements of the exhibits.

26

27 Q And when you seize exhibits, what do you do with them?

28 A I seized them, and I tied them, labelled them, and I bring them back to the
29 detachment in Biggar, Saskatchewan.

30

31 Q Okay. And what do you do with them at the detachment?

32 A At the detachment, I bring them into the exhibit locker room, which is a secure
33 room at the detachment, only accessible to the police officers.

34

35 Q Okay. So you've brought several exhibits with you today, Constable. I'm going
36 to get you to turn to the first numbered of those. I understand you have an
37 exhibit marked police exhibit 35?

38 A I do, yes.

39

40 Q Can you just lift that up for me for a second, please? So this exhibit, police
41 exhibit 35, do you know where that item came from?

1 A Yes. It came from Mr. Stanley's farm.

2

3 Q Okay. And do you know when that item was seized?

4 A This one was seized on August 11th of 2016 at 5:19 in the afternoon.

5

6 Q Okay. And who seized that item?

7 A I did.

8

9 Q Okay. And do you know -- who -- who were you with when you seized that
10 item?

11 A I was with Corporal Terry Heroux.

12

13 MR. BROWNE: Thank you. So, Your Honour, if we
14 could have that marked? I think it would be Exhibit P-7 at this point.

15

16 THE COURT: Exhibit P-7. And what is it?

17

18 A This is an expended cartridge casing, My Lord.

19

20 THE COURT CLERK: Expended?

21

22 A Yes.

23

24 MR. BROWNE: So, Your Honour, it would be exhibit --
25 P-7, we'd ask be marked as casing seized from the Stanley farm as police exhibit
26 or PE35.

27

28 THE COURT: Okay. Well, we will call it Exhibit P-7.

29

30 MR. BROWNE: Thank you.

31

32 **EXHIBIT P-7- Expended Casing Seized from Stanley Farm, PE35**

33

34 Q MR. BROWNE: Okay. And then, Constable Park, the
35 next item I'd ask you to turn to is what's referred -- you referred to as police
36 exhibit 36, please?

37 A Yes.

38

39 Q And, Constable, what is this item?

40 A It is another expended cartridge casing.

41

1 Q Okay. And where did this item come from?

2 A This also came from Mr. Stanley's farm.

3

4 Q And when was it seized?

5 A This was seized on August 11th of 2016 at 5:20 in the afternoon.

6

7 Q And who seized this item?

8 A I did.

9

10 Q Okay. And who were you with when you seized this item?

11 A I was with Constable -- sorry, Corporal Terry Heroux.

12

13 Q Thank you.

14

15 MR. BROWNE: And again, My Lord, if that could be
16 marked as Exhibit P-8, casing seized from the Stanley farm.

17

18 THE COURT: Exhibit P-8.

19

20 MR. BROWNE: Thank you, My Lord.

21

22 **EXHIBIT P-8 - Expended Casing Seized from Stanley Farm, PE36**

23

24 Q MR. BROWNE: And then, Constable, I'm going to get
25 you to turn to police exhibit 43, please?

26

27 MR. BROWNE: And I apologize. This is somewhat
28 monotonous, My Lord, but it needs to be entered.

29

30 THE COURT: Just do what you've got to do.

31

32 THE COURT CLERK: Sorry. Should I cross-reference that to
33 the PE --

34

35 THE COURT: Yes, I think we should -- to keep things
36 straight, it will be the -- P-7 was the expended cartridge which was police exhibit
37 35; is that right?

38

39 MR. BROWNE: Yes, My Lord.

40

41 THE COURT: And Exhibit P-8 is an expended cartridge

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MR. BROWNE: Madam Clerk, it would be T-O-K-O-R-E-V [sic].

Q MR. BROWNE: So -- and when was this item seized?

A This was seized on the same day, so August 11th of 2016. If I may refer to my notes to the specific time if you need?

THE COURT: Go ahead, if you need to.

A Thank you, Sir.

MR. BROWNE: Thank you, My Lord.

A This was seized at 7:19 in the afternoon on August 11th of 2016.

Q MR. BROWNE: Okay. Who seized this item?

A I did.

Q Okay. Where was this item located?

A This was located inside Mr. Stanley's house, inside a closet.

Q Okay.

A And this was contained in a gun box.

Q Okay. So who seized this item?

A I did.

Q And who was with you when you seized the item?

A I was with Corporal Terry Heroux.

MR. BROWNE: Thank you. And, My Lord, if that could be marked as Exhibit P-10, please.

THE COURT: Exhibit P-10. I presume, Mr. Spencer, if you have any objections along the way, you'll let me know?

MR. SPENCER: Absolutely, My Lord.

THE COURT: Thank you.

1 MR. BROWNE: And I thank my friend. The reason the
2 questioning proceeded the way it did was that my friend had intended to admit
3 these items, My Lord.

4

5 **EXHIBIT P-10 - Tokarev Pistol Seized from Stanley Farm, PE87**

6

7 Q MR. BROWNE: So, Constable, I'm going to ask you
8 about Exhibit P-10. I note that it seems to be in a number of different bags
9 there. How did that come to be? To your knowledge?

10 A That bag -- I mean, I guess that item got analyzed multiple times. So when it
11 got sent to different places for different -- different analyses, it gets opened up,
12 the exhibit gets taken out, gets re-sealed, gets re-packaged. So that's why it's
13 got multiple tags, multiple bags. That's why it's so bulky.

14

15 Q And the original packaging stays with it the whole time?

16 A It is, yes.

17

18 Q Thank you. So, Constable, these items, what happens when they go for testing?
19 Who takes them out of the exhibit locker?

20 A I take them out of the exhibit locker. I send it to the necessary agencies or
21 departments for testings.

22

23 Q And then when they return to the detachment, what happens with them?

24 A When they return to the detachment, I get them back and I place them back at
25 the same exhibit locker that they came from.

26

27 MR. BROWNE: I have no further questions, My Lord.

28

29 Please answer my friend's questions.

30

31 **Mr. Gillanders Cross-examines the Witness**

32

33 Q MR. GILLANDERS: Good morning, Constable Park.

34 A Good morning.

35

36 Q So you were the exhibit officer and attended at the Stanley farm?

37 A That's correct, yes.

38

39 Q I guess my first -- all right. Sorry. I guess I'd first like to point your attention --
40 you also attended another farmyard in the area; is that right?

41 A Correct, yes.

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Q And if I refer to it as the Fouhy farmyard, you'll know what I'm talking about?

A Yes.

Q And --

THE COURT: And could you just -- Fouhy, could you spell that for me?

MR. GILLANDERS: F-O-U-H-Y.

THE COURT: Thank you.

Q MR. GILLANDERS: And just for ease of reference, you'd agree with me that it's roughly 15 to 20 kilometres northeast of the Stanley farm?

A Yes.

Q And approximately what time and on what date did you visit that farm?

A It was on the same day, so August 9th of 2016, approximately 9 o'clock in the afternoon, so in the afternoon or in the evening was when I visited Mr. -- or Mr. and Mrs. Fouhy's farm.

Q All right. Thank you. And you spoke with Marvin and Glennis?

A Yes.

Q And as well as Murray?

A I believe it was just --

Q Just Marvin and Glennis?

A -- Marvin and Glennis, yes.

Q Okay. And they live at that -- at that property?

A Yes.

Q I guess what -- what led to you being, you know, investigating that farmyard?

A I was on Mr. Stanley's farm when I received a call from our dispatch regarding suspicious activity that went on at the nearby farm at approximately -- at approximately the same time frame. The call was a suspicious vehicle, possibly trying to break into Mr. Fouhy's truck.

1 Q All right. And -- and your role at the Fouhy farm, were you in charge of the
2 investigation at the Fouhy farm?

3 A Yes. Yes.

4

5 Q Okay. And so you -- you arrived at the Fouhy farm. And I guess I'm going to
6 get -- turn to some pictures in a moment that will maybe help you, but can you
7 describe the -- what you found when you got there?

8 A Sure. I arrived on Mr. Fouhy's farm, and I was shown to a truck where the
9 suspects were allegedly trying to break into. It was a red pickup truck. And
10 from the driver's side door on the floor, I found a broken wooden pieces,
11 which was originally described to me as a gun, but it was actually a stock -- it
12 was actually a stock of a gun.

13

14 Q Okay. And did you get any information about the vehicle that was in the yard?

15 A Yes. It was described to me as a grey SUV with a flat tire, and it had a muffler
16 that was dragging on the floor, no licence plate.

17

18 Q Okay. And in your investigation at the Fouhy farm, did you notice any -- any
19 marks, tire marks across the yard, that were discernible at that time?

20 A There were a lot of tire marks. It was difficult for me to tell which one was
21 from which vehicle and what was fresh and what was not at that time.

22

23 Q Okay. And we'll get to a couple photos, too, that I think --

24 A Okay.

25

26 Q -- that will help. But -- and so you -- you spoke that -- you looked at some
27 damage to a -- a red Dodge.

28 A Yes.

29

30 Q Did you also investigate damage to a white pickup truck?

31 A I don't believe so.

32

33 Q Okay. And not -- definitely not a trick question.

34 A No.

35

36 Q I believe that there was -- no, you didn't investigate it. Constable
37 (INDISCERNIBLE) -- okay. We'll look at the pictures. Maybe they're not
38 yours.

39 A Okay.

40

41 MR. GILLANDERS:

So I will now, My Lord, do two sets of

1 pictures, look at two sets. One will be P-1.
2
3 THE COURT CLERK: (INDISCERNIBLE).
4
5 MR. GILLANDERS: One will be P-1.
6
7 THE COURT CLERK: Okay.
8
9 MR. GILLANDERS: And the other, which I have shared with
10 my friend.
11
12 MR. BROWNE: No objection, My Lord.
13
14 MR. GILLANDERS: One for the witness here.
15
16 A Thank you.
17
18 MR. GILLANDERS: And I'll give you -- I think I printed off
19 (INDISCERNIBLE) --
20
21 THE COURT CLERK: And the judge?
22
23 MR. GILLANDERS: And the judge, yeah.
24
25 THE COURT: Thank you.
26
27 THE COURT CLERK: I have nine copies here.
28 (INDISCERNIBLE). Do you want them to share (INDISCERNIBLE) --
29
30 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).
31
32 THE COURT: Do we know who took these
33 photographs?
34
35 MR. GILLANDERS: I'm going to talk about that. I believe
36 some of them were taken by Mr. -- by Constable Park and some were not.
37
38 THE COURT: Okay. Crown, is there any objection to
39 the photographs being tendered?
40
41 MR. BROWNE: There is not, My Lord. These all came

1 out of the disclosure provided to my friend.

2

3 THE COURT: Okay. So the additional package of
4 photographs will be Exhibit D-2.

5

6 **EXHIBIT D-2- Additional Package of 18 Photographs, Fouhy Farm**

7

8 Q MR. GILLANDERS: All right. So I'm going to -- I'm going to
9 start with the D-2, the package of photos, and I'll try and go slow and keep
10 everyone because they are -- they're numbered at the bottom, but some of them
11 are not, so make sure we get it straight. And at any time, I'm going to have you
12 identify these photos and see if -- if this -- if you can identify what's in them
13 and let me know which ones were taken by you and maybe which ones
14 weren't. So we'll start with the first one. Do you recognize this area taken in
15 the photo?

16 A I do recognize this area, yes.

17

18 Q Okay. And so if I suggested that this -- and maybe, you know, I'll -- I'll try and
19 be helpful with it. If I suggested this was directed west, would that -- no reason
20 to disagree, I guess?

21 A No.

22

23 Q Okay. Not terribly, terribly important. So on the bottom left-hand corner is a
24 white truck. I would just -- did you do any investigation into any activity
25 around that truck, whether the console had been broken into, or keys in the
26 ignition, that sort of thing?

27 A I did not, no.

28

29 Q Okay. So flipping through the next, I guess, now three photos --

30

31 THE COURT: Now, is this -- is this the Fouhy farm?

32

33 MR. GILLANDERS: This is at the Fouhy farm, yes.

34

35 THE COURT: Okay. Thank you.

36

37 MR. GILLANDERS: Thank you, My Lord.

38

39 Q MR. GILLANDERS: So the next three photos, again, I guess
40 we've gone over this. You didn't investigate that white truck --

41 A No.

- 1
2 Q -- and take a look at that?
3 A No.
4
5 Q Those photos come from somebody else? Okay.
6 A No.
7
8 Q Thank you. So moving on to -- let's look at photo number 5, which is 715,
9 image 0715 at the bottom.
10 A Yes.
11
12 Q Again, this is -- I'd suggest that this is at the Fouhy farm. Do you recognize
13 this photo?
14 A I do, yes.
15
16 Q Okay. And trying to be helpful, I would suggest that this is facing directly
17 north. The grid road runs at the end of that picture east-west, likely?
18 A Yes.
19
20 Q Okay. And then standing in this position, you'll -- you can recall that the white
21 truck which we've just talked about would be behind you?
22 A Yes.
23
24 Q Oh, yes. If you could reply with an affirmative?
25 A Oh, sorry. Yes. Sorry about that.
26
27 Q Thank you. Thank you. All right. Now, you'll see on the -- the middle of the
28 photograph on the left side there's a little gap in the trees. You'd agree that
29 that's -- there's -- that's going -- the yard site is up there?
30 A I believe so, yes.
31
32 Q Okay. If we flip to the next photo, that's 716. Again, just moving down that
33 driveway. Again, kind of facing north. You can see the -- the grid; that's
34 correct?
35 A Yes.
36
37 Q But now coming into view, you'll see a garage, a temporary garage?
38 A Yes. I see it.
39
40 Q And you saw that when you investigated?
41 A I did, yes.

1

2 Q And did you see a vehicle in -- in there?

3 A I did, yes.

4

5 Q What kind of vehicle?

6 A It was a red pickup truck.

7

8 Q Okay. In this garage, it was next to Marvin and Glennis's house. And I -- I
9 think that if we --

10 A Oh --

11

12 Q -- there is -- a red pickup truck is going to be in a different garage.

13 A Yes. Sorry. That was my mistake.

14

15 Q So did you -- you saw this particular garage? It was --

16 A I did see it, I mean, but I didn't really pay much attention to it because I wasn't
17 led there directly.

18

19 Q Okay. So you saw the garage, there might have been a car in it, but that was it?

20 A Yes.

21

22 Q Okay. If we move down, one more photo, being photo 717. Again, and we'll --
23 again, if this wasn't your area of investigation, I won't grill you too hard on it.
24 But this -- as we move down a little bit closer, the house comes into view on
25 the left side, and the garage that's parked there --

26 A Yes.

27

28 Q -- or the garage and a vehicle parked in there?

29 A Yes.

30

31 Q Yes. Thank you. Now, I don't know if you can differentiate on the photo.
32 Across the lawn on the corner there, you'll see some tracks. Do you see those
33 tracks?

34 A I do, yes.

35

36 Q Did you notice those tracks at the time?

37 A I did not, no.

38

39 Q Okay. But you'll agree with me that they -- they lead across the lawn and to the
40 -- to the right side of that garage?

41 A Yes.

- 1
2 Q Okay. Now -- and you'll also agree with me, just looking at the photo, that
3 there is a -- a window on the front of -- of the house there that's facing, you
4 know, maybe not directly at that garage, but at least in that general direction?
5 A Yes.
6
7 Q Thank you. Moving to image 718, again, moving in a little bit closer. I didn't --
8 if I had started this way, you might have been able to see the -- get a little
9 clearer beginning.
10 A Yes.
11
12 Q But you can see the tracks that I was referencing going up to the gravel spot.
13 Can you make those out in that picture?
14 A Barely, but yes.
15
16 Q Okay. And I'm going to suggest again that we're still facing directly north,
17 although the grid road is out of -- out of view. That -- any reason to disagree?
18 A No, no reason to disagree.
19
20 Q Okay. All right. We'll flip one more, 719. And I guess my first question, and I
21 think I know the answer, but this is a photo -- you wouldn't have taken this
22 photo?
23 A I did not take this photo.
24
25 Q Okay. Did you investigate this area of the Fouhy yard?
26 A I did not, no.
27
28 Q Okay. I will point your attention to the -- there appears to be some tracks in the
29 gravel there; you'd agree with that?
30 A Yes.
31
32 Q And it looks like -- and maybe this is just my misspent youth experience
33 speaking, but it looks like there's a -- a spot that's a spinout or some -- the
34 gravel is discoloured from heat, possibly?
35 A It's dug out a little deeper, yes.
36
37 Q Yeah. Yeah, if -- if a rim from a tire was there and it got a little bit hot, it
38 would leave discolouration and a track; possible?
39 A Possible, yes.
40
41 Q All right. Okay. We'll flip -- flip one more. Have you seen this picture?

1 A I--

2

3 Q You don't recall?

4 A -- can't recall. I can't recall a hundred percent.

5

6 Q I believe that some of these came from your disclosure, but if they're --

7 A Yes.

8

9 Q -- from someone else, I'm not going to -- I'm not going to force the issue on it.
10 So if I suggested that this was the Lexus that was parked in the garage, you'd
11 have no reason to disagree with me?

12 A No, I wouldn't.

13

14 Q But you didn't take -- you didn't investigate the Lexus?

15 A No.

16

17 Q Okay. So when you spoke with Marvin and Glennis, the -- they -- did they
18 indicate to you that the Lexus had been gone through?

19

20 THE COURT: Okay. I think we are getting into hearsay
21 are we not?

22

23 MR. GILLANDERS: Thank you, My Lord. I'll just reiterate
24 my question.

25

26 Q MR. GILLANDERS: Did you take a look at the -- did you
27 investigate the inside of the Lexus?

28 A I did not, no.

29

30 Q Okay. All right. So switching to the next one, which is image 706, can you
31 identify that picture for me? I know it's a close-up, but --

32 A I--

33

34 Q -- let's -- if we take -- if you look at 708, it might help you place -- you had --
35 you had spoke of that you had been shown a red Dodge?

36 A Correct, yes.

37

38 Q Okay. And that that was -- and now if we're looking at those photos, it's
39 actually to the -- directly to the south of the farmhouse?

40 A Okay.

41

1 Q So behind those pictures, where they were taken. That -- you'd agree with that?

2 A I -- I do, yes.

3

4 Q Yeah. Okay. And so you -- you spoke about investigating and taking a look at
5 a red Dodge?

6 A I did, yes.

7

8 Q So let's -- let's go there. So can you -- and if these photos help you, 706, 708,
9 can you tell me what you found when you investigated the damage, the
10 reported damage?

11 A The photo 706 and 708, I don't believe I -- I took those.

12

13 Q Okay.

14 A But there were other damages that I took photos of, such as the ones after
15 photo 708.

16

17 Q Okay. And can you describe those, what those pictures are of? And that'll be
18 the ones not numbered, and then 697.

19 A The photo --

20

21 THE COURT: I wonder if we should -- because some
22 are numbered and some are not, if we were to just number them --

23

24 MR. GILLANDERS: Chronologically?

25

26 THE COURT: Exactly, one, two, three, et cetera, that
27 might be better.

28

29 MR. GILLANDERS: Okay.

30

31 THE COURT: I don't know if the jury has a pen and
32 paper or whether you want to take them back and number them.

33

34 MR. GILLANDERS: I can -- I can do that, My Lord. I can
35 number them, and I can advise that the picture that I'm referring to right now is the
36 13th photo in this -- in this package, so I will --

37

38 THE COURT CLERK: There's numbers on the bottom of the
39 pages?

40

41 MR. GILLANDERS: Of mine, yeah.

1
2 THE COURT CLERK: (INDISCERNIBLE).
3
4 Do you want me to collect them, My Lord?
5
6 MR. GILLANDERS: Yeah.
7
8 THE COURT: I -- I think maybe we should collect
9 them, and we'll just number them so that that way, we're all looking at the same
10 picture at the same time.
11
12 THE COURT CLERK: Is Exhibit D-3 numbered, as well?
13
14 MR. GILLANDERS: It is not.
15
16 THE COURT CLERK: May I take the exhibit to him, as well,
17 My Lord?
18
19 THE COURT: Yes, you may.
20
21 MR. GILLANDERS: Sorry. If we could take a quick break, I
22 could number them, My Lord, and have them back.
23
24 THE COURT: Well, I think --
25
26 MR. GILLANDERS: Do it quickly now?
27
28 THE COURT: Yes. We'll just --
29
30 MR. GILLANDERS: Absolutely.
31
32 THE COURT: We'll just do it right here.
33
34 MR. BURGE: Are we going 1 to 13? We can assist if
35 that's --
36
37 THE COURT: I think we're just going to start -- start
38 with the first page as number 1. And just number them one after another. I've got
39 18 photographs; is that right?
40
41 MR. GILLANDERS: Yes, that's correct, My Lord.

1
2 THE COURT: So number them 1 to 18.
3
4 UNIDENTIFIED SPEAKER: My Lord, maybe (INDISCERNIBLE).
5
6 THE COURT: Oh, certainly.
7
8 UNIDENTIFIED SPEAKER: For the jury. Thank you.
9
10 THE COURT CLERK: Oh, you've got a -- is that enough?
11
12 THE COURT: That good?
13
14 THE COURT CLERK: Thank you. (INDISCERNIBLE) the
15 original?
16
17 MR. GILLANDERS: This is the original, and this is --
18
19 A Thank you.
20
21 THE COURT: Okay. I think that makes it a little easier.
22 So we can call it D-2, photograph number whatever.
23
24 MR. GILLANDERS: Absolutely. Thank you, My Lord. All
25 right.
26
27 THE COURT: Go ahead.
28
29 Q MR. GILLANDERS: All right. Now that we're literally on the
30 same page, photograph number 13 and 14. Can you describe those photos and
31 more generally the damage that you found when you investigated the red
32 truck?
33 A Yes. Those are the damages to the windows of the red truck. They looked like
34 a scratch marks of some sort.
35
36 Q A scratch mark? And did it look like it was -- do you have any idea how those
37 scratch marks were made?
38 A It looked to me like it was either scratched with something -- some sort of an
39 object, or it was dragged.
40
41 Q Okay. Well, we'll -- maybe we'll be able to help you. Is that --

1
2 THE COURT: Is that the red half-ton that we're looking
3 at there?
4
5 A Yes, My Lord.
6
7 THE COURT: Thank you.
8
9 MR. GILLANDERS: Yes.
10
11 Q MR. GILLANDERS: So if we skip to photo number 15, you, I
12 believe, took this picture?
13 A I did, yes.
14
15 Q Okay. And can you describe what we're looking at here?
16 A We're looking at a broken stock of a gun.
17
18 Q Okay. And you'd agree that the -- it looks like the trigger guard is still there?
19 A Yes.
20
21 Q And it's broken into quite a few pieces?
22 A Yes.
23
24 Q And where was this located?
25 A This was located right by the red Dodge.
26
27 Q Right.
28 A Or red truck.
29
30 Q And how -- how far away from those scratches you described in photo 13 and
31 14?
32 A It was in the close proximity, so right by it.
33
34 Q And your initial -- your initial thought was likely that it was used to make
35 those scratches?
36 A It's possible, yes.
37
38 Q It's possible. That was your -- was that your original --
39 A That was my thought, yes.
40
41 Q Okay. All right. So you immediately identified this as the stock of a gun?

1 A Yes.

2

3 Q It was fairly apparent?

4 A Yes.

5

6 Q Okay. What did you do with the stock of the gun?

7 A I seized it as evidence.

8

9 Q Okay. So you seized it as evidence. And -- and where did you take it?

10 A I took them back to the detachment.

11

12 Q Okay. And -- and just to -- so I have the timeline straight in my mind, you --
13 you -- when you were speaking with my friend, you talked about being at the
14 Stanley farm. You were at the Stanley farm before you went to the Fouhy farm
15 to investigate the call?

16 A That is correct, yes.

17

18 MR. GILLANDERS: Okay. And so at this point, I would refer
19 the witness and the Court to D-1, tab 1.

20

21 Q And you took this picture?

22 A I did.

23

24 Q And can you tell me what's in that picture?

25 A This is a barrel of a gun found on Mr. Stanley's farm.

26

27 Q And when you took this into custody, what condition was the -- the barrel in?
28 Did you notice anything about it?

29 A I didn't pick it up or I didn't touch it. I didn't really examine it that closely. It
30 looked to me like there was no damages, nothing significant, other than it was
31 missing a barrel --

32

33 Q Okay.

34 A -- I mean -- sorry, other than it was missing a stock.

35

36 Q Okay. And so your initial thought on this was that likely the stock and the
37 barrel were one and the same?

38 A Yes.

39

40 Q Okay. Pretty -- pretty evident. And so you -- you then covered that up, and it
41 stayed there? You didn't take it into possession?

1 A It -- I was -- I seized it eventually.

2

3 Q Yeah.

4 A I mean, if you need specific times, that's the one I seized -- may I refer to my
5 notes again?

6

7 Q Yeah. That would be -- that would be good.

8 A So this item was seized on August the 10th of 2016 at 4:36 in the morning.

9

10 Q Okay. Thank you. And when you -- and when you seized the barrel, at that
11 time did you make any observations about the condition of the gun?

12 A No.

13

14 Q Was it -- did you notice if it was loaded?

15 A No, I did not.

16

17 Q Okay. So did you -- is it your role as the exhibit officer to suggest to your
18 superiors that this barrel and stock were related in any way?

19 A I didn't really have to suggest it to anybody. It was --

20

21 Q It was obvious?

22 A It was -- it seemed -- they seemed relevant, yes.

23

24 Q Okay. And so as far as you know, there was no forensic testing done on the
25 barrel?

26 A I can refer to my exhibit logs if I have to, but I believe they were sent once for
27 testing.

28

29 Q I mean, that's okay. Do you know if there was any forensic testing done on the
30 -- or fingerprints taken on the red vehicle at the Fouhy farm?

31 A Not to my knowledge, no.

32

33 Q Okay. And you testified earlier that you took into custody Ms. Wuttunee and
34 Ms. Jackson --

35 A Yes.

36

37 Q -- on charges of mischief. Was there any charges laid in relation to the damage
38 done at the Fouhy farm?

39 A No. There wasn't.

40

41 Q Okay. All right. So you again -- we talked about Ms. Wuttunee and

1 Ms. Jackson. Can you -- when you arrested them, can you advise the Court
2 what their condition was? Did you make any observations about -- about their
3 state?

4 A Ms. Wuttunee was in distress. I could tell that she was in distress because she
5 was crying hysterically. She couldn't stop crying. Ms. Jackson in comparison
6 seemed very calm. And she was assuring the -- she was assuring Ms. --
7 Ms. Wuttunee that everything was going to be okay. I believed Ms. Jackson
8 was intoxicated by alcohol. I did smell strong liquor coming out from her
9 breath. Ms. Wuttunee, I -- I'm not so sure. She was crying hysterically.

10

11 Q But Ms. Jackson specifically, you made -- you made specific reference to
12 heavy intoxication?

13 A Yes.

14

15 Q That -- that would be accurate?

16 A Yes.

17

18 Q Strong odour -- strong odour of liquor, glossy bloodshot eyes, and distant stare;
19 is that -- do you agree with that?

20 A Yes. Yes.

21

22 Q You also testified that Mr. Stanley, Sheldon Stanley, and Lisa Stanley, were all
23 arrested on the night of August 9th?

24 A Correct, yes.

25

26 Q Can you -- why were -- why was Mrs. Stanley arrested at that time?

27 A We didn't know what her involvement was at the time.

28

29 Q Right. So you just -- you kind of round up everyone?

30 A As a precaution, yes.

31

32 Q Okay. That's -- and then released with no further incident after that?

33 A I believe so, yes.

34

35 MR. GILLANDERS: Excellent. I think that's all my questions,

36 My Lord.

37

38 Thank you, Mr. Park.

39

40 A Thank you.

41

1 THE COURT: Any re-examination?
2
3 MR. BROWNE: No, My Lord. Thank you.
4
5 THE COURT: Thank you, Mr. Park. You are free to go.
6
7 A Thank you. Thank you, My Lord.
8
9 THE COURT: Constable Park. I am sorry.
10
11 (WITNESS STANDS DOWN)
12
13 THE COURT: Mr. Burge.
14
15 MR. BURGE: Thank you, My Lord. The next witness is
16 Sheldon Stanley.
17
18 THE COURT: Okay. Do you think it's -- should we
19 take a break at this time or do you want to keep going until -- for a half-hour or so?
20
21 MR. BURGE: I'll leave it in your hands, My Lord.
22
23 THE COURT: Okay.
24
25 MR. SPENCER: I would like a break, actually, just to --
26 I've got to instruct some of my assistants here to get things teed up, so it might be
27 a good time for --
28
29 THE COURT: Okay.
30
31 MR. SPENCER: -- just for some --
32
33 THE COURT: Well, we will do as I said. Sometimes
34 we'll take a break a little earlier or later than normal, and in this case, it's being
35 suggested that it might be appropriate to take a break at this time. So we'll take our
36 20-minute break now.
37
38 MR. SPENCER: My Lord, and maybe just -- just before
39 we bring Mr. Stanley in, I will officially indicate there is no issue of identification
40 with respect to Gerald Stanley.
41

1 THE COURT: Okay. Thank you. Okay.
2
3 (JURY RETIRES)
4
5 (ADJOURNMENT)
6
7 THE COURT: We are ready for the jury?
8
9 MR. BURGE: Yes, thank you.
10
11 THE COURT: Bring them back in.
12
13 THE COURT CLERK: Oh, I guess I shouldn't have just said
14 "seated." Sorry.
15
16 (JURY ENTERS)
17
18 THE COURT: Okay. Your next witness, Mr. Burge.
19
20 MR. BURGE: Thank you, My Lord. Sheldon Stanley.
21
22 THE COURT: Okay.
23
24 THE COURT CLERK: How do you take an oath? Do you wish
25 to swear on the Bible or affirm?
26
27 MR. STANLEY: Affirm, please.
28
29 THE COURT CLERK: Raise your right hand. State your full
30 name.
31
32 MR. STANLEY: Sheldon Stanley.
33
34 THE COURT CLERK: Spell your first and last name for the
35 record.
36
37 MR. STANLEY: S-H-E-L-D O-N S-T-A-N-L-E-Y.
38
39 **SHELDON STANLEY, Affirmed, Examined by Mr. Burge**
40
41 THE COURT CLERK: Do you wish to have a seat or stand?

1
2
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41

A I will sit. Thanks.

THE COURT CLERK: (INDISCERNIBLE).

A Okay.

Q MR. BURGE: Mr. Stanley, I understand that you are the son of Gerald and Lisa Stanley?

A That's correct.

Q And how old are you, sir?

A Twenty-eight.

Q I understand you're employed in the -- in the agricultural industry in Alberta?

A Yeah. We're an importer and distributor of crop protection products, so net wrap, grain bags, that -- that sort of thing.

Q Okay. And how long have you been involved in that line of work?

A Three, three and a half years now.

Q Okay. Sir, your family home is near Biggar, Saskatchewan; is that correct?

A Correct. North of Biggar.

Q How far?

A About 30 miles.

Q Okay. And did you grow up at that -- at that location?

A I did.

Q Were you born there?

A I don't know.

Q Okay. Have you -- have you lived anywhere else before you moved away?

A No.

Q Okay. How old are you, sir? Did you tell us?

A Twenty-eight.

Q Okay. Thank you. If I could direct your attention to around the 9th of August of 2016, I understand that you were spending time at your parents' home; is

1 that correct?

2 A That's correct. I -- I came home. A friend of mine from university was getting
3 married the weekend before that week, and then we had some work to do at
4 home and a few customer visits to do for Committed Ag, the company I work
5 for.

6

7 Q Okay. If I could direct your attention to the -- the 9th of August, 2016, do you
8 recall what you -- in rough terms what you did earlier in the day?

9 A Yeah. I went to a -- a farm between Kerrobert and Kindersley, and we were --
10 we were trying to demo a drone to do crop scouting. And we had a bunch of --
11 a bunch of software issues with that and spent all day messing around with it
12 before I left and came home around 4:15 I got back to my mom and dad's
13 farm.

14

15 Q Okay. At that time, was there anyone living at your parents' farm, apart from
16 your parents?

17 A No.

18

19 Q Okay. So on the 9th of August, if you got back around 4:15, who was at home
20 when you arrived?

21 A Just my mom and dad.

22

23 Q And what happened? What did you start doing once you got home?

24 A They were working on a corral just down from the shop. They had all the -- the
25 fence posts in, and they were just getting ready to put some rails on. So when I
26 got home, I parked by the power pole. I went to the house, dropped off some of
27 my work things. There was a backpack, a plastic kit that had the drone in it,
28 and truck keys, and put on some rubber boots and went outside to go and help
29 them.

30

31 Q Okay. And once you came, what did your mother do?

32 A Once I got there, she felt that she wasn't as much help to us just because --
33 because of the weight of the rails, and -- and when you put them up, there's
34 some pretty big stakes that go in. So now that I was there, Dad and I were able
35 to kind of finish the fence. And so she went to go and mow the grass.

36

37 Q Okay. And the -- do you know where the grass needed to be mowed at that --
38 that day?

39 A Not offhand. I would have guessed she was going to mow it all.

40

41 Q Okay.

1 A So there's kind of three sections, one in front of the house towards the main
2 road, one behind the house, and then one by the garage.

3

4 Q Okay. At some point, Mr. Stanley, if it's -- I might be directing you to --
5 there's a large aerial photo to your left?

6 A Yeah.

7

8 Q And -- and if at some point if you're answering questions, if you feel it's -- it's
9 beneficial, feel free to refer to that photo.

10 A Okay.

11

12 Q So your mother went to cut the grass, and you -- you started helping on the
13 fencing operation. How long did that go on for?

14 A We were working on it for an hour or so. We went and had to pick up supplies
15 from -- I guess it would be down -- down the hill from the -- or sorry, from the
16 shop there. Is it easier if I stand and point or --

17

18 Q It --

19 A So we pick up supplies and then we come back to where -- where you see the
20 green truck at the top of the photo and worked down there for about an hour
21 and got all the -- all the fence rails up.

22

23 Q Okay. I might ask you to stand by that photo, and I will ask -- and I will ask
24 you to point to the shop, the house, the area where you were fencing, and --
25 and maybe some other locations, but -- but if you wouldn't mind --

26 A Right now?

27

28 Q -- if I --

29

30 MR. SPENCER: Mr. Burge, I got printed off some of
31 those, if we wanted to have somebody write on them (INDISCERNIBLE).

32

33 MR. BURGE: Thank you.

34

35 MR. SPENCER: Sorry.

36

37 THE COURT: Mr. Burge, mindful that we are creating
38 a transcript, as well --

39

40 MR. BURGE: Yes. Yes.

41

- 1 THE COURT: -- you will --
2
- 3 MR. BURGE: Yeah. I'll --
4
- 5 THE COURT: -- indicate where he's pointed to?
6
- 7 MR. BURGE: Thank you.
8
- 9 Q MR. BURGE: Now, just Mr. -- Mr. Stanley, if you
10 could point to the house?
11 A That's the house here.
12
- 13 Q So that's the building that's on the upper left portion of the photograph; is that
14 correct?
15 A Correct.
16
- 17 Q Thank you. The garage, if you could point to that?
18 A Just down from the house here.
19
- 20 Q So that's sort of straight below the house at -- in -- in the photograph?
21 A Yeah.
22
- 23 Q And this is P-2, just for -- that we're looking at, just -- the shop area. If you
24 could point to that?
25 A The shop's over here. The -- the silver tin shed.
26
- 27 Q Okay. So that's the -- the silver-roofed shed that's on the far-right side of the --
28 of the photograph? Is that correct?
29 A Yes.
30
- 31 Q The area where you and your father were fencing, if you could point to that,
32 please?
33 A This fence and right in here.
34
- 35 Q Okay. You pointed to the top of the photograph, just pretty much in the centre
36 or just right of centre; is that correct?
37 A Correct.
38
- 39 Q And we see -- it looks like a fence, and is there -- there's a pickup truck, is
40 there?
41 A There's a pickup truck and then a side-by-side. So there's a red -- like, a UTV,

- 1 and then a pickup truck.
2
- 3 Q Okay. So the -- the red side-by-side is sort of directly below what looks like a
4 fence line?
5 A Yeah.
6
- 7 Q And then a truck is to the -- to the right of that -- of that vehicle?
8 A Yes.
9
- 10 Q Is there a power pole in that yard?
11 A Yeah. The power pole is right here.
12
- 13 Q Okay. You -- you're pointing -- if you want to point again and just so -- so His
14 Lordship could see? Okay. And that is just left of the centre of the photograph,
15 not far from where we see -- it looks like -- is that a blue vehicle?
16 A Yeah, blue Ford Escape right here.
17
- 18 Q Okay. So you just pointed to a blue Ford Escape. And whose vehicle was that?
19 A That was my mother's.
20
- 21 Q Okay. Okay. Those -- I think -- I think that's good for now.
22 A Okay.
23
- 24 Q Yes. Thank you. Mr. Stanley, I understand when you and your father were --
25 were working on -- on the -- the fence or the gate, something happened that
26 caught your attention; is that correct?
27 A Yes.
28
- 29 Q Why don't you -- why don't you describe to us how you -- your attention was
30 first captured?
31 A Okay. So as we -- as we were getting ready to hang the gate that you see laying
32 at the top of the photo there, we could hear a -- a vehicle coming down the
33 road. It sounded like -- it sounded like it had no muffler. It was just really loud.
34 And I mean, not -- not out of place or anything, just loud and definitely got our
35 attention. We kind of acknowledged it between each other and continued to
36 work. And then we could -- you could hear the vehicle slowing down, like they
37 were going to turn. We couldn't see the vehicle, but it sounded like it was near
38 the end of our driveway. That vehicle pulled into our yard and comes in past
39 the -- the power pole and pulls up beside the -- the gold Ford, just to the right
40 of the power pole.
41

1 Q Okay. Can you point to the gold Ford?

2 A Yeah.

3

4 Q Okay. You're pointing to a vehicle that's almost squarely in the centre of that
5 photograph; is that --

6 A Yes.

7

8 THE COURT CLERK: (INDISCERNIBLE).

9

10 A Yes.

11

12 Q MR. BURGE: Okay. Thank you. Before we go further,
13 Mr. Stanley, I understand your father operates -- he raises cattle; is that
14 correct?

15 A Correct.

16

17 Q Or he did at that time?

18 A Yeah, correct.

19

20 Q And did he also repair vehicles?

21 A Yeah, he would do mechanical work for people in the community.

22

23 Q Okay. And how did you -- do you know how your father operated the
24 mechanical business? Where would the -- where would the work be done?

25 A The work would be done in the -- in the shop.

26

27 Q Okay.

28 A In the silver shop there. And the -- I think it grew more through word-of-
29 mouth. Just after helping a few people, it kind of expanded that way.

30

31 Q Okay. When you saw this vehicle pull up by that pickup truck that you just
32 pointed out, if you can just pick up there and tell us what happened.

33 A So the -- the vehicle that came to the yard pulled up beside the -- the gold Ford.
34 Somebody jumped out of it, jumped out of, sorry, the vehicle that pulled in,
35 went into the passenger's side of the gold Ford like they were looking for
36 something, flipped down sun visors, pulled up the centre console, and flipped it
37 back down then jumped back out of the Ford. And when we saw it from where
38 we were working on the gate, we thought it was the owner of the vehicle,
39 because that was a vehicle that Dad was doing work on. So it didn't -- it didn't
40 belong to us, so we thought it was the owner or his son coming to pick
41 something up out of the vehicle. So didn't really think anything of it.

1

2 Q Is that like a -- is that -- is that a normal occurrence?

3 A It didn't seem weird to me.

4

5 Q Okay.

6 A So the -- the vehicle then pulled up to the shop. And again, we looked at each
7 other thinking that, again, the owner of the vehicle, looking for something,
8 whether it was something that was in the vehicle or parts or -- so we began to
9 walk up the hill towards -- towards the shop.

10

11 Q Please continue and tell us what you saw.

12 A As -- as we come up the hill towards the shop, we were about -- we were
13 halfway there or so, so getting closer to the -- where the gold Ford is.

14

15 You could hear the quad start, and the quad was just beside the Cat in front of
16 the shop. And as soon as we heard the quad start, I started running, realizing
17 that it wasn't somebody looking for parts, it was somebody trying to steal
18 something. I began running and yelling, and once I was able to see around the
19 back end of the Cat, I could see somebody standing on the quad, trying to get it
20 to move is what it looked like. When they heard me, they jumped off the quad,
21 went around the front of their vehicle, and got back in.

22

23 The vehicle backed up in a -- I guess a loop. Kind of the only way you could
24 back up to turn around. So they backed up beside the Cat. And by then, I had
25 gotten almost to the quad. So as the car was backing up, I went back towards it.
26 I had a tool belt on with a framing hammer from fencing. And I took that
27 framing hammer and backhanded the front windshield of the car, about in the
28 middle. I was mad. The car started to pull ahead. You could hear spinning
29 gravel. I looked over. I could see my dad kicking the -- the taillight of the car
30 as it pulled away.

31

32 Then as -- once the car finally got going, we -- we stopped and -- and watched
33 it, because it -- it looked like it was leaving. It had a straight path out of -- out
34 of the yard. And when it got to about beside the -- my mom's blue Ford
35 Escape, it took a deliberate right turn through the rear -- rear end of it, and
36 continued forward to where it stopped right by the mower there.

37

38 Q Okay. You haven't pointed out that vehicle. Could you maybe just stand up
39 and point to that vehicle?

40 A To the lawn mower or --

41

1 Q To the -- to the vehicle that you struck with the hammer.

2 A That would be it right here.

3

4 Q Okay. You're pointing to a vehicle that's -- that's very close -- it's the closest
5 vehicle to your house?

6 A Yes.

7

8 Q And the lawn mower is where?

9 A Directly in front of it.

10

11 Q Can you -- and can you point to that? Okay. Thank you. How many people did
12 you see outside of the -- this vehicle when you ran up towards the quad?

13 A I only saw the one person on the quad.

14

15 Q And do you know -- can you describe any features of the person that you saw?

16 A Male, wearing black clothing is what I remember. Didn't seem overly tall or
17 overly heavy-set or anything like that.

18

19 Q Okay. And you said this person ran around the vehicle?

20 A Around the front, yeah.

21

22 Q And got into where?

23 A One of the passenger doors. I don't remember which one.

24

25 Q So you don't know if it was the driver or the front or back passenger door?

26 A Right.

27

28 Q Or you didn't see?

29 A I didn't see.

30

31 Q Okay. At that time, could you see how many people were in the vehicle or did
32 you know at that time?

33 A I didn't know.

34

35 Q When you were near this vehicle and before you struck the windshield with
36 your hammer, was -- did anyone in the vehicle say anything to you?

37 A No.

38

39 Q So you didn't hear any words?

40 A No.

41

- 1 Q When you struck the vehicle with the hammer, where was your father?
2 A On the other side of the vehicle, just because of how it had to back up, and he
3 was still behind me. It ended up kind of right between us. So he was at the
4 back end on the passenger's side.
5
- 6 Q Okay. You said after you struck this vehicle that it went forward?
7 A Yes.
8
- 9 Q And you said it -- what did you see that causes you to say it turned deliberately
10 into your mother's vehicle?
11 A From when it turned around to where it was going straight -- or sorry, going
12 down the driveway, it was travelling in a straight line. And when it made the
13 turn into the vehicle, it was like a hard 45-degree turn.
14
- 15 Q Okay. If the vehicle had gone straight, would it have taken -- where would the
16 vehicle have gone?
17 A It would have gone to the -- the main grid road that goes past the house or past
18 the yard.
19
- 20 Q So down the driveway to the grid road?
21 A Yeah.
22
- 23 Q How long is the driveway from -- say, from where that vehicle stopped to the --
24 to the grid road? Do you know how long?
25 A Maybe 150 yards.
26
- 27 Q Okay. When this vehicle -- when the other vehicle struck your mother's
28 vehicle, where were you at that point?
29 A I was standing in front of the shop, kind of between the -- the Cat and the red
30 trailer.
31
- 32 Q Okay. I'm going to have to ask you to stand up again and just point to the red
33 trailer?
34 A Okay. So it would be this red trailer here, and that was a trailer that I'd brought
35 home with me for work.
36
- 37 Q Okay. So you said you were between the -- the Cat and the -- where is the Cat?
38 A This is the Cat here.
39
- 40 Q Okay. So that's the -- the yellow vehicle that's on the -- I guess near the upper
41 corner of what you have pointed out as the shed?

- 1 A Yeah.
- 2
- 3 Q Or the shop?
- 4 A Yes.
- 5
- 6 Q Okay. Thank you. How long did you stay in that position between the Cat and
7 the trailer?
- 8 A Until the -- the vehicle that had entered the yard, struck the blue Ford Escape.
- 9
- 10 Q Okay. And then what happened -- what did you do after that?
- 11 A Once I saw the collision, I took off running for the house.
- 12
- 13 Q Okay. When you took off running for the house, where was your father?
- 14 A Before I -- well, when the -- the collision happened, he was in front and to the
15 right of me. Maybe --
- 16
- 17 Q So when -- wouldn't that be a bit closer to the house than you?
- 18 A Yeah.
- 19
- 20 Q Okay. How -- how far would he have been from you?
- 21 A Maybe five, six feet.
- 22
- 23 Q Like the width of a car?
- 24 A Yeah.
- 25
- 26 Q Okay. So when you started going towards the house, was your father still in
27 that position or do you know?
- 28 A I don't know.
- 29
- 30 Q Okay. Tell us what you did.
- 31 A I ran towards the house, not knowing if that vehicle was going to leave or if
32 something else would be -- had been taken after watching the quad almost get
33 stolen, and went to the house to get my truck keys.
- 34
- 35 Q Okay. Where were your truck keys?
- 36 A They were sitting on the kitchen table, maybe 10 feet inside the -- the door to
37 the house.
- 38
- 39 Q Okay. When we look at the -- this -- at photograph P-2, it looks like there's a --
40 a deck that goes around at least a couple of sides of the house?
- 41 A Yes.

1

2 Q And it looks like there's some steps that go up to that deck from the yard?

3 A Correct.

4

5 Q And that's -- that's -- and the -- those steps are sort of facing the direction that
6 you were from the house; is that -- is that correct?

7 A Yeah.

8

9 Q Okay. Please tell us what happened when you were running to the house to get
10 your car keys.11 A As I got up the stairs onto the deck, I could hear a gunshot behind me. Sound --
12 it didn't sound like it was right behind me. It sounded behind me. As I went
13 into the house, I could hear a second shot. I went into the house, grabbed my
14 keys, came back out.

15

16 Once I came out, I noticed that the rear passenger door of the car was open, the
17 car that had entered the yard. There was -- there was two girls huddled in the
18 back seat behind the driver or behind the driver's seat. And as I came down the
19 stairs, I could see my father walk up -- walking up beside the -- the grey
20 Escape, sorry, the vehicle that had come into the yard. When -- as I came down
21 the stairs, I -- I remember looking into the back seat again and then back
22 towards my truck, thinking that I needed to -- to get to it still. And that's when
23 I heard a third shot.

24

25 I turned, and as my father walked around behind the back of the -- the grey
26 vehicle towards me with a -- a gun in one hand and a magazine in the other.
27 And he -- he turned and looked at me like he was going to be sick, and he said,
28 I -- I don't know what happened, it -- it just went off, I just wanted to scare
29 them.

30

31 Q Did he say anything else?

32 A He said, I don't know what happened, I bumped him, and then it went off.

33

34 Q When you heard the third gunshot, did you see -- when you heard the third
35 gunshot, where was your father?

36 A He was at the driver's window.

37

38 Q And how far from the car was he?

39 A Right beside it.

40

41 Q You said there -- this -- there was -- your father had a gun in one hand, a

- 1 magazine in the other?
- 2 A Correct.
- 3
- 4 Q Do you know -- do you know what kind of gun he had in his hand?
- 5 A It was a -- it was a small handgun.
- 6
- 7 Q Is it a gun that you were familiar with?
- 8 A Yes.
- 9
- 10 Q Okay. And how many handguns did your father own?
- 11 A Two.
- 12
- 13 Q Okay.
- 14 A One -- one was a revolver-style, a .45, and then a smaller, like, semi-automatic
- 15 pistol.
- 16
- 17 Q Okay. And -- and which one was it that he had in his hand?
- 18 A This was the smaller semi-automatic.
- 19
- 20 Q Okay. Where was that gun earlier -- do you know where that gun was just
- 21 before you heard the -- the gunshots?
- 22 A I don't. If -- if I had to go look for it or if I was told to go find it, I would -- I
- 23 would look in the shop, in the toolboxes, but I didn't know for certain.
- 24
- 25 Q Okay. And the shop, that's that -- that structure with the silver roof that we see
- 26 on the right-hand side?
- 27 A Correct.
- 28
- 29 Q And the toolboxes, looking at it from the top, where -- where would the
- 30 toolboxes be? Could we --
- 31 A It'd be towards the -- the bottom left-hand corner of the shop in the picture.
- 32
- 33 Q Okay. And is there an accessible door that -- to that area of the shop?
- 34 A Yeah. So right by the -- the semi, the -- I guess it would be burgundy, there's
- 35 an overhead door, like a bay door, that was open. And then there's a man door
- 36 right beside it, as well.
- 37
- 38 Q Okay. So -- so there was an overhead door a person could easily walk into?
- 39 A Yeah.
- 40
- 41 Q You said that there -- when you came out of the house, the rear passenger door

1 of this stranger vehicle was open?

2 A Yes.

3

4 Q And you said there was two females in the back seat? Is that "yes"?

5 A Yes.

6

7 Q And did you see any other individuals?

8 A Not immediately. I didn't see the other two males until after the third shot. And
9 they were -- they were standing on the -- the gravel road just beneath the
10 hedge, between the house and the garage.

11

12 Q If you could -- if you could maybe stand up? Before you do that, were they
13 standing together?

14 A Yes.

15

16 Q Side by side or that -- or close together?

17 A Yeah. Yeah, side by side.

18

19 Q If you could stand up and point on Exhibit P-2 where you saw these two
20 individuals?

21 A They were about right here.

22

23 Q Okay. So you're pointing that -- onto the driveway at a point that would be
24 between the -- this intruding vehicle and the lawn mower?

25 A Lower. Lower down the picture.

26

27 Q Okay. But -- but it's on the -- on the driveway?

28 A Yeah.

29

30 Q So below -- below some shrubs that we see?

31 A Yes.

32

33 Q Okay. And when was it that you first saw them?

34 A That was after my father came up to me. I could see them behind him.

35

36 Q Okay. And what did you notice about those two individuals?

37 A That they were just standing there. Then after my dad came up to me, one of
38 them dropped what looked like a cell phone, and they both turned and jogged
39 down the driveway.

40

41 Q Okay. So one of them dropped a cell phone?

1 A Yes.

2

3 Q And -- and was anything -- did anything happen to that cell phone?

4 A He picked it up --

5

6 Q Okay.

7 A -- and then -- then they left.

8

9 Q Do you know what those persons were wearing?

10 A There was a -- a taller gentleman in -- it looked like a red -- red and white track
11 jacket, like a windbreaker. And then the other -- the other male had on a black
12 T-shirt and black pants.

13

14 Q Okay. Where was your mother? Or did -- when did you next see your mother?

15 A After I saw them turn and go. I saw my mother at the -- at the front of the
16 vehicle, and she turned to me and said, Call 911.

17

18 Q Okay. So what did you do?

19 A I called 911. And --

20

21 Q What -- did you have a phone on you?

22 A I had my cell phone on me in my back pocket.

23

24 Q Okay.

25 A So I went kind of down from the -- between the power pole and the red trailer
26 and called 911 and -- and told them where we were and -- and began to tell
27 them what had happened.

28

29 Q Okay. And why did you go to that location to make the phone call?

30 A Just because I knew that there was two bars of cell service in that area, just
31 from having grown up there.

32

33 Q Okay.

34 A Service -- cell service is very hit or miss in the area.

35

36 Q Okay. How many calls did you make to 911?

37 A I think it was two or three. I lost the first 911 call when the dispatcher asked
38 me to go check on my father, and as I went down to the shop, that's when I lost
39 the first call. And then as I was -- went to call them back, I was walking back
40 towards the -- the power pole and the two vehicles, and that's when the -- the
41 two girls attacked my mom.

1

2 Q Okay. Why don't you tell us what you noticed -- all that you noticed about
3 these two girls?

4 A Okay.

5

6 Q You said you told us that you saw them huddled in the back seat, and then
7 when you did notice them again?

8 A I -- I saw -- I noticed them huddled in the back seat. After I was on the 911
9 call, they got out of the vehicle. They were obviously upset, yelling at us and --
10 and just -- just yelling in general. They were pacing around the vehicle. At one
11 point, they -- they pulled the -- the driver out of the vehicle.

12

13 Q Okay. Out of what door?

14 A The driver's door.

15

16 Q And did you see them pull him out of the driver's door?

17 A Yes. They opened the door, and the -- the driver kind of fell out. So his feet
18 stayed in -- in the vehicle, but his upper body and torso fell out onto the -- onto
19 the gravel. They then grabbed him and dragged him fully out of the vehicle. As
20 they -- as they pulled him out, that's when I -- I saw the -- what looked to be a
21 barrel of a gun with no stock come out with -- with the driver.

22

23 Q Okay. So how -- how would it come out with the driver? What -- what did you
24 see?

25 A It -- as -- as he fell, it was laying between his legs. And then as they pulled
26 him, it came out with him. So --

27

28 Q Do you have any way of estimating how much time would have gone by
29 between the third shot and when -- when this person was pulled out of the
30 vehicle?

31 A It was -- it was a few minutes, for sure. I don't -- I don't know.

32

33 Q Okay. Okay. So these -- so you saw -- and you say two females pulled him
34 out?

35 A Yes.

36

37 Q And if you can continue and tell us what went on from there.

38 A So after they had pulled him out, the dispatcher asked me to go check on my
39 father. So I went to the shop, and at that point I lose the 911 call. I checked on
40 my dad. I -- I asked him if he's okay. I don't -- I don't know if he said anything
41 to me, but he was pacing back and forth in the shop.

1

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I began to walk back towards the -- the power pole and the trailer to -- to call 911 back and saw that I had a voice mail on my cell phone. So I began to hit "dial" on that, and that's when the two girls attacked my -- my mom in front of the -- the grey vehicle. And so they had her on the ground and were -- were hitting her. So I broke into a -- a run, yelling at them to get off of her and please get back in your vehicle, we've called 911, there's help coming, please just wait in your vehicle. And they did stop and got back into their vehicle. I checked on Mom, made sure she was okay.

Went back to between the power pole and the trailer and called 911 back, let them know what happened. As I was talking to 911, I was -- I remember picking up nails and staples and stuff that had flown out of my toolbox -- or out of my tool belt because I still had it on. The girls got back out of the car and were still screaming at us. They -- at one point they pick up the -- the barrel of the gun and are almost mocking what had happened, like, pointing at each other and saying "bang, bang." They set -- they set the gun back down. And then they walked to the end of the driveway and sat down before they got up and eventually went west down the road.

Q Okay. When the gun was set down, did anyone touch it after that?

A No.

Q Where was your father at this point?

A He was still in the shop. It wasn't until after everyone had left that he came to the house. He came to the house. Mom told him to stay in the house. And then Mom and I went outside to -- to lock up our two dogs in the back of the shop just because -- so they weren't in the way. And when we came back to the house, he was pacing back and forth on the deck. And my mom asked, I thought you were going to stay in the house, and he said that he -- I am, because he was close to it, I guess.

Q Okay. Then what happened?

A We go into the house. My mom makes a pot of coffee as we -- as we wait because we were told help was on the way. I talked to Constable Park because he was having troubles finding the -- the farm.

Q So you were talking to him on the phone?

A Yes. He said that he'll -- he'll be there soon, and we get -- we hang up on each other or disconnect. And then we sat at the table in silence. And I remember having a cup of coffee before I got up and went to the -- the first bedroom in

1 the house and looked outside and could see police cars on the -- on the main
2 road. So there was -- must have been six or seven police cars, some marked,
3 some unmarked.

4

5 Q You -- you say you sat in silence, having coffee?

6 A Yes.

7

8 Q What do you mean?

9 A Sat at the -- at the dining room table in the house and had a cup of coffee.

10

11 Q And who was with you?

12 A Me, my mother, and my father.

13

14 Q Okay. Was anybody talking?

15 A No.

16

17 Q So after you saw the police cars line up, what happened then?

18 A My mom went outside right away to -- to go and talk to them. She got about
19 halfway down the driveway, and they asked her to lay down with her hands
20 above her head.

21

22 Q Did you hear that?

23 A No, I saw it.

24

25 Q Okay.

26 A So the -- sorry. I -- I saw her lay down with her hands above her head. And
27 then they -- they came to her and took her to a vehicle. At that point, Constable
28 Parks [sic] called me again and asked that me and my dad come out -- come
29 out of the house with our hands above our heads and walk straight down the
30 driveway. So I hung up the phone. I said, Dad, we got to go, told him that we
31 need to hands up, down the driveway. And we -- we stepped out of the house.
32 Nothing more was ever said.

33

34 Q Okay. So did -- did you walk with your hands up down the driveway?

35 A Yes.

36

37 Q And then what happened?

38 A We were both, I guess, arrested for -- how I interpreted it -- and put -- we were
39 all put in the back of separate vehicles. Seemed like forever. Eventually the
40 vehicle with Dad in it left. And then eventually my -- my mom and I were let
41 go and told to gather a few things, anything that we needed for the night. We

1 got the keys for my truck -- or I had the keys for my truck. I was given them
2 back. And then we took the white Duramax out from where it was parked and
3 drove to the Biggar detachment.
4

5 Q So the white Duramax, is that a vehicle that you were driving?

6 A Yes.
7

8 Q Where was -- where had it been parked?

9 A It was -- it was parked by the power pole and the blue Ford Escape.
10

11 Q Okay. Did you notice that -- did your dad have any injuries to his hand after he
12 fired -- after you heard the gunshots?

13 A None that I -- none that I recall.
14

15 Q Okay. So -- so does that mean there's none that you saw?

16 A Right. No injuries.
17

18 Q Did -- did he mention anything about being injured?

19 A No.
20

21 Q What hand does your father shoot with?

22 A His right.
23

24 Q When you first encountered this vehicle and when you struck it with your
25 hammer, did you -- up until that time, did you see any -- any weapons in the
26 vehicle?

27 A No.
28

29 Q When you heard the first gunshots at that point, had you noticed any weapons
30 in that vehicle?

31 A No.
32

33 Q And by the time of the third gunshot, had you noticed any weapons in that
34 vehicle?

35 A No.
36

37 Q And at any point, did anyone in the vehicle, that vehicle, say anything that you
38 heard to you or your father?

39 A No.
40

41 Q When you struck the windshield with your hammer, did you have -- were you

1 -- at that time, were you able to see the driver?

2 A I just remember that they were male.

3

4 Q Okay. Any -- did you make any -- do you have any memory of what that
5 person might have been wearing?

6 A Dark clothing.

7

8 Q Did you know Colten Boushie?

9 A No, I did not.

10

11 Q Have you ever heard that name before?

12 A No.

13

14 Q You and your father were -- were fencing that afternoon?

15 A Correct.

16

17 Q And did you have any plans for what was going to happen after you were --
18 after you were finished fencing?

19 A We hadn't discussed anything, no.

20

21 Q Okay. Mr. Stanley, I understand there were some older expended cartridges
22 around the porch of your house. Do you know anything about that?

23 A It would have been for either magpies or coyotes at night sort of thing.

24

25 Q Okay. Apart from shooting, you know, pests and those things, were firearms
26 ever used around your house for recreational purposes?

27 A Yes. We would -- we would go and -- and target shoot out to -- behind the
28 house, out in the back pasture.

29

30 Q Had you ever -- have you ever fired that semi-automatic that you saw in your
31 father's hands?

32 A Yes, I have.

33

34 Q Okay. Like, in what circumstances? Would it be target practice or --

35 A Yeah, we were just, like, shooting at -- at targets, at an old -- old car hood with
36 a target painted on it.

37

38 Q And where would that take place?

39 A It would have been either behind the shop or to -- above the house in the
40 picture, out back in the -- in the trees.

41

1 Q Okay. And when you say “behind the shop”, do you mean to the right --

2 A To -- to the right, yes.

3

4 Q -- of where we see the shop in the photo?

5 A Right. To the right.

6

7 Q Okay.

8

9 MR. BURGE: If I could just have one moment, My
10 Lord?

11

12 Thank you, Mr. Stanley. Those are my questions. Please answer any questions my
13 friend might ask you.

14

15 A Thank you.

16

17 THE COURT: Mr. Spencer.

18

19 MR. GILLANDERS: My Lord, if it pleases the Court, I’m
20 ready to go. I could go for 15 or 20 minutes and then possibly break for lunch.
21 Obviously, it’s your discretion.

22

23 THE COURT: Well, I think we can go until -- you are
24 ready to go until 12:30, and then we can have a lunch break. Okay. Go ahead.

25

26 MR. GILLANDERS: Thank you, My Lord.

27

28 **Mr. Gillanders Cross-examines the Witness**

29

30 Q MR. GILLANDERS: All right. Sheldon -- do you mind if I call
31 you Sheldon?

32 A Yes.

33

34 Q That works? Thank you. I guess, firstly, I’ve got -- I’ve got to point out that
35 you were -- had some time off, and -- and you came home, and you were put to
36 work; is that -- is that correct?

37 A Yes.

38

39 Q Yeah. I know. That --

40 A Yeah, the --

41

1 Q -- I come from a farm, too. That's -- it seems to be how it always ends up, so I
2 try my best to stay away most often. And I guess going through this, I'm going
3 to try something here, and hopefully it goes better than my numbered pages.
4 But I've got a sheet here that I'm going to provide to you, Sheldon, here, and
5 hopefully you can kind of draw out as we go through --

6 A Okay.

7

8 Q -- where -- where you were, location and item, so that we have a record. And
9 then I'll enter that as an exhibit later on.

10 A Okay.

11

12 MR. GILLANDERS: And, just for the record, My Lord, that is
13 -- the photo is number 6 from, I believe, P-1, except it's not upside down. It seems
14 to be, yeah.

15

16 Q All right. Maybe not born there, but you grew up on this farm your whole life?

17 A My whole life, yes.

18

19 Q Yeah. So you're -- you're pretty familiar with the -- the distances, the layout of
20 the yard, how far it is from building to building?

21 A Yeah.

22

23 Q Okay. Now, on the day of August 9th, on August 9th, you -- fair to say that
24 you heard the vehicle before you saw it?

25 A Correct, yeah.

26

27 Q Right.

28 A We could hear it coming down the road.

29

30 Q And if we generally orient ourself to say the top right-ish is north -- the north
31 side of the yard, you heard it coming from the grid road, which is off the left
32 side of the picture?

33 A The left and bottom, yes.

34

35 Q Okay. And so like you said, originally, it was enough of a sound to pique your
36 interest, but nothing out of the ordinary, that sort of thing?

37 A Right, right. No concern.

38

39 Q Okay. And then working away. The next thing you notice is a vehicle pull up
40 to the -- the gold Ford. Maybe on your piece of paper if you could just mark it.
41 Hold it up on the side towards the jury a little bit and mark an 'X.' I'm not sure

1 if that's helpful or not. We'll get it there. So, yeah. Thank you. And then I --
2 and just to be helpful with this, if it will, we'll tender this as an exhibit later,
3 and then the jury can take a look at it if there's any questions about movement.
4

5 So pulls up there and like you said, not a lot of concern at that point, someone
6 coming off to either drop off a part for your dad or pick something up; that's
7 fair?

8 A Correct.

9

10 Q Okay. And so there you guys continue to work. And the -- you see the truck
11 move towards the garage?

12 A Towards the shop.

13

14 Q Towards the shop?

15 A Yeah.

16

17 Q And can you -- can you indicate that on the picture from the 'X' which
18 direction the vehicle travelled? Okay. And -- and it came to a stop there where
19 you stopped drawing, right by the shop?

20 A Yeah, right beside the quad.

21

22 Q Yeah. Just -- just south of the yellow dot, which I believe is a Cat.

23 A Yes.

24

25 Q So if I refer to that, you'll know what I'm talking to -- talking about?

26 A Yeah. Yeah.

27

28 Q All right. So at -- at this point, still not really any concern, moving around, but
29 maybe starting to pique your interest; is that correct?

30 A Thought that we should go see what they -- what they need or what they're
31 looking for.

32

33 Q All right. And so you --

34 A Still --

35

36 Q -- started walking up -- up towards the shop?

37 A Yes.

38

39 Q What were you wearing on this day?

40 A Rubber boots, blue jeans, a T-shirt --

41

1 Q And --

2 A -- ball cap, glasses, and a tool belt.

3

4 Q Okay. It was -- it was a hot day?

5 A Yeah, hot and sunny.

6

7 Q Yeah. Hot and sunny, but it had rained, so there -- rubber boots were
8 necessary?

9 A Yeah. It had rained the day before.

10

11 Q Okay. And you start walking towards the shop?

12 A Yeah.

13

14 Q And at this point, you hear the quad fire up?

15 A Correct.

16

17 Q Okay. And that's a different sound than a truck or vehicle? You'd be able to
18 identify that?

19 A Yeah, a little more high pitch.

20

21 Q All right. I think a four-stroke engine or something, you know, a very distinct
22 sound?

23 A Yes.

24

25 Q All right. And at this point, this is when you first start to think that maybe
26 something is wrong?

27 A A little bit of panic kicks in, yeah.

28

29 Q This -- yeah. So -- and at this point, if you could maybe draw on the map
30 where you started fencing and -- and your trail as you start to walk and -- and
31 then jog up.

32 A So we were working in here, and then we started to walk up here. Then you
33 could hear the quad start up, but I couldn't see it yet. So as soon as the quad
34 started, I started to run until I could see somebody standing on top of it and
35 told them to get off of it and ran towards it. And that's when they got off and
36 went back in the passenger's side of their vehicle.

37

38 Q Right. And --

39

40 THE COURT:

41 I think maybe at this point it might be helpful to take that photograph and show it to the jury because, after all, I think it

1 is for their benefit, right?

2

3 MR. GILLANDERS: Absolutely. Thank you, My Lord.

4

5 THE COURT: Thank you, Madam Clerk.

6

7 Q MR. GILLANDERS: All right. Sheldon, you -- you testified
8 that you saw someone that you couldn't identify standing on the quad?

9 A Right.

10

11 Q And at that point, the quad was -- the quad was running?

12 A Yes, it was running.

13

14 Q And you had -- you testified that they were wearing dark clothing and male,
15 but not much else you could tell?

16 A Yeah.

17

18 Q Was the -- was the male wearing a jacket, a hooded sweatshirt?

19 A I don't remember.

20

21 Q Not --

22 A I don't know.

23

24 Q And anything -- anything on their -- on the person's head?

25 A Not that I remember. Nothing that stuck out.

26

27 Q Okay. Okay. So you have alerted them to your presence and asked them to
28 leave, at which point they jump back in the vehicle and -- and start to head out.

29 A Yes.

30

31 Q Now, I think this was one of the reasons I decided to use the map as you
32 indicated that the vehicle backed up, and there was no other way they could go.

33 A Yeah.

34

35 Q If you could maybe show that?

36

37 THE COURT CLERK: Do you want a different colour?

38

39 MR. GILLANDERS: Do you have another different colour?

40

41 UNIDENTIFIED SPEAKER: I don't know.

1
2 THE COURT CLERK: (INDISCERNIBLE).
3
4 MR. GILLANDERS: I have a blue, Madam Clerk.
5
6 THE COURT CLERK: Okay.
7
8 THE COURT: So now you're switching to a blue pen?
9 Thank you.
10
11 MR. GILLANDERS: Yes, thank you.
12
13 Q MR. GILLANDERS: So the blue pen will try and indicate the
14 path from the garage --
15 A Okay.
16
17 Q -- or from the shop afterwards.
18 A So the car was parked here beside the quad. After he got off the quad and got
19 in the passenger's seat, to -- to back up this way, he wouldn't have been able to
20 turn around. So they backed up this way.
21
22 Q Okay. And at that point, where were you and where was your father located?
23 A I was here, between the Cat and the quad. My father was still behind me. And
24 as the car backed up, he had to step to the other side, so he was on this side.
25
26 THE COURT: Maybe we could start using some letters
27 or something like that rather than a bunch of dots?
28
29 MR. GILLANDERS: Thank you.
30
31 Q MR. GILLANDERS: So if you could maybe use an 'S' for
32 Sheldon --
33 A Sure.
34
35 Q -- for your dot, 'G' for Gerry, and that will indicate that position.
36
37 MR. GILLANDERS: Thank you, My Lord.
38
39 Q All right. So the vehicle backed up towards you. And when it started going
40 forward, could you maybe outline that path, as well?
41 A That was -- as it was backing up, I stepped towards it, and that's -- that's when

1 I struck the vehicle. And then they backed up and got going forward again and
2 were heading down the driveway.

3

4 Q Okay. Thank you. Now --

5

6 THE COURT: Again, maybe it's useful, again, to just
7 show the jury where we're at. Madam Clerk, if you would do that?

8

9 THE COURT CLERK: Thank you.

10

11 Q MR. GILLANDERS: Thank you. All right. And you described
12 that you hit the vehicle with your fencing hammer or fencing tool?

13 A The fencing hammer, yeah.

14

15 Q Okay. I would -- I'm going to provide you with Exhibit P-1, and I'm going to
16 turn to picture P-1A and picture 36 for the jury.

17

18 THE COURT CLERK: Oh, P-1A is the --

19

20 MR. GILLANDERS: Sorry. Just P-1.

21

22 THE COURT CLERK: Yeah. Because P-1A is the flash drive.

23

24 MR. GILLANDERS: Right. (INDISCERNIBLE).

25

26 THE COURT CLERK: 36.

27

28 MR. GILLANDERS: 36.

29

30 THE COURT CLERK: Picture 36.

31

32 A Okay.

33

34 THE COURT CLERK: Okay. (INDISCERNIBLE).

35

36 Q MR. GILLANDERS: All right. I think everyone has found it.
37 So 36 there shows -- can you tell me what -- is that the vehicle that was in the
38 yard?

39 A Was it the vehicle?

40

41 Q Yeah.

- 1 A Yes, it was.
2
3 Q Okay. And then on the upper right-hand corner of the windshield, does that
4 correspond with your memory of where the hit was?
5 A Yeah, that's where I hit it.
6
7 Q And would you agree with me that the rest of the windshield, although maybe
8 some minor damage, is not -- is not cracked all the way across?
9 A I would agree with you on that.
10
11 Q It looks -- it looks like good visibility for the rest of the windshield?
12 A Yes.
13
14 Q Okay. I guess while we have that -- that picture out, can you tell me when you
15 noticed that the vehicle had a flat tire?
16 A It was kind of as it was backing up and going forward, just because it couldn't
17 get any traction, and there was gravel -- gravel flying everywhere.
18
19 Q Thank you. Now, back to your -- your picture. You've -- you've drawn a line
20 at -- that the vehicle is starting to or appearing to exit the yard?
21 A Yes.
22
23 Q Is that -- that your recollection?
24 A Yeah.
25
26 Q And what's your thought at this time?
27 A That that vehicle is going to get out of here as fast as it can.
28
29 Q And did you chase after the vehicle?
30 A No.
31
32 Q And so, generally still standing close to where you had marked yourself and
33 Gerry?
34 A Yeah. I don't think I moved.
35
36 Q Can you -- can you -- do you have any idea, was the vehicle moving quickly,
37 was it slow?
38 A It was -- it was moving, I think, as fast as it could --
39
40 Q Okay.
41 A -- with the -- with the flat tire.

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Q And what --

A It was moving fast.

Q And what makes you say that, that it was --

A Because the motor was wide open.

Q Okay. So you could -- you could hear the engine, and it was racing, so --

A Yeah.

Q -- as fast as it could. Now, on that -- on your picture in between where the blue Escape is, which you've indicated --

A Yeah.

Q -- is kind of in the middle there and where the two-car garage, could you maybe put an 'X' on the -- the garage there, just so we know what you're talking about? So between there, how -- how in feet or whatever you're comfortable with, how far between the blue Escape and that two-car garage would you estimate it to be?

A Probably 10, 12 feet.

Q 10 to 12. So room for a vehicle to pass through?

A Yes.

Q Okay. So at that point, the vehicle is leaving the yard. Can you describe what happened next?

A The vehicle is on a straight line, heading out of the yard, and took a hard right turn into the back end of the blue Ford Escape.

Q Okay. Hard right turn. So you're saying there was room to go through there, and it looks like it was -- turned out of its way to go that way?

A Yes.

Q Okay. Thank you. Maybe with your marker could you indicate the path of the vehicle both from where you've stopped drawing to where it ends up being shown in that picture? Okay. So at this point, you've testified that you're standing with Gerry back close to the shop.

A Yeah.

Q What -- what happened next? You -- you took off running, I think is what you said.

- 1 A Yeah, after -- after the -- the two cars -- or the car was hit, I took off running to
2 the house.
3
- 4 Q All right. And you were running towards the house and your purpose was to
5 get your truck keys? That's --
6 A Correct.
7
- 8 Q And they were where in the house?
9 A Sitting on the dining room table.
10
- 11 Q Okay.
12 A Maybe -- yeah, maybe 10 feet inside the door.
13
- 14 Q And the reason that you got the truck keys was --
15 A To follow them.
16
- 17 Q Okay. So in your mind, you think they're going to try and leave the yard again,
18 and -- and you want to follow them to see where they go?
19 A Yeah, after the -- not knowing what was taken from the shop, and after they
20 just wrecked the other vehicle.
21
- 22 Q Okay. All right. And you testified that it was at this point that you heard the
23 first gunshot?
24 A As I was going into the house, yes.
25
- 26 Q Okay. And you also testified that it was behind you, but not too close?
27 A Right.
28
- 29 Q You -- can you estimate how far behind you it was?
30 A It -- as soon as it -- as soon as I heard it, I thought it had come from by the
31 shop.
32
- 33 Q By the shop?
34 A I -- I thought it was my father.
35
- 36 Q Okay. And so that -- the second shot was followed closely thereafter?
37 A Yes.
38
- 39 Q And again, you indicated that came from behind you?
40 A Yes.
41

- 1 Q And any idea how far that one? Same spot?
2 A Pretty close, yeah.
3
4 Q Roughly?
5 A Or maybe -- maybe a second apart, the two shots.
6
7 Q And you didn't notice any bullets whizzing by?
8 A No.
9
10 Q Yeah. Just -- you just heard the shot and -- and that was it? Nothing -- nothing
11 ricocheted off the house or anything like that?
12 A No.
13
14 Q Okay. All right. So you came back out of the house. And -- with your keys?
15 A Yes.
16
17 Q That was the only thing that you grabbed from the house?
18 A Yeah.
19
20 Q And you testified that -- you testified that you -- as you were coming down the
21 stairs, you heard the third shot?
22 A Once I was down the stairs.
23
24 Q Once you were down the stairs?
25 A I was coming down the stairs. I could see in the back seat of the -- of the grey
26 vehicle. You could see the two -- the two girls inside. And it was once I was on
27 the gravel, I heard the third shot.
28
29 Q Okay. And -- but you didn't -- you didn't see -- you weren't looking at the
30 vehicle when -- when the third shot?
31 A Right. I -- I'd looked at the vehicle where the two -- I first saw the two girls
32 and my dad going up beside the driver's side and then turn back towards the --
33 the white truck.
34
35 Q And then I guess I'll get you to pick up your photo there again and indicate
36 with a circle, maybe a red pen --
37 A All right.
38
39 Q -- where you were when you heard the third shot. And then just because it's not
40 in the picture, maybe you could mark where your white truck was during this
41 time, with a square.

1 A Do you want me to label it?

2

3 Q I think we only need the square for now, but --

4 A Okay.

5

6 Q -- "truck", yeah. Maybe it would be a good time.

7

8 THE COURT CLERK: Can you see it, My Lord?

9

10 THE COURT: I can see it fine from there. Thank you.

11

12 A Thank you.

13

14 Q MR. GILLANDERS: All right. Then you testified that it was at
15 this point that you came down to the bottom of the stairs that you first saw
16 Gerry?

17 A After the third shot, yes.

18

19 Q After the third shot. Right. And --

20 A But -- sorry. But I saw him walking beside the vehicle, but I never spoke to
21 him.

22

23 Q Great. Okay. So after the third shot, you see -- that was when you came
24 around. Can you indicate maybe on there where -- and let's go back to a -- to a
25 marker for that area, a black marker. And just draw a circle of the general area
26 where you approached Gerry? Okay. So right at the back of the vehicle?

27 A Right at the back of the vehicle, yes.

28

29 Q Okay. And you testified that all that Gerry -- that what Gerry said was, "I don't
30 know what happened, I bumped him and it just went off."

31 A Yes.

32

33 Q Or pretty close?

34 A Yeah.

35

36 MR. GILLANDERS: All right. My Lord, if -- I think that
37 makes sense for a break, if that's -- pleases the Court. I can have a chance to
38 review my notes, and --

39

40 THE COURT: Okay. That seems to make sense to me.

41

1 MR. GILLANDERS: Okay.

2

3 THE COURT: So what we'll do is we'll take our lunch
4 break at this time. And the jury can leave, and we will adjourn until 2 o'clock.

5

6 (JURY RETIRES)

7

8 THE COURT: Before you adjourn, I need to tell the --
9 caution the witness.

10

11 Mr. Stanley, because you are still under cross-examination, I am going to direct
12 that you not discuss your testimony with anyone during this lunch break. So not
13 the Crown, not the defence, nobody. Okay.

14

15 A Okay.

16

17 THE COURT: Thank you very much. We are adjourned
18 until 2 o'clock.

19

20 A Thank you.

21

22 (WITNESS STANDS DOWN)

23

24 _____

25

26 PROCEEDINGS ADJOURNED TO 2:00 PM

27

28 _____

29

30

1 January 31, 2018 Afternoon Session
2
3 The Honourable Chief Justice The Court of Queen's Bench
4 M. Popescul for Saskatchewan
5
6 W. Burge, QC For the Crown
7 C. Browne For the Crown
8 S. Spencer For the Accused
9 D. Gillanders For the Accused
10 K. Christopherson Court Clerk

11
12
13 **Discussion**
14
15 THE COURT: Good afternoon.
16
17 MR. BURGE: Good afternoon, My Lord.
18
19 MR. GILLANDERS: Good afternoon, My Lord.
20
21 MR. SPENCER: Good afternoon, My Lord.
22
23 THE COURT CLERK: Do you want me to have them sit and
24 stand again for the jury?
25
26 THE COURT: No, they can just remain. The jury can
27 come back in.
28
29 (JURY ENTERS)
30
31 THE COURT: Good afternoon. Mr. Stanley, you
32 understand you are still under oath?
33
34 **SHELDON STANLEY, Acknowledges Oath, Cross-examined by Mr. Gillanders**
35
36 A I do.
37
38 THE COURT: Okay. Then continue with your cross-
39 examination.
40
41 MR. GILLANDERS: Thank you, My Lord. I won't take too

1 long, I guess, to get it out of the way.

2

3 I would like, Sheldon, if you could sign and date your map? I'd ask that it be
4 marked as a full exhibit at this time.

5

6 A Sure. On the -- on the front?

7

8 MR. GILLANDERS: Yes, please. Just down at the bottom
9 would be great.

10

11 THE COURT CLERK: Do you want a blue for that?

12

13 A Sure.

14

15 THE COURT CLERK: (INDISCERNIBLE).

16

17 THE COURT: What does that put us at? D --

18

19 THE COURT CLERK: Three, My Lord.

20

21 THE COURT: D-3. D-4?

22

23 THE COURT CLERK: Three.

24

25 THE COURT: Three? D-4. D-3, I'm sorry.

26

27 THE COURT CLERK: Yes.

28

29 THE COURT: I take it there's no objection from the
30 Crown?

31

32 MR. BURGE: No, My Lord.

33

34 THE COURT: Okay. Go ahead.

35

36 **EXHIBIT D-3 - Map of Stanley Farm Handmarked by Sheldon Stanley**

37

38 MR. GILLANDERS: All right.

39

40 Q MR. GILLANDERS: And I just have a few questions here,
41 Sheldon. At the time that the third shot was fired, could you see the

1 passenger's side of the grey Escape?

2 A The passenger's side, yes.

3

4 Q At that time, did you notice any windows being broken in the vehicle?

5 A Not that I remember.

6

7 Q Did you see or hear any ricochet off the house in any way?

8 A No.

9

10 Q Going back to the very beginning of the day, when you first arrived home, you
11 dropped off -- did you drop anything off at the house besides your keys?

12 A My truck keys. There was a green and grey backpack that I use for work, and a
13 -- with a black plastic case that we use for repairing drones, and that's -- that's
14 from our supplier.

15

16 Q Okay. And did you have any other guns outside that day?

17 A Nothing outside, no.

18

19 Q In your possession?

20 A No.

21

22 Q Did -- to your -- to the best of your knowledge, did your mother have any guns
23 in her possession on that day?

24 A No.

25

26 Q And to the best of your knowledge, did Gerry have any other guns beyond the
27 handgun which you saw in his possession on that day?

28 A No.

29

30 Q Lastly, and I'll move again forward in time a little bit, when you noticed the
31 grey Escape crashing into the blue Escape, was there any conversation between
32 yourself and Gerry at that time?

33 A No.

34

35 Q And was there any conversation between yourself and Gerry between then and
36 when you -- until after the third shot?

37 A No.

38

39 MR. GILLANDERS:

Those are all my questions. Thank you,

40 My Lord.

41

1 THE COURT: Any re-examination?
2
3 MR. BURGE: No, thank you.
4
5 THE COURT: Is there any need to keep this witness
6 further?
7
8 MR. BURGE: No, My Lord. And I know he wishes to
9 remain in the courtroom, and I don't think there's anything that would prevent
10 him, unless -- unless --
11
12 THE COURT: Yes. I have not made an order excluding
13 witnesses not testifying, but I know that you are experienced and you have --
14
15 MR. BURGE: Yes.
16
17 THE COURT: -- excluded them in any event.
18
19 MR. BURGE: Yes, we have.
20
21 THE COURT: Of course, the risk would be if for some
22 reason there was a need to re-call him. That might affect weight. But so -- I am not
23 going to exclude him from the courtroom. That will be your call.
24
25 Mr. Stanley, thank you very much for your testimony. You are free to go, sir.
26
27 A All right. Thank you.
28
29 (WITNESS STANDS DOWN)
30
31 THE COURT: Your next witness, Mr. Burge.
32
33 MR. BURGE: Eric Meechance.
34
35 THE COURT CLERK: How do you take an oath, sir? Will you
36 swear on the Bible or do you wish to affirm?
37
38 MR. MEECHANCE: I'll swear with the Bible.
39
40 THE COURT CLERK: Take the Bible in your right hand. State
41 your full name.

1

2 MR. MEECHANCE: Eric, E-R-I-C.

3

4 THE COURT CLERK: And last name?

5

6 MR. MEECHANCE: M-E-E-C-H-A-N-C-E, Meechance.

7

8 **ERIC MEECHANCE, Sworn, Examined by Mr. Burge**

9

10 THE COURT CLERK: Do you want to sit or stand?

11

12 A I'll sit.

13

14 THE COURT CLERK: (INDISCERNIBLE).

15

16 A Yeah.

17

18 THE COURT CLERK: You do have to speak clearly to every
19 question.

20

21 A Yeah.

22

23 Q MR. BURGE: Mr. Meechance, I understand you are
24 from the Red Pheasant First Nation?

25 A Yes, Your Honour.

26

27 Q How old are you, sir?

28 A I'm turning 23.

29

30 Q Okay. And --

31

32 THE COURT: I'm sorry. What? How old?

33

34 A I'm turning 23.

35

36 Q MR. BURGE: And where are you living now?

37 A Saskatoon right now.

38

39 Q Okay. I understand that you just had a -- a newborn child recently?

40 A Yeah. I have a premature baby. She's -- will be four weeks on Monday.

41

- 1 Q Okay. And she's in the hospital in Saskatoon?
2 A Yes.
3
4 Q Okay. Mr. Meechance, I'd like to ask you some questions about the 9th day of
5 August, 2009 [sic]. Do you recall -- or 2016.
6 A 2016. Yeah.
7
8 Q Do you recall that day?
9 A Yes.
10
11 Q Where were you living at that time?
12 A I was living with my grandma. I was taking care of my grandma.
13
14 Q Is that at Red Pheasant?
15 A Yes.
16
17 Q And how old is your grandmother?
18 A She's one of the older elders on the reserve. She's pretty old.
19
20 Q Okay.
21 A Like, almost 90, I'm pretty sure.
22
23 Q I understand at that time you were in a relationship with someone named
24 Belinda Jackson?
25 A Yes.
26
27 Q And where was Belinda on that day?
28 A She was staying with us at my grandma's also. She has a pretty good
29 relationship with my grandma.
30
31 Q Okay. Do you know Kiora Wuttunee?
32 A Yeah.
33
34 Q And how do you know her?
35 A I'm a few years older than her, and she's from the same community.
36
37 Q Okay. Do you know Cassidy Cross?
38 A Yeah.
39
40 Q How do you know him?
41 A I'm a few years older than him also, and we grew up together on the -- from

- 1 the same community, also.
- 2
- 3 Q Okay. And did you know Colten Boushie?
- 4 A Yes.
- 5
- 6 Q And how did you know him?
- 7 A A relation.
- 8
- 9 Q He's -- he was a relative of yours?
- 10 A Yes.
- 11
- 12 Q Okay. And if we could start out in the morning of August 9th of 2016, if you
- 13 could tell us, I understand at some point you met up with some of the people
- 14 that I just named to you?
- 15 A Yes.
- 16
- 17 Q Okay. Who did you meet up with and when and where?
- 18 A Well, it started out at -- it was around that time for a (INDISCERNIBLE)
- 19 exhibition. And our reserve hands out bracelets for kids under 17 every year.
- 20 And my grandma sent me to one of my relatives that's a leader in my reserve.
- 21 His name is Mandy Cuthand, but they call him "Guns." And I went to his
- 22 house first. And he wasn't home. And then I went to the band office, and I
- 23 went to go ask for some -- a bracelet for my sister Ashley my grandma keeps.
- 24 And there was nobody handing out bracelets over there. And as I was coming
- 25 out and I ran into Kiora. Well, not ran into her, but, like -- like, seen each
- 26 other. She asked me what was I -- what was I doing and where was Belinda.
- 27 And I told her she's in the vehicle outside, and she asked -- she asked us to
- 28 hang out and go to the lake. And we went to the lake. Well -- and yeah. She
- 29 asked us to go to the lake. And I went and parked my vehicle at my grandma's.
- 30 And at the time, there was just Kiora and Cassidy. And when they picked us
- 31 up, there was -- Colten was in the vehicle.
- 32
- 33 Q Okay. And so they came to your grandma's house and picked up you and
- 34 Belinda?
- 35 A Yes.
- 36
- 37 Q And what happened from there?
- 38 A We went to his grandma's kind of on --
- 39
- 40 Q Whose grandma's?
- 41 A Colten's grandma's.

1

2 Q Thank you.

3 A And that's kind of on the west side of the reserve, kind of, northwest. And we
4 went there, and we stayed there for a little bit. And then -- yeah, we stayed
5 there. And we were there. And then Colten and Kiora stayed, and we went to
6 my house really quick to go get a speaker, a Budweiser speaker. And we went
7 and got that speaker at my house and went back to his grandma's and were
8 listening to music for a little bit. And from there, they decided they wanted to
9 go to the lake.

10

11 Q Okay. How long were you at Colten's grandma's house for?

12 A No more than an hour.

13

14 Q Okay. Besides listening to music, was -- was your group doing anything else?

15 A They were drinking a little bit.

16

17 Q Okay. Who was drinking?

18 A Kiora, Cassidy, Colten, and Belinda was drinking a little bit, too, also.

19

20 Q Okay. How about yourself? Were you drinking?

21 A No, I wasn't really drinking at the time because I was keeping my grandma,
22 and I didn't really drink at the time.

23

24 Q Okay. What were people drinking? What kind of alcohol was available?

25 A Crown Royal.

26

27 Q And do you know how -- was it in a bottle?

28 A Yeah, it was a bottle.

29

30 Q And do you know how big the bottle was?

31 A A 60-pounder, I'm pretty sure.

32

33 Q Okay. That -- and you said you stayed at Colten's grandmother's for about an
34 hour?

35 A Yeah, about there.

36

37 Q And then what happened?

38 A And then we went to Kiora's dad's house -- or Kiora's grandpa's house. And
39 then -- but before that, when we were at the grandma's, we were just like,
40 shooting -- like, targets or whatever with the -- with our -- with a .22.

41

- 1 Q Okay. At -- at Colten's grandmother's house?
2 A Yeah, just, like, in the backyard or whatever.
3
4 Q Okay. Who was shooting targets?
5 A Cassidy and Colten.
6
7 Q And --
8 A And I shot, like, once or twice.
9
10 Q Okay. What kind of targets?
11 A Just, like, we went to, like, towards the bush, like, cans or whatever.
12
13 Q Okay. You said a .22?
14 A Yeah, a .22 calibre.
15
16 Q And a .22 calibre -- what kind of a gun?
17 A A long-barrel rifle.
18
19 Q And whose -- whose gun was this?
20 A I'm pretty sure it was Cassidy's because when I got picked up, it was already
21 in the vehicle. Well, I seen it before, so yeah, it was Cassidy's grandpa's gun,
22 I'm pretty sure.
23
24 Q Okay. And you said when you got picked up -- so when you dropped your
25 vehicle off, that's when you were picked up?
26 A Yeah.
27
28 Q And how do you know that there was a gun in the vehicle when you got picked
29 up?
30 A I seen it.
31
32 Q Where was it?
33 A It was in the back, way in the back.
34
35 Q Okay. When -- whose vehicle did you -- was being driven when you were
36 picked up?
37 A Kiora's SUV, Ford.
38
39 Q Kiora's Ford SUV?
40 A Yeah. Yeah.
41

1 Q And when you say the gun was in the very back, can you maybe describe that a
2 bit more? Do you have -- can you reach into it from the back seat?

3 A Yeah.

4

5 Q How -- how do you reach into that area from the backseat?

6 A You just put your hand behind you like this.

7

8 Q Okay. So it's open to the -- and is there -- is there a back door?

9 A Kind of like a -- kind of like a box in the vehicle.

10

11 Q Okay. And so that's the gun that was used to shoot at targets at Colten's
12 grandmother's?

13 A Yeah. And they were, like -- yeah, there was, like, empty casings, I think, from
14 shooting ducks, too, previous -- or earlier that day, I'm pretty sure.

15

16 Q And what do you mean, empty casings?

17 A Well, when I -- when I jumped in, there was, like, case of empty -- empty
18 ammunition on the ground, in the floor of the vehicle.

19

20 Q Okay. Were you present when there was shooting -- were you present when
21 shooting took place that led to casings in the vehicle?

22 A Pardon?

23

24 Q Were you present when some of the shooting a gun that led to empty casings in
25 the vehicle?

26 A Yeah.

27

28 Q You were?

29 A Yeah, but not all of them, because there was a few already on the ground.

30

31 Q Okay.

32 A And some live rounds, I'm pretty sure.

33

34 Q Okay. So was there some shooting of that gun from within the vehicle when
35 you were there?

36 A Yeah.

37

38 Q Okay. And shooting at what?

39 A Just at targets and towards the bush.

40

41 Q Okay. So at some point you left Colten's grandmother's?

1 A Yeah, there was me and Belinda and Cassidy that left.
2
3 Q And you, Belinda, and Cassidy left?
4 A Yes.
5
6 Q How about Colten?
7 A No, he stayed back with Kiora.
8
9 Q Okay. You, Belinda, and Cassidy went where?
10 A To my house on the north side --
11
12 Q Okay.
13 A -- well, on the east -- northeast side of the reserve.
14
15 Q Is that when you went to get the speaker?
16 A Yes.
17
18 Q Okay. And so had the shooting taken place before that or do you --
19 A After that.
20
21 Q After that?
22 A Yeah.
23
24 Q So -- and this -- this is a speaker for a sound system?
25 A Just, like, a speaker you plug into the wall.
26
27 Q Okay. And it plays music somehow?
28 A Yeah, off auxiliary cord.
29
30 Q Pardon me?
31
32 THE COURT CLERK: (INDISCERNIBLE) lean forward.
33 (INDISCERNIBLE).
34
35 A Can you hear me?
36
37 THE COURT CLERK: (INDISCERNIBLE) lean forward.
38
39 A Can you hear me?
40
41 THE COURT CLERK: (INDISCERNIBLE).

- 1
2 A Yeah. You just plug it into the wall, and it plays music.
3
- 4 Q MR. BURGE: Okay. At what -- okay. So is that -- did
5 you have that set up at Colten's grandmother's?
6 A It's not really much to set up. It's just, like, a big box, maybe like this.
7
- 8 Q Okay.
9 A Like a little over a foot wide and maybe, like, kind of a little bit up past my
10 waist.
11
- 12 Q Okay. So you -- you guys picked this up?
13 A At my house.
14
- 15 Q At your house, brought it back to Colten's grandmother's?
16 A Listening to music for a while outside.
17
- 18 Q Okay. Okay. And then -- and then what happened after that?
19 A We went to Kiora's house, her grandpa's house, and got some towels. And she
20 got some swimming stuff for Belinda. And then from there -- kind of like --
21 we'd done, like, a big loop on the -- in the reserve. And then for -- from
22 Kiora's grandpa's house, we went to the town site to Colten's house because
23 it's a trailer. And when we pulled up, his brother Jace was on the steps, and
24 came and talked to us in the vehicle. But he went inside, Colten, and I think he
25 got some swimming stuff, also.
26
- 27 Q Some swimming stuff?
28 A Yeah, like --
29
- 30 Q Okay.
31 A -- some shorts and stuff like that.
32
- 33 Q Okay. So -- and then what happens from there?
34 A And then from there, we -- we went to -- from his house, we went to Maymont
35 through the back roads. Well, not back roads, but, like, country roads.
36
- 37 Q Okay. And you -- why were you going to Maymont?
38 A Not -- not Maymont, like, the lake, but, like, there's a place you go on the
39 southern Saskatchewan river.
40
- 41 Q Okay. So there's a place near Maymont that you went to get to the river?

- 1 A Yeah. Well, if you turn -- like, when you go down towards Maymont, there's --
2 you go left to the lake, but you can keep going to the river. And we went -- we
3 kept going straight, and we went to the river.
4
- 5 Q Okay. And what was the purpose in going to the river?
6 A They wanted to swim.
7
- 8 Q Okay. And so did this group, entire group, go to the river?
9 A Yeah, we all went to the river. Four of them swam but I didn't because I'm not
10 a good swimmer and I didn't want to drown, so I just stayed on the shore and
11 watched them swim.
12
- 13 Q Is this -- is this a popular place for people to swim?
14 A I wouldn't really say swimming, but for, like, fishing and stuff. But not
15 popular, either, so ...
16
- 17 Q Okay. So you -- the other four went swimming?
18 A Yeah. They all swam in the river.
19
- 20 Q And that would be --
21 A Cassidy, Kiora, Colten, and Belinda.
22
- 23 Q Okay. And how long was this group at the river?
24 A Maybe, like, an hour we were there.
25
- 26 Q Okay. And were people swimming the whole time or were they getting in and
27 out of the water?
28 A They were swimming pretty much for a while, yeah.
29
- 30 Q Okay. Was -- you said there was a bottle of -- was it -- did you say it was
31 Canadian -- or Crown Royal?
32 A Yes.
33
- 34 Q Okay. Was -- was there -- was there more alcohol consumed when you were at
35 the river?
36 A No. They didn't buy any more, no.
37
- 38 Q Okay. Did you still have some alcohol when you were at the river?
39 A Yeah. Yes.
40
- 41 Q What did you have?

- 1 A A 60.
2
3 Q Okay. Was there any other alcohol?
4 A I think there was a two-six of some type of vodka. I can't really remember.
5
6 Q Okay. Any other alcohol in the vehicle?
7 A Not that I remember, no.
8
9 Q Okay. When you were at the river, were you drinking?
10 A A little bit, yeah. Not heavily.
11
12 Q Okay. So did anything happen at the river that was eventful or did you just
13 finish swimming?
14 A We almost got stuck in, like, a sandbar, I'm recalling. And we made it through
15 there, and we had to go back through it to come back out, so ...
16
17 Q In the vehicle, you mean?
18 A Yeah. It was, like, a hill, and then, like, a bunch of water and sand alongside
19 the river. And I'm surprised we made it through it.
20
21 Q Is this -- is this when you were going or when you were -- coming or going?
22 A Well, we had to go through it, and we had to come back out to get out.
23
24 Q Okay. So after you left -- after you finished swimming, where did you go then?
25 A We were leaving, and then we crossed the sandbar. And we were on the south
26 side of the river, and the bridge -- there's a road that goes under the bridge like
27 that. And we went under the bridge, and we crossed the culvert. And we were
28 just, like, checking it out under the bridge, and we coming -- we turned around
29 and we were coming back out, and then that's when we had got in a -- our tire,
30 we could just hear, like, a pssst. Like, got a heavily -- a heavily -- leak in a tire,
31 you could say.
32
33 Q Okay. Who was driving the vehicle?
34 A Cassidy was driving the whole time.
35
36 Q Okay. At -- you said the whole time?
37 A Yes.
38
39 Q So from the very start to whenever --
40 A Yes.
41

- 1 Q -- this ends, Cassidy --
2 A Yes.
3
4 Q -- you're saying Cassidy was the driver?
5 A Yes.
6
7 Q And did the location of people in the vehicle change, like where people were
8 seated?
9 A Not really, besides Kiora climbing in front and sitting on Colten. And I was,
10 like, teasing Colten because him and Kiora -- I still laugh about this. Him and
11 Kiora were, like, kissing real heavily there. And I was, like -- I remember I
12 grabbed them on their right shoulder, and I was, like, relax. I was, like, your
13 nîstâw [sic] is right beside you. That means, like, brother-in-law in Cree,
14 because Kiora and Cassidy are pretty much like brother and sister. And I was,
15 like -- I told them -- I was, like, relax. I was, like, your nîstâw is right beside
16 you. And then -- yeah. And then she jumped back into the backseat, and --
17
18 Q Okay. So who was in the front seat?
19 A Colten was.
20
21 Q In the front passenger's seat?
22 A Yeah, in the passenger's seat, yeah.
23
24 Q Okay. At that time, was there a relationship between Colten and Kiora?
25 A Yes.
26
27 Q Okay. So if Colten was in the front passenger's seat, where were you?
28 A I was sitting directly behind him.
29
30 Q And who was next to you?
31 A Belinda.
32
33 Q And who -- then who was on the other side?
34 A Kiora.
35
36 Q And did that arrangement stay the same or did people move around throughout
37 the -- when you were driving?
38 A It stayed like that.
39
40 Q Pardon me?
41 A It stayed like that.

1

2 Q Okay. So you said there was -- you had a tire problem after you were -- went
3 under that bridge?

4 A Yeah. We hit a culvert.

5

6 Q And did that -- did you stop and check out the tire or --

7 A No, because you could hear it right from the vehicle.

8

9 Q So you knew you had a tire problem?

10 A Yeah.

11

12 Q Could you feel that you had a tire problem?

13 A No, you could hear it.

14

15 Q Okay. And did the vehicle just keep on driving?

16 A Yeah.

17

18 Q Okay. Please continue and tell us -- carry on and tell us where you guys went.

19 A Yeah. Then we kept driving -- kept driving fast to try and make it as far as we
20 could. And then we turned right onto -- I think that road is called Spinney Hill
21 or whatever. And then went up a couple miles there, and there was, like, a U-
22 turn, and, like, a house or whatever. A U-turn, and then --

23

24 THE COURT CLERK: Sorry. Don't -- (INDISCERNIBLE)
25 sorry. When you touch that, it comes through the microphone.

26

27 A Okay. And, yeah, there was, like, this one place. It has, like, a U-approach.
28 And Cassidy pulled in there. And he pulled up in front of the house and
29 parked. And there was a -- a white four-door -- maybe a 2500 GMC or Chevy.
30 And he ran in there and he looked or whatever. And he came back, and then we
31 kept -- then he kept going. He -- I was in the back, being a passenger. And then
32 he went around. And then there was a red truck there. And then he checked
33 that truck. And then he asked for something to -- he wanted something hard to
34 hit the window or whatever, and then there was the -- in the back, there was
35 that .22. And that's the only thing I could think of that was hard that I could
36 see in back there, and then I grabbed that. And he used the stock end to try and
37 get -- bust the window.

38

39 Q MR. BURGE: So who used the -- okay. Who did that?

40 A Cassidy.

41

1 Q And what -- what did he do?

2 A He was, like, hitting the butt end of the gun at the window.

3

4 Q Okay.

5 A And then after that, we -- the butt end broke, and it was just, like, the barrel.
6 And then he -- we jumped back in. And then we left. Then we stopped about,
7 like, maybe a mile and a half from that place, maybe two miles. And the
8 muffler was dragging, and it was really loud. And we were trying to, like,
9 break it off because it was, like -- you could just hear it, like, dragging on the
10 (UNREPORTABLE SOUND). And it was dragging for quite some time. And
11 we were trying to, like, break it off because it couldn't get any worse. And
12 then, yeah, we tried running -- backing over it a few times just to try and break
13 it off, and it wouldn't break. And then that's when we just kept on -- we stayed
14 there maybe for, like, 10 minutes, 15 minutes, trying to break the muffler off.
15 And then after that, we were driving.

16

17 And then it comes to a T, and then it comes to a T road by, like, north of
18 Ranger Lake when you come from Spinney Hill way. And, yeah, we turned
19 south on that road heading towards Ranger Lake. And at that time, everybody
20 was already sleeping. And I was -- I was -- not heavily sleeping but, like, you
21 know, like -- because at that time our tire was already on the rim, like, the tire.
22 The tire was already off and everything. It was just sitting on the rim. And then
23 we were going, and I knew we had to go for quite some time still. So then I
24 started --

25

26 Q To get where?

27 A To the main reserve.

28

29 Q Okay.

30 A And then there was, like, a -- before that -- while we were at the -- taking that
31 muffler off, trying to take it off, there was, like, discussion between Kiora and
32 Cassidy about trying to go to the -- the ex-chief's house, Junior's, to go fix the
33 tire. And I told her straight up, I was, like, they're not going to help us. I was,
34 like, your dad finished beating him in the election. I was, like, they're not
35 going to help us. And then --

36

37 Q Whose dad just finished beating --

38 A Kiora's dad finished beating the -- the ex-chief that was the chief for a while.

39

40 Q Okay. Is this in the band election?

41 A Yeah.

1

2 Q And so did Kiora's dad become the chief?

3 A Yeah.

4

5 Q Okay.

6 A And he was the chief at the time.

7

8 Q Pardon me?

9 A And he was the chief at the time.

10

11 Q Okay. And so that's why you didn't think Junior would be of much assistance?

12 A Yeah.

13

14 Q Okay.

15 A But -- like, he was finished -- yeah, like, long story short, I didn't think he was
16 going to help us because he just finished getting defeated by Kiora's dad. And
17 then from there, we went and that was when we were trying to take the muffler
18 off. And we were leaving. And we left, and at that time everyone started to just
19 go to bed. And I started to fall asleep, too, not heavily. And then we were
20 driving. I noticed we were slowing down. And then that's when we pulled in --
21 Cassidy pulled into the Stanley farm there.

22

23 Q Okay. Did you know this was the Stanley farm?

24 A No, I don't -- I didn't even -- I don't even know them.

25

26 Q Okay.

27 A I just seen that farm there before from -- because we have -- we have some
28 land on the northwest -- north of Ranger Lake, northwest side of Ranger Lake.

29

30 Q Okay. So had there been any discussion about pulling in to --

31 A No.

32

33 Q -- a farm or this farm?

34 A No. He was -- he was the only one pretty much up. He was just driving, and I
35 noticed that when he pulled in that -- I noticed we weren't supposed to be
36 stopping for a ways because we still had a ways to go, and then that's when I
37 got up and we were just pulling in.

38

39 Q When you say you -- that's when you got up, what do you mean by that?

40 A Well, like, I realized we were -- we were coming to a -- like, we were slowing
41 down to stop when we weren't supposed to be.

1

2 Q Okay.

3 A Because we still had quite a ways to go to the main reserve.

4

5 Q Okay. So you -- you said you were at or you were at or near the Stanley farm?

6 A We were at the -- the farm.

7

8 Q Okay. Please continue and tell us what happened.

9 A And then we were there. And then Cassidy jumped out, and then I jumped out
10 after him. And then he, like, jumped on -- on and off the quad, I'm pretty sure.

11

12 Q Who did?

13 A Cassidy.

14

15 Q Okay.

16 A Like, the -- it didn't move one foot, like, not even half a foot, that quad or
17 nothing, nothing like that. And then, yeah, then we heard, like, Hey, what the
18 fuck or something like that, like, just, like, someone yelling. And out of
19 nowhere, our front driver's side window got hit by something. It was like a big
20 spiderweb straight across. And I remember Cassidy backed up, and there was,
21 like, this much he could see. He's, like, looking down, then we backed up, and
22 then -- we backed up, and we were -- we were leaving. And then -- like, we
23 were leaving -- like, approached this way. There's only one way to approach
24 that we were --

25

26 Q You were pointing to the photo that's in front of you? I think that's P-2?

27 A Yeah.

28

29 Q Does that -- do you recognize that scene?

30 A Yeah.

31

32 Q Okay. In telling your story -- in telling -- giving your evidence, if you wish to
33 refer to that, please feel free to do so.

34 A And then --

35

36 THE COURT CLERK: Should we move it?

37

38 MR. BURGE: Sure.

39

40 THE COURT CLERK: (INDISCERNIBLE) that thing tends to
41 fall apart.

1

2 A See, I got this. I got this one side.

3

4 THE COURT CLERK: Can counsel see? Can you see it,
5 counsel?

6

7 MR. SPENCER: Yeah, if you're okay there, Mr. Burge
8 with me coming back around, that's -- yeah, that is okay. Thank you.

9

10 A And we backed up, like, this way. And then we were exiting, and there was --
11 somewhere along here, there was, like, an SUV, I'm pretty sure. I can't even
12 remember what -- I think it was, like -- I really can't say the positive colour,
13 but it was like a darker colour of vehicle. And we were leaving. And Cassidy
14 was driving like this, and he was, like, crouched down to look down because
15 on the spiderweb, it was, like, a pretty thick spiderweb straight across. And
16 then there was only, like, a certain amount he could see. And then he was
17 driving, he was crouched down looking where he could.

18

19 And then there was a parked vehicle he -- we hit, and I -- I think -- well, we hit
20 it because the -- we had it right on the rim on one side, and we weren't
21 probably getting enough traction. We weren't getting enough traction to turn
22 and, because -- like, that -- like, after hearing that, like, hey, what the fuck, and
23 our window was completely smashed. And then that's when we backed up, and
24 we were -- we were all leaving. And then we were leaving, and then that's
25 when he hit that parked SUV. And then Cassidy, you could just see a big cloud
26 of white smoke from the radiator. And then -- a big cloud of smoke from the
27 radiator, and we -- I knew it was, like, messed the vehicle.

28

29 Q MR. BURGE: You knew it was what?

30 A The -- the radiator was messed. Like, the vehicle was completely -- like, my
31 uncle is, like, a mechanic, and I always watch demolition derby, like, ever
32 since growing up. So when you see a vehicle -- the radiator goes, you know,
33 it's, like, the vehicle is done. And then he hit that vehicle, and then I just seen
34 him open his door, the driver's side door, and he started running. And I opened
35 my door.

36

37 Q Which door was yours?

38 A The back passenger.

39

40 Q Okay.

41 A And I took off running behind him. And then not even long after, like, within

1 seconds, and then I heard two shots. And I swear that those were towards me
2 because you could hear, like, a (UNREPORTABLE SOUND) you know, like a
3 -- like a whistling or whatever. And then I dropped -- I dropped my phone
4 before the gunshots were shot. I dropped my phone, and I picked my phone up
5 real quick and I started running. As soon as I picked it up, then that's when I
6 heard those first two shots. And you could hear them, like, coming by you.
7 And then after that, I ran this way. And there was a woman on a ride-on lawn
8 mower, this -- a John Deere ride-on lawn mower, and she was -- and I just ran
9 past her. And then I was -- by the time -- between -- and then after that then
10 that's when I heard the other shots, like, right before I was, like, crossing the
11 road.

12

13 Q Okay.

14 A And I -- well, I also, too, was -- I lost my sandals, too. And by the time I lost
15 my sandals, I was -- I already got shot at, and I wasn't going to turn around for
16 my sandals after getting shot at, just for shoes. So I just ran barefoot, and I
17 continued to walk -- running on barefoot and crossed the road.

18

19 And there was old farm equipment on this side over here on -- on the other side
20 of the main road that runs east and west. And we went there, and we went to
21 the next farm over, and I told Cassidy to go get some help. And I told him, I
22 was, like, man, this is your fault why we're -- why we are -- why we're, like,
23 stranded now. And then he was, like -- he didn't want to. I'm, like, well, I'm
24 just going to keep walking, then. I kept walking, and then Cassidy was, like,
25 well, to hell with it, then.

26

27 And then we went to that -- he went to the next farm, and there was a guy
28 cutting his lawn, too. And then he had a GMC white extended cab Chevy --
29 Chevy or GMC, same thing. And then I remember Cassidy got a ride from him
30 to the main reserve because I seen him when I was in the field, walking. And
31 then yeah. I just kept on walking and walking, and I wasn't going to walk on a
32 public road and -- because I thought they were going to try and come chase us
33 or something after getting shot at.

34

35 And then I was walking in a field. I remember there was power lines right in
36 the middle of the field, and I was walking by power lines and -- when I seen
37 that -- when I seen that vehicle coming, I just ducked down. And I kept
38 walking. And I seen -- I seen that truck, and I knew that Cassidy got a ride to
39 the main reserve. And I kept walking, and then you -- you come to this valley
40 between this farm area that -- his name is Shasko (phonetic). He's, like, a
41 friend of the reserve, a pretty good guy. Like, when -- when the reserve stores

1 are always closed, like, at night because we outfit, and if we don't make the
2 reserve, then we just go buy gas off him. I forgot his real name. I just know
3 him by Shasko. And then, yeah. There's a valley in-between his house, in-
4 between -- on the east side of his house there's a valley. And then I was
5 debating if I should walk through the valley or just walk on the road, and then I
6 just said, hell with it, there's nothing to be scared of. So I started walking on
7 the road, and I got to the bottom. And I was, like, halfway in-between the hill,
8 and then that's when that canine guy arrested me.

9

10 Q Okay. So you were arrested by a member of the RCMP?

11 A Yes.

12

13 Q Okay. Now, I'm going to ask you to back up a bit here. You said you guys
14 drove into the yard, and you said that -- how many people got out of the
15 vehicle when you were in that yard?

16 A Just two of us.

17

18 Q And that was who?

19 A Me and Cassidy.

20

21 Q When you pulled into that yard, how were people seated in -- in this vehicle
22 that you were in?

23 A Colten was in the passenger, and --

24

25 Q That's -- which passenger?

26 A The passenger's seat of Kiora's vehicle.

27

28 Q Okay. Which passenger seat?

29 A The passenger front seat.

30

31 Q Okay.

32 A And then there was me behind him, the back passenger, then there was
33 Belinda, then there was Kiora.

34

35 Q So Belinda was -- you are -- you're in the back passenger's seat. Are you
36 saying Belinda was next to you?

37 A Yeah.

38

39 Q And then Kiora was at the other door?

40 A Yeah.

41

- 1 Q And who was driving?
2 A Cassidy.
3
4 Q At this time, where was that .22, that -- that now-broken .22?
5 A It was in-between me and Belinda.
6
7 Q It's in the back seat?
8 A Yeah.
9
10 Q When did you -- you said that you and Cassidy got out of the vehicle when you
11 were near the quad?
12 A Pardon?
13
14 Q You said that you and Cassidy got out of the vehicle?
15 A Yeah.
16
17 Q When you were near the quad?
18 A Yeah.
19
20 Q And you said Cassidy was on the quad?
21 A He was beside it. I -- he was beside it, and I can't really -- wasn't for sure if he
22 got on and off it, but I'm pretty -- because I don't really want to guess.
23
24 Q Okay.
25 A And then -- yeah. And then we were by the quad, and then that's when we
26 heard somebody yelling. And we were backing up, and our window got
27 smashed. And as we were backing up, I just seen two guys.
28
29 Q Okay. I'd like to stop you there. So you said you were out of the -- out of the
30 vehicle?
31 A Yeah.
32
33 Q And you heard yelling, and then you said you were backing up. Can you tell us
34 about -- I take it you got back into the vehicle at some point?
35 A Yeah, we did. We got back in the vehicle and --
36
37 Q Did you both do that at the same time?
38 A Yeah. Well, I was a few seconds behind him, but --
39
40 Q Okay. When you got in the vehicle, was the vehicle moving or was it --
41 A If the vehicle was moving? I'm pretty sure he moved it a little bit. I kind of,

- 1 like, jumped in on the fly, I think.
2
- 3 Q Okay. And then you're -- are you in the back passenger's seat again?
4 A Yeah.
5
- 6 Q And Colten is where?
7 A Yeah, I was behind the passenger. Colten was in the front seat.
8
- 9 Q Okay. What was Colten doing in -- in the front seat?
10 A He was sleeping.
11
- 12 Q Okay. Was he -- was he sleeping when you got back into the vehicle?
13 A Yeah.
14
- 15 Q And do you -- do you know that? Did you -- did you see him sleeping there?
16 A Yeah, he was sleeping.
17
- 18 Q Okay. Where were you when the windshield was broken?
19 A The back passenger.
20
- 21 Q So you were in the vehicle?
22 A Yeah.
23
- 24 Q Okay. How long did it take from the time that the windshield was broken until
25 -- until you got out of the vehicle?
26 A Pardon?
27
- 28 Q From the time from when the windshield was broken, and then you said that it
29 went forward, it struck another vehicle, and then you got out --
30 A Yeah.
31
- 32 Q -- how much time went by before you got out?
33 A Less than a minute. Like, we just backed up, went forward and trying to turn,
34 and we were trying to turn left. And then that's when we struck that other
35 vehicle. Not like we were backed up and we were parking there for 10 minutes
36 or something.
37
- 38 Q Yeah. Okay. On that photo, which is Exhibit P-2, if you look at that, does it --
39 does that show where you would have been when -- when any of the shots
40 were fired?
41 A Where I would have been?

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Q Yeah.

A I'd have been running down the road.

Q Okay.

A Right here.

Q Would you -- would we have --

A Sorry.

Q -- would it be on that -- somewhere on that photo, or would it be off the photo?

A It would be -- it was, like, around right here somewhere.

Q Okay. So you -- you're pointing to --

A The --

Q -- the driveway area and the hedge area that's just below where the lawn -- the lawn mower is?

A Yeah.

Q And so at -- when you were at that point, what -- what happened?

A I heard two shots and -- like, whistle by me, and then that's when I cut this way into the yard. And there was a woman cutting the lawn mower, and --

Q Okay. We -- we see the lawn mower --

A -- cutting the grass, I mean.

Q -- right now. Do you know where the lawn mower was when you cut through the yard? Was it --

A She was, like, kind of, like, right here somewhere.

Q Okay. You're pointing towards the --

A The --

Q -- below the house on the left edge of the photograph?

A The west side of the grass, I should -- could say.

Q Okay. You said you dropped your cell phone?

A Yeah.

Q Where -- where were you when you dropped your cell phone?

- 1 A That was before the gunshots. I dropped my cell phone, and I just picked it up
2 really quick and -- because I wasn't able to run as fast with my sandals on.
3
- 4 Q Okay.
- 5 A And then -- because I had my feet clenched up like this, if you ever had those
6 sandals that are not -- like, flip-flops you can put your feet in-between, but,
7 like, the kind that go overtop. And then I just had my -- like, my toes clenched
8 up so I --
9
- 10 Q To help you grip the sandal?
- 11 A Yeah, like, to grip the top of it.
12
- 13 Q Yeah.
- 14 A I was kind of, like, running like that. And then yeah. Then after those two --
15 after those first two shots, I didn't, like -- I didn't, like, want to try to grip my
16 feet because it was slow -- I was -- I was slow. And then after that, I just --
17
- 18 Q Where --
- 19 A -- they -- they came off and --
20
- 21 Q Okay. Where do you think you were when you dropped your cell phone?
- 22 A Probably, like, right here somewhere. Right here.
23
- 24 Q So you're pointing fairly close to where you --
- 25 A First got -- because after I dropped my cell phone, I picked it up real quick, and
26 then that's when I heard those two shots.
27
- 28 Q Okay. So -- so you're -- you're just a little bit closer to Kiora's vehicle when
29 you were -- when you dropped your cell phone than when -- where you were
30 when you heard the -- the first two shots?
- 31 A Yes.
32
- 33 Q Okay. Where was Cassidy?
- 34 A He was ahead of me.
35
- 36 Q Were you running before you heard the shots?
- 37 A Yeah. Yeah.
38
- 39 Q Okay. How far ahead was Cassidy?
- 40 A Man, I -- maybe -- for sure past this -- maybe a little past the edge of that --
41 where those blinds are, those curtains.

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Q So at the end of the courtroom?

A Yeah.

Q Do you know feet?

A Maybe that's, like, 15 yards, maybe, eh?

Q Okay.

A Around there. 10 yards, 15.

MR. SPENCER: Sorry, Mr. Burge, I wasn't paying attention, but what is the distance within the courtroom that he's referring to?

MR. BURGE: To -- to where the -- to the blinds, he said.

MR. SPENCER: All the way to the back of the room?

MR. BURGE: Or to the -- yeah.

MR. SPENCER: Okay. Thank you. Sorry.

Q MR. BURGE: So that's pretty much the length of -- of this courtroom that we're in right now?

A Yeah.

Q Okay. Where -- now, you might have told us, but where were you when you heard the third gunshot?

A I was just about to -- to cross the road.

Q Pardon me?

A I was just about to cross the road, like, before the road. Before the main road.

Q Did you -- did you see what happened with that third gunshot?

A No. I wasn't -- you get shot at, you're not going to -- you hear a third gunshot, you're not going to turn around and start looking and --

Q Yeah. Did you know what had happened to Colten at that time?

A No, that's -- I found out in a pretty much, like, the worst way. I was in custody, and Belinda came in first. I remember -- I remember everything because it was pretty -- pretty hard the way I found out. And we were in North Battleford

1 cells, and Kiora -- Belinda came in first, and she was, like, he's gone. And I
2 was, like, what? And then this one guy was, like, he's gone, bro. He's -- he's --
3 and he's, like, he's dead. And I thought it was, like -- you know, I didn't, like,
4 want to believe it or nothing or think of it. And then a while later, Kiora came
5 in, and she was just crying. And that's when I was, like, Kiora, where's
6 Colten? I kept yelling, because I knew Cassidy was in a reserve. And I kept
7 asking. I was, like, where's Colten? And I heard her clearly. She was, like, he's
8 dead, she shot him. And I just broke down in my cell, and there was nothing I
9 could really do when you're --

10

11 Q Yeah.

12 A -- in a cell, and nobody was able to talk to me or nothing. I was -- none of the
13 police officers, and I just -- I just freaked out. And, like, when Belinda -- when
14 Belinda told me, like, I didn't hear it clearly, and that guy heard it and he told
15 me, but I didn't, like --

16

17 Q Okay.

18 A -- and then when Kiora came in, and she was crying so heavily, and then that's
19 when -- that's when I broke down.

20

21 THE COURT: Mr. Meechance, do you want some more
22 water?

23

24 A Could I get a new cup?

25

26 THE COURT CLERK: Yes.

27

28 Q MR. BURGE: Mr. Meechance, you told us that after --
29 as you were driving towards the Stanley farm, everybody was either -- it
30 sounds like they were asleep or dozing off?

31 A Yes.

32

33 Q Is there some reason for that?

34 A They were drinking.

35

36 Q Okay. And was -- was everyone drinking in the car?

37 A Yeah.

38

39 Q You told us that you had had some to drink. Did you -- did you have any -- did
40 you have more to drink?

41 A No. I didn't drink heavily. I just --

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Q How about the other people?

A They were, like, drinking somewhat. I think they were drinking previous that night before. But yeah. I wasn't -- I wasn't blacked out or nothing.

MR. BURGE: Sir, thank you for answering my questions. Please answer any questions that my friend might ask.

THE COURT: Cross-examination.

MR. SPENCER: Thank you, My Lord.

THE COURT: We'll go for about maybe 15 minutes, and then we will take a break.

MR. SPENCER: Excellent.

Mr. Spencer Cross-examines the Witness

Q MR. SPENCER: Okay. Mr. Meechance, with somewhere between not drinking and blacked out, how many drinks do you think you had?

A How many drinks? Maybe, like, seven. Not, like, full cups or nothing. Just, like, swig of a bottle.

Q Okay. So you're drinking that out of the bottle?

A Well, with mix.

Q Drinking with mix?

A Yes.

Q Really?

A Well, like, not, like -- it wasn't --

Q You were mixing drinks in glasses?

A It wasn't mixing the drink. It was, like, mixed, like, with pop and stuff. Like, take a shot, and then drink it with pop, chase it down.

Q Oh, okay. But you were drinking -- all of you were drinking right out of the bottle?

A Yeah.

1 Q You had a 66 [sic] of Crown Royal?

2 A Yeah.

3

4 Q And a 26 of flavoured vodka; do you recall that?

5 A Some type of vodka, yeah.

6

7 Q Okay. Flavoured vodka; will you give me that much?

8 A I can't answer something I'm not a hundred percent on. But, yeah, some type
9 of vodka.

10

11 Q All right. I can help with -- with the --

12

13 MR. SPENCER: If you can get to the photo book there.

14

15 THE COURT CLERK: P-1.

16

17 Q MR. SPENCER: P-1. Mr. Meechance, if I can get you to
18 turn to picture 29 after the second tab? You see the bottle of vodka that was in
19 there that the police found; does that help you at all?

20 A I can't recall if that was, like -- they could have drunk that. That could have
21 been an empty from the night before that, so -- but yeah, maybe that was the
22 one.

23

24 Q Okay. So you think it might be an empty from the night before?

25 A Yeah, I don't know.

26

27 Q Okay. Can I get you to look at P-1?

28 A What's P-1 here?

29

30 Q Sorry, D-1. (INDISCERNIBLE). So can you turn to -- to tab 6 in D-1 there,
31 that the -- the little booklet with the blue cover?

32 A Page 6?

33

34 Q Yeah, tab 6. Does that look familiar?

35 A Does that look -- does that look familiar? What do you mean?

36

37 Q I don't know how else to say it. Does that look familiar to you? Does that look
38 like a picture of August 9th, 2016, with the group of people that you've
39 described?

40 A Yeah. It could be.

41

- 1 Q Okay. Can I -- can I get you to lift your head up and -- and speak with the mike
2 there to make sure we get it picked up?
- 3 A Yeah.
- 4
- 5 Q Okay. So that does look like a picture of that day?
- 6 A I -- yeah, I guess it was that day. Maybe.
- 7
- 8 Q Maybe? Oh, okay.
- 9 A Well, I was wearing those clothes, then, yeah, it was that day.
- 10
- 11 Q Okay. And what have you got in your hand there?
- 12 A That vodka.
- 13
- 14 Q Okay. Does that refresh your memory at all as far as the vodka?
- 15 A I guess it was the one, then.
- 16
- 17 Q Okay. Seven? If you turn to tab 7, does that help you?
- 18 A Yeah.
- 19
- 20 Q Okay. Sir, would you agree with me that -- so 20 -- you were drinking a 26 of
21 vodka right out of the bottle, flavoured vodka, right out of the bottle?
- 22 A Pardon?
- 23
- 24 Q Will you agree with me that you were -- that day, you were drinking a 26 of
25 flavoured vodka right out of the bottle?
- 26 A I guess you could say that.
- 27
- 28 Q Guess I could say -- okay. Fair enough. Flip to tab 8. You said there was no
29 other booze in the vehicle. Do you remember if there was any other booze in
30 the vehicle?
- 31 A No, I don't remember that beer Colten's drinking.
- 32
- 33 Q Don't -- don't recall him drinking beer right beside you there?
- 34 A No.
- 35
- 36 Q No? Okay. And he's in the back seat there. You -- you indicated that he was in
37 the front seat, but you'll agree with me in that picture he's in the back seat,
38 right beside you?
- 39 A Yeah. Well, I don't remember that.
- 40
- 41 Q Okay. Okay.

- 1 A Because that -- that could have been the time when they first picked me up. But
2 I don't --
3
- 4 Q Okay. And can I get you to flip to picture 33 in the bigger book there, P-1?
5 And again, that's after the second tab, picture 33? Yeah. And I think probably
6 it would be easier for you if you set it up on the -- on the -- almost desk part of
7 the box there, and then you're speaking to us, and --
8 A Yeah.
9
- 10 Q Okay. A case of Twisted Teas there?
11 A Those could have been empties from the day before.
12
- 13 Q Oh, okay. Okay.
14 A Because I didn't -- I didn't search the vehicle before I got in.
15
- 16 Q Okay. But at least the -- and fair enough. Kokanee was drank that day?
17 A Well, you seen that can, so -- well, there wasn't, like, a -- a case, that's for
18 sure, because I didn't -- I don't recall me drinking Kokanee.
19
- 20 Q But you drank out of the 26 of Crown Royal?
21 A Yeah, I guess.
22
- 23 Q Yeah, I guess. Is that a "yes", sir?
24 A Yeah.
25
- 26 Q And you drank out of the flavoured vodka?
27 A Yeah. I knew there was some type of vodka, but I don't recall what it --
28
- 29 Q Okay.
30 A -- was.
31
- 32 Q Yeah. And -- and you appreciate, sir, you -- you were there. That's what I'm --
33 why I'm asking you what you remember, right?
34 A M-hm.
35
- 36 Q Okay. So when you say you had seven drinks right out of the bottle, how --
37 how big a drink would that be?
38 A Not a full mouthful, that's for sure.
39
- 40 Q Two ounces?
41 A I don't really know my ounces, so ...

1

2 Q Okay. Okay. So let's start at the beginning of the day. You went to -- is it the
3 band hall to get some bracelets for the -- for the exhibition; is that how the day
4 started?

5 A Pardon? Yes, I went to the band to go get tickets -- bracelets.

6

7 Q Right. Belinda was with you?

8 A Yes.

9

10 Q Okay. What were you driving?

11 A A black Avalanche.

12

13 Q Okay. And is that your truck?

14 A A 2004.

15

16 Q Is that your truck?

17 A It was pretty much my truck, yeah.

18

19 Q M-hm. What do you mean, "pretty much your truck"? Did you own it?

20 A Pardon?

21

22 Q Did you own it?

23 A It was registered under me.

24

25 Q Did you buy it?

26 A No.

27

28 Q So how does that work?

29 A My buddy let me use his truck and register it under my name, so I just --
30 whenever he needed a ride, I'd go pick him up.

31

32 Q Okay. It was his truck? He bought it? It was his truck?

33 A Yeah.

34

35 Q Okay. And he registered it in your name?

36 A Yeah.

37

38 Q And is that because he couldn't licence it himself?

39 A Yeah.

40

41 Q Okay. Okay. So what -- what did you do, then, with that truck?

- 1 A I parked it at my grandma's.
2
- 3 Q Okay. And then you -- everybody got rounded up there, and I'm not that
4 concerned who picked up who, but you start your adventure off to swimming,
5 and at that point --
- 6 A Well, we went to his grandma's first.
7
- 8 Q Okay. So what time are you leaving -- and his -- his grandma, you mean
9 Colten's?
- 10 A Yes.
11
- 12 Q Okay. What time are you leaving -- I don't care what -- and you're drinking
13 there, and having some fun, listening to music, right?
- 14 A Yes.
15
- 16 Q What time do you leave Colten's grandma's?
- 17 A I don't know the exact time, but it was around, like, 2 o'clock.
18
- 19 Q Okay. Why do you leave there? You're sitting around listening to music,
20 having a few drinks. What -- why are you leaving there?
- 21 A They wanted to go to the lake.
22
- 23 Q Okay. Why did they want to go to the lake? Who -- who wanted to go to the
24 lake?
- 25 A Kiora. Kiora and them.
26
- 27 Q Okay. Okay. And -- and why go to the lake? What's -- what was motivating
28 that?
- 29 A I don't know. Just -- they wanted to go swimming, I guess.
30
- 31 Q Was it a hot day?
- 32 A Well, I was wearing shorts, so I guess it was hot.
33
- 34 Q Okay. And I'd rather -- rather than trying to figure it out, if you'd just give me
35 your best answer, and if you don't know, that's okay. Do you understand what
36 I'm saying there?
- 37 A Yes.
38
- 39 Q Okay. Fair enough. Okay. So you leave Colten's grandma's. What do you do
40 then? Is that when you go shooting?
- 41 A Pardon?

1

2 Q After you leave Colten's grandma's, is that when you go shooting?

3 A No, it was at his house. They were shooting a little bit of targets and --

4

5 Q Okay. And then -- and you were shooting, as well?

6 A Yeah.

7

8 Q Okay. You recall giving your first statement to the police?

9 A Yeah.

10

11 Q Do you remember that?

12 A Yeah. Yeah, I was still in -- it was all -- it was still, like, hit me, and -- and
13 everything. But yeah. And then -- then they -- and then shot some more at --
14 where this one little lake is on the -- by -- by the -- Kiora's house. Like, where
15 there's an old road when you first come in, and --

16

17 Q And you're shooting what?

18 A Ducks.

19

20 Q Shooting ducks?

21 A Yeah.

22

23 Q With a .22?

24 A Yeah.

25

26 Q Okay. And you're shooting them just out of the vehicle?

27 A Yeah.

28

29 Q So you guys are shooting out the windows of the vehicle?

30 A Yeah.

31

32 Q And the -- just shell casings just go in the vehicle, bullets in the vehicle?

33 A Yeah.

34

35 Q Okay. Do you remember giving your first statement to the police?

36 A Not -- I do some of it, yeah.

37

38 Q Okay.

39 A I -- I didn't get to go over it, but --

40

41 Q Okay. But -- I'm not worried whether you got to go over it. I'm -- I'm more

1 worried about do you recall the next day you were interviewed by a police
2 officer?

3 A Yes.

4

5 Q Who asked you about the incident?

6 A Yes.

7

8 Q Okay. And he asked you everything from starting drinking that morning right
9 through to you being arrested?

10 A Yes.

11

12 Q Okay. Do you recall telling that officer -- do you recall mentioning a gun at
13 any point in that interview?

14 A No.

15

16 Q Okay. Can you help me with that, why you wouldn't have mentioned anything
17 about you guys driving around shooting out of the vehicle?

18 A Because I had a gun ban.

19

20 Q Right. You've been convicted of -- of a weapons offence yourself?

21 A Yes.

22

23 Q And you have a five-year prohibition on using a gun?

24 A Yes.

25

26 Q Okay. But if the police officers are trying to investigate, why wouldn't you
27 have at least told them that Cassidy had a gun?

28 A Because I thought Cassidy would have admitted it was his gun. It was in the
29 vehicle when I got picked up.

30

31 Q So you thought you just would leave that out, and that somebody else would
32 explain that to the police?

33 A Well, I told Cassidy when we ran. I was, like, man, that gun's -- your gun's in
34 the vehicle. He's, like, I know. He's, like, oh. He's, like, I'll admit to it
35 anyways, he's, like, because it wasn't mine.

36

37 Q Okay. But you -- you would appreciate in a situation like this that that's a
38 pretty serious piece of information that the police need, that you guys were
39 armed?

40 A I wouldn't say armed. We didn't go and whip the gun out at -- that gun wasn't
41 whipped out at any time at that farm.

1

2 Q Okay. How -- how do you know that?

3 A Because it was in the back seat.

4

5 Q Okay. But you were running down the road or ducking through the trees or
6 whatever, so how do you know anything about that, what happened after you
7 ran away?

8 A Well, from my part when I was there, it didn't come out at any time.

9

10 Q Right. But it had come out at the previous farm that you guys were --

11 A Yeah.

12

13 Q -- checking vehicles; is that what you said?

14 A Cassidy, yes.

15

16 Q Okay. What does "checking vehicles" mean?

17 A I don't know. Like, just checking them, I guess. I don't know.

18

19 Q Is this just a service that you're providing or is this --

20 A If that's what you want to say.

21

22 Q No, what I want you to say is that you're looking at stealing things. Is that what
23 was going on there?

24 A No. We didn't steal nothing. We didn't have nothing stolen in that vehicle.
25 There was -- there was nothing that was stolen in that vehicle. And it wasn't a
26 stolen vehicle.

27

28 Q P-2 --

29

30 THE COURT: Maybe what we'll do is -- are we at a
31 convenient time to take a break?

32

33 MR. SPENCER: Yeah. That's good, My Lord, if -- yeah.

34

35 THE COURT: So what we're going to do --

36

37 A What he say? D-2, where's that?

38

39 THE COURT CLERK: I'll just take this (INDISCERNIBLE).

40

41 THE COURT: -- what we're going to do is take a 20-

1 minute break.

2

3 And, witness, I am going to -- we are going to take a 20-minute break, and you are
4 going to be able to get out of the witness box. But I've got to instruct you that
5 you're not able to talk to anybody about the case during the break because you're
6 right in the middle of your questioning, so you won't be able to talk to anyone
7 about the case. Okay.

8

9 A Yes.

10

11 THE COURT: Okay.

12

13 (JURY RETIRES)

14

15 (WITNESS STANDS DOWN)

16

17 (ADJOURNMENT)

18

19 THE COURT: Bring the jury back, please.

20

21 (JURY ENTERS)

22

23 THE COURT: Go ahead when you are ready.

24

25 MR. SPENCER: Thank you, My Lord.

26

27 (WITNESS RE-TAKES THE STAND)

28

29 Q MR. SPENCER: So just quickly, you -- you had a cell
30 phone that day?

31 A Yeah.

32

33 Q Okay. Who else had a cell phone?

34 A Who else had a cell phone? I don't know. Kiora. Belinda, I think.

35

36 Q Did anyone else?

37 A I think Belinda had a cell phone, too.

38

39 Q Okay.

40 A I don't know if she had it on her that night, though, but -- that day.

41

1 Q Okay. Did you use Kiora's cell phone at any point that day?

2 A Did I use it at any point?

3

4 Q Yeah.

5 A I don't even know, to be honest. I didn't have my cell phone working, so I
6 could have when I -- but, if anything, I probably would have used Belinda's,
7 so --

8

9 Q Okay.

10 A -- I don't know.

11

12 Q Do you know who Keon is?

13 A Yeah.

14

15 Q Okay. Would you have texted Keon that day?

16 A Like I said, I can't really remember.

17

18 Q Okay. Did you do any break and enters the night before?

19 A What?

20

21 Q Did you do a break and enter the night before?

22 A No. I was at my grandma's.

23

24 Q Okay. Robbed a liquor store?

25 A No. I was at my grandma's.

26

27 Q Okay. Is it possible you may have texted something to that effect to Keon?

28 A No. I didn't text Keon saying I broke in because I didn't break into no liquor
29 store.

30

31 Q Okay. And that's what I'm trying to get at is --

32 A No. I did not break into a liquor store. I was -- you want to bring my grandma
33 on the stand and ask her where I was that day before, go ahead.

34

35 Q Okay. That's okay. Who -- who else have you given statements to? So the --
36 the -- you were essentially you're arrested or detained, and the police
37 questioned you. And did they give you a fair opportunity to provide your side
38 of the story?

39 A Yeah.

40

41 Q Okay. But you didn't tell them anything about the gun?

- 1 A Yeah.
- 2
- 3 Q And you didn't tell them anything about checking vehicles?
- 4 A Yeah.
- 5
- 6 Q Okay. Who else did you talk to about what happened that day? Who else have
- 7 you talked to?
- 8 A FSIN.
- 9
- 10 Q Okay. Explain that to me.
- 11 A What do you want me to explain?
- 12
- 13 Q Why would you be talking to the -- what did you say? FSIN?
- 14 A Yeah.
- 15
- 16 Q Okay. Why would you be talking to the FSIN about what happened that day?
- 17 A They came and seen me.
- 18
- 19 Q Okay. What did -- what did they indicate to you as far as why they were
- 20 coming and talking to you?
- 21 A Just to make sure everything was handled -- proceeded right or whatever --
- 22 however you want to --
- 23
- 24 Q Okay.
- 25 A -- however you want to say it -- word it.
- 26
- 27 Q Okay. Did you -- did you think it was a little odd that somebody other than the
- 28 RCMP would be interviewing witnesses for a situation like this?
- 29 A No.
- 30
- 31 Q Okay. You didn't think that was odd?
- 32 A No.
- 33
- 34 Q Did -- did you think you should be talking to other people about what
- 35 happened that day?
- 36 A Well, I talked to him about it.
- 37
- 38 Q Okay. Did you mention the gun to that -- the investigator from the FSIN?
- 39 A I didn't really go through my transcript on that one.
- 40
- 41 Q Oh, okay. Okay. Who else did you talk to about what happened that day?

- 1 A That was about it.
2
3 Q Hm?
4 A That's the only three statements.
5
6 Q Okay. Did you speak to the media?
7 A Yeah.
8
9 Q Okay. Did you speak to the family?
10 A Yeah.
11
12 Q Okay. What did you tell the family?
13 A What happened.
14
15 Q Okay. So you told them you guys --
16 A Well, not like -- like, I just told them that I didn't know that -- because Cassidy
17 didn't go see them, and no one else did. And --
18
19 Q Okay. You -- you didn't know anything about how Colten got shot?
20 A No.
21
22 Q Okay. You knew what led up to it?
23 A What do you mean by that?
24
25 Q Well, the checking the vehicles and the crashing into the SUV and the -- right?
26 A I guess.
27
28 Q Okay. Did -- did you tell the family that you guys were out checking vehicles?
29 A Did I tell them that?
30
31 Q Yeah.
32 A No. I just told them that Colten got shot, and that -- that he -- that he got shot,
33 and asked -- because no one else asked if Cassidy came and talked to them or
34 anybody did, so --
35
36 Q Okay. So you didn't actually know anything about Colten getting shot, but you
37 told them that?
38 A Pardon?
39
40 Q You didn't know anything about how Colten got shot because you were down
41 the road, right?

- 1 A I found out when I was in the police station.
2
- 3 Q Right. So you actually didn't know anything other than what people told you?
4 A Yes.
5
- 6 Q Okay. So didn't you think the family deserved to know the truth about what
7 was going on that day?
8 A What do you mean by that?
9
- 10 Q Well, don't you think they deserved to know that you guys were out checking
11 vehicles, that you had a -- a gun in there, you were shooting a gun out of the
12 vehicle, you were -- drank a -- what did you call it? A 60-pounder?
13 A A 60 or 40, one of the two.
14
- 15 Q Oh. Well --
16 A Well, it was a big bottle, so -- because --
17
- 18 Q Yeah. Don't worry about it. We know what it is. But didn't you think you --
19 that the family deserved that, the truth?
20 A Well, it's not like we went there with a stolen vehicle, not like we went there
21 and whipped out a gun or nothing.
22
- 23 Q Oh, but the Fouhy's farm, you whipped out a gun. That's exactly what you did.
24 A But we're not here for that farm. We're here for Stanley's farm, though. And --
25
- 26 Q Okay. So why would you go talking to the media -- you knew Mr. Stanley had
27 been charged, right?
28 A Yes. So the whole world knew it.
29
- 30 Q Right. So -- so that's -- if he hadn't been charged, I could see maybe you were
31 thinking something should be done, but that was being dealt with, correct? And
32 you knew that?
33 A What was being dealt with?
34
- 35 Q Well, you knew he'd been charged?
36 A Yeah.
37
- 38 Q And he'd have to answer to it here, answer to what happened here?
39 A Yeah.
40
- 41 Q Okay. So why would you go to the media?

- 1 A The family asked me to.
2
- 3 Q The family asked you to?
4 A Yeah.
5
- 6 Q Okay. Do you think that had anything to do with you leaving out the parts
7 about checking the vehicles?
8 A Well, we were -- are we here for that or are we here for -- aren't we here today
9 for Mr. Stanley?
10
- 11 Q Well, what I'm getting at is when you went and spoke to the media, you told
12 the media that you and your friends were unarmed.
13 A We went there to -- I was talking to them about what happened at that farm. I
14 wasn't talking to them about that whole day.
15
- 16 Q Okay. And you said point-blank you weren't -- you didn't go there to steal,
17 right?
18 A Yeah. We -- we didn't have a stolen vehicle.
19
- 20 Q So is that your answer, that you went and you're checking all these vehicles?
21 A We didn't check a vehicle at Stanley's farm. We did not check a vehicle there.
22
- 23 Q Okay. So firing up the quad, what was that?
24 A I'm -- we didn't fire up no quad. That quad didn't even move a foot.
25
- 26 Q Okay. Do you think it moved an inch?
27 A No, nothing.
28
- 29 Q Okay. How do you know it didn't move an inch? How would you know?
30 A Because we were the ones that got out.
31
- 32 Q Maybe because you were the one that was on it?
33 A I can't -- I wouldn't say that.
34
- 35 Q You wouldn't say that?
36 A Yeah.
37
- 38 Q Well, would you say that that wasn't true or would you just say "don't want to
39 say that"?
40 A I -- we didn't move that quad or we didn't -- we didn't try and load up that
41 quad or nothing like that.

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Q Well, did you fire it up and try to drive it away?

A That quad did not move. So -- and if we fired it up, it would be halfway down the road. And then --

Q Unless you wrecked it?

A How could we wreck it without even moving it?

Q Okay. Did you try to move it and it wouldn't move?

A No, we did not move it. It was --

Q Okay. Why are you saying "we" now? I thought you had nothing to do with it.

A Well, I'm speaking for me and Cassidy. Well, I was -- you would see skid marks at that quad if -- if it was moved because it probably would have been parked, wouldn't it? And if you tried to move something that's in park, the brakes are locked.

Q A quad would be in park?

A Yes. In gear, same thing, park.

Q Being in gear or in park are the same thing?

A Well, for a quad, that's park, in gear.

Q Okay. So you're not really sure how shifting and stuff on a quad works, are you?

A I do.

Q Okay. So will you agree with me that the quad was started by somebody?

A The quad was -- if the quad was started --

Q No, no, no. Don't want to know "if."

A If the -- if the quad was started, it would have been halfway down the road.

Q Unless, when you tried to move it, you wrecked it, and actually jammed up the gears so it wouldn't move?

A No.

Q Is it possible that you tried to move it, and you broke the shifting fork so when you tried to whip off down the road, it would not go?

A It did not move a foot. I'm trying to tell you.

1 Q Okay. Were you on it?

2 A Was I on the quad? No.

3

4 Q Was the quad running at some point? Not -- forget about moving -- whether it
5 moved or not.

6 A No, it was not running. If it was running, it would have been gone. Like, if the
7 quad -- if the quad would have moved -- like, it wasn't -- it did not move at one
8 point. And if it was started, then don't you think it would have been moved?
9

10 Q I'm asking you what you did, what you saw. You have said you were standing
11 right there. Others have said you were on it. So I want to know what you saw,
12 what you did.

13 A We did not move the quad.

14

15 Q Okay. So the media -- there was a specific question whether you went to the
16 Stanley farm to steal, and you said "no." Would you agree with me now that
17 whatever was going on with the quad was not motivated by help for a tire, it
18 was motivated by theft?

19 A But we did not take the quad.

20

21 Q Okay. So you tried to take it, but it wouldn't go?

22 A What do you mean? Like -- I just said we didn't take the quad. Like, the quad
23 didn't move a foot.

24

25 Q I think you're mixing up attempting to steal stuff and not actually getting away
26 with it. So what I'm getting at is you went to the Fouhy farm, and you were
27 checking vehicles with the intention of stealing things. You'd agree with me?

28 A At the Fouhy farm? Where's that?

29

30 Q Okay. Do you have P-2?

31

32 THE COURT CLERK: Do you want me to put this other map
33 up?

34

35 MR. SPENCER: No, that's okay. No, that's good. Leave it
36 that way. P-2.

37

38 THE COURT CLERK: P-2 is under it.

39

40 MR. SPENCER: Oh, sorry. D -- D-2.

41

1 THE COURT CLERK: D-2.
2
3 MR. SPENCER: Sorry.
4
5 THE COURT CLERK: Okay.
6
7 MR. SPENCER: Yes. I apologize.
8
9 Q MR. SPENCER: So D-2, you mentioned in your direct
10 evidence about a white GMC truck. Does that look like the truck you were
11 describing?
12 A Describing or driving, did you say?
13
14 Q Describing.
15 A The -- on that B-1 or D-1?
16
17 Q D-1, the first photograph. You described a white Chevy truck that Cassidy
18 checked? Does that look like the truck Cassidy checked that day?
19 A I don't even know.
20
21 Q You don't know?
22 A Because I only seen it from the back.
23
24 Q Okay. Does a -- it doesn't look familiar?
25 A I said I can't answer that because I don't really know one hundred percent. I
26 seen it from the back, but -- I pulled in, but I don't really remember. I just
27 know it was white.
28
29 Q Okay. Well, that's a white GMC truck, but you can't say whether that's the
30 same one?
31 A Yeah.
32
33 Q Okay. The next couple of pages, if you just look at picture 2 and 3? 2, 3, and 4
34 there, it looks like that truck's been checked. Console is open, top ripped off?
35 Would you agree with me that it looks like it's been checked?
36 A Do I agree with you?
37
38 Q Yeah.
39 A Well, if you want to say that, I guess you could say that.
40
41 Q Okay. And I think you indicated that the lights came on, the white truck, when

- 1 Cassidy was in it?
- 2 A Yeah.
- 3
- 4 Q Did you think he was trying to take it, steal it?
- 5 A Well, I don't -- I think the lights only come on when the keys are in there, isn't
- 6 it? That doesn't look like a new vehicle when you open the door that it has
- 7 lights that all come on.
- 8
- 9 Q Right. But that wasn't my question. My question -- I agree with you is that --
- 10 A Well, on my -- I'm saying --
- 11
- 12 Q -- what you saw likely was consistent with the keys being in the ignition?
- 13 A The only way those keys -- the light -- the lights could come on is if the keys
- 14 were turned.
- 15
- 16 Q Okay. But you were there. What did you think he was doing with the keys in
- 17 the ignition?
- 18 A Well, if --
- 19
- 20 Q After he checked it?
- 21 A -- if the keys were in the ignition, don't you think it would have got stolen?
- 22
- 23 Q Unless it was a standard, and he didn't know how to get it going.
- 24 A I don't even know if he could drive standard.
- 25
- 26 Q I don't think he could. That may be why it's still there. But let's go on. I'll
- 27 draw your attention to picture 8 in that, photograph number 8. Does that
- 28 vehicle look familiar?
- 29 A In 8? In vehicle 8?
- 30
- 31 Q Picture number 8. There's a vehicle in a little tent garage?
- 32 A No, that doesn't look familiar.
- 33
- 34 Q That doesn't look familiar?
- 35 A No.
- 36
- 37 Q So that doesn't look like a vehicle you checked, that somebody in your group
- 38 checked that day?
- 39 A No.
- 40
- 41 Q Okay. If you flip to the next page, picture number 9? Do you see how the

1 tracks from what looks like a wheel are made right beside that little tent with
2 the Lexus in it? Does that refresh your memory that maybe you guys were --
3 were there that day and checked that Lexus?

4 A No, we didn't check that vehicle. We --

5

6 Q Nobody in your -- in your Escape checked that vehicle that day?

7 A No.

8

9 Q Okay.

10 A Yeah, just that -- that red one and left.

11

12 Q The red one and what?

13 A That red vehicle and left.

14

15 Q Okay. So somebody checked a white Chevy, right?

16 A Yeah.

17

18 Q Okay. And you don't recall anybody checking a Lexus?

19 A No.

20

21 Q Okay. Page 10, if you look at picture number 10, does it look to you like that
22 vehicle has been checked?

23 A Those guys could have just done that. We didn't -- they -- we didn't stop
24 outside that Lexus.

25

26 Q Okay. So you -- you think -- you think the homeowners checked their own
27 vehicle that way?

28 A It was just that one red vehicle that was in some kind of little garage thingy. Do
29 you have a clear picture of that -- where that Ford -- that Dodge or whatever it
30 was?

31

32 Q Okay. If I can --

33

34 MR. SPENCER: Madam Clerk, have you got it back?

35

36 THE COURT CLERK: P-1?

37

38 MR. SPENCER: We've got the original back?

39

40 THE COURT CLERK: Yes.

41

1 MR. SPENCER: Good. And that's D-1?
2
3 THE COURT CLERK: Yes.
4
5 MR. SPENCER: Okay. So if you could show the witness
6 that?
7
8 Q MR. SPENCER: If you could flip to -- to picture number
9 12 in that book, D-1?
10
11 THE COURT CLERK: Tab 12.
12
13 Q MR. SPENCER: Okay. Does that look like the red truck
14 you were talking about?
15 A Yeah.
16
17 Q Okay.
18 A Yeah.
19
20 Q So tell me about that. That -- you remember that one for sure?
21 A Yeah.
22
23 Q Okay. Tell me what you remember about that.
24 A The stock's on the ground.
25
26 Q Okay. What's that mean?
27 A We checked it.
28
29 Q Okay. Well, what does "checking" entail?
30 A Pardon?
31
32 Q What does "checking" entail?
33 A I said we -- that vehicle was -- the window was locked, and then he asked for
34 something heavy, and I give it to him.
35
36 Q Okay. So he tried to break into it?
37 A Yeah.
38
39 Q Okay. So you gave him a loaded rifle?
40 A It wasn't loaded.
41

1 Q It wasn't loaded?

2 A No.

3

4 Q Okay. Okay. How do you know it wasn't loaded?

5 A Because it -- I don't think people would be driving around with a loaded gun.

6

7 Q That would be crazy, to be driving around with a loaded gun?

8 A Yeah.

9

10 Q Yeah. To use a loaded gun to try to smash into a truck, that would be pretty
11 reckless?

12 A Yes.

13

14 Q Okay. Any explanation why the barrel of the gun in the Stanley farm was
15 loaded with both a bullet in the chamber and five in the magazine? Do you
16 know when it got loaded if it wasn't loaded at the Fouhy farm?

17 A No.

18

19 Q No? Don't recall that?

20 A No.

21

22 Q No. So in any event, the -- the rifle -- and I'll -- two pictures. Picture of the
23 stock. Okay. Okay. If in the -- P-1, the bigger binder, if I could get you to --
24 which is the rifle? Look at picture 24.

25 A All right.

26

27 Q Okay. Would you agree with me that the barrel laying in the gravel there is the
28 barrel that goes with the stock in the --

29 A How come you --

30

31 Q -- picture by the truck?

32 A -- how come you couldn't take a picture just of that barrel? How come you
33 have to have that body laying in front of that thing like that?

34

35 Q I'm asking you to look at 24. Do you see a body in picture 24?

36 A I don't even want to look at it. But, yeah, I seen that barrel.

37

38 Q Well, you were there. That -- that barrel goes with the stock that's in the other
39 picture?

40

41 THE COURT:

Why don't you refer him to picture 26

1 instead?

2

3 MR. SPENCER: Okay.

4

5 Q MR. SPENCER: How about we do it this way? In D-1, the
6 blue-covered book -- it's easier if we can do it that way. If you look at tab
7 number 1, there's a picture of the barrel. Does that barrel go with the stock in
8 picture number 12 that was beside the red truck?

9 A Yes.

10

11 Q Okay. And all that was the gun that you guys were shooting during the course
12 of the day? We need a verbal response, sir.

13

14 THE COURT: Do you need a break, Mr. Meechance?

15

16 A (NO AUDIBLE RESPONSE)

17

18 THE COURT: Maybe we should give him --

19

20 MR. SPENCER: Fair enough.

21

22 THE COURT: -- a little bit of time. So what we'll do is
23 we'll -- we'll just rise for a few minutes, then we'll come back. So the jury can
24 leave now.

25

26 (JURY RETIRES)

27

28 THE COURT: Is there somebody here from Victim
29 Services?

30

31 MR. BROWNE: Yes, My Lord.

32

33 THE COURT: Okay. I wonder if you might come up
34 and give him some comfort. We are adjourned until we are ready to go again.

35

36 THE COURT CLERK: Okay.

37

38 (ADJOURNMENT)

39

40 THE COURT: Just before we bring the jury back in,
41 Mr. Meechance, I know that this is really difficult for you, and I'd like you to just

1 do your best to bear with us for a few more minutes, and you should be done
2 shortly, okay? Can you give it a try?

3

4 A Yeah.

5

6 THE COURT: Okay. Thank you very much. You can
7 bring the jury in.

8

9 MR. SPENCER: Maybe perhaps before the jury joins us --

10

11 THE COURT: Yes.

12

13 MR. SPENCER: -- I'll advise the Court that my friend and
14 -- my learned friend and I have had some discussions, and I think we can let this
15 witness go. There's a couple evidentiary matters that we can work out in other
16 ways, and so with some accommodation, I think we can let this young fellow go.

17

18 THE COURT: Okay. Well, you can probably say that in
19 front of the jury, then.

20

21 MR. SPENCER: Okay. I just wanted to make sure the
22 Court was aware.

23

24 THE COURT: Thank you.

25

26 (JURY ENTERS)

27

28 THE COURT: Okay. Now, Mr. Spencer, you can
29 continue questioning.

30

31 MR. SPENCER: Thank you, My Lord. I'd like to advise
32 that I've spoken with my learned friend, and we're -- I will close my examination
33 of this witness. So I -- I have no more --

34

35 THE COURT: So you don't have any further questions
36 of him?

37

38 MR. SPENCER: I have no further questions for this
39 witness.

40

41 THE COURT: Okay. And, Mr. Burge, did you have any

1 re-examination?

2

3 MR. BURGE: No, thank you.

4

5 THE COURT: Okay. Mr. Meechance, thank you very
6 much for your testimony. You are free to go, sir.

7

8 (WITNESS STANDS DOWN)

9

10 **Discussion**

11

12 MR. BURGE: My Lord, my friend and I had -- have
13 had some discussions. We have one more witness here that we could start with
14 today that there might be some benefit to calling this an early day.

15

16 THE COURT: Okay. Because we have 35 more minutes
17 that we could use --

18

19 MR. BURGE: Yeah.

20

21 THE COURT: -- but --

22

23 MR. BURGE: I appreciate that, but it's --

24

25 THE COURT: -- I will take the lead from the lawyers if
26 you think that now is the time to stop for today. And you are both agreed on that?

27

28 MR. SPENCER: Yes, My Lord. I -- I think ultimately it
29 will be shorter. If we quit today, we'll -- we'll get the evidence up to a certain
30 point done sooner, so --

31

32 THE COURT: Okay.

33

34 MR. SPENCER: -- that's my belief. And from a timeline
35 perspective, you know, I think we're -- we're doing very well.

36

37 THE COURT: Okay.

38

39 MR. SPENCER: So I have no concern that way. If
40 anything, we're going to pick up some speed, which might create some problems,
41 but we'll address them at the time.

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THE COURT: Okay. Well, ladies and gentlemen of the jury, at the beginning, I said some days we might go a little longer, some days a little shorter. So this is one of those days where we'll go a little shorter. So what I'm going to do is you can retire, and we will start back tomorrow at 10 o'clock AM. And I will just have a few words with the lawyers once the jury retires. So good evening. Have a good evening, and we'll see you tomorrow at 10.

(JURY RETIRES)

THE COURT: Okay. Is there anything that we need to discuss in the absence of the jury? Are we --

MR. BURGE: I don't think right now, My Lord.

THE COURT: So everything is on line, no burning issues out there?

MR. SPENCER: No. No, I think actually we're -- we're getting the evidence presented reasonably quickly, and I think we're on track, My Lord.

THE COURT: Okay. Well, with that, we will adjourn until tomorrow at 10 o'clock AM.

PROCEEDINGS ADJOURNED UNTIL 10:00 AM, FEBRUARY 1, 2018

1	February 1, 2018	Morning Session
2		
3	The Honourable Chief Justice	The Court of Queen's Bench
4	M. Popescul	for Saskatchewan
5		
6	W. Burge, QC	For the Crown
7	C. Browne	For the Crown
8	S. Spencer	For the Accused
9	D. Gillanders	For the Accused
10	K. Christopherson	Court Clerk
11	<hr/>	
12		
13	Discussion	
14		
15	THE COURT:	Good morning.
16		
17	MR. BURGE:	Good morning, My Lord.
18		
19	MR. BROWNE:	Good morning, My Lord.
20		
21	MR. SPENCER:	Good morning, My Lord.
22		
23	MR. GILLANDERS:	Good morning, My Lord.
24		
25	THE COURT:	Is there anything we need do before we
26	bring the jury back in? One thing I would like to do, and that is just remind	
27	everyone about Section 648 of the <i>Criminal Code</i> . And that is that there is a	
28	publication ban on the evidence and information regarding the portion of the trial	
29	which takes place in the absence of the jury. And so no information that takes	
30	place in the absence of the jury can be published in any way. So what that would	
31	mean is that, for example, what's happening right here, the jury is not here. And --	
32		
33	THE COURT CLERK:	You can sit at this point.
34		
35	THE COURT:	Yes, and you can sit at this point.
36		
37	And, sir, I notice you have an eagle feather there.	
38		
39	UNIDENTIFIED SPEAKER:	Yes.
40		
41	THE COURT:	Are you -- would you be kind enough to

1 explain to me the -- the purpose and what that would be? Because I -- I just
2 wonder if I should be mentioning to the jury what it is that you are doing.
3
4 UNIDENTIFIED SPEAKER: This eagle feather here represents the
5 truth and justice.
6
7 THE COURT: Okay.
8
9 UNIDENTIFIED SPEAKER: And when you walked in here, I
10 honoured you by lifting this eagle feather.
11
12 THE COURT: Okay. So it's --
13
14 UNIDENTIFIED SPEAKER: And that's the same way. And as they
15 walk in, I honour the jury also --
16
17 THE COURT: Okay. Do you --
18
19 UNIDENTIFIED SPEAKER: -- for justice and truth.
20
21 THE COURT: Do you mind if I tell them that?
22
23 UNIDENTIFIED SPEAKER: Sure, you can.
24
25 THE COURT: Okay. That way, everyone knows what it
26 is. I -- I presumed it was something along those lines, and I think it would be
27 appropriate to tell them that so that they're aware of -- of what it is that you're
28 doing. Does that work for you, sir?
29
30 UNIDENTIFIED SPEAKER: Sure.
31
32 THE COURT: Okay. Any comment, counsel?
33
34 MR. BURGE: No, My Lord.
35
36 THE COURT: Okay. You can bring the jury back in.
37
38 THE COURT CLERK: Thank you.
39
40 (JURY ENTERS)
41

1 THE COURT: Good morning.

2

3 THE JURY: Good morning.

4

5 THE COURT: I hope everyone is well. Typical
6 Saskatchewan February 1st day. I'm glad to see that everyone has strong batteries
7 in their car and is able to make it.

8

9 I am just going to mention one thing. There is a gentleman in the -- if you'd just
10 stand up, sir? When I walked in, he has an eagle feather, and he -- he kind of
11 nodded it at me. And then I noticed that he's done that with you. And I asked him
12 what it was about, and what he told me is that he's honouring me and the jury by
13 doing that. So I thought I would just find out what that was about, and he was kind
14 enough to explain it to me. So in case you were curious, you know what the
15 answer is, too. Thank you very much, sir.

16

17 You may call your next witness.

18

19 MR. BURGE: Thank you, My Lord. Before we call the
20 next witness, I -- as I had advised the Court in my opening statement, we have an
21 agreed statement of facts, and we have a number of reports of experts that will be
22 filed by consent. And I -- and I alluded to the contents of those in my opening, and
23 at this time, I would like to have them marked as exhibits.

24

25 THE COURT: Okay. As far as the agreed statement of
26 fact, I think it might be helpful if you were to actually read it in.

27

28 MR. BURGE: Okay.

29

30 THE COURT: The reason being is that that agreed
31 statement of fact is probably going to fill in some holes and make the whole
32 picture a little bit more understandable. Would that be fair?

33

34 MR. BURGE: Yes.

35

36 THE COURT: So, first of all, let's file that as the next
37 exhibit, which would be what, Madam Clerk?

38

39 THE COURT CLERK: P-11.

40

41 THE COURT: Exhibit P-11 would be the agreed

1 statement of facts.

2

3 **EXHIBIT P-11 - Agreed Statement of Facts**

4

5 THE COURT: And you may have recalled in my initial
6 remarks, I said that the only evidence that you could take would be from the jury
7 box or if somebody files an agreed statement of facts, in which case this -- these
8 are facts agreed to by the Crown and the defence which you can take as a fact.

9

10 So, Mr. Burge, if you would like to read out what the agreed statement of facts
11 says.

12

13 MR. BURGE: Yes, thank you, My Lord. It says --
14 ladies and gentlemen, it says: (as read)

15

16 Pursuant to Section 655 of the *Criminal Code*, the Crown
17 alleges and the accused admits the following facts for the
18 purpose of dispensing with proof thereof at trial:

19

20 Number 1. The expert reports of Pam Lilly dated
21 November 24, 2016, and March 13, 2017; Claude Dalpe
22 dated February 13, 2017; Gillian Sayer dated December 6,
23 2016; and the autopsy report of Dr. Shaun Ladham dated
24 January 16, 2017, may all be tendered in evidence as
25 proof of their contents.

26

27 And I have those here, My Lord, but I'll file them once I finish --

28

29 THE COURT: Okay.

30

31 MR. BURGE: -- reading this.

32

33 Number 2 --

34

35 There are six points that I'll be reading from, ladies and gentlemen.

36

37 Exhibit PE029 consists of four gunshot residue stubs --

38

39 It's usually called GSR.

40

41 -- used to sample the hands and face of Gerald Stanley on

1 August 10, 2017, at 2:09 AM.

2
3 Number 3. The following exhibits were seized during the
4 autopsy of Colten Boushie on August 11 -- the following
5 exhibits were seized from the autopsy of Colten Boushie
6 on August 11, 2016. Exhibit PE008: A hat. Exhibit
7 PE013: jacket. Exhibit PE015: vitreous humor. Exhibit
8 PE16-1: cardiac blood. Exhibit PE020-1: femoral blood.
9 Exhibit PE020-2: femoral blood. Exhibit PE019: urine.
10 Exhibit PE023: known blood sample.

11
12 Number 4. Photos of Gerald Stanley taken by Corporal
13 Mark Ryttersgaard on August 10, 2016, may be tendered
14 in evidence.

15
16 5. The identity and continuity of the body of Colten
17 Boushie are admitted.

18
19 6. Expended cartridges PE035, PE036, and PE043 were
20 fired in the Tokarev semi-automatic pistol, PE087.

21
22 And that is the agreed statement of fact that we have tendered.

23
24 THE COURT: Okay. Thank you.

25
26 MR. BURGE: So further to that agreed statement of
27 facts, My Lord, we have a number of exhibits that were named there. So the next
28 exhibit, which would be P-12 --

29
30 THE COURT: Yes.

31
32 MR. BURGE: -- is a Forensic Identification Report
33 authored by Pam Lilly of Biology Services dated November 24, 2016.

34
35 THE COURT CLERK: Do you have copies for the Court or for
36 the Judge?

37
38 THE COURT: I can just look at the -- at the main
39 exhibit.

40
41 THE COURT CLERK: Do you want (INDISCERNIBLE) --

- 1
2 THE COURT: No. Thank you. Did you want to
3 summarize what this is?
4
- 5 MR. BURGE: Well, I -- I can, My Lord. And --
6
- 7 THE COURT: Like, I will leave it up to you. Filing a
8 bunch of papers -- sometimes people need a little bit of interpretation, like vitreous
9 humor. I know what that is from previous cases, but it might be that that needs
10 some explanation. And it may be that you want to just file them now, and you can
11 provide a summary at some later date?
12
- 13 MR. BURGE: Pardon me?
14
- 15 THE COURT: It may be that you want to just file these
16 documents, and then you can refer to them at some later date and -- and go through
17 them.
18
- 19 MR. BURGE: I can do -- I can do it right now, My
20 Lord.
21
- 22 THE COURT: Okay.
23
- 24 MR. BURGE: I'm ready to do it. Ladies and gentlemen,
25 the exhibit that we just filed with -- with the Court as Exhibit P-12 is a report of a
26 forensic biologist who examined a number of exhibits. And she analyzed -- these
27 exhibits were examined, and there was biological -- biological material identified
28 and -- and it was submitted for a DNA analysis. And these DNA analyses
29 determined that on the rifle barrel that we -- was discussed yesterday, on the barrel
30 and trigger, that the blood of Colten Boushie was found. The handgun, being the
31 Tokarev handgun that we've discussed, being the semi-automatic pistol, was
32 examined, and the DNA of Colten Boushie was found on parts of that handgun, as
33 well. I think those are the significant findings from that report.
34
- 35 **EXHIBIT P-12 - Forensic Identification Report from Pam Lilly, Biology**
36 **Services, dated November 24, 2016**
37
- 38 THE COURT: Okay. So before when people were
39 referring to it as a red substance, this now closes the loop --
40
- 41 MR. BURGE: Yes.

1
2 THE COURT: -- and we know that the red substance
3 was the blood of Mr. Boushie?
4
5 MR. GILLANDERS: Yes.
6
7 THE COURT: Okay.
8
9 MR. SPENCER: Well, I'm -- I'm not sure that that's what
10 it states, does it? It's DNA.
11
12 THE COURT: Well --
13
14 MR. BURGE: I think it was determined to be blood,
15 which was determined to be DNA.
16
17 MR. SPENCER: All right. Well, some of it, I think it was
18 just determined to be DNA, but that's --
19
20 THE COURT: Well, if there's --
21
22 MR. BURGE: Well, I'm -- I can tell you, My Lord. On
23 the Tokarev handgun, it wasn't blood. It was DNA.
24
25 THE COURT: Okay. And on the -- the barrel of the
26 gun?
27
28 MR. BURGE: That was -- that was found to be blood,
29 from which the DNA was determined. From the Tokarev handgun, it would have
30 been other bodily substances, not blood, from which the DNA was -- was
31 discovered.
32
33 THE COURT: Okay.
34
35 MR. BURGE: The second exhibit which I am about to
36 tender is a Forensic Identification Report from Pam Lilly of Biology Services. And
37 again, she is the -- the person who -- who looks at the results and interprets the
38 probability of -- of this sample as being -- belonging to Mr. Boushie or someone
39 else. This exhibit, which is dated March 13, 2017, it compares swabs of stains
40 from the driver's door and the driver's seat of the vehicle where you saw
41 Mr. Boushie's body and determined that the driver's seat had a DNA profile that

1 matched that of Mr. Boushie, and as I had mentioned in my opening, to one in 14
2 quintillion. So that's -- that is the next exhibit that I would like to tender.

3

4 THE COURT: That will be Exhibit P-13.

5

6 **EXHIBIT P-13 - Forensic Identification Report from Pam Lilly, Biology**
7 **Services, dated March 13, 2017**

8

9 MR. BURGE: The next exhibit is a report from the --
10 the forensic lab of the RCMP authored by Dr. Claude Dalpe, and he is from the
11 Trace Evidence Section. And that is dated February 13, 2017. In the agreed
12 statement of fact, My Lord, the -- there was reference to gunshot residue tests that
13 were performed on -- on Gerald Stanley on the 10th of August, 2016. Dr. Dalpe
14 analyzed those tests and concluded that there was particles of gunshot residue
15 found on each of the four samples that were taken from the hands and face of
16 Mr. Stanley, which indicated that Mr. Stanley was either -- fired a firearm, was
17 present when a firearm was fired, or touched a firearm that had been fired. So that
18 would be -- and this would be the -- the next exhibit I would tender, My Lord.

19

20 THE COURT: Thank you. And that will be Exhibit
21 P-14.

22

23 **EXHIBIT P-14 - RCMP Forensic Lab Report from Dr. Claude Dalpe, Trace**
24 **Evidence Section, dated February 13, 2017**

25

26 MR. BURGE: The next exhibit, it's another forensic
27 laboratory report from the -- from the RCMP forensic lab, authored by Gillian
28 Sayer. That's Gillian with a G, G-I-L-L-I-A-N. She's in the Toxicology Section,
29 and she analyzes bodily substances to see what -- what kinds of substances a
30 person may have consumed. In this particular case, there were findings that related
31 to the alcohol, the blood alcohol -- or how much alcohol was in Mr. Colten
32 Boushie's system. They examined one sample from the vitreous humor, which is --
33 which is one of the layers in the eye, which is -- which is extracted at the -- during
34 the autopsy report. They examined cardiac blood, femoral blood, and they also
35 examined urine of Mr. Boushie and found that the -- in the vitreous humor, and
36 you'll see in this report when you look at it that -- that the most reliable readings
37 tend to be the vitreous humor and the urine, but the vitreous humor had a blood
38 alcohol content of 302 milligrams percent. The -- there were two analyses of blood
39 from the -- of the femoral blood, and the analyses were very similar. They were
40 263 milligrams percent and 266 milligrams percent. The urine was examined for
41 the blood alcohol -- or for the alcohol content, and it was found to be 321

1 milligrams percent of alcohol in -- in the -- in his system. So those are -- this is the
2 next report that I'd like to tender.

3

4 THE COURT CLERK: I don't have the date of that report.

5

6 MR. BURGE: December 12, 2016.

7

8 THE COURT: Thank you. That will --

9

10 MR. BURGE: Or December 6, pardon me.

11

12 **EXHIBIT P-15 - RCMP Forensic Identification Report from Gillian Sayer,**
13 **Toxicology Section, dated December 6, 2016**

14

15 THE COURT: Thank you very much.

16

17 MR. BURGE: The next report that I am tendering, My
18 Lord, is the autopsy report relating to the autopsy performed on Colten Boushie
19 which was performed on the 11th of August, 2016, and the autopsy report is dated
20 the 16th of January, 2017. And this -- this would be the examination of -- of
21 Colten Boushie to determine his cause of death. And the findings of the
22 pathologist was that the cause of death was a gunshot wound to his head. There
23 was no evidence of any other significant trauma that played a role in his death.
24 And the -- the pathologist also determined the entry and exit point of the -- of the
25 bullet wound. And the entry point is described as being just behind the left ear of
26 Mr. Boushie, and the exit wound is -- would be on the right side of his neck. So --
27 and that will be the next report that I'm filing, My Lord.

28

29 THE COURT CLERK: 16.

30

31 THE COURT: Exhibit P-16.

32

33 **EXHIBIT P-16 - Autopsy Report of Dr. Ladham RE: Colten Boushie, August 11,**
34 **2016, Report dated January 16, 2017**

35

36 MR. BURGE: And finally, My Lord, there's -- as I
37 referred to in the agreed statement of fact, we have photographs that were taken of
38 Gerald Stanley by Corporal Mark Ryttersgaard on the 10th of August, 2016. These
39 would have been taken around the -- at the same time as the gunshot residue tests
40 were performed. And there are -- there are 17 photographs of Gerald Stanley.
41 There are -- there are 19 photographs of Gerald Stanley. There are two

1 photographs of the shirt he was wearing and two photographs of the pants he was
2 wearing, and there's also two photographs showing the gunshot residue kit that
3 was used to test his face and hands. So that would be the next -- the next exhibit,
4 My Lord.

5
6 **EXHIBIT P-17 - Photographs taken of Gerald Stanley by Corporal Mark**
7 **Ryttersgaard and Gunshot Residue Kit**

8
9 MR. BURGE: And with that, My Lord, unless you have
10 any questions or comments, we're prepared to call the next witness, who will be
11 Cassidy Cross.

12
13 THE COURT: Okay. And as far as these reports, it's the
14 -- your view that that's all you're going to say about them at this time? The jury
15 can take them back into the jury room and look at them more carefully?

16
17 MR. BURGE: Yes. Yes, My Lord.

18
19 THE COURT: Okay. So we've just kind of skimmed
20 over it and got a summary, but you'll be able to take these -- everything into the
21 jury room with you and take a look, a closer look, at what it actually says in there.
22 Okay.

23
24 MR. BURGE: And, of course, I'll be highlighting this
25 again during a later stage.

26
27 THE COURT: All right. Thank you.

28
29 MR. BURGE: And so --

30
31 THE COURT: Next witness.

32
33 MR. BURGE: Yes. Cassidy Cross.

34
35 MR. BROWNE: And, My Lord, I'll be examining this
36 witness.

37
38 THE COURT CLERK: Oh. Please stand. How do you take an
39 oath, sir? Do you swear on the Bible or do you wish to affirm?

40
41 MR. CROSS-WHITSTONE: I'll swear on the Bible.

1
2 THE COURT CLERK: Take the Bible in your right hand. State
3 your full name.
4
5 MR. CROSS-WHITSTONE: Cassidy -- Cassidy Percy Phillip Cross-
6 Whitstone.
7
8 THE COURT CLERK: Spell your first and last name for the
9 record.
10
11 MR. CROSS-WHITSTONE: C-A-S-S-I-D-Y C-R-O-S-S-hyphenated-
12 W-H-I-T-S-T-O-N-E.
13
14 **CASSIDY CROSS-WHITSTONE, Sworn, Examined by Mr. Browne**
15
16 THE SHERIFF: I'm sorry, My Lord. Before we get
17 started, the jury is having a hard time seeing the witness.
18
19 THE COURT: Okay. I wonder if we can take that --
20 does that help? Okay.
21
22 THE SHERIFF: Thank you.
23
24 THE COURT: Good. Thank you very much. And that's
25 the perfect thing to do. If you're ever having trouble seeing or hearing, don't sit
26 there in silence. Let the sheriff know and she'll let me know, and we'll try to
27 accommodate you as best we can.
28
29 Go ahead, Mr. Browne.
30
31 MR. BROWNE: Thank you, My Lord.
32
33 Q MR. BROWNE: Good morning, Mr. Cross.
34 A Good morning.
35
36 Q I'm going to ask you to listen carefully to my questions and answer them as
37 truthfully as you can for the jury and try and make sure that they can hear you.
38 You don't need to lean into the mike. We'll adjust the mike if need be. Just
39 answer as fully -- and try and keep your voice as level as you can, okay?
40 A Okay.
41

- 1 Q So, Mr. Cross, how old are you?
2 A Eighteen.
3
4 Q Okay. And when did you turn 18?
5 A February 6th.
6
7 Q Okay. So in August of 2016, how old were you?
8 A I was 17 years old.
9
10 Q Thank you. And do you remember that day?
11 A Bits and parts, yeah.
12
13 Q Okay. So I'm going to ask you first. Where were you living that day?
14 A I was living in Red Pheasant, Saskatchewan.
15
16 Q Okay. And how long did you live at Red Pheasant?
17 A Well, I've lived there my whole life, but I've just been back and forth from
18 Frog Lake.
19
20 Q Okay. So that would be Frog Lake, Alberta?
21 A Yeah.
22
23 Q Thank you. So you know some of the individuals we're going to be talking
24 about today. Do you know Eric Meechance?
25 A I do.
26
27 Q And how do you know Eric?
28 A I've seen him on the rez. He's always doing bad stuff.
29
30 Q And how long have you known Mr. Meechance?
31 A Since I was 11, 9, maybe. I'm not too sure.
32
33 Q And then I'm going to ask you about Belinda Jackson. Do you know her?
34 A I do not.
35
36 Q You do not? Okay. And Kiora Wuttunee. Do you know her?
37 A Yeah, that's my cousin.
38
39 Q Okay. And how long have you known Kiora?
40 A All my life.
41

1 Q Thank you. And -- and then finally, I'm going to ask you about Colten
2 Boushie. Did you know him?

3 A He knew me, but Kiora -- when Kiora started dating him, that's when she
4 introduced me to him and --

5

6 Q Okay. And about how --

7 A -- we became good friends.

8

9 Q How long --

10 A Maybe roughly four months before --

11

12 Q Okay.

13 A -- the accident.

14

15 Q So I'm going to take you back to August 9th of 2016. I'm going to get you to
16 tell me how your day started.

17 A M-hm. Well, I got up in the morning. I wanted to go to town, so I went to --
18 Kiora's vehicle was at the house. I had her keys -- well, I found them, and I
19 went to go look for her on the townsite, and I found her. I'm not sure whose
20 house that was. I know, like, who used to live there, but I don't know who lives
21 there recently. So I found her at that house with Colten. I picked them up, and
22 as we were leaving, Eric came by in an Avalanche, his old truck. He had an
23 Avalanche, and he stopped us, and he told us he seen that we were -- because
24 we were drinking at the time. We had alcohol in our system. And he wanted to
25 drink with us. So he wanted us to go to his house and go pick him up there, me,
26 Kiora, and Colten. But we dropped Colten off at home while me and Kiora
27 went to Eric's house. Then we were waiting for them for maybe an hour.

28

29 Q And you say you were waiting for them. Who's them?

30 A Belinda and Eric.

31

32 Q Okay. And you were waiting at whose house?

33 A Eric's house.

34

35 Q Okay. And you said this was on the townsite?

36 A No, he lives maybe five -- I'm not too sure. By the dump grounds in Red
37 Pheasant.

38

39 Q And when you say townsite, what do you mean? You mean the --

40 A I mean --

41

- 1 Q -- Red Pheasant townsite?
2 A Yeah, Red Pheasant townsite.
3
4 Q Okay. So you were waiting there for about an hour. What was going on at that
5 point?
6 A While I was waiting?
7
8 Q Yeah.
9 A I was just sitting in the seat, just -- nothing, just talking, talking about -- I'm
10 not even sure. We were just waiting for him, and he brought his -- brought his
11 speaker. And yeah.
12
13 Q Okay. And whose vehicle were you in?
14 A Kiora's.
15
16 Q Okay. And who was driving?
17 A I was.
18
19 Q Okay. So you said you were about -- there for about an hour. And then what
20 happened?
21 A They got in. We left. We went to go pick up Colten. After we picked up
22 Colten, Colten thought it was a good idea to go to his grandma's house and go
23 drink there for a bit. So we left. We went to his grandma's house. Him and
24 Kiora went inside for, like, maybe 20 minutes. I'm not sure what they were
25 doing when they were inside. Me, Eric, and Belinda were outside. He hooked
26 up his speaker, listening to music.
27
28 Q And you said "he." Who's "he" that hooked up the speaker?
29 A Oh, Eric.
30
31 Q Okay. So what did you hook it up to?
32 A We hooked it up. We plugged it into the wall, and it was a Bluetooth speaker.
33 It was, like, a big giant speaker.
34
35 Q Okay.
36 A Yeah.
37
38 Q So you're listening to music for a little while. Then what happened?
39 A Then Eric thought it was a good idea to go swimming. And we were debating
40 if we should go swimming at Maymont or that lake by Cut Knife. I'm not sure
41 what it's called.

1

2 Q Okay. So what did you guys decide?

3 A We decided to go to Maymont.

4

5 Q Okay. How far away was that?

6 A What? Excuse me?

7

8 Q How far away would it be to get to Maymont?

9 A It took us, like, an hour and a half.

10

11 Q Okay. Who was driving?

12 A I was driving.

13

14 Q Okay. And where was everybody else sitting in the car?

15 A Eric or Colten were in the front with me. I'm not too sure. And everyone else
16 was in the back, Kiora, Belinda, and -- yeah.

17

18 Q So you guys left to go to Maymont. Tell me about that, please.

19 A We left to go to Maymont. When we got to Maymont, we swam for a bit,
20 maybe for, like, 20 minutes, half an hour.

21

22 Q Who was swimming?

23 A It was -- Kiora, Colten went in. I'm not sure if Belinda went in or not. And Eric
24 didn't go in. And I didn't go in -- oh, I -- I had to jump in.

25

26 Q Okay. Why did you have to jump in?

27 A Because Kiora got taken in by the current and I had to jump in because she was
28 drowning. And while I was getting her, I was drowning myself, and we almost
29 didn't make it. Finally we made it. Yeah.

30

31 Q Okay. What were you guys doing while you were there swimming? Anything
32 else?

33 A No.

34

35 Q Okay. So how long were you guys swimming?

36 A Roughly 20, 20 minutes, half an hour.

37

38 Q And then what did you guys decide to do?

39 A We decided to go back and go back to the reserve and go have a fire.

40

41 Q Okay. So who was driving at this point?

- 1 A I was.
- 2
- 3 Q Okay. And what happened?
- 4 A We drove on the highway. As we were going on the highway, we -- we weren't
- 5 sure where the road was going towards Red Pheasant. We were blinded. We
- 6 weren't sure because I wasn't familiar with the roads, and they weren't really
- 7 familiar because we were all pretty much out of it.
- 8
- 9 Q Why -- why were you out of it?
- 10 A Hammered. Drunk.
- 11
- 12 Q Okay. When were you drinking?
- 13 A I was drinking starting from the morning.
- 14
- 15 Q Okay.
- 16 A To the evening. Afternoon.
- 17
- 18 Q What were you guys drinking?
- 19 A We were drinking a 60 of Crown Royal and a two-six of raspberry Smirnoff.
- 20
- 21 Q Okay. Who was drinking?
- 22 A Everyone.
- 23
- 24 Q So you guys were driving back. Tell me what happened next.
- 25 A We turned off at that -- we weren't sure where we turned off, but we turned
- 26 off. And we were -- we knew it was going towards Red Pheasant. So -- and at
- 27 the time, Kiora's muffler, it was hanging because that clip fell off because the
- 28 rez roads are bad and it's bumpy. And those -- I guess those screws fell off,
- 29 and that -- her muffler was dragging. And we tried stopping -- we -- well, we
- 30 stopped. And then I was trying to take it off. I was trying to bend it back and
- 31 forth to try and rip it off, but I failed to do so. And we were going at it for
- 32 about 20, half an hour, trying to rip that off, me and Colten. And at the time,
- 33 Belinda and Eric got into a fight -- got into a big argument. Eric bolted off.
- 34 Belinda went back in the vehicle, and then all of a sudden Colten and Kiora
- 35 started fighting. They started arguing. And I was just, like, jeez, this is no
- 36 good. So anyways. I gave up on that thing. We kept on going, picked up Eric,
- 37 and Eric thought it would have --
- 38
- 39 Q Okay. I'm going to get you to just stop there. So what do you mean by "picked
- 40 up Eric"?
- 41 A We -- he was walking on the road. Like, he -- he took off walking.

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Q Okay.

A And, yeah, we picked him up on the road. He was walking.

Q Okay. And who was driving at this point?

A I was driving.

Q Okay. And where was everybody else in the car?

A I'm not even sure. I was -- I was hammered.

Q Okay.

A To be honest.

Q How much did you have to drink, do you think?

A More than 30 shots.

Q Okay.

MR. SPENCER:

Pardon? I didn't hear that? Sorry.

MR. BROWNE:

I believe he said more than 30 shots.

MR. SPENCER:

Okay. Sorry. Thank you. Sorry.

Q MR. BROWNE:

So where did you pick up Eric?

A I picked up Eric on the road. I'm not too sure. Like I said, I wasn't familiar with that road.

Q Okay. So what happened next?

A So I picked him up, and he said, I saw something in that yard, let's go check it out. And knowing me, I was drunk, I jumped at the opportunity, and I was going with him. We pulled into that yard. We left because we didn't see nothing. And then we're driving. He seen a truck in a shed, and he said, Let's go check out that truck, let's go.

Q Who said? Who's "he"?

A Eric.

Q Okay. Sorry.

A So we went to that truck, and he's the one -- he jumped out first. He went -- he went bolting to the driver's side.

- 1
2 Q What -- do you remember what colour the truck was?
3 A I'm not -- I think -- I knew -- I knew it was a 2500 or a 3500 Chevy.
4
5 Q Okay. But you don't remember the colour?
6 A I do not.
7
8 Q Okay. So tell us what was going on there with Eric and you at the truck.
9 A He got out first. He was in the passenger. He went bolting to the driver's side,
10 and he was looking around like this. He was looking inside. And he was
11 already at the driver's side. So I was hammered. I went to the passenger's side,
12 and I was looking around. And then that's when I grabbed the gun.
13
14 Q Okay. What gun?
15 A That .22 calibre. And I tried smashing the window with it, but the gun ended
16 up breaking.
17
18 Q Where did that gun come from?
19 A It came from -- I had a dirt bike, and I switched that dirt bike for a gun because
20 I wanted to go shoot targets and stuff.
21
22 Q So when you say you went to get the gun, where was it located when you got
23 it?
24 A I have no idea. I traded it with some random guy. He took my dirt bike, and
25 after that, I never seen my dirt bike around Red Pheasant.
26
27 Q Was it in the car you guys were driving?
28 A The dirt bike?
29
30 Q No, the gun.
31 A The gun was in the back, the trunk.
32
33 Q Okay. And how did it get there?
34 A I put it there the day before because I went out shooting targets.
35
36 Q Okay. Okay. So you said you broke -- the gun broke. What did you do with it?
37 A I threw it back in the trunk.
38
39 Q Okay. And then what did you do?
40 A I jumped back in the driver's seat, and we left. And that's when we approached
41 -- I told him -- when I was doing -- when I went to that truck, I was hitting that,

- 1 and then I must have came out of my blacked-out because I realized what I was
2 doing was wrong. I realized it. So I was, like, what the hell am I doing, we
3 have a flat tire, we can't go anywhere.
4
- 5 Q Okay.
- 6 A So I jumped back in the vehicle. And that's when I decided I was going to ask
7 for help at the next farm because I didn't want to go any further.
8
- 9 Q Okay. A flat tire. When did you get a flat tire?
- 10 A Somewhere on the highway coming from Maymont. I'm not sure.
11
- 12 Q Coming from Maymont, you said, sorry?
- 13 A Yeah.
14
- 15 Q Okay. Okay. So where did you go next?
- 16 A We went to Gerald Stanley's farm.
17
- 18 Q Okay. And who was driving when you went there?
- 19 A I was driving.
20
- 21 Q Okay. And where was everybody else sitting?
- 22 A I'm not sure.
23
- 24 Q Okay. So tell me about pulling into what you had --
- 25 A We pulled in --
26
- 27 Q -- how do you know -- how do you know it's Gerald Stanley's farm?
- 28 A Because his farm is right there. I didn't know it at the time.
29
- 30 Q Okay. So you've learned that since then?
- 31 A Yeah. Well, we had no idea where we were. I didn't even know, like, Red
32 Pheasant was, like, 45 minutes away because I got -- I got help at the next
33 farm. They drove me back home.
34
- 35 Q So --
- 36 A I didn't know I was that far from home.
37
- 38 Q Tell me about pulling into that farmyard, please.
- 39 A We went into the farmyard, and Eric and them -- I told Eric, I said, we're going
40 to go -- we're going to ask for help. I told him that, right to his face, I
41 remember that. He got out, and he jumped on that quad and he tried starting it.

1 It didn't start up, but he was trying to start it up. He tried about seven times.
2 And then we heard yelling. And I panicked. I jumped in the driver's seat, and I
3 started yelling at him. I was, like, what the hell are you doing? I said, Get over
4 here, what's wrong with you. And I started getting mad at him. And so
5 anyways he jumped in. And they were running pretty fast. Before he could
6 jump in, they were already pretty much at the vehicle.

7

8 Q Okay. You say "they"?

9 A Gerald and his son.

10

11 Q How do you know it's Gerald and his son?

12 A Because I seen two Caucasians --

13

14 Q Okay.

15 A -- about the same height. And I wasn't sure if it was them or not, but yeah.

16

17 Q So there were two individuals running at you?

18 A M-hm.

19

20 Q Okay. So what happened next?

21 A Before Eric got in, they got to the vehicle, and they smashed the window. And
22 all that glass came into my eyes, and it blinded me.

23

24 Q Okay. And where did --

25 A And --

26

27 Q -- what window got smashed?

28 A The windshield.

29

30 Q Okay.

31 A They smashed it right where my face was with -- I'm not -- I don't even know.
32 I think it was a sledgehammer, like a little hatchet or a hammer or something.

33

34 Q Okay. And then what happened?

35 A After that, Eric almost got in. He was just about to get in and they smashed his
36 window, so he got in. And then as I was going, I don't know what happened. I
37 think the wheel, it dragged me to the side. Like, I was trying to go. I was trying
38 to take off. And I was trying to go to the side, and we ended up hitting that
39 vehicle. And we pretty much skidded it, and I tried -- I tried going, and it
40 slowed right down. I guess the radiator was shot. So I tried putting it in reverse.
41 I couldn't do it. And Eric started running because he already knew, because he

1 knows about vehicles and stuff, so he probably already knew what was wrong.
2 So he took off first. He was the first one to get out of the vehicle and run.

3

4 Q And then what'd you do?

5 A I followed him. He's, like, Cassidy, let's go, let's go, Cassidy, let's go. And I
6 panicked. I started running.

7

8 Q So where -- where was Eric sitting when he -- when he got out of the vehicle?

9 A He was in the passenger.

10

11 Q Okay. Which passenger's seat?

12 A The driver passenger, right beside the driver's side in the front.

13

14 Q The right -- the front passenger?

15 A Yeah.

16

17 Q Okay. And where was everybody else?

18 A They were in the back.

19

20 Q Okay. Do you remember where?

21 A No, I don't.

22

23 Q Okay. Okay. So you get out of the car. What do you do?

24 A I go bolting. And at the time, I had steel-toed boots on, so I couldn't run that
25 fast. Eric took off bolting. He left me behind. I was way behind him. I was
26 trying to catch up to him, but I couldn't. So anyways, he kept on running. I
27 said, Wait up for me. He said, You're on your own. So I kept on running. I lost
28 my boot. I had to go back, go pick it up, put it on, and I kept on running. And
29 he -- he was looking at the -- the next farm, like, kind of -- in this mysterious
30 way, he was, like, kind of looking at it. And I asked him, I said, What are you
31 doing? And he was, like, no, no, just wait. And then he didn't say nothing after
32 that. He just kept on running. So I was, like, why don't we just ask them for
33 help? And he says, No, we can't do that. So because he knew he did wrong,
34 and I was just trying to ask for help. I know I didn't do wrong. I went to that --
35 that place. I asked for help. I asked them that -- if they can drive me home, and
36 that we -- I didn't tell them what happened because I was scared at the time.
37 And that farmer drove me home.

38

39 Q Okay. I'm going to get -- take you back. So you -- you're running down the
40 road. Does -- do you and Eric talk or anything happen while you're running
41 away?

- 1 A No. Running. That's all we were doing.
2
- 3 Q Do you remember anything else happening at that time?
4 A He was probably, like, 60 feet ahead of me.
5
- 6 Q Okay.
7 A Maybe 100 feet. Oh, and as I was running, right when I got to the approach, I
8 heard a ricochet, a bullet.
9
- 10 Q Okay.
11 A It was, like, "ding", and it went up in the air. And then as I crossed the fence, I
12 -- right when I got up from the fence, I got up, I went under it and I got up, I
13 heard a bullet right beside my right ear. It was, like, (UNREPORTABLE
14 SOUND). That's all I heard. And it was -- kind of hurt my ear. I tripped out
15 and I looked back. I was going to go back, and the -- I don't know. I just -- I
16 got -- I panicked. I started running still, and yeah.
17
- 18 Q So how many gunshots do you remember hearing?
19 A I remember hearing two.
20
- 21 Q Two? So when you left the car, do you recall where Colten Boushie was?
22 A I don't recall, no. I never -- I had -- I don't remember seeing his face.
23
- 24 Q Okay.
25 A Just -- yeah. The last time I seen his face was when we stopped and tried taking
26 that muffler off.
27
- 28 Q So how many people do you remember seeing in that farmyard when you were
29 there, in Mr. Stanley's farmyard?
30 A I -- I seen the lady. She was in the front of the house, and I seen those two guys
31 that were working on the fence.
32
- 33 Q When did you see the lady in the front of the house?
34 A Right when I got there.
35
- 36 Q Okay. And what was she doing?
37 A I'm not sure. All I remember is -- because I wasn't -- I kind of don't remember,
38 but I remember seeing a lady standing there, looking at us, and I wasn't sure if
39 it was when we got on the farm or a little bit after.
40
- 41 Q Okay.

1
2 MR. BROWNE: Those are all my questions, My Lord.

3
4 Mr. Cross, if you could answer my friend's questions, please.

5
6 A Yes.

7
8 THE COURT: Mr. Spencer, cross-examination.

9
10 MR. SPENCER: Thank you, My Lord.

11
12 **Mr. Spencer Cross-examines the Witness**

13
14 Q MR. SPENCER: All right. Did you change your story last
15 night after court closed?

16 A As at -- the -- when the first court was going, I was -- like, it's not normal for
17 someone to see something like that. I was terrified. I didn't know what to say. I
18 -- I was young. I was stupid. And I've changed a lot since that happened, and
19 I'm willing to face the consequences.

20
21 Q Yeah. I'm asking about yesterday, because you were ready to testify at 4:30.

22 A M-hm. Yeah.

23
24 Q After court finished, did you change your story?

25 A I don't think I did.

26
27 Q Okay. You didn't meet with the prosecutor and an RCMP officer?

28 A Yeah, I did. I talked to them.

29
30 Q Yeah. And changed your story? You told them that you hadn't told the truth at
31 the prelim?

32 A I didn't, no. I lied about me going into that truck. I told the truth about that. I --
33 yeah.

34
35 Q Yeah.

36 A And I told my intentions -- me and Eric, our intentions were to go steal.

37
38 Q Right. So --

39 A Yeah.

40
41 Q -- after the trial started, you thought it was good to take the Crown and the

1 police officer aside and say, actually, we did have a gun --

2 A M-hm.

3

4 Q -- it was my gun?

5 A M-hm.

6

7 Q We were stealing?

8 A Yeah.

9

10 Q We used the gun to try to break into a vehicle?

11 A M-hm.

12

13 Q So that's all stuff that -- that you told the police last night after court ended?

14 A I didn't tell the police. I told the Crown.

15

16 Q The Crown?

17 A M-hm.

18

19 Q Okay. Was there a police officer present?

20 A No, there wasn't.

21

22 Q No?

23 A Oh, Ryan Boogaard.

24

25 Q Yeah.

26 A Yeah. He wasn't wearing his uniform, so --

27

28 Q But the lead investigator was present?

29 A Yeah.

30

31 Q Yeah? Okay. So can you provide any explanation why you would have not told
32 the truth when you gave your statement to the police, why you wouldn't have
33 told the truth when you were examined by the Crown at the preliminary
34 hearing, why you wouldn't have told the truth when I cross-examined you at
35 the preliminary hearing?

36 A Because I was -- honestly, I was -- I was scared for myself, and I was scared
37 for the people there, that they might get in trouble. And I know that was wrong,
38 but that's just how I was feeling back -- over there, because I was scared out of
39 my mind. I didn't know what to say. I just went -- I just, like, went through all
40 that stuff, and --

41

1 Q Yeah. So were you aware that all those lies were circulating in the media and
2 the community and everything?

3 A I guess so, yeah.
4

5 Q You were?

6 A What lies?
7

8 Q Well, all the lies about you guys not stealing, not -- not being armed?

9 A We didn't steal from Gerald Stanley's farm. We didn't -- the media doesn't say
10 that we didn't steal from those two other farms. We didn't steal nothing. What
11 they said was we were looking for help when we went to Gerald Stanley's
12 farm, and that is true.
13

14 Q So you spent a little bit of time going over the media coverage to make sure
15 you're --

16 A No. I never --
17

18 Q -- so that didn't help you make your story up for today?

19 A Honestly, I never even looked at my statement.
20

21 Q Okay. Well, let's look at some of the things that changed.

22 A M-hm.
23

24 Q Do you recall at your original statement to the police -- do you recall giving a
25 statement to the police?

26 A I gave a statement, yeah.
27

28 Q The -- the day of, the day after, within 24 hours of the incident?

29 A Yeah.
30

31 Q Yeah? And you recall what you said about your level of intoxication then?

32 A Yeah, I lied about that because I was scared I might have got something with
33 my driving record. And I was scared I might -- I don't know. I was scared for
34 myself, honestly.
35

36 Q Okay. So you said you were sober?

37 A I didn't say I was sober. I said I had -- I had drunk. I told you.
38

39 Q Okay. Well, it doesn't make --

40 A That I had three shots, two ounces in each shot.
41

1 Q Okay. No. I'm talking in your first statement right within 24 hours.

2 A M-hm.

3

4 Q Okay. So I'm going to --

5

6 MR. SPENCER: Is the easiest way, My Lord, for him --
7 for me to read him his statement or show him a copy of it? What's the --

8

9 THE COURT: Well, I think that if you're going to
10 contradict him on a previous inconsistent statement, you have to put the statement
11 to him, have him confirm that that's his statement.

12

13 MR. SPENCER: Yeah. Yeah, and I'm just wondering, is it
14 okay if I read it to him, put it to him by reading it to him?

15

16 THE COURT: Well, he'll have to see it to know that it's
17 his statement, right?

18

19 MR. SPENCER: Okay. Do you have a set of that?

20

21 Q MR. SPENCER: I'll provide that to you. And I'm going to
22 suggest to you that that's a transcript of the statement you gave to the police
23 the day after the incident.

24 A So are you going to show me where -- what you're talking about or you're just
25 going to show me the whole statement?

26

27 Q Yeah. I'll just ask you whether you'll -- whether you agree with me that you
28 gave a statement, and that's it?

29 A Yeah, this is my statement.

30

31 Q Yeah. Okay. Good.

32

33 THE COURT: Okay. Okay.

34

35 Q MR. SPENCER: So if I can get you to turn to page 9 of
36 your statement?

37 A Does it have -- it doesn't have any -- oh, yeah, it does. Yeah.

38

39 Q Oh, sorry. Page 7 of your statement.

40 A Page 7.

41

1 Q And if you look down, the last two paragraphs there, after Constable Teniuk --
2 and that's -- you would agree with me that's the officer that was interviewing
3 you?

4 A Yeah.

5
6 Q Yeah. And you recall this interview?

7 A What?

8
9 Q You were sobered up by the time you did this interview?

10 A I was sober at the time.

11

12 Q Yeah. Okay. Good. So Constable --

13 A Well, I -- honestly, I think I was half-cut because the alcohol was still in my
14 system. I was -- I drink lots, and I -- and yeah. It was in my system. It's usually
15 -- yeah. It would have been in my system for maybe a day and a half, maybe
16 two days.

17

18 Q Okay. So this is -- the statement is being taken -- looks like 24 hours later?

19 A Yeah, I see that. Well, I don't see it.

20

21 Q You see that? So 1745, the incident at the Stanley farm occurred about --
22 probably more than 24 hours before that?

23 A Yeah, like I said, day and a half, two days.

24

25 Q Yeah?

26 A I drink lots.

27

28 Q Yeah. Sorry?

29 A I drink a lot.

30

31 Q Okay. So you're still drunk when you're giving the statement?

32 A I was probably half-cut.

33

34 Q Okay. Okay. In any event, Constable Teniuk says: The floor is yours, and you
35 answer, Cross, that's you:

36

37 We were at our koko's, grandma's house, and we were all
38 listening to music, and I wasn't drinking, but they were.
39 They were drinking, and I was, uh, sober.

40

41 A M-hm.

1

2 Q And everybody thought it was a good idea to go to the lake.

3 A Yeah.

4

5 Q So you'll agree with me at the statement --

6 A Yeah.

7

8 Q -- you were saying you were sober?

9 A Yeah. Like I said, I was scared. I didn't know what to say.

10

11 Q Okay. And then -- I agree with you. At the prelim, you said you'd had three
12 shots.

13 A M-hm.

14

15 Q And now -- and then last night, you told the Constable Boogaard that you had
16 20 shots?

17 A Yeah. I was being selfish at the time. I -- I was only thinking about myself. I
18 wasn't thinking about -- I was thinking about what was going to happen to me.
19 But honestly, I -- I don't really care no more. I just want to get it through and I
20 want to --

21

22 Q Right.

23 A -- tell the truth.

24

25 Q So last night it was 20. So it was a sober, and then three, and then 20 last night,
26 and then today it's 30?

27 A M-hm.

28

29 Q Yeah.

30 A I wasn't too sure. Like I said, I was pretty hammered.

31

32 Q Yeah. Pretty big difference, though, between sober and 30 shots?

33 A Yeah. Well, I don't know. I could go from 15 shots to 50 shots. And, like --

34

35 Q Okay. Do you recall at the prelim when you were explaining to me you were a
36 lightweight drinker --

37 A Yeah, I am.

38

39 Q -- and you didn't drink very much? That was a lie, as well?

40 A Not really, no.

41

- 1 Q Well, are you a lightweight drinker or are you a 30-shot guy?
2 A Where I come from, when we drink, lightweight is, like, a 60-pounder. But a
3 hard drinker is, like, at least four 60s. That's a hard drinker.
4
5 Q Oh, okay. So -- so to be --
6 A That's, like, lots. Like --
7
8 Q Okay. So a lightweight would -- would only be able to drink --
9 A Would be, like, a 60.
10
11 Q -- a magnum of hard liquor?
12 A Yeah. That's, like, a lightweight.
13
14 Q Okay. Do you remember what you did the day before the incident?
15 A The day before? I remember that we were in town, me and Colten and Kiora.
16 And I remember -- I kind of don't recall, but I remember -- I think I got picked
17 up by my mom. I'm not too sure. And went back to my house.
18
19 Q You didn't go to Battleford?
20 A Huh?
21
22 Q Did you -- you didn't go to --
23 A We were -- we were in North Battleford.
24
25 Q Oh, so you were in North Battleford?
26 A Yeah, me, Colten, and Kiora, the day before.
27
28 Q Okay. And what did --
29 A I'm not sure. I think it was -- it's when they got that red van. I'm not too sure.
30
31 Q When they got what?
32 A A red van. Or I'm not -- I forget what colour it was, but they got a minivan.
33 They just bought it, and we went to NB to go -- yeah. I kind of don't recall
34 because I was -- yeah. That was quite a while ago.
35
36 Q You were what?
37 A That was quite a while ago.
38
39 Q Okay.
40 A M-hm.
41

- 1 Q Okay. So in the original statement, you didn't want to talk about a gun at all?
2 A No, I didn't.
3
4 Q Okay. And then at the prelim, you indicated it was Eric's gun?
5 A Yes.
6
7 Q Okay. And then for the first time last night, you said it was your gun?
8 A Yeah.
9
10 Q Okay. Why all those lies?
11 A Like I told you, I was selfish at the time. I wasn't thinking about other people. I
12 was just thinking about myself.
13
14 Q Okay.
15 A And that's the honest-to-God truth. And I feel --
16
17 Q Okay.
18 A -- bad for what I did.
19
20 Q So you perjured yourself at the prelim? Like, you just went --
21 A Call it what you want.
22
23 Q -- under oath and lied in court?
24 A Yeah.
25
26 Q Okay. So what we know now, now that you've changed your statement, we
27 know that you were trying to break into a vehicle?
28 A Tried.
29
30 Q Okay. Well, I'll finish one thing up first. You were with Kiora most of the day
31 from -- from 11 o'clock on on the day of the incident?
32 A Yeah, when I picked her up.
33
34 Q At what time?
35 A I have no clue. I'm not the kind of guy to keep track of the time. Like --
36
37 Q In the morning?
38 A Yeah, it was in the morning. Yeah.
39
40 Q Okay. And then so you were with her for the whole day until the incident?
41 A M-hm.

1

2 Q Right?

3 A Yeah.

4

5 Q Okay. Did Kiora have a cell phone?

6 A I'm not even sure. I think it was dead. She -- she might have had a cell phone.

7 It was -- I didn't see her using it, but she might have had a cell phone. She --

8 usually when it's dead, she keeps it in her pocket or she keeps it locked away

9 in her cubby hole or something.

10

11 Q Okay. It wasn't on the console right beside the driver?

12 A I'm not too sure. I was -- like I said, I had lots to drink that night.

13

14 Q Okay.

15 A I don't recall most things.

16

17 Q Okay. Did you use her cell phone that day?

18 A I don't think so. I don't recall.

19

20 Q Okay. Did you get chased by the police the night before?

21 A No, I didn't.

22

23 Q What?

24 A I don't think -- no, I didn't.

25

26 Q You don't think so?

27 A I don't -- no.

28

29 Q Were you out doing missions?

30 A No.

31

32 Q No? What would that mean, out doing missions?

33 A I'm not too sure.

34

35 Q Any idea why anybody in that vehicle would use Kiora's phone to text that you

36 were out doing missions, he got chased by the cops yesterday, so hopefully

37 he's not on the run?

38 A Hm.

39

40 Q Any --

41 A I wouldn't know.

1

2 Q There would be no reason --

3 A Like I said, I didn't have Kiora's phone. I didn't use it.

4

5 Q Right. But that's not you -- I'm not saying you text that. That's a --

6 A Yeah. I didn't text that.

7

8 Q Yeah. But why would somebody text that about you?

9 A I'm not sure.

10

11 Q Yeah. So you didn't get chased by the cops on the 8th --

12 A No. You can ask my mom.

13

14 Q -- early --

15 A You can ask my mother.

16

17 Q Okay.

18 A Yeah. If you want.

19

20 Q Okay. Okay. So then the farm, the first farm, not the Stanley farm, and -- and
21 you didn't know any of these people?

22 A No.

23

24 Q So the -- when you say "Stanley farm", you're only looking at the picture,
25 otherwise you had --26 A I'm pretty much just listening to, like, after that day, yeah. I knew it was the
27 Stanley farm because all the media, yeah.

28

29 Q Okay.

30 A Once in a while I hear -- I would hear it.

31

32 Q Okay. Now, I'm going to suggest that there were two farms that you visited
33 before the Stanley farm?

34 A Yeah.

35

36 Q Right?

37 A Yes.

38

39 Q Okay. So there was the Stanley farm, and then the Fouhy farm, and one before
40 that?

41 A Yeah. We didn't -- the one before that, we drove. We didn't get out of the

1 vehicle.

2

3 Q Oh, okay. So you visited a farm, but didn't try to steal anything there?

4 A Yes.

5

6 Q Or did you try to steal something?

7 A We didn't.

8

9 Q Okay. So then the second farm, and I'm going to suggest that's the Fouhy
10 farm, but you wouldn't know --

11 A I don't know.

12

13 Q -- who they were? Okay. If I can get D-2? Is that our photos?

14 A Those go --

15

16 THE COURT CLERK: Do you want me to take these?

17

18 A I think they might be mixed up. I'm not too sure.

19

20 MR. SPENCER: Just -- I think the statement, we'll get
21 back to it.

22

23 THE COURT CLERK: Okay.

24

25 MR. SPENCER: Thank you, Madam Clerk.

26

27 THE COURT CLERK: I'm just going to put it here so it won't
28 come apart.

29

30 Q MR. SPENCER: Okay. You've got -- I've shown you D-2
31 -- D-2, there's some photos there. Can you look at the first one? You described
32 a GMC truck --

33 A M-hm.

34

35 Q -- that Eric got in the driver's side?

36 A M-hm.

37

38 Q Does that look -- is that -- does that remind you -- does that look like the GMC
39 truck that Eric was in?

40 A No.

41

- 1 Q No?
- 2 A I never seen that truck before.
- 3
- 4 Q Never seen that one before? Okay. Did Eric try to start the GMC truck that he
- 5 was in?
- 6 A He -- I don't -- he never went into a truck. I remember he went to a quad.
- 7
- 8 Q Well, I'm talking at the farm before the Stanley farm.
- 9 A Oh, I don't recall.
- 10
- 11 Q Okay. You just finished testifying this morning that Eric was in a GMC truck.
- 12 You didn't know what colour it was, but he was in it?
- 13 A A GM -- when did I say that?
- 14
- 15 Q This morning.
- 16 A I said that we tried -- he tried going into the driver. It was locked. He was
- 17 looking like this, trying to look for the keys. He didn't go inside the truck. And
- 18 I recall I didn't say he went inside the truck.
- 19
- 20 Q Okay. So why was he looking at that truck?
- 21 A Probably because he wanted to steal it. Not too sure.
- 22
- 23 Q Okay. No doubt in your mind he wanted to steal it?
- 24 A Yeah.
- 25
- 26 Q Yeah. Okay. So if I can get you to look at picture number 8 in that bundle?
- 27 A The numbers are -- yeah.
- 28
- 29 Q The bottom right, I think.
- 30 A Okay.
- 31
- 32 Q Do you recognize that vehicle?
- 33 A I do not.
- 34
- 35 Q Okay. So you don't recall that vehicle, seeing that vehicle at any time on --
- 36 A No.
- 37
- 38 Q -- August 9th? No? Okay. So that -- that wasn't a vehicle you guys checked?
- 39 A No, I don't remember.
- 40
- 41 Q Okay. Now, I'll ask you to look at picture number 12 there. And that's a -- a bit

- 1 of a close-up picture. But does -- does that look familiar to you?
- 2 A Does it look familiar?
- 3
- 4 Q Yeah.
- 5 A Yeah, I think that's at -- yeah, it must have been a Dodge -- a Dodge or a
- 6 Chevy, I'm not too sure, but yeah, that kind of looks familiar.
- 7
- 8 Q Okay. So is --
- 9 A But that's the truck -- yeah, that's the truck Eric went up to, to the driver's
- 10 side.
- 11
- 12 Q Okay. And Eric was trying to break into it?
- 13 A He was trying to, yeah. He was looking, checking the doors if they were open
- 14 and --
- 15
- 16 Q Okay. So it wasn't -- it was locked?
- 17 A Yeah.
- 18
- 19 Q And maybe in -- is the blue book with the P-1 -- I've got a better picture. And I
- 20 apologize. We were going to talk about it a little bit here. So if I could get you
- 21 to -- to go to tab 12 there? Okay. So that's the truck we're talking about?
- 22 A M-hm.
- 23
- 24 Q You -- you have a -- a recollection of Eric trying to get into that truck?
- 25 A I don't see it as I seen it when I was there. It kind of looked different. Well,
- 26 maybe it was the alcohol. Yeah, it looked way different. But --
- 27
- 28 Q Okay.
- 29 A -- like I said, like, that looked way different, too. The approach seemed like 10
- 30 feet away from the house.
- 31
- 32 Q Okay. But I'm dealing with the -- with the previous farm. I'll call it the Fouhy
- 33 farm.
- 34 A M-hm.
- 35
- 36 Q You wouldn't necessarily know that, but you know the one I'm talking about,
- 37 not the Stanley farm, the one you were in before that?
- 38 A So the second -- the second one?
- 39
- 40 Q Yeah, the second one.
- 41 A Oh, yeah.

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Q Yeah. Okay.

A This kind -- yeah, this looks like the truck that was there.

Q That's where you checked out that truck?

A M-hm.

Q Yeah. Who tried to break into it with the rifle?

A I did.

Q Okay. So at the prelim, you lied about that, as well?

A Yes, I did.

Q Yeah. You said Eric was the one, but it was your rifle?

A It -- it wasn't mine. I just traded it. I didn't have a licence to it or anything like that.

Q But it was your gun?

A Well, it was in my possession, but it wasn't mine. Like, it's not like I owned it legally.

Q You traded your mini bike for the gun?

A Yeah, pretty much. That bike didn't mean nothing to me.

Q Well, what's that?

A That bike didn't really mean nothing. It was just something to shoot around. It wasn't really mine.

Q Okay. So whose gun was it, then?

A I was going to give it away. It was -- yeah.

Q Okay. Well, let's -- let's move on here. You see in that picture number 12? That's the stock of the gun?

A Yeah, it looks like it.

Q And you would agree with me that you took a loaded rifle --

A I wouldn't say it was loaded.

Q Okay. Why would you -- why wouldn't you say?

A Because we -- we had no bullets. I remember the -- when I went target practicing, I remember that there was no bullets in the chamber, and I had put

1 it in the back.

2

3 Q Were you guys not driving around shooting out of that vehicle earlier in the
4 day?

5 A Usually -- we have a farm back in Red Pheasant, and we usually set up cans
6 out on the farm, and we just take target practice shots.

7

8 Q Sir -- sir, can I get you to stop and answer the question I'm asking?

9 A M-hm.

10

11 Q Were you guys driving around, you and Colten and Eric, with the girls in the
12 back, shooting out of that vehicle?

13 A No.

14

15 Q No?

16 A No, just -- just me and Eric went to the field.

17

18 Q Okay. If you were looking for bullets, why didn't you look any -- did you look
19 anywhere in the vehicle for bullets for the gun?

20 A Not really. No, we usually --

21

22 Q Okay.

23 A -- because I was given a little bit of bullets. And, yeah, we used those.

24

25 Q Okay. Because we've heard evidence that the vehicle had bullets scattered,
26 shell casings and bullets scattered all over it.

27 A M-hm.

28

29 Q Any explanation for that?

30 A I don't recall. I -- I knew there were shell casings in there, but I had no idea
31 there were bullets.

32

33 Q The bullets were in the console, right beside the driver?

34 A I was -- I don't know.

35

36 Q You were the driver?

37 A Yeah, I was the driver.

38

39 Q So you don't know nothing about no bullets?

40 A I do not.

41

- 1 Q Okay. The gun, your gun --
2 A M-hm.
3
4 Q -- the barrel that -- where did it go after you smashed it on this red truck?
5 A I remember putting it in the trunk.
6
7 Q Okay. When did you last see it?
8 A I last seen it when I put it in the trunk.
9
10 Q Okay. Was it loaded at that time?
11 A I -- it was not, no.
12
13 Q Okay. So --
14 A And the gun was kind of broken. The -- the chamber, it came off. It was pretty
15 much broken. I don't think -- I don't think it was -- would be able to shoot. It
16 was right broken. It was a piece of crap.
17
18 Q Would you -- would you be able to load it after you finished wrecking it on the
19 truck with --
20 A No.
21
22 Q No? Okay. So do you have any explanation why on the Stanley farm, it had a
23 shell in the chamber and six in the magazine?
24 A You're asking me?
25
26 Q Yeah, I'm asking you for -- it's your gun.
27 A This could be a theory. Maybe someone put it in there. Maybe someone at the
28 Gerald Stanley farm put the bullet in the gun and put it beside Colten. That is
29 possible. Because how long after did the cops come? Nobody knows.
30
31 Q So are you seriously suggesting that --
32 A I'm just throwing ideas out there. I'm not too sure. I don't know the full story.
33
34 Q Well, where would they get the bullets to put in your gun?
35 A I have no idea.
36
37 Q Yeah.
38 A Like, they could have went inside the vehicle. I -- I don't know. I wasn't there.
39
40 Q Okay. So it would be good to have fingerprints of that vehicle?
41 A M-hm.

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Q About --

A So my fingerprints are all over every --

Q Right. But --

A Like I told you, we'd been driving it all day.

Q Yeah. But -- but for your theory that somebody is in there, getting bullets, and doing all this stuff --

A I'm not too sure. Yeah, you could probably take -- well, you guys probably already did, so --

Q Yeah. But you have -- the reality is you ran away? You didn't see --

A I didn't see nothing, like --

Q -- nothing? You didn't see nothing? Right.

A All I remember is him hitting the -- the windshield and it busted, and I -- right when we hit that vehicle, we took off. I didn't see them come to the vehicle or nothing. I didn't see them approach the vehicle. I just seen them -- I didn't even see them come to the vehicle. I -- we took off, me and Eric.

Q Okay.

A We had no time to. We just didn't think about it. We just ran.

Q Okay. So then you say you heard ricochets?

A Yeah, I heard one ricochet, and one bullet.

Q Okay.

A Come towards our way.

Q Okay. So when you gave your original statement within 20 -- well, just after 24 hours --

A M-hm.

Q -- from the incident --

A Yeah.

Q -- why did you not mention ricochets then?

A I did -- I did. Even in the preliminary -- I can't say that word, but I mentioned it.

1 Q The prelim, yeah.

2 A I mentioned it in that court. And the judge kind of got mad at me when I was
3 talking about it because I said it too graphic, I think. I'm not too sure.

4

5 Q And I'm suggesting to you, sir, in your statement to the police right after the
6 incident --

7 A M-hm.

8

9 Q -- you never mentioned anything about hearing any ricochets?

10 A I remember I said gunshots.

11

12 Q Okay.

13 A I said it was a gunshot or a ricochet because now that I think about it, the
14 ricochet and the gunshot, they sounded a whole -- they sounded different.

15

16 Q Okay.

17 A I -- like, sometimes in people's minds, their brain changes, and they can
18 remember stuff. They can't remember stuff.

19

20 Q Yeah.

21 A It all depends on their brain and what they remember.

22

23 Q Okay.

24 A And what they're capable of --

25

26 Q So do you think your evidence would be better within 25 hours of the incident
27 or would it have been better months later?

28 A Probably two days later, maybe three days. It would have -- I would have been
29 -- I would have flushed everything out, and I would have been --

30

31 Q Okay.

32 A -- I would have been on the dot. I would have been sober.

33

34 Q Okay. Well, would you agree with me that when you gave your statement, your
35 --

36 A Half-shot.

37

38 Q -- your belief at that point in time, giving the statement to the police, your
39 belief was that those were warning shots?

40 A Yes.

41

1 Q Okay. And that they were actually shot in the air?

2 A I was thinking about that, and I thought about it long and hard. And then and
3 there, I thought they were -- I didn't -- I didn't know what to say. I just said -- I
4 was trying to go through everything really fast. And I must have said -- must
5 have went through it too fast. I didn't really know what I was saying because I
6 was kind of scared at the time, so -- now that I think of it, like I said, ricochet
7 and -- and it came towards us. Because -- I'll let you speak.

8
9 Q Okay. Because the police officer went at you several times on that warning
10 shot issue. Do you recall that?

11 A I don't.

12
13 Q Okay. So you initially said warning shot, shot in the air; do you agree with me?

14 A I don't recall.

15
16 Q Okay.

17 A I honestly don't remember about that court or anything.

18
19 Q Okay.

20 A I remember maybe just a couple of things I said in that court. My memory is
21 really bad.

22
23 Q Okay. Can I get you to -- to turn to page 9 of your statement to the police?

24
25 THE COURT: Madam Clerk, if you could hand that to
26 him? It's just by the water, so ...

27
28 THE COURT CLERK: Yeah.

29
30 Q MR. SPENCER: Okay. Can I get you to read the second
31 question there from Constable Teniuk. Constable Teniuk says, okay. And then
32 your response:

33
34 Yeah, I was running, I heard two gunshots, and I thought
35 they were, like, warning shots, just shooting in the air.

36
37 A Yeah.

38
39 Q So you --

40 A When you shoot a gun, you shoot in the air. It doesn't matter if you go up,
41 sideways, down. You're still shooting in the air.

1

2 Q Okay.

3 A I'm pretty sure, yeah.

4

5 Q Okay. That doesn't sound like you heard ricochets, though?

6 A Like I said, I was talking -- I was blowing everything out of proportion. I just
7 said what I think I saw and not -- I had lots of time to think about what
8 happened, and sometimes I dream about it. Sometimes I just -- I don't know.

9

10 Q Okay. Can I get you to pay -- turn to page 32 of your statement? Okay. Right --
11 right in the middle there, you're talking again about those shots. And you'd
12 agree with me that you ran for about 30 seconds before you heard any
13 gunshots?

14 A Yeah. By the time I got to the approach.

15

16 Q Okay. So you were at the road before you heard the first gunshot?

17 A I was at the approach when I heard the first gunshot.

18

19 Q How close is that to the road?

20 A The approach is right -- I'm in -- I mean, I was at the end of the approach.

21

22 Q End of the driveway? Is that --

23 A Yeah.

24

25 Q Yeah. Okay. And Eric was in front of you? He was -- he was --

26 A He was gone.

27

28 Q -- long gone?

29 A Yeah.

30

31 Q Okay. So right in the middle of there, Constable Teniuk says, okay. And then
32 you answer, Cross:

33

34 And, um, I thought they were just putting off warning
35 shots. I didn't think they would actually shoot someone.

36

37 A Yeah.

38

39 Q So at the time, 25 hours later, you didn't think anybody was shooting at you?

40 A I did not. I didn't think about it.

41

1 Q Okay. But now, you're pretty sure they were shooting at you?

2 A Well, it could have ricocheted off something. It could have ricocheted, came
3 towards my way.

4

5 Q Okay.

6 A It happens.

7

8 Q Okay. But the officer went back at you again. Can you turn to page 88? And
9 there, I'm going to start right at the top. (As read)

10

11 So when you guys are running, so after you hit the vehicle
12 and everything and you have the axe through the
13 windshield, now you're -- you're running away, you
14 mention those -- those two shots --

15

16 A M-hm.

17

18 Q (As read)

19 -- and you say you hear those shots. Did you hear more
20 than just the bang? Did you hear, like, whistling, the
21 actual sound or anything, or was it just --

22

23 Your answer: No.

24 A Are you asking me or are you reading off this?

25

26 Q Well, I'm asking you why today you're saying you heard ricochets and you
27 thought that you were shot at when the day after, clearly you're saying "no"
28 because that's your answer.

29 A Because I thought about it. I -- this whole time all this has been going on, I've
30 been thinking about it and thinking about it, and remembering every single
31 detail of what happened in that day. And I can only remember some. And I can
32 -- sometimes I can, like, I can imagine -- it's like I'm still there. I can feel what
33 was going on, and I can hear that stuck in my head, pretty much.

34

35 Q Okay. So even after the officer kept going over this, because he -- you answer
36 -- you didn't hear? No. Okay. That's -- that's exactly what I'm -- yeah, I'm
37 asking for. And you know what I mean when I say that? Like, you know when
38 a shot is close by because you kind of hear that. Your answer: Yeah. Constable
39 Teniuk: -- whistle or whatever. Your answer: Yeah.

40

41 A Yeah.

- 1 Q Constable Teniuk: -- in the air. Was that -- Cross: I didn't. Teniuk again.
2 A M-hm.
3
4 Q Was that -- Cross: -- that's you -- I didn't hear no, uh, ricochet or nothing.
5 A Yeah.
6
7 Q Constable Teniuk keeps going. Nothing like that? Your answer: No. So are you
8 -- so all you heard was the actual gun going off? Yeah.
9 A Yeah. Now, like I said, I was -- when all that stuff was going on, I just told
10 them what I heard. I didn't really think about it because it happened so fast.
11 And after I wrote that statement, I left it -- I didn't think about it. I just pushed
12 it out of my life. I didn't want to think about it. So as the other court was
13 coming up, that's when I had to prepare myself. Like, I wasn't just going to go
14 there not knowing what to say. So I had to think about it.
15
16 Q So what changed between giving this statement to the police and the officer
17 going over and over, did you hear a ricochet, did you hear a whistle, did you
18 hear anything? What changed between then and you giving your evidence?
19 A I don't know. Not much. I just --
20
21 Q You just changed your story?
22 A I don't know. I just -- like I said, I just blew it out of proportion. I wasn't sure
23 what I was exactly saying because I was still stunned of what happened.
24
25 Q Right. So you said they were warning shots, but you were pretty -- you were
26 positive they were warning shots the day after.
27 A I'm not too sure.
28
29 Q But the day after, you were positive they were warning shots?
30 A Yeah. I could say they were ricochets. I'm not too sure. Like, I don't know.
31
32 Q Okay. So moving on. So as far as the Fouhy farm, you're not aware of any
33 other vehicles except that red one, and you accept now -- although you blamed
34 Eric originally, you say you're the one that -- that --
35 A I was.
36
37 Q -- vandalized it with your gun?
38 A Yeah. I didn't vandalize -- I didn't break nothing.
39
40 Q Okay.
41 A I snapped out of it right when I was doing it and I asked myself, like, what the

1 hell am I doing.

2

3 MR. SPENCER: Okay. If Your Lordship is thinking now
4 is a good time to break, I'm okay with that.

5

6 THE COURT: Okay. Well, it's around 11:15. If it's a
7 convenient time for you? I am always reluctant to break somebody's cross-
8 examination up. But if you don't mind, we could take a break now. If you'd like to
9 finish off, we could do that, as well.

10

11 MR. SPENCER: Okay. Yeah, no, I think I'll -- I'll carry
12 on, if that's --

13

14 THE COURT: Okay. Do you have much longer to go,
15 do you think?

16

17 MR. SPENCER: I'm thinking 15 minutes, depending on
18 what answers I get, My Lord.

19

20 THE COURT: Okay. Well, maybe that might be
21 pushing it a little long. So I think maybe it's a good time to take a -- a break. And
22 what I'm going to -- what we're going to do is we're going to take a 15 to 20-
23 minute break.

24

25 A M-hm.

26

27 THE COURT: And you can get off the stand --

28

29 A Go for a cigarette?

30

31 THE COURT: -- or whatever, but you're not allowed to
32 talk to anybody about your testimony.

33

34 A Okay. I won't.

35

36 THE COURT: You can talk about the weather or
37 whatever else you want, but nothing about this testimony with the Crowns or the
38 defence or -- or anybody.

39

40 A Okay.

41

1 THE COURT: You understand that?
2
3 A I understand.
4
5 THE COURT: Okay. So we'll take our break now.
6
7 (JURY RETIRES)
8
9 (WITNESS STANDS DOWN)
10
11 (ADJOURNMENT)
12
13 THE COURT: Is there anything we need to do before
14 we get started?
15
16 MR. BURGE: Yes, My Lord. We have -- a subpoena
17 has been served on Kiora Wuttunee, who's a name we will have heard over the last
18 two days. She was present from the beginning to the end. And she was personally
19 served with the subpoena requiring her to attend yesterday. She was here, and she
20 was directed to return this morning, and she has not returned. I have an affidavit of
21 service here, My Lord, and I am seeking a warrant, a witness warrant.
22
23 THE COURT: Okay. There will be a bench warrant to
24 issue for the arrest of Kiora J. Wuttunee as a result of her failure to respond to the
25 subpoena.
26
27 MR. BURGE: And -- and if we can have that, My Lord
28 --
29
30 THE COURT: Yes. Madam Clerk.
31
32 MR. BURGE: -- Madam -- Madam Registrar will be
33 preparing --
34
35 THE COURT CLERK: She'll be right here.
36
37 MR. BURGE: Okay.
38
39 THE COURT CLERK: (INDISCERNIBLE) just have to get ...
40
41 THE COURT: Okay. And we will get the witness back

1 on the stand.

2

3 MR. BURGE: Yes.

4

5 (WITNESS RE-TAKES THE STAND)

6

7 THE COURT: Okay. You can bring the jury back in.

8

9 A (UNREPORTABLE SOUND) That always falls down every time --

10

11 MR. SPENCER: Oh, heads up. Heads up.

12

13 A -- I --

14

15 THE COURT: M-hm.

16

17 A Does that help?

18

19 (JURY ENTERS)

20

21 THE COURT: Mr. Cross, you understand you are still
22 under oath?

23

24 A I understand.

25

26 THE COURT: Thank you. Proceed, Mr. Spencer.

27

28 MR. SPENCER: Thank you, My Lord.

29

30 Q MR. SPENCER: So just to confirm, you didn't see any
31 gun other than your gun that day?

32 A No.

33

34 Q Okay. So when you're approaching the Stanley farm, you've decided to go in
35 and ask for help?

36 A Yeah.

37

38 Q And you said you told Eric that?

39 A Yeah, I told him that I was going to go.

40

41 Q Okay. So you're on the road, and you're going to pull in there, and you tell

- 1 Eric, We're going to go in and get some help this time?
2 A On the way, yeah. We didn't -- we didn't make a --
3
4 Q Before you pulled in?
5 A Yeah. On the road, yeah.
6
7 Q Oh. Okay. And then as you were pulling in, you saw a lady?
8 A I wasn't sure if I seen her after or before.
9
10 Q Oh, okay. Okay. So you -- you just don't know?
11 A I don't.
12
13 Q Okay.
14 A Yeah.
15
16 Q So if you saw her before, that would have been a good chance to -- to ask --
17 A If --
18
19 Q -- for help, before Eric started stealing?
20 A Yeah.
21
22 Q Okay.
23 A It would have. Like, I -- I don't know. I'm not too sure when I saw her.
24
25 Q Okay. Now, you also saw the farmers?
26 A Mm. I didn't look at anything. I -- I was at the house. I didn't notice anything
27 around anywhere.
28
29 Q Well, you didn't see the --
30 A In the area.
31
32 Q -- the Stanleys?
33 A I -- yeah, I seen them. They were over -- down by the -- what's it called. The
34 barn. And they, like, quite a ways down and --
35
36 Q So you -- you pull into the yard, and you see them working?
37 A I wasn't sure if they were working or not.
38
39 Q Well, you -- okay. You see them there?
40 A Yeah, I see them, two.
41

- 1 Q Okay. So why don't you walk over to them and say, Hey, can we get some
2 help with a spare?
- 3 A Because right away, Eric jumped out before me and went straight to that quad.
4
- 5 Q So he started stealing --
- 6 A I -- I couldn't do nothing.
7
- 8 Q -- before you even had a chance to ask for help?
- 9 A Yeah. Like, I -- I -- right when I -- before I put it in -- even put it in park, he
10 got out. I put it in park. I was about to get -- I got off. I was walking, and then
11 all of a sudden all that stuff happened. He started trying to start it up, and all of
12 a sudden I heard yelling. I was, like, what the fuck. I'm, like --
13
- 14 Q Okay. Did you hear the rev of a four-cycle engine? Did he get it to fire?
- 15 A No, he didn't -- he didn't get it to start up, no.
16
- 17 Q Okay. Okay. Did you overhear Mr. Stanley say something to --
- 18 A I did not, no. I didn't hear nothing.
19
- 20 Q Okay.
- 21 A All I heard was shouting.
22
- 23 Q Okay. So -- and you would agree with me that the suggestion that Gerry and
24 Sheldon came out of nowhere, that that's not really fair? They were working,
25 and you guys were stealing from them?
- 26 A No. I wasn't stealing.
27
- 28 Q Sorry. Your group.
- 29 A Eric.
30
- 31 Q Eric was stealing from them. So not -- not unreasonable for Sheldon to run up
32 and say --
- 33 A Yeah.
34
- 35 Q -- get the heck out of here?
- 36 A Yeah.
37
- 38 Q Right. You'd be frustrated if it was your farm?
- 39 A M-hm. Well, yeah. Probably, yeah.
40
- 41 Q Yeah? Yeah. Okay. Now, did you tell Constable Boogaard yesterday or the

1 Crown that you'd overheard Gerry say something to Sheldon?

2 A I don't know.

3

4 Q No?

5 A All I heard was shouting.

6

7 Q Okay. So you --

8 A I saw -- oh. I didn't hear anything like that, but I heard -- I read on the media
9 that he said go inside --

10

11 THE COURT: We don't need to -- we don't need to go
12 into what you heard on the media.

13

14 A Yeah. So no. I didn't hear anything that day.

15

16 Q MR. SPENCER: So you heard something on the media,
17 and then you told that to Constable Boogaard and the Crown as if it was a fact?

18 A Just word-of-mouth.

19

20 Q But you told them you heard it yourself?

21 A I said -- I didn't say I heard it. I said I saw it on -- I didn't say I saw it or heard
22 it. I just said that's what they said.

23

24 Q Okay. So --

25 A Can I explain what I said?

26

27 Q Well, I guess we've got the police version and we've got your version. So I'm
28 good with that.

29 A No?

30

31 Q Let's talk about -- well, 30 shots.

32 A Around there, 25. I don't know.

33

34 Q Just --

35 A I don't count my shots. Like, I don't -- one, I go mark it down, two --

36

37 Q Do you think you should have been driving?

38 A No, I shouldn't have.

39

40 Q Okay. Why are you driving if you're that hammered?

41 A I honestly don't know.

1

2 Q Okay. And you actually have a driving prohibition, right?

3 A I did.

4

5 Q Okay. So the driver for the day is the guy -- were you the drunkest of the
6 group?

7 A No, I was not.

8

9 Q Okay. You were -- you would have been up there?

10 A Excuse me?

11

12 Q You would have been up there in the top couple drunk guys?

13 A Yeah.

14

15 Q Okay. Why is the second to drunkest guy driving?

16 A I could not answer that question because I -- I don't know how to answer that
17 question. I guess I was just driving at the time.

18

19 Q Okay. I'm going to show you what -- what's been provided as your CPIC, your
20 criminal record check --

21 A M-hm.

22

23 Q -- from the police. I'm going to ask you to have a look at that and tell me
24 whether it's accurate.

25 A Yes, that's accurate.

26

27 Q Those are all accurate? Are there any other convictions? Because sometimes
28 those don't get picked up --

29 A And they didn't spell my middle name right, though. They put a 'Z' in there.

30

31 Q Okay. So you -- your record includes -- you had a fail to comply with an
32 undertaking. That's not too serious. And then we've got -- you've got it in
33 front of you there? Flight, flight while pursued by peace officer? Okay. And on
34 that one, that's where you got the two-year driving prohibition.

35 A M-hm.

36

37 Q And when did you --

38 A One year.

39

40 Q Oh.

41 A I was on probation for one year.

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Q Okay. Well, 11 -- 11 would be November 5th of 2015 is when you were convicted of that -- fleeing from a police officer? You agree with me there?

A Yeah.

Q Okay. So a little less than a year earlier than the incident?

A Yeah. Probably, yeah.

Q Yeah.

A Less than a year.

Q Okay. And you -- you say you had a one-year driving prohibition?

A Yeah.

Q Okay. Because the record -- the record indicates a two-year driving prohibition. Let me find it.

A Yeah, I was on probation for one year.

Q Yeah, but driving prohibition. I get probation, but --

A They didn't -- they didn't let me know about that. All -- all my probation officer told me is that I had a one-year probation. They said after that probation is up, everything goes away because I was still a youth when it happened.

Q Okay. But your one year still wasn't up yet?

A It wasn't, no.

Q Right. And I'm just going to show you -- I think I'll try it -- the certificate from the Provincial Court. I'm going to ask you to have a look at that.

A I don't recall seeing this paper.

Q Okay. But you'll agree with me the last line is a two-year prohibition?

A I can read, yeah. I agree with you.

Q Okay. And that's actually the certificate from the court, so ...

A And I never got this paper, ever.

Q Yeah, no, you wouldn't because --

A M-hm.

Q -- I got it for today.

A M-hm. Yeah, like -- and they -- they didn't tell me that I had a two-year or

1 anything like that. It was only a one-year from the start.

2

3 Q Okay. But --

4 A And they said it wouldn't go on my record.

5

6 Q Yeah. That's kind of odd because the Court is pretty good about making you
7 sign those orders before you leave the courthouse, but --

8 A Yeah. Maybe I didn't read it. Yeah.

9

10 Q Yeah. Maybe you didn't read it.

11

12 MR. SPENCER: Can I get those marked, My Lord?

13

14 A I just usually -- just word for mouth, listen to my probation officer.

15

16 THE COURT: Okay. The next defence exhibit would be
17 what number?

18

19 THE COURT CLERK: D-4.

20

21 THE COURT: D-4 would be the criminal record or
22 CPIC record of the witness. And D-5, I presume that that's a certified copy of the
23 Provincial Court conviction?

24

25 MR. SPENCER: That is correct, My Lord.

26

27 THE COURT: And the certified copy of conviction
28 would be Exhibit D-5.

29

30 MR. SPENCER: Okay.

31

32 **EXHIBIT D-4 - Criminal Record of Cassidy Cross**

33

34 **EXHIBIT D-5 - Certified Copies of Provincial Court Convictions matching**
35 **Criminal Record in D-4**

36

37 Q MR. SPENCER: And then we can maybe expedite this a
38 bit. You also say -- at that same time, you have theft of motor vehicle. Do you
39 acknowledge that one?

40 A Yeah.

41

1 Q Mischief under 5,000?
2 A Yes.
3
4 Q Break and enter and commit?
5 A Yes.
6
7 Q Theft -- another theft of a motor vehicle?
8 A Yes.
9
10 Q Another theft of a motor vehicle?
11 A Yes.
12
13 Q Okay. And I've got all the certificates -- well, you -- you accept those are all
14 legitimate?
15
16 MR. SPENCER: My Lord, do you want -- I've got the
17 certificates. I can file them.
18
19 THE COURT: It's up -- it's up to you.
20
21 MR. SPENCER: I'll -- I guess I'll file those as a bundle,
22 yeah.
23
24 A I was just a kid. I still am.
25
26 THE COURT: We will make all the certificates of
27 conviction as Exhibit D-5.
28
29 THE COURT CLERK: Six. Oh.
30
31 THE COURT: Or I'm --
32
33 THE COURT CLERK: Or just add --
34
35 THE COURT: Yes, just add that to D-5.
36
37 MR. SPENCER: That's fine with me, My Lord.
38
39 THE COURT: Because those certificates of certified
40 copies of conviction would match the criminal record in D-4?
41

- 1 MR. SPENCER: Line by line. Thank you, My Lord.
2
- 3 Q MR. SPENCER: Okay. Just a couple more. Did you get
4 this -- after the crash -- and I guess I'll ask you this. When you pulled into the
5 yard and you were looking for help, it was for a flat tire?
6 A Yeah.
7
- 8 Q Did you not think it was your lucky day because the first thing you would have
9 seen is a Ford Escape?
10 A I did not look in the yard before I pulled in.
11
- 12 Q You drove by the Ford Escape going in?
13 A I just seen the approach, so I pulled in.
14
- 15 Q Okay.
16 A I had no intentions of doing anything to that.
17
- 18 Q Right. But if now you're saying instead of stealing in this yard, we're going to
19 get help and you're driving down the driveway right here -- do you see where
20 I'm --
21 A Yeah.
22
- 23 Q Yeah? The first thing you would come -- have come to is a Ford Escape.
24 A Yeah, and I passed it, didn't I?
25
- 26 Q Yeah. I think you went right by it?
27 A I -- I didn't -- I didn't park right beside it.
28
- 29 Q Right. Why wouldn't you have parked right beside it and got the spare tire out
30 of it and changed your --
31 A Because I wasn't there to steal. I was there to ask for help.
32
- 33 Q So you -- you think it was better not to borrow a spare from a match -- from a
34 similar vehicle?
35 A Why would I do that? I don't -- I went there not to steal. I went there to ask for
36 help.
37
- 38 Q Right. But do you think there's any farmer that would be upset if you used the
39 spare tire to get home and then brought it back?
40 A Like I said, I didn't have time to ask for that. Eric jumped out right away.
41

- 1 Q Yeah, but you drove right by your -- your -- the --
2 A Why would I --
3
4 Q -- the best thing you could have, you drove right by the spare tire?
5 A Yeah, but it's theirs. It's not mine. Like, why would I go right to the vehicle
6 and go start looking? I seen those people. I -- I drove right there. I stopped. I
7 tried getting out. And then boom, that's all happened -- and that -- that's when
8 it happened. Eric got out. Our chances of getting help there went down. I
9 couldn't do nothing about it because it was Eric's actions.
10
11 Q Okay. And -- and I'm having trouble with this -- like, you're willing to
12 vandalize a vehicle on one farm, and then 15 kilometres later, you won't
13 borrow a spare to get home?
14 A M-hm. I was blacked out, and right when I was doing that, I realized -- I
15 snapped out of it. I snapped out of my blackout, and I realized what I was
16 doing. What I was doing was wrong. So I went back, and I drove -- I drove
17 away. I didn't -- yeah.
18
19 Q Okay. Did you get the vehicle started after you crashed into the blue Escape?
20 A I couldn't drive. The radiator was messed up, and I couldn't put it in reverse,
21 and --
22
23 Q Okay. I -- I know you guys have decided that, but there was actually nothing
24 wrong with the radiator.
25 A No? Well, I tried putting it in reverse. It wouldn't move.
26
27 Q Okay.
28 A I tried putting it in drive. It wouldn't move.
29
30 Q Did you get it started?
31 A It was started -- it was started the whole time. And I -- no, actually, I didn't get
32 it started. It shut off slowly. I tried kept on starting it up. It wouldn't start. I
33 think it -- it might have started up. I'm not too sure, because I remember
34 putting it in reverse and it wouldn't move.
35
36 Q Okay. So I'm going to suggest to you that there was the crash, and that you
37 took it out of drive, restarted it, and it ran?
38 A I tried starting it. I tried going, still, because I was scared out of my mind. I
39 didn't know what to do. I ran for my life.
40
41 Q Why were you running for your life? You just smashed into their vehicle.

- 1 A Yeah.
- 2
- 3 Q Why are you running?
- 4 A I just got a hatchet smashed on the window right on my face.
- 5
- 6 Q Because your buddy was stealing --
- 7 A Yeah.
- 8
- 9 Q -- the quad.
- 10 A It wasn't my actions.
- 11
- 12 Q Okay. So is that what you think, is if the -- one of your group is stealing, that
- 13 then that's -- that has nothing to do with you?
- 14 A Well, it has everything to do with me because I'm the one driving.
- 15
- 16 Q Okay.
- 17 A And he's the one who made that stupid decision to get out and try to go take
- 18 that quad.
- 19
- 20 Q Right. But on the other hand, that's what you guys were doing?
- 21 A Like I said, I was blacked out. I keep on coming out of blackouts. I go into
- 22 blackouts. I come out of them. It happens to everyone.
- 23
- 24 Q Okay. So do you think you should have been driving?
- 25 A I shouldn't have.
- 26
- 27 Q Do you remember going by a busload of Bible camp kids?
- 28 A I do not.
- 29
- 30 Q Do you remember going by the Bible camp?
- 31 A I do, yeah. Or no, I do not, no.
- 32
- 33 Q No?
- 34 A I don't remember there being a Bible camp.
- 35
- 36 Q Okay.
- 37 A Yeah.
- 38
- 39 Q Do you think you were going 80 to 90 kilometres an hour when you went by
- 40 the Bible camp?
- 41 A I'm not sure.

1

2 Q Or sorry, not miles an hour. Careful. Kilometres an hour.

3 A I'm not sure. Like I said -- well, I quit drinking after that. I haven't touched a
4 single drop of alcohol.

5

6 MR. SPENCER: Okay. That's all I have. Thank you.

7

8 A Okay.

9

10 THE COURT: Any re-examination, Mr. Burge?

11

12 MR. BROWNE: Nothing, My Lord. Thank you.

13

14 THE COURT: Mr. Cross, you are free to go. Thank you
15 very much for coming to court and providing your testimony.

16

17 A Thank you. I can stand up?

18

19 THE COURT: You can go.

20

21 A Okay. Thank you.

22

23 THE COURT CLERK: Just careful when you go by the --
24 (INDISCERNIBLE) --

25

26 A (INDISCERNIBLE).

27

28 (WITNESS STANDS DOWN)

29

30 THE COURT: Mr. Burge, we have about a half an hour
31 left.

32

33 MR. BURGE: The next witness is Belinda Jackson.

34

35 THE COURT: Okay. Well, we could get started with
36 her.

37

38 MR. BURGE: Yes.

39

40 THE COURT CLERK: How do you take an oath? Will you
41 swear on the Bible or do you wish to affirm?

1

2 MS. JACKON: I'll swear on the Bible.

3

4 THE COURT CLERK: Take the Bible in your right hand. Sorry.
5 Just turn it the other way. State your full name.

6

7 MS. JACKON: Belinda Jackson.

8

9 THE COURT CLERK: Spell your first and last name for the
10 record.

11

12 MS. JACKON: B-E-L-I-N-D-A J-A-C-K-S-O-N.

13

14 **BELINDA JACKSON, Sworn, Examined by Mr. Burge**

15

16 THE COURT CLERK: (INDISCERNIBLE).

17

18 A Thank you. Okay.

19

20 THE COURT CLERK: Just lean forward.

21

22 A Who is -- who's talking to me? Okay.

23

24 THE COURT: Good morning, Ms. Jackson.

25

26 A Good morning.

27

28 THE COURT: How are you this morning?

29

30 A Could be better.

31

32 THE COURT: Better?

33

34 A Yeah, could be better.

35

36 THE COURT: How are you finding the cold? Used to
37 it? Okay. I'm going to ask you. When you give your testimony, you seem like you
38 are a little soft-spoken, so you are going to have to give your testimony in a nice,
39 loud voice so that I and the jury can hear you.

40

41 A Yeah.

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THE COURT: So if you could speak nice and clearly.
And if you need a break or anything, you let me know, okay?

A Yeah.

THE COURT: Mr. Burge.

MR. BURGE: Thank you, My Lord.

Q MR. BURGE: Ms. Jackson, how old are you?

A Twenty-four.

Q I understand you're pursuing a post-secondary education right now?

A Yes.

Q And what are you studying?

A Licensed Practical Nurse.

Q And where is -- and where are you studying?

A Norquest College.

Q And where is that?

A Edmonton, Alberta.

Q Okay. And how long is the program and how far are you into it?

A I'm just doing my upgrade and some upgrading right now until April, and then I can fall into my courses.

Q Okay. I'd like to direct your attention to the summer of 2016. I understand you spent some time that summer in the Red Pheasant area?

A Yes.

Q And at -- I understand you had a -- were involved in a relationship with Eric Meechance?

A Yes.

Q Can you tell us how much time you spent in the Red Pheasant area in the summer of 2016?

A I think I stayed there for, like, prior to the incident, like, two months.

1 Q Okay. And where were you staying?

2 A I was staying at Eric's grandma's with him.

3

4 Q Okay.

5 A In Red Pheasant.

6

7 Q If I could direct your attention to the 9th day of August, 2016? Do you recall
8 that day?

9 A Yeah.

10

11 Q I understand that at some point, you and Eric met up with another group of
12 people?

13 A Yes.

14

15 Q Is that a "yes"? Could you please tell us where and when and how that
16 happened?

17 A Well, that morning, we -- we -- we didn't have any plans to meet up with them
18 or anything like that. We just met up with them by coincidence at the band
19 office in Red Pheasant. And they said they were going to come and see us after
20 we were done doing what we had to do there. And they ended up just following
21 us back to the house. We met there. And I wanted to go in and shower and
22 whatever. I did what I had to do. I came back out, and they wanted to -- like,
23 they were in a rush to leave. They wanted to leave. So --

24

25 Q Okay.

26 A -- we left. And that's -- we ended up in the townsite at somebody's place for a
27 little bit there. And --

28

29 Q Can I stop you?

30 A Yeah.

31

32 Q You -- you said you went back to Eric's place?

33 A Yeah, we --

34

35 Q And -- and you got ready?

36 A Yeah.

37

38 Q And then you said they followed you back there? Or they -- they came back
39 with you?

40 A Yeah. They were --

41

- 1 Q Okay.
- 2 A We met up with them.
- 3
- 4 Q Who is -- who all was present? Who -- what's -- who is in this group of
- 5 people?
- 6 A Like, in what vehicle?
- 7
- 8 Q Okay. Who's in this group of people that ended up at Eric's place as you were
- 9 getting ready?
- 10 A Cassidy, Kiora, me and Eric.
- 11
- 12 Q Okay. So there's four of you?
- 13 A Yes.
- 14
- 15 Q And then you got ready, and you said you went to the townsite?
- 16 A Yeah.
- 17
- 18 Q Okay. Please continue.
- 19 A Well, before we went to the townsite, we went to this one trailer we tried to go
- 20 to, but there was nobody answering the door. So we went to -- that's where we
- 21 picked up Colten was in the townsite. I don't know whose house it was. We
- 22 were -- we weren't even there for long. But we ended up leaving because
- 23 somebody told us that there was cops on the rez, and -- and -- and, like,
- 24 drinking and driving, we didn't want to be around there. I didn't want to be
- 25 around there.
- 26
- 27 Q Okay. So was there -- you said drinking and driving. Was there drinking and
- 28 driving going on?
- 29 A Well, the people that picked us up, yeah.
- 30
- 31 Q Okay.
- 32 A Because we dropped off our vehicle at Eric's.
- 33
- 34 Q Pardon me?
- 35 A We dropped off our vehicle off at Eric's, and we jumped in the vehicle with
- 36 Kiora and Cassidy.
- 37
- 38 Q Okay. And who was driving that vehicle?
- 39 A Cassidy.
- 40
- 41 Q Okay. And had either Cassidy or Kiora been drinking?

- 1 A Yes.
- 2
- 3 Q And you could tell that?
- 4 A Yeah.
- 5
- 6 Q How did they appear to you when they picked you up?
- 7 A Well, he was driving kind of, like, reckless and everything, so I imagine he was
- 8 drunk.
- 9
- 10 Q Okay.
- 11 A And so was she because --
- 12
- 13 Q How -- how about Kiora?
- 14 A She was -- she was drunk, too.
- 15
- 16 Q Okay. So you said you went to the townsite. Then you picked up Colten?
- 17 A Yes.
- 18
- 19 Q Did you know Colten at that time?
- 20 A No.
- 21
- 22 Q Had you ever met him before?
- 23 A No.
- 24
- 25 Q Did you even know his name that morning?
- 26 A Well, she introduced me to him, yeah.
- 27
- 28 Q Okay. And at some point, you said you heard that there were cops around?
- 29 A Yeah.
- 30
- 31 Q And where was -- where were you when you heard that?
- 32 A We were sitting inside the vehicle. Nobody got out of the vehicle.
- 33
- 34 Q Okay. Where was the vehicle?
- 35 A Parked in front.
- 36
- 37 Q Of?
- 38 A That -- that house we were at. It was, like, a trailer --
- 39
- 40 Q Okay.
- 41 A -- in the townsite.

1

2 Q And is this where you met up with Colten?

3 A Yes.

4

5 Q Okay. At the trailer?

6 A Yes.

7

8 Q Okay. And so what happened from there? Where did they go from there?

9 A We went to his grandma's house. It was not far from Eric's. We went there for
10 a bit. We drank there -- well, we didn't start -- they were -- they were drinking,
11 but I didn't start drinking until afterwards. We got there, and we knew we
12 weren't wanted there, so we left.

13

14 Q Okay. How long were you there before you left?

15 A I would say no longer than an hour.

16

17 Q And so by the time you left this place, had you started to drink?

18 A Can you repeat that question?

19

20 Q You were at this place for an hour?

21 A Yeah.

22

23 Q And then you left. In that time, had you had anything to drink?

24 A No. No.

25

26 Q So after an hour, you left, and where did you go?

27 A I believe it was Maymont.

28

29 Q And what was the purpose of going to Maymont?

30 A We were trying to go to a lake, but we ended up at a river.

31

32 Q Okay. And had you ever been -- ever been to this place before?

33 A No.

34

35 Q Did you know it was a river you were going to?

36 A No.

37

38 Q Did you -- were you prepared to go swimming?

39 A Yeah, because we ended up stopping at Kiora's place for some swimming
40 trunks.

41

- 1 Q Okay. And then you -- did you then go to Maymont? Is that a "yes"?
- 2 A Yes.
- 3
- 4 Q At some point did you start to drink?
- 5 A Yes.
- 6
- 7 Q When was that?
- 8 A As we were leaving to -- leaving the reserve.
- 9
- 10 Q To go to Maymont?
- 11 A Yeah.
- 12
- 13 Q Okay. And what were you drinking?
- 14 A Vodka and some rum, I believe it was.
- 15
- 16 Q And were you drinking out of the bottle or out of glasses?
- 17 A It was out of the bottle.
- 18
- 19 Q And do you remember how big the bottles were? Say -- let's start with the
- 20 vodka.
- 21 A The vodka was a two-six, and the -- the other rum was, like, I don't know. Like
- 22 a 40 or something. Maybe bigger. I think it was bigger than that.
- 23
- 24 Q Bigger than a 40?
- 25 A Yeah.
- 26
- 27 Q Okay. And when you went to Maymont, whose vehicle were you in?
- 28 A Kiora's.
- 29
- 30 Q Who was driving?
- 31 A Cassidy.
- 32
- 33 Q Do you recall where people were located in the vehicle?
- 34 A Yeah.
- 35
- 36 Q Okay. Tell us that, please.
- 37 A Cassidy was the driver. Kiora was the passenger when she -- when they picked
- 38 us up. And Eric -- I was in the middle. I was in the middle, like, pretty much
- 39 the entire time.
- 40
- 41 Q Okay.

- 1 A And at some point, like, Kiora was in the back with me and Eric was in the
2 back with me.
3
- 4 Q So as you were -- as you were leaving the reserve to go to Maymont, was
5 Colten in the vehicle?
6 A Yeah.
7
- 8 Q Where was he?
9 A He was behind Kiora, like, on the passenger's side.
10
- 11 Q Okay.
12 A Yeah.
13
- 14 Q Do you have any memory of how long it takes to get to Maymont from the
15 reserve?
16 A No, I don't know.
17
- 18 Q Would it be more or less than an hour?
19 A I would say less --
20
- 21 Q Okay. More or less than half an hour?
22 A -- than an hour. Less than -- I don't know. Like, maybe 30 minutes, 40
23 minutes.
24
- 25 Q Okay.
26 A I'm not sure.
27
- 28 Q By the time you got to the river, how were you feeling?
29 A I was starting to feel -- because I haven't ate that day, I was starting to feel
30 pretty drunk at that time. Well, like, I was --
31
- 32 Q And you said you were drinking vodka and --
33 A Yeah.
34
- 35 Q -- rum?
36 A Yeah.
37
- 38 Q And do you have any idea -- can you measure how much you were drinking?
39 Or how -- how do you tell how much you had to drink when you're drinking
40 out of the bottle?
41 A No, you can't, I guess. I can't answer that, no. I don't know.

1

2 Q Okay. How about the others in the car? Were they -- was anyone else drinking
3 out of the -- the bottle of vodka and rum?

4 A Pretty sure we all were.

5

6 Q Okay. What happened when you got to Maymont?

7 A Well, we swam for a bit, me and Kiora.

8

9 Q Okay. Just -- just you and Kiora?

10 A Yeah.

11

12 Q And was it what you expected?

13 A What do you mean?

14

15 Q Well, you're in a river. How did that work?

16 A Pardon me?

17

18 Q How -- how was swimming in the river? How was that experience for you?

19 A Well, it wasn't -- like, because we had some -- we had alcohol to drink, and,
20 like, the river was kind of, like, pushing us.

21

22 Q Yes.

23 A It was kind of windy that -- that day a little bit.

24

25 Q Okay.

26 A So I wasn't able to have much control of that, so I got -- I got out of the river.

27

28 Q Okay. How long do you think you stayed there?

29 A I would say about half hour.

30

31 Q And after the half an hour, what did you guys decide to do?

32 A We were supposed to go to somewhere else back in the reserve to drink.

33

34 Q So the plan was to go back to the reserve?

35 A Yeah.

36

37

38

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