

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 340

Held at :

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

Thursday, January 22, 2009

Tenue à:

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

Jeudi, le 22 janvier 2009

Appearances/Comparutions

Ms. Brigitte Beaulne	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Karen Jones	
Ms. Maya Hamou	
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. Darrell Kloeze	Attorney General for Ontario
Ms. Leslie McIntosh	
Mr. Christopher Thompson	
Mr. Tilton Donihee	The Children's Aid Society of the United Counties
Ms. Juda Strawczynski	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. Michael Neville	The estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Ms. Marie Henein	Mr. Jacques Leduc
M ^e Danielle Robitaille	
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. William Trudell	Wm Trudell Professional Corp.
Ms. Brydie Bethell	Simcoe Chambers
Ms. Shelley Hallett	
Ms. Lidia Narozniak	

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1 --- Upon commencing at 9:36 a.m./

2 L'audience débute à 9h36

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, all.

10 **SHELLEY HALLETT Resumed/Sous le même serment:**

11 **MS. HALLETT:** Good morning.

12 **THE COMMISSIONER:** Mr. Neville?

13 **MR. NEVILLE:** Good morning, Commissioner.

14 **MS. HALLETT:** Justice Glaude, I was just
15 wondering before -- I said something last night in response
16 to a question of yours that has had me concerned, in
17 relation to evidence being discussed at the pre-trial
18 conference.

19 **THE COMMISSIONER:** Yes.

20 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. HALLETT

21 **MS. HALLETT:** And I was just wondering if I
22 might be able to perhaps correct what I think might have
23 been a misapprehension about my evidence on that.

24 As you know, in all of the pre-trial
25 conference reports that I filed in these cases, I listed

1 factual issues and legal issues, and of course that
2 presupposes that there would be a discussion of the
3 evidence in relation to all of those.

4 And, of course, the judges before I appeared
5 on those pre-trial conferences would -- we would be
6 discussing the evidence and we would get assistance in
7 terms of narrowing down the factual issues, based on a
8 meaningful discussion of the evidence.

9 I think what I was trying to say at the end
10 of the day yesterday, when I was very tired after a full
11 day of testimony, is that when that discussion of the
12 evidence just descends into a contest, or a debate between
13 counsel as to the relative merits of the case based on the
14 evidence, I -- I'm not sure if it's as helpful, and that's
15 what I meant.

16 I may have put it too strongly in terms of
17 using the word "appropriate" but I apologize if I left some
18 -- how should I say -- if I stated it so awkwardly that it
19 didn't express properly what I meant.

20 **THE COMMISSIONER:** Thank you.

21 Mr. Neville?

22 **MR. NEVILLE:** Good morning, sir. Good
23 morning, Ms. Hallett.

24 **MS. HALLETT:** Good morning, Mr. Neville.

25 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

1 **MR. NEVILLE (cont'd/suite):**

2 **MR. NEVILLE:** I wanted to just pick up on
3 what you just talked about, and that is the review of the
4 aspects or perhaps problem areas perceived, at least by the
5 Defence, that is me ---

6 **MS. HALLETT:** Yes.

7 **MR. NEVILLE:** --- on various complainants.

8 I'd like to turn next, if I could,
9 Commissioner, to two new documents, and perhaps both could
10 be presented to Ms. Hallett? One one three five two six
11 (113526) and 113527; 526 and 527.

12 **THE REGISTRAR:** One one three five two seven
13 (113527)?

14 **MR. NEVILLE:** Five two six (526) and 527.

15 **THE REGISTRAR:** Five two seven (527) is
16 already an exhibit.

17 **MR. NEVILLE:** Is all of it? Because I know
18 some part of it was, Commissioner, during, I believe, the
19 cross-examination of either Mr. Renshaw or Mr. Upper, but
20 I'm not sure the whole document was.

21 Was the whole one put in?

22 **THE REGISTRAR:** It says ---

23 **MR. NEVILLE:** Oh, that's fine. I wasn't
24 sure. I knew something had happened -- I wasn't sure
25 whether the whole thing was or not. That's fine.

1 So which one is partly in, or in?

2 **THE REGISTRAR:** One one three five two seven
3 (113527) is Exhibit 502.

4 **MR. NEVILLE:** Five four two (542)?

5 **THE REGISTRAR:** Five zero two (502).

6 **MR. NEVILLE:** Five zero two (502); thank you
7 very much.

8 **THE COMMISSIONER:** And the other one? Thank
9 you. Exhibit 3245 ---

10 **MS. HALLETT:** Thank you.

11 **THE COMMISSIONER:** --- is a document
12 entitled, "Synopsis First Preliminary Inquiry."

13 **---EXHIBIT NO./PIÈCE NO P-3245:**

14 (113526) Synopsis prepared by Nadia Thomas
15 re: R. v. Charles MacDonald undated

16 **MR. NEVILLE:** Three two four five (3245),
17 Commissioner?

18 **THE COMMISSIONER:** Yes.

19 **MR. NEVILLE:** Thank you.

20 **THE COMMISSIONER:** There should be a
21 publication ban on this document.

22 **MR. NEVILLE:** There should be on both, yes,
23 sir.

24 **THE COMMISSIONER:** And so who prepared this,
25 sir?

1 **MR. NEVILLE:** That's what I was about to
2 deal with, Commissioner.

3 **THE COMMISSIONER:** Oh, okay.

4 **MS. HALLETT:** Is that your question?

5 **MR. NEVILLE:** Yes.

6 **MS. HALLETT:** Okay. I asked my student to
7 go through the transcripts of the preliminary inquiry and,
8 of course, she summarized them, and I believe that's in ---

9 **MR. NEVILLE:** Right.

10 **MS. HALLETT:** --- other documents before the
11 Tribunal. But the same student, Nadia Thomas, I asked to
12 set out, on her reading of the transcripts -- the prelim
13 and discovery transcripts -- the inconsistencies and what
14 she perceived to be the weaknesses.

15 I sat down and talked with her about that.
16 I wanted -- I told her what I wanted to do, because I
17 wanted to more or less be able to focus on those parts of
18 the evidence when I was preparing to deal with your
19 concerns.

20 **MR. NEVILLE:** All right. So the simple
21 answer then is, for us, that this was prepared at your
22 request to assist you by your then student, Ms. Thomas?

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

24 **MR. NEVILLE:** All right. And it's obvious,
25 when we look at the documents, in a sense they speak for

1 themselves, they're taken directly from the actual
2 testimony heard at the two preliminaries.

3 **MS. HALLETT:** And the discovery.

4 **MR. NEVILLE:** Yes, indeed, there were
5 several discoveries for some of the complainants.

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

7 **MR. NEVILLE:** Silmsen, MacDonald and C-3.

8 **MS. HALLETT:** Yes.

9 **MR. NEVILLE:** All right?

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

11 **MR. NEVILLE:** Who are referred to in
12 synopsis for prelim number 1; right?

13 **MS. HALLETT:** Yes.

14 **MR. NEVILLE:** All right. So we see a number
15 of points of analysis. For example, can we look on Exhibit
16 3245? And I'll use the page -- pagination at the bottom
17 right corner, done by Ms. Thomas, if it's convenient to
18 you, Ms. Hallett?

19 **MS. HALLETT:** Yes, thank you.

20 **MR. NEVILLE:** C-3 is analyzed, starting in
21 the middle of page 2.

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

23 **MR. NEVILLE:** And just for context,
24 Ms. Hallett, you'll agree with me, I take it, that there
25 were two aspects to C-3's allegations; one involving an

1 event at the rectory in Apple Hill, and one involving
2 events when an altar boy.

3 MS. HALLETT: Yes.

4 MR. NEVILLE: All right. And you understood
5 that -- and we touched on it yesterday, that the Apple Hill
6 event was, at least by Mr. Pelletier, not prosecuted?

7 MS. HALLETT: That's right.

8 MR. NEVILLE: All right. And so that left
9 the -- what are described as the "grabbing" incidents in
10 the sacristy as an altar boy.

11 If I could refer you to point number 3, this
12 is lifted directly from a combination of the preliminary
13 inquiry and the discovery ---

14 MS. HALLETT: Yes.

15 MR. NEVILLE: --- correct?

16 MS. HALLETT: M'hm.

17 MR. NEVILLE: And he perceived that conduct
18 as in the nature of a joke. Is that right? Correct?

19 MS. HALLETT: Yes.

20 MR. NEVILLE: And if we look at the top of
21 the next page, that's repeated as point 2, and in addition
22 point 1 has to do with a possible money motivation.

23 MS. HALLETT: Yes.

24 MR. NEVILLE: Right? All right. So let's
25 look at Exhibit 4502.

1 **MS. HALLETT:** Thank you, yes.

2 **MR. NEVILLE:** And this deals with the five
3 initial Project Truth complainants?

4 **MS. HALLETT:** Yes.

5 **MR. NEVILLE:** Because C-2 was a Project
6 Truth complainant that came along considerably later, by
7 some two years, when his name was turned over for the first
8 time by Dunlop ---

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

10 **MR. NEVILLE:** --- Mr. Dunlop. All right.

11 **MS. HALLETT:** Yes.

12 **MR. NEVILLE:** So we see the first one is C-
13 4.

14 **MS. HALLETT:** Yes.

15 **MR. NEVILLE:** That's -- I'm using our
16 monikers, Ms. Hallett.

17 **MS. HALLETT:** Yes, I understand.

18 **MR. NEVILLE:** Okay. And we see a bullet, or
19 a topic headed "Weaknesses" as number 3.

20 **MS. HALLETT:** Yes.

21 **MR. NEVILLE:** It goes along with number 1,
22 under "Inconsistencies" that there appeared to be
23 photographic evidence inconsistent with the complainant's
24 version of events. Fair enough?

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

1 **MR. NEVILLE:** All right. And then we look
2 at the next one, Mr. Renshaw, who is not monikered, and
3 there's a reference in point number 1 under
4 "Inconsistencies" of an event happening at the rectory at
5 St-Columban's in 1983?

6 **MS. HALLETT:** M'hm, yes.

7 **MR. NEVILLE:** Now, you would agree with me,
8 I take it, that based on the C.V. or list of appointments
9 of Father MacDonald, he was not at St-Columban's from the
10 summer of 1975 on; correct?

11 **MS. HALLETT:** I remember that being ---

12 **THE COMMISSIONER:** The C.V.?

13 **MS. HALLETT:** --- a discrepancy, yes.

14 **THE COMMISSIONER:** Just a second.

15 **MR. NEVILLE:** Let's look at C-8.

16 **THE COMMISSIONER:** Just a second, Mr. ---

17 **MR. NEVILLE:** Sorry, Commissioner.

18 **MR. LEE:** I'm sorry, sir. I don't dispute
19 Mr. Neville's characterization, necessarily, but he wasn't
20 posted at St-Columban's ---

21 **THE COMMISSIONER:** That's right. That's
22 right.

23 **MR. LEE:** --- as opposed to not being at St-
24 Columban's.

25 **THE COMMISSIONER:** Right.

1 **MR. NEVILLE:** That's fine.

2 **THE COMMISSIONER:** Well, a little bit of a
3 difference, so it ---

4 **MR. NEVILLE:** Well, there's a big
5 difference, but I'm not going to debate it here; that's not
6 what we're here for.

7 **THE COMMISSIONER:** Well, then, that's a very
8 good point, because ---

9 **MR. NEVILLE:** But I'm going to ask her a
10 question on that.

11 **THE COMMISSIONER:** --- we are -- we've been
12 going on now for over an hour.

13 **MR. NEVILLE:** I'm not going to go to that
14 point, Commissioner. I'm going to ask what was done on the
15 topic.

16 **THE COMMISSIONER:** Okay.

17 **MR. NEVILLE:** That's the point of the
18 question.

19 **THE COMMISSIONER:** Right, but you told me
20 that we're going to ---

21 **MR. NEVILLE:** Yes.

22 **THE COMMISSIONER:** --- get to where you're
23 getting ---

24 **MR. NEVILLE:** Yes, sir.

25 **THE COMMISSIONER:** --- and so I think I've

1 given you a lot of leeway.

2 **MR. NEVILLE:** There will be correspondence
3 and other matters I'll get to in a moment, and which is all
4 reflected, sir, in dealing with Ms. Hallett.

5 We deal with C-8 at the bottom of page 2?
6 And this is the gentleman who admitted fabrication to Mr.
7 McConnery, right?

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

9 **MR. NEVILLE:** All right.

10 And then we have on page 4 a person known to
11 us as C-5 with comments about him, and then on page 4, we
12 have Mr. Upper; correct?

13 **MS. HALLETT:** Yes. M'hm, that's right.

14 **MR. NEVILLE:** Now let's look at point number
15 2 combined with number 3.

16 This individual's evidence under oath,
17 looking at point 3, was the event alleged happened no later
18 than 1968. We go to point 2 and the question is posed:

19 "Do we have any documentation to show
20 that Father MacDonald served mass as an
21 apprentice priest at any time?"

22 Now, let's go back to Mr. Renshaw. Are you
23 aware of any investigation that was done to determine who
24 was at St Columban's in 1983?

25 **MS. HALLETT:** I can only -- I'm sorry,

1 you're asking me about quite a lot of detail here and it's
2 been some time, but I recall that we were -- I was asking
3 the police to look into the various assertions that were
4 being made. And, of course, it would have helped, perhaps
5 in either confirming or refuting the allegation on a
6 collateral point ---

7 **MR. NEVILLE:** Collateral?

8 **MS. HALLETT:** --- in my estimation. So we
9 were doing our best, we were all doing our best, Mr.
10 Neville.

11 **MR. NEVILLE:** Sure. All right.

12 Going to Mr. Upper, I take it you're able to
13 validate the fact, the ecclesiastical fact, that one cannot
14 say mass before one is ordained?

15 **MS. HALLETT:** I'm not sure about that, I'm
16 sorry.

17 **MR. NEVILLE:** You're not sure?

18 **MS. HALLETT:** I'm not sure.

19 **MR. NEVILLE:** All right. That's fine.

20 Let's look at a new document, Number 109560.

21 **THE COMMISSIONER:** Thank you.

22 Exhibit 3246 is a letter dated April 3rd,
23 2000 from Mr. Neville to Shelley Hallett.

24 --- **EXHIBIT NO./PIÈCE NO. P-3246:**

25 (109560) - Letter from Michael Neville to Shelley

1 Hallett dated April 3, 2000

2 MR. NEVILLE: To Miss Hallett, Commissioner?

3 THE COMMISSIONER: That's what I said.

4 MR. NEVILLE: Oh, I'm sorry. I didn't hear
5 you.

6 MS. HALLETT: M'hm.

7 MR. NEVILLE: Do you have it there, Ms.
8 Hallett?

9 MS. HALLETT: I do.

10 MR. NEVILLE: All right. And it's a letter
11 sent to you about a month roughly before the scheduled
12 trial date; correct?

13 MS. HALLETT: M'hm, yes.

14 MR. NEVILLE: Let's look at the last
15 paragraph on the bottom of page 1:

16 "As you will recall during the course
17 of the second preliminary inquiry,
18 various materials were filed in court
19 indicating that Father MacDonald could
20 not have assaulted C-8 and Mr. Renshaw.
21 The essence of the problem was that
22 Father MacDonald was not at that parish
23 at the time alleged by these two men.
24 In fact, on the date of the funeral of
25 C-8's father, the documentary material

1 indicates Father MacDonald was at two
2 different places, not at St Columban's.
3 It's my understanding that the
4 allegation of these two complainants,
5 particularly the time problem, were
6 being further investigated, and I would
7 ask to be provided with the results of
8 that investigation and an indication as
9 to whether these two complainants will
10 still be called to testify."

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

12 **MR. NEVILLE:** Next paragraph:

13 "As you are aware from your review of
14 the brief and perhaps from
15 conversations with Mr. Pelletier, the
16 various investigators, there are a
17 number of witnesses interviewed by the
18 police whose statements appear to
19 contradict, in very significant ways,
20 the evidence of some of these
21 complainants. I'm referring
22 particularly to witnesses that very
23 seriously contradict Mr. Silmser,
24 including his brother, sister and
25 cousin. In addition, witnesses who

1 contradict very seriously John
2 MacDonald, such as Mr. Morrisette, Mr.
3 Desrosiers. In the case of the second
4 group of complainants, I've already
5 referred to the problem here is with C-
6 8 and Mr. Renshaw. I'd also make
7 reference to the complainant C-5 and
8 the statement of Mrs. Flora MacDonald,
9 C-5's teacher at the relevant time. It
10 would appear from her statement that C-
11 5's story isn't possible. In the
12 circumstances, I'm wondering if it is
13 the intention of the Crown to call
14 these various witnesses, all of whom
15 were interviewed by the police during
16 their various investigations?"

17 Now, can we look at Exhibit 3216?

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MR. NEVILLE:** Do you have it there, Ms.
20 Hallett?

21 **MS. HALLETT:** Yes, I do.

22 **MR. NEVILLE:** Just so it's clear for the
23 record, the previous document, my letter to you, was on
24 April 3rd. This is your response.

25 You thank me for the letter in the opening

1 sentence, and can you confirm for me that the first three
2 paragraphs deal essentially with further disclosure, namely
3 Volumes -- what are known as Volumes 7 and 8?

4 **MS. HALLETT:** Yes.

5 **MR. NEVILLE:** Let's look at the bottom of
6 the page.

7 "In response to the inquiry contained
8 in your letter..."

9 **MS. HALLETT:** I'm sorry. Where are we
10 looking at now?

11 **MR. NEVILLE:** I'm at bottom of page 1 ---

12 **MS. HALLETT:** Okay.

13 **MR. NEVILLE:** --- in your letter ---

14 **MS. HALLETT:** Yes?

15 **MR. NEVILLE:** --- of April 6th.

16 "In response to the inquiry contained
17 in your letter, the report from the
18 Centre of Forensic Sciences on the
19 results of the analysis of the Senate
20 of Priests' Agenda document is also
21 included in Volume 8."

22 **MS. HALLETT:** Okay.

23 **MR. NEVILLE:** Sorry, Volume 7. There's a
24 little seven, sir, there at the top of the page, you have
25 to sort of ---

1 MS. HALLETT: Oh, yes.

2 MR. NEVILLE: --- look for it.

3 MS. HALLETT: M'hm.

4 MR. NEVILLE: Otherwise the letter almost
5 doesn't read properly.

6 "Volume 8 contains..."

7 Then you talk about the number of pages.

8 MS. HALLETT: Right.

9 MR. NEVILLE: Right?

10 MS. HALLETT: M'hm.

11 MR. NEVILLE: And then you go on in the next
12 full paragraph to talk about Volume 8 and the new
13 allegations of C-2.

14 MS. HALLETT: Yes.

15 MR. NEVILLE: Right? And the balance of the
16 letter, down to the final sentence, deals with the C-2
17 matter.

18 MS. HALLETT: M'hm.

19 MR. NEVILLE: Right?

20 MS. HALLETT: Yes.

21 MR. NEVILLE: Then you refer, at the bottom
22 of the page, about materials received yesterday, so I take
23 it that would have been April 5th, from Constable -- yes, he
24 was still Constable Dunlop.

25 MS. HALLETT: M'hm.

1 **MR. NEVILLE:** And at the top of the next
2 page, you refer to these as being:

3 "Handwritten notes of witness
4 statements which have already been
5 disclosed to you."

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

7 **MR. NEVILLE:** Right?

8 **MS. HALLETT:** Yes.

9 **MR. NEVILLE:** Now, do you agree with me, Ms.
10 Hallett, that other than in the reference to the Centre of
11 Forensic Science report which relates, Commissioner, to C-
12 8, there is no response or comment or reply of any kind to
13 the points raised about all the other complainants in my
14 letter?

15 **MS. HALLETT:** I certainly agree that it
16 seems to be -- I felt that the Senate of Priests Agenda was
17 the most, how should I say, significant piece of evidence -
18 - piece of information I could offer in response to your
19 inquiry, okay ---

20 **MR. NEVILLE:** Well, the ---

21 **MS. HALLETT:** --- in this particular letter.
22 I obviously was more preoccupied with getting to you
23 disclosure -- recently received materials for disclosure.
24 If I could just take a look of your letter of April 3rd
25 though?

1 **MR. NEVILLE:** Please, go ahead.

2 **MS. HALLETT:** It seems to me that other than
3 for getting some more information and providing it to you
4 about the Senate of Priests Agenda, which I think went to a
5 meeting that Father MacDonald was at or not at, that would
6 relate to the evidence of one of the complainants.

7 **MR. NEVILLE:** Well, ---

8 **MS. HALLETT:** Is that right?

9 **MR. NEVILLE:** What it was, Ms. Hallett, was
10 the minutes of the Senate putting Father MacDonald at 10:00
11 o'clock ---

12 **MS. HALLETT:** Right.

13 **MR. NEVILLE:** --- the time of the funeral,
14 in a different village miles from Cornwall.

15 **MS. HALLETT:** Yes. Okay.

16 Other than that sort of concrete information
17 that I had to provide to you in response to your inquiry,
18 it seems to me that what you were saying in this letter was
19 all related to the credibility of the complainants and the
20 fact that they appeared to be contradicted by other
21 witnesses.

22 But I -- and we were doing our best to
23 act on your request to investigate, but it seems to me that
24 what you're saying here, the bottom line, is that the
25 witnesses aren't credible. And, as I say, we were doing

1 our best to find out whether there was other information
2 that would help but I don't know that I agreed with your
3 characterisation that contradictions of the witnesses on
4 these collateral matters would necessarily disprove the
5 allegations.

6 **MR. NEVILLE:** Collateral matters?

7 **MS. HALLETT:** Well, it seems to me that they
8 were, sir. If there had been some evidence, for example,
9 that one of the witnesses was recanting their evidence ---

10 **MR. NEVILLE:** Ms. Hallett, virtually every
11 person mentioned in my letter are the people analyzed in
12 those synopses we looked at, with the weaknesses identified
13 by you and your colleague?

14 **MS. HALLETT:** Yes, that's right.

15 **MR. NEVILLE:** I'm asking you ---

16 **MS. HALLETT:** I didn't ask for the strenth -
17 --

18 **MR. NEVILLE:** I'm asking you for follow-up
19 as to any whether any reconsideration is being given in the
20 light of that?

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

22 **MR. NEVILLE:** And the answer I suggest is,
23 there was no reconsideration, they were all proceeding
24 regardless; correct?

25 **MS. HALLETT:** I -- I certainly ---

1 **MR. KLOEZE:** Mr. Commissioner, I've allowed
2 my friend to go for some time.

3 I do think that these -- this line of
4 questioning really does start to go into the Crown's
5 assessment of the case and reasons that the Crown had at
6 the time for continuing with charges, and I think that this
7 area of questioning is approaching into the area that Ms.
8 MacIntosh had talked at the outset of the Crown evidence,
9 which is any questions going to Crown's assessment as to
10 whether to continue with charges or withdraw charges or
11 continue with prosecutions or withdraw prosecutions, are
12 privileged.

13 We've -- certainly, Mr. Neville is allowed
14 to ask the factors that the Crown had in mind when she was
15 considering these matters, but I think right now that he's
16 tending to ask questions second guessing the Crown's
17 opinion on these matters, which is an area that we would
18 submit is outside the jurisdiction of this Inquiry.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Neville?

21 **MR. NEVILLE:** Well, Commissioner, we've
22 already had -- you've had the benefit of Mr. McConnery's
23 evidence who did precisely this. Indeed, he put an
24 assessment on at least two of the complainants.

25 Now, he has ably assisted in the case of one

1 by an admission. All of these matters you can see were
2 brought up in front of a judge months before. Purportedly
3 investigations were going to happen. There is somewhat of
4 a reference to one.

5 Now, I'm going to ask another series of
6 questions because, in my respectful view, if you permit me
7 to ask the next couple of questions, I've done with this,
8 it has an impact on other issues including scheduling and
9 length of time for trial and delay.

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

11 **MR. NEVILLE:** And that's where I'm going.

12 **THE COMMISSIONER:** So why don't we leave
13 this that you sent her a letter, Ms. Hallett ---

14 **MR. NEVILLE:** Yes, sir.

15 **THE COMMISSIONER:** --- and you're pointing
16 out that as far as you're concerned she did not address the
17 issues that were raised in your letter.

18 **MR. NEVILLE:** Correct.

19 **THE COMMISSIONER:** And then we're moving on.

20 **MR. NEVILLE:** I'm doing that.

21 **THE COMMISSIONER:** Thank you.

22 **MR. NEVILLE:** Can we agree on this, Ms.
23 Hallett, scheduling of trials is informed or affected by
24 such things as the number of witnesses?

25 **MS. HALLETT:** Yes, absolutely.

1 **MR. NEVILLE:** The number of complainants,
2 for example?

3 **MS. HALLETT:** Of course, m'hm.

4 **MR. NEVILLE:** The more there are the longer
5 it's going to take to hear the trial, right?

6 **MS. HALLETT:** Yes.

7 **MR. NEVILLE:** And usually the more difficult
8 it is or the longer it takes to find trial time?

9 **MS. HALLETT:** Yes.

10 **MR. NEVILLE:** All right.

11 So the fact that there were by this point,
12 with the addition of C-2, now nine complainants ---

13 **MS. HALLETT:** Yes.

14 **MR. NEVILLE:** --- with or without the
15 weaknesses ---

16 **MS. HALLETT:** Yes.

17 **MR. NEVILLE:** --- was going to affect when
18 the next trial -- because of the events of April 2000 --
19 when the next trial would be scheduled, right? If you have
20 to schedule a nine-complainant trial, it's going to take
21 longer than if you have a three complainant trial, putting
22 it simply. Fair enough?

23 **MS. HALLETT:** The trial is going to take
24 longer. It doesn't necessarily mean that finding the trial
25 time is going to take longer ---

1 **MR. NEVILLE:** But it can.

2 **MS. HALLETT:** --- because cases fall.

3 **MR. NEVILLE:** Oh, absolutely.

4 **MS. HALLETT:** Guilty pleas and space comes
5 up in the court.

6 **MR. NEVILLE:** Of course. All I'm suggesting
7 to you is in the general course of events in scheduling,
8 the number of witnesses, including the complainants,
9 impacts scheduling including finding court time?

10 **MS. HALLETT:** Yes.

11 **MR. NEVILLE:** Fair enough?

12 **MS. HALLETT:** Absolutely.

13 **MR. NEVILLE:** Fine.

14 Now, can I refer you -- can I refer you
15 briefly, Ms. Hallett, to our Exhibit, Commissioner, 3220?
16 It's the transcript of April 18th, 2000 and going with it,
17 Commissioner, would be, if I could, Exhibit 244, which is
18 Ms. Hallett's letter to Mr. Stewart.

19 **THE COMMISSIONER:** So 244?

20 **MR. NEVILLE:** Yes, 244. It was a letter by
21 Ms. Hallett in April 2000, together with 3220 because in a
22 sense they go together, sir.

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

24 **MR. NEVILLE:** And, in fact, sir, you'd have
25 it and Ms. Hallett should have it in the same book.

1 MS. HALLETT: M'hm.

2 MR. NEVILLE: In addition, 3221, you will
3 recall I'm sure, Commissioner, that April 18th had two
4 components.

5 THE COMMISSIONER: Yes, one in camera and
6 one in open court.

7 MR. NEVILLE: Yes, sir.

8 MS. HALLETT: Thank you.

9 MR. NEVILLE: Ms. Hallett, you're ready to
10 go?

11 MS. HALLETT: Yes, sir.

12 MR. NEVILLE: You have everything you need?

13 MS. HALLETT: Yes.

14 MR. NEVILLE: All right. Thirty-two-twenty
15 (3220), Commissioner, I won't spend much time on. This is
16 the portion, Ms. Hallett, takes place in open court.

17 MS. HALLETT: Okay then.

18 MR. NEVILLE: Right?

19 MS. HALLETT: M'hm.

20 MR. NEVILLE: Where you outline to Justice
21 Desmarais the new developments on the open, public record
22 so to speak, i.e. the 10,000 pages of material in the nine
23 boxes, the fact that it's a new complainant, et cetera.

24 MS. HALLETT: M'hm.

25 MR. NEVILLE: And that there's certain new

1 other material come forward through Mr. Dunlop and that, of
2 course, would be his will say and the like, and then we go
3 in camera to discuss what at that time was the ongoing,
4 unresolved investigation about perjury?

5 MS. HALLETT: Yes.

6 MR. NEVILLE: All right.

7 And that then puts us into Exhibit 3221.

8 MS. HALLETT: M'hm.

9 MR. NEVILLE: Document 111 ---

10 MS. HALLETT: Yes.

11 MR. NEVILLE: I think it's 226, sir, for
12 those who are looking at it that way. And could we look
13 at, please, Bates page -- actually, if I could use the
14 numbers on the pages, Commissioner, it's easier for me at
15 least.

16 Could we go page 11, and it's the portion
17 I'd like to have looked at, Commissioner, if I may and I'm
18 not going to take up your time reading it. It's faster if
19 you can read it to yourself and I'd like the witness to
20 start there, rather than me stand here.

21 It starts at line 12 with the phrase:

22 "Your Honour should be aware because
23 you did preside over some judicial pre-
24 trials."

25 If you just start there, Ms. Hallett. It

1 will take you a couple of minutes and read over, please, to
2 page 14.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. NEVILLE: If Madam Clerk could scroll
5 for us, Commissioner, because I don't have a hard copy with
6 me.

7 THE COMMISSIONER: Where do you want to go?

8 MR. NEVILLE: Over to page 14, sir. I know
9 Ms. Hallett is still reading, but ---

10 MS. HALLETT: M'hm.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. NEVILLE: Could you go one more page for
13 a moment? That's fine.

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. NEVILLE: Have you made it to page 14?
16 It would be about line 22 you could stop, Ms. Hallett.

17 MS. HALLETT: Okay, just bear with me, Mr.
18 Neville.

19 MR. NEVILLE: That's fine.

20 (SHORT PAUSE/COURTE PAUSE)

21 MS. HALLETT: Yes, I've read it.

22 MR. NEVILLE: Yes, now could we have you
23 look, please, at Exhibit 244, your letter to -- or was it
24 240, I said, Commissioner?

25 THE COMMISSIONER: Two-forty-four (244), you

1 said. It's a letter dated April 19th?

2 **MR. NEVILLE:** Yes.

3 **MS. HALLETT:** Okay.

4 **MR. NEVILLE:** You see in your paragraph
5 that's at the bottom of our screen ---

6 **MS. HALLETT:** Yes.

7 **MR. NEVILLE:** --- your closing sentence on
8 that page:

9 "... trust the unique features of this
10 case, characterized by Neville himself
11 as too complicated to begin to
12 address."

13 You agree with me that what that is talking
14 about is the new developments involving Mr. Dunlop that
15 we've just had you review?

16 **MS. HALLETT:** Yes.

17 **MR. NEVILLE:** All right. That's fine.

18 Now, can we ---

19 **MS. HALLETT:** But, well, excuse me. I'm
20 talking about the unique features of this case.

21 **MR. NEVILLE:** Yes.

22 **MS. HALLETT:** And certainly ---

23 **MR. NEVILLE:** Well, what you're saying here
24 ---

25 **MS. HALLETT:** --- Mr. Dunlop was one of the

1 unique features of this case.

2 MR. NEVILLE: Well, what you're saying here,
3 Ms. Hallett is -- see, in your evidence-in-chief yesterday,
4 you talked about the word "complex".

5 MS. HALLETT: Yes.

6 MR. NEVILLE: And that the trial was complex
7 and that was a feature that impacted on analysis of delay.

8 MS. HALLETT: But are you not saying that in
9 this excerpt you just asked me to read?

10 MR. NEVILLE: Well, what your quote is and
11 you've got it in quotes:

12 "...too complicated to begin to
13 address."

14 MS. HALLETT: Yes.

15 MR. NEVILLE: It's all the new developments
16 involving Dunlop, right?

17 MS. HALLETT: I thought that what I have
18 just read was essentially you saying it's too -- it's much
19 too complicated to begin to address.

20 MR. NEVILLE: Exactly. All what I had you
21 read; all the new developments about getting a handle on
22 Mr. Dunlop and what was going on.

23 MS. HALLETT: Okay.

24 MR. NEVILLE: Right?

25 MS. HALLETT: Yes. Okay, but what ---

1 **MR. NEVILLE:** That's the context in which
2 that phrase appears. Do you agree?

3 **MS. HALLETT:** Yes.

4 **MR. NEVILLE:** That's fine.

5 Could we have, for Ms. Hallett,
6 Commissioner, a look at, please, Volume 323 of our
7 transcript? It's the testimony of Mr. Hall on December
8 11th, at page 100.

9 **MS. HALLETT:** Thank you.

10 **MR. NEVILLE:** And I'm using the pagination,
11 Commissioner that -- not in the super text version, the
12 actual pagination. It's Volume 323. Yes, that's the right
13 one.

14 If you'd just follow along with me for a
15 moment, Ms. Hallett, you'll see at line 4 I'm asking some
16 questions to Mr. Hall based on what he had told the
17 Commissioner in-chief. It's as follows:

18 "MR. NEVILLE: And what you told the
19 Commissioner on a couple of occasions
20 this week was, the more the number of
21 allegation's the more likely a
22 conviction.

23 MR. HALL: Yes.

24 MR. NEVILLE: And you then indicated as
25 well that you felt that all of the

1 Crowns had this viewpoint, Mr. Hall?

2 MR. HALL: Yes."

3 Did you have that viewpoint, Ms. Hallett?

4 MS. HALLETT: No, I certainly reject that
5 statement made by -- or the -- he didn't actually state
6 that. You put that suggestion to him and he agreed with
7 it, but I certainly disagree with it.

8 MR. NEVILLE: Ms. Hallett, it was lifted
9 straight from his chief, I can assure you.

10 MS. HALLETT: Oh, well. Very well. I --
11 no, obviously I strongly react negatively to that
12 suggestion.

13 MR. NEVILLE: I'm going to suggest to you
14 that's why all these complainants were left on the
15 indictment in spite of my letters in the pre-trial.

16 MS. HALLETT: No, Mr. Neville, that isn't
17 the case.

18 MR. KLOEZE: Again, I think that question
19 really does err into the realm of the -- of something
20 that's not permissible here.

21 THE COMMISSIONER: Mr. Neville?

22 MR. NEVILLE: Mr. Commissioner, that's Mr.
23 Hall's evidence. I'm entitled to cross examine this
24 witness on that evidence. I'm suggesting to her, having
25 reviewed, starting yesterday, what happened here up until

1 April, that this is exactly what was happening.

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

3 Okay, I'm going to rule that while I do
4 certainly respect and intend to honour the Crown's position
5 with respect to Crown Attorney's discretion, et cetera, I
6 think I'm entitled to look at matters -- and this is cross-
7 examination -- not necessarily as to what discretion the
8 Crown was utilizing because that's fair, but if it's
9 something that falls out of the proper administration --
10 application of discretion, and in this case, Mr. Neville is
11 suggesting that the reason for doing it and I find that
12 that reason falls outside the realm of discretion of the
13 Crown.

14 Go ahead.

15 **MR. NEVILLE:** Thank you, sir.

16 And that is the end of that topic, in any
17 event, sir.

18 **THE COMMISSIONER:** All right.

19 **MR. NEVILLE:** One final point, Ms. Hallett,
20 from yesterday's testimony.

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

22 **MR. NEVILLE:** January 21st, Commissioner, at
23 page 175.

24 **THE COMMISSIONER:** This is just a one-page
25 thing?

1 **MR. NEVILLE:** Yes, sir.

2 **THE COMMISSIONER:** All right. Let's put it
3 up on the screen, if you don't mind, Ms. Hallett? We'll
4 have it on the screen very soon.

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

6 **MR. NEVILLE:** Page 175 and, again,
7 Commissioner, I'm using the actual ---

8 **THE COMMISSIONER:** Yes.

9 **MR. NEVILLE:** --- recorded pagination.

10 **THE COMMISSIONER:** Yes, yes.

11 **MR. NEVILLE:** Now, I'm simply going to refer
12 you to this exchange between yourself and Ms. Daley, Ms.
13 Hallett, because I'm going to invite you to reconsider your
14 answer if you would ---

15 **MS. HALLETT:** Okay.

16 **MR. NEVILLE:** --- and let me just look at it
17 with you.

18 At this point of her cross examination,
19 she's asking you about a jury trial for Mr. Leduc and what
20 it would say to the community in terms of a finality as
21 opposed to a judge alone, right?

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

23 **MR. NEVILLE:** And if you could just scroll
24 it up, Madam Clerk, a bit? Up, please. No, no, sorry.
25 Forward. Whatever, the other up. Okay.

1 So you'll see at line -- just one more; may
2 I see line 9, please? One more, a little -- there we go.

3 So you say -- it's your words where you talk
4 about "finality of the result" in the context of a jury
5 trial.

6 **MS. HALLETT:** Yes. Closure; satisfactory
7 closure.

8 **MR. NEVILLE:** Right, and then you go on with
9 the following exchange with Ms. Daley:

10 "Whereas, unfortunately, where you have
11 a case that's tried by a judge alone,
12 there can always be arguments made, you
13 know, frivolous or otherwise, that the
14 judge had some sort of vested interest
15 or oblique motive in disposing of the
16 case in a certain way.

17 MS. DALEY: That might be particularly
18 the case in a community where,
19 unfortunately, there's a will to
20 believe that type of thing. In other
21 words, an inclination to believe that
22 there has been a conspiracy involving
23 justice, right?"

24 Answer: "That's right."

25 Now, I'm going to invite you to agree with

1 me, Ms. Hallett, that you never meant to suggest that any
2 judge of the Superior Court was part of any conspiracy?

3 **MS. HALLETT:** No, and I think that's clear,
4 Mr. Neville ---

5 **MR. NEVILLE:** And I'm going to suggest one
6 thing further ---

7 **MS. HALLETT:** --- that what I was saying ---

8 **MR. NEVILLE:** --- and I'm going to suggest
9 to you ---

10 **THE COMMISSIONER:** Whoa, just a minute, just
11 a minute. Let her finish. Let her finish.

12 **MR. NEVILLE:** Yes, and I apologize.

13 **THE COMMISSIONER:** Let her finish.

14 **MR. NEVILLE:** Go ahead.

15 **MS. HALLETT:** I think it's very clear from
16 the context here that what I was saying is that in a judge
17 alone trial there are, unfortunately, some people who may
18 make some allegation after the fact ---

19 **MR. NEVILLE:** Right.

20 **MS. HALLETT:** --- whether it's frivolous or
21 otherwise is what I said.

22 **MR. NEVILLE:** Well, I want you to ---

23 **MS. HALLETT:** That unfortunately, it's
24 easier to make these kind of arguments after a judge alone
25 trial than a jury trial. That's all.

1 **MR. NEVILLE:** I understand.

2 **MS. HALLETT:** I'm not saying that I agreed
3 with any of those assertions or allegations that might have
4 been made, but unfortunately that's often what happens when
5 you don't get a jury trial in a certain kind of case.

6 **MR. NEVILLE:** Ms. Hallett, I thought you'd
7 say that. That's why I was asking you to revisit this
8 answer.

9 **MS. HALLETT:** Okay.

10 **MR. NEVILLE:** And when you said in the
11 previous passage "frivolous or otherwise ---"

12 **MS. HALLETT:** Yes.

13 **MR. NEVILLE:** --- you would agree with me
14 that any such suggestion is frivolous and undeserved?

15 **MS. HALLETT:** Any -- what kind of
16 suggestion?

17 **MR. NEVILLE:** That a judge ---

18 **MS. HALLETT:** Can you bring it home?

19 **MR. NEVILLE:** That a judge would have a
20 vested interest, an oblique motive and be part of some
21 conspiracy in rendering a decision.

22 **MS. HALLETT:** I believe in what was said by
23 the Supreme Court in R.J.S. in terms of a presumption on
24 the part of judges that they will do the right thing.

25 **MR. NEVILLE:** Exactly. So what I'm inviting

1 you to do is when you talk about people who would say so --

2 -

3 MS. HALLETT: M'hm.

4 MR. NEVILLE: --- frivolous or otherwise,
5 there's no "otherwise"; it's frivolous to suggest it,
6 correct?

7 MS. HALLETT: I don't know what you're
8 asking me to specifically ---

9 MR. NEVILLE: That it would frivolous for
10 anybody to suggest that a judge is part of some oblique
11 motive with a conspiracy motive.

12 MS. HALLETT: I don't think it's a specific
13 enough question. There are some cases where that
14 allegation perhaps could be properly ---

15 MR. NEVILLE: Really?

16 MS. HALLETT: --- made. I'm not saying in
17 this context, Mr. Neville, but you've -- you're sort of
18 saying never say never.

19 MR. NEVILLE: I have no more questions.

20 THE COMMISSIONER: Thank you.

21 Ms. Robitaille?

22 MS. ROBITAILLE: Good morning,
23 Mr. Commissioner.

24 ---CROSS-EXAMINATION BY/CONTRE-INTERRATOIRE PAR MS.

25 ROBITAILLE

1 **MS. ROBITAILLE:** Good morning, Ms. Hallett.
2 We met a couple of days ago.

3 **MS. HALLETT:** Good morning.

4 **MS. ROBITAILLE:** My name is Danielle
5 Robitaille and I'm counsel for Jacques Leduc.

6 **MS. HALLETT:** Yes.

7 **MS. ROBITAILLE:** I'm going to ask that you
8 pull up Exhibit 3179, just to have beside you as I do my
9 examination today.

10 Mr. Commissioner, this is the timeline that
11 was prepared as an agreed statement of fact on the 11(b)
12 motion in Leduc in 2004.

13 **THE COMMISSIONER:** Thirty-one seventy-five
14 (3175). Do you have that?

15 **MS. HALLETT:** Is it -- do I ---

16 **MS. ROBITAILLE:** Seventy-nine (79).

17 **MS. HALLETT:** Is it in one these?

18 **THE COMMISSIONER:** Oh, 79 now.

19 **MS. ROBITAILLE:** Thirty-one seventy-nine
20 (3179). I don't know if Madam Clerk will permit you to
21 take it out of the binder.

22 **THE COMMISSIONER:** No.

23 **MS. ROBITAILLE:** Didn't think so.

24 **THE COMMISSIONER:** She might, but I won't.
25 Thirty-one seventy -- okay, I have it.

1 **MS. ROBITAILLE:** I'd just like to have you
2 keep that by your side as we kind of go, because I may be
3 jumping in the chronology a bit and I hope that that will
4 serve as a good reference for you.

5 **MS. HALLETT:** Who prepared this document,
6 may I ask? I don't recognize it as a document that I
7 myself prepared.

8 **MS. ROBITAILLE:** It is not. It is a
9 document that was prepared by Lidia Narozniak, Christine
10 Tier and Marie Henein.

11 **MS. HALLETT:** Okay then.

12 **MS. ROBITAILLE:** It was filed as an exhibit
13 on the 11(b) motion in 2004.

14 **MS. HALLETT:** Okay.

15 **MS. ROBITAILLE:** And it's a timeline of the
16 prosecution in R. v. Leduc.

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

18 **THE COMMISSIONER:** And so this is agreed
19 upon by Crown and Defence?

20 **MS. ROBITAILLE:** That's right. So if you
21 can just put that to the side.

22 The next document I need to go to is Joe
23 Dupuis' will say in Leduc. It's Document Number 123057.
24 I'm not sure if notice was given. I've provided copies to
25 my friends and I'm providing copies to the clerk right now.

1 **THE COMMISSIONER:** Thank you. Exhibit
2 Number 3247 ---

3 **MS. ROBITAILLE:** Thank you.

4 **THE COMMISSIONER:** --- are notes of
5 Constable -- Detective Constable Dupuis.

6 **MS. ROBITAILLE:** That's right,
7 Mr. Commissioner.

8 **--- EXHIBIT NO./PIECE NO. P-3247**

9 (123057-1146351) - Will Say of Joe Dupuis
10 dated from 04 June 98 to 08 June 98

11 **MS. ROBITAILLE:** It's the November 24th, 1998
12 entry that I'd like to draw your attention to.

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

14 **MS. ROBITAILLE:** If we could just read this
15 together and see if it accords with your memory of the
16 events that day. This is the day that you attended along
17 with the officers to C-22's residence. Do you recall that?

18 **MS. HALLETT:** Not -- oh, to C-22's.

19 **MS. ROBITAILLE:** Do you have the moniker?

20 **MS. HALLETT:** Oh to C -- yes, I'm sorry. I
21 thought we were using "see" as s-e-e. Yes, I do.

22 **MS. ROBITAILLE:** And so before that meeting
23 it appears that a little after 3:00 p.m. in the afternoon
24 you're meeting with C-16 ---

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

1 **MS. ROBITAILLE:** --- at a restaurant with
2 Officer Seguin and obviously Dupuis, as it's his notes.
3 And then at 4:12 you arrive at C-22's residence.

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

5 **MS. ROBITAILLE:** And it's written:

6 "Ms. Hallett explained why his
7 statement would be important."

8 **MS. HALLETT:** Yes.

9 **MS. ROBITAILLE:** That's your recollection of
10 the conversation?

11 **MS. HALLETT:** Yes. I said more than that.
12 I told him that I believed that he had material evidence to
13 provide in this case and I was requesting -- I said I
14 didn't want to speak about the evidence with him but I was
15 requesting that he accompany the officers to the police
16 detachment to provide a statement to them.

17 **MS. ROBITAILLE:** All right. About a half an
18 hour later at 4:40 ---

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

20 **MS. ROBITAILLE:** --- C-22, along with the
21 officers and yourself, leave to the Long Sault Detachment.

22 **MS. HALLETT:** Yes. I don't -- yes, okay.
23 I'm sorry, what are you directing me to? Where are we?

24 **THE COMMISSIONER:** November 24th.

25 **MS. HALLETT:** Yes, but is it ---

1 **THE COMMISSIONER:** Sixteen forty (16:40).

2 **MS. HALLETT:** Sixteen forty (16:40) yes, I
3 see that. Seventeen forty-four (17:44)?

4 **MS. ROBITAILLE:** But 16:40 ---

5 **MS. HALLETT:** Yes. Yes, okay.

6 **MS. ROBITAILLE:** --- proceeding to Long
7 Sault Detachment.

8 **MS. HALLETT:** Yes. I'm not sure that I went
9 in the same car. I have a different -- I'm not absolutely
10 sure if I left in the same car. I was asking that he go
11 with the officers to provide the statement.

12 **MS. ROBITAILLE:** Was it your practice to
13 rent a car once you depart the train arriving in Cornwall?

14 **MS. HALLETT:** Did I take the train down on
15 that occasion?

16 **MS. ROBITAILLE:** I had heard from your
17 evidence previously that you took the train mostly from
18 Toronto to Cornwall.

19 **MS. HALLETT:** No, I actually -- I brought my
20 car quite frequently.

21 **MS. ROBITAILLE:** So it's your recollection
22 that you proceeded to some other location and not the
23 detachment -- not the Long Sault Detachment?

24 **MS. HALLETT:** No, I went -- I believe that I
25 went to the detachment but I'm not sure if I went with the

1 police and C-22; but I'm not sure, I have to say.

2 MS. ROBITAILLE: In any event you went to
3 the detachment?

4 MS. HALLETT: I did. Oh yes.

5 MS. ROBITAILLE: And there we have 17:44,
6 video statement was obtained from C-22.

7 MS. HALLETT: Yes.

8 MS. ROBITAILLE: Eighteen fifty-one (18:51)
9 interview concluded, so it's about a little over an hour-
10 long statement; right?

11 MS. HALLETT: Yes. I wasn't part of the
12 statement-taking process. I was not present in the room
13 when the statement was being videotaped and the questions
14 were being asked by the officers of the witness. I was not
15 present for that statement.

16 MS. ROBITAILLE: You were elsewhere in the
17 detachment; is that right?

18 MS. HALLETT: Yes, I was. M'hm. I did not
19 participate in any way in that interview.

20 MS. ROBITAILLE: Now, Ms. Hallett, when you
21 say you didn't participate, did you observe the statement
22 being taken?

23 MS. HALLETT: There was -- I believe there
24 was some televising -- there was a television or closed
25 circuit but I wasn't able to pick up what was going on. I

1 couldn't even hear properly what was going on. And so I --
2 in fact for some of the time I was reading, so I was just
3 waiting to -- for the end of the interview, basically.

4 **MS. ROBITAILLE:** And you would have spoken
5 to the officers at the conclusion of the interview to get a
6 brief synopsis of what was contained therein?

7 **MS. HALLETT:** Yes. Yes, that's right.

8 **MS. ROBITAILLE:** Thank you. And so the very
9 next day, November 25th, 1998 is the day that the
10 preliminary inquiry in Leduc was set?

11 **MS. HALLETT:** A date -- we had agreed on the
12 day before to a date for that to proceed; that's right?

13 **MS. ROBITAILLE:** That's right. And November
14 25th was the set date and you may not have a recollection of
15 this. You didn't appear in court that day.

16 **MS. HALLETT:** No, I was going to a
17 conference.

18 **MS. ROBITAILLE:** But that is the day that
19 Mr. Leduc appeared and a Crown appeared as your agent.

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

21 **MS. ROBITAILLE:** And the dates were set
22 down?

23 **MS. HALLETT:** Yes.

24 **MS. ROBITAILLE:** Mr. Commissioner, I don't
25 know if it's necessary to file the transcript of that set

1 date appearance.

2 THE COMMISSIONER: No.

3 MS. ROBITAILLE: And so we know that the
4 dates set for the preliminary were at the very beginning of
5 April.

6 THE COMMISSIONER: Of 1999?

7 MS. ROBITAILLE: Nineteen ninety-eight
8 (1998).

9 MS. HALLETT: No.

10 THE COMMISSIONER: No.

11 MS. ROBITAILLE: Ninety-nine ('99), sorry.

12 MS. HALLETT: Ninety-nine ('99).

13 THE COMMISSIONER: Ninety-nine ('99).

14 MS. HALLETT: M'hm. Yes, April.

15 MS. ROBITAILLE: Does that accord with your
16 recollection?

17 MS. HALLETT: M'hm. That's right.

18 MS. ROBITAILLE: And the C-22 video isn't
19 disclosed until March 19th.

20 MS. HALLETT: Yes, but I explained yesterday
21 or the day before that I, myself, didn't receive the
22 transcription of the videotape until February 18th.

23 MS. ROBITAILLE: I want to discuss that with
24 you.

25 MS. HALLETT: Yes.

1 **MS. ROBITAILLE:** You understand, Ms.
2 Hallett, that there's no legal requirement to provide a
3 transcript to the defence as a form of disclosure; that it
4 is totally appropriate for the Crown to provide the video
5 statement to the defence.

6 **MS. HALLETT:** I -- in my experience -- is it
7 Ms. Robitaille?

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

9 **MS. HALLETT:** Okay. In my experience, Ms.
10 Robitaille, the video statements without the transcriptions
11 are almost meaningless and there -- in my experience over
12 the years handling these kind of cases, that has been what
13 defence counsel have told me. They -- it's so hard to pick
14 up what the complainants are saying that they insist on
15 getting a transcription and I insist on getting a
16 transcription because I think that's only fair.

17 There can be a lot of delay involved without
18 a transcription after you start a proceeding with a
19 videotape for which there's not a transcription because
20 there's a lot of downtime while defence counsel and the
21 Crown are trying to agree as to what the witness said
22 there, okay, and so you're stopping and starting.

23 And there are often disagreements about what
24 exactly the witness said. So although you may be correct,
25 technically, in saying that a transcription isn't required,

1 a transcription is pretty well necessary for these cases.

2 **MS. ROBITAILLE:** But, certainly, Ms.

3 Hallett, disclosing a video without a transcript is
4 something that you had done even in this case previously.

5 **MS. HALLETT:** Had I? I don't know, you'll
6 have to remind me.

7 **MS. ROBITAILLE:** That doesn't accord with
8 your ---

9 **MS. HALLETT:** Did I do that?

10 **MS. ROBITAILLE:** If we could go to Exhibit
11 3178, this is a letter from Mr. Edelson to Shelley Hallett
12 dated March 9th, '99, and this is a response to your letter
13 previous that -- previously that day advising Mr. Edelson
14 that there were new charges coming.

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

16 **MS. ROBITAILLE:** And in the fourth
17 paragraph, Mr. Edelson is lamenting the fact that he has
18 yet to receive the videotaped statement of this witness/

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

20 **MS. ROBITAILLE:** And he writes:

21 "The lack of transcript did not in any
22 way prevent you from disclosing the C-
23 16 video and yet you appear to have
24 held on to the C-22 video for a period
25 of months prior to disclosing this

1 material to the defence."

2 MS. HALLETT: Well, you know, if I can
3 respond to that.

4 I wasn't in any way holding on to the video.
5 I was providing it as quickly as I was getting it upon some
6 sort of review. As I say, I would -- I would have to wait
7 until I got the items from the police before I could hand
8 them over and so that's what I was trying to do as quickly
9 as possible here.

10 MS. ROBITAILLE: And, Ms. Hallett, you were
11 ---

12 MS. HALLETT: And I think the dates ---

13 MS. ROBITAILLE: --- you were aware on the
14 very day the statement was taken ---

15 THE COMMISSIONER: One at a time, please.

16 MS. HALLETT: M'hm.

17 MS. ROBITAILLE: You were aware on the very
18 day the statement was taken that it was being taken.
19 Evidence was being adduced ---

20 MS. HALLETT: Yes.

21 MS. ROBITAILLE: --- and it was being
22 videotaped.

23 MS. HALLETT: Absolutely, m'hm.

24 MS. ROBITAILLE: And it was about an hour
25 long.

1 **MS. HALLETT:** Yes, this was the commencement
2 of an investigation into this complainant's allegations and
3 I -- I wouldn't be one to hand over, mid-investigation,
4 items in relation to that investigation.

5 **MS. ROBITAILLE:** Even when there's a
6 preliminary inquiry set?

7 **MS. HALLETT:** Well, I wasn't sure how long
8 it was going to take, Ms. Robitaille, to obtain a
9 transcription of the videotape and I wasn't sure upon
10 reviewing them myself whether or not further charges would
11 be appropriate. I wanted -- it was a fairly long interview
12 and there were a number of statements and I believed that
13 upon the statement being obtained, there was further
14 investigation by the officers ---

15 **MS. ROBITAILLE:** That's right, Ms. Hallett.

16 **MS. HALLETT:** --- and that would all go, of
17 course, to an assessment of whether further charges were
18 appropriate.

19 So on November the 24th, I certainly wasn't
20 in a position of concluding that there would be further
21 charges laid that would in any way impact on the date of
22 the preliminary inquiry that had been set.

23 **MS. ROBITAILLE:** Ms. Hallett, whether
24 further charges were to be laid in relation to the November
25 24th statement or not ---

1 MS. HALLETT: M'hm.

2 MS. ROBITAILLE: --- that statement would
3 still be evidence that should be disclosed to the defence.

4 MS. HALLETT: Absolutely, and it -- and it
5 was.

6 MS. ROBITAILLE: And so just to make sure
7 I'm clear, your evidence is, the reason why you were not
8 able to deliver this tape to the defence was because you
9 were waiting for a transcript?

10 MS. HALLETT: No, that's not what I said at
11 all. I was waiting to review the assertions, review the
12 allegations, consider all of the evidence that the officers
13 obtained in relation to those allegation, make a meaningful
14 decision on whether further charges should be laid, and
15 that's what I did. And also, I -- as you will recall, I
16 was waiting, ultimately, for another undertaking from Mr.
17 Edelson in relation to this videotape.

18 MS. ROBITAILLE: Let's talk about that.

19 MS. HALLETT: M'hm.

20 MS. ROBITAILLE: You'll accept, I take it,
21 that by the time C-22's statement is taken on November 24th,
22 you already had the order of Madam Justice Belanger
23 restricting the copying of -- of any videotape of any
24 witness in this case?

25 MS. HALLETT: I had an order, yes, that I --

1 yes, I -- Mr. Edelson wasn't keen on providing an
2 undertaking so I had to obtain an order.

3 **MS. ROBITAILLE:** I think it's important that
4 we go to this transcript, Mr. Commissioner. It's Exhibit
5 116157; CCR's notice, Madam Clerk. CCR gave notice of this
6 document; 116157 and it's Bates 1077381 to 85.

7 Mr. Commissioner, this is one of the
8 application records filed on the 11(b) in 2004. It
9 includes all the transcripts of proceedings in the matter
10 and I'd like to just enter this transcript if possible.

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

12 Exhibit Number 3248 is a transcript of
13 Volume 2 of the application record; Application to Stay
14 Proceedings under 11(b) of the Charter in *Her Majesty v.*
15 *Leduc*.

16 --- **EXHIBIT NO./PIÈCE NO. P-3248:**

17 (116157) - Application to Stay Proceedings
18 for Unreasonable Delay Pursuant to Section
19 11(b) of the Charter, Application Record
20 Volume 2 re: *R. v. Jacques Leduc* dated July
21 20, 1998

22 **THE COMMISSIONER:** Okay, what page?

23 **MS. ROBITAILLE:** It's Bates page 107781.

24 **MS. HALLETT:** I'm sorry.

25 **THE COMMISSIONER:** Say that again?

1 **MS. ROBITAILLE:** One-zero-seven-seven-three-
2 eight-one (1077381).

3 **THE COMMISSIONER:** Oh, 381.

4 **MS. ROBITAILLE:** Did I ---

5 **MS. HALLETT:** You left out a number.

6 **MS. ROBITAILLE:** I missed a three.

7 **THE COMMISSIONER:** Okay.

8 **MS. ROBITAILLE:** So you'll see there, Ms.
9 Hallett ---

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

11 **MS. ROBITAILLE:** --- this is a transcript of
12 the set date on October 20th ---

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

14 **MS. ROBITAILLE:** --- so a little over a
15 month before C-22's statement is taken?

16 **MS. HALLETT:** Okay.

17 **MS. ROBITAILLE:** And if you flip now to page
18 1 of that transcript?

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

20 **MS. ROBITAILLE:** There's some discussion
21 between you and Mr. Edelson in the court, and very last
22 entry, you say:

23 "Yes, Your Honour, Crown is requesting
24 that Your Honour make the same order as
25 you made earlier in the morning with

1 respect to conditions restricting the
2 copying and return of various other
3 details with respect to disclosure of
4 videotapes of the two complainants in
5 the matter."

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

7 **MS. ROBITAILLE:** The court responds:

8 "Thank you. An order will be made
9 accordingly in accordance with the
10 express consent in Chamber of Council."

11 You say:

12 "And I should indicate, Your Honour,
13 also with respect to a videotape of any
14 witness that has been made in this
15 matter."

16 And Mr. Edelson responds:

17 "I'm not aware of any. I thought the
18 videotapes were related to the
19 complainants if there are other
20 witnesses."

21 The court:

22 "There are others, Ms. Hallett. I
23 believe that a tape has been made..."

24 And I won't name the individual.

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

1 **MS. ROBITAILLE:** Mr. Edelson: "I haven't
2 seen it."

3 The court:

4 "In any event, the same conditions
5 would apply. They're being released to
6 you."

7 Mr. Edelson:

8 "I understand that that would be the
9 case."

10 The court:

11 "Subject to those conditions, fine, an
12 order will go accordingly."

13 **MS. HALLETT:** Yes, okay, but -- I'm sorry,
14 what's your question?

15 **MS. ROBITAILLE:** By the time the video -- C-
16 22's video is made, you have an order by Madam Justice
17 Belanger ---

18 **THE COMMISSIONER:** It's Mr. Justice
19 Belanger.

20 **MS. ROBITAILLE:** It is?

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

22 **MS. ROBITAILLE:** I'm sorry about that. I
23 apologize.

24 **THE COMMISSIONER:** No, no.

25 **MS. ROBITAILLE:** --- restricting the copying

1 of any videotape in the case.

2 **MS. HALLETT:** Well, that's what the subject
3 of my letter to Mr. Edelson was, Ms. Robitaille. I wanted
4 him -- we had another videotape of a witness at this point
5 and I wanted an express statement from Mr. Edelson that he
6 believed that Justice Belanger's order would apply to this
7 other videotape.

8 So I don't think I can be faulted for simply
9 wanting, out of an abundance of caution, to have Mr.
10 Edelson confirm that he did believe that the order extended
11 to this other videotape.

12 And I must say, he could have simply called
13 me and said, yes, it does, I certainly agree, but he didn't
14 do that and so that's why I sent him by fax, I believe, a
15 copy of another undertaking, a blank undertaking, for him
16 to send back to me, which he did. But, again, it was -- if
17 he had simply called me and said yes, I agree, Justice
18 Belanger's order would apply to this other videotape, it
19 might have speeded things up a little bit. Not that it
20 took that long, he did get back to me, the undertaking,
21 ultimately.

22 **MS. ROBITAILLE:** But he's not advised of the
23 existence of the videotape until March?

24 **MS. HALLETT:** And that's when I'm sending
25 him a letter and asking for the undertaking, that's right.

1 **MS. ROBITAILLE:** Did you make any efforts,
2 Ms. Hallett, to appear before Mr. Justice Belanger to have
3 his order clarified before March so that you could expedite
4 the matter and deliver the videotape to Mr. Edelson?

5 **MS. HALLETT:** No. No, I didn't do that. I
6 thought it would -- probably the fastest thing would be to
7 ask him -- that is Mr. Edelson -- whether he thought the
8 order would apply and if he just had told me that, that's
9 fine.

10 **MS. ROBITAILLE:** The fastest thing was to
11 ask him in March?

12 **MS. HALLETT:** Yes, that's right, when I had
13 it in hand and was prepared to disclose it.

14 **MS. ROBITAILLE:** Thank you, Ms. Hallett.

15 The next issue I want to move to is, we
16 spoke a bit yesterday about your efforts to contain what's
17 been termed as "the Dunlop problem", and there's a letter
18 has yet to be entered into evidence and I'd like to go to
19 that.

20 It's in Exhibit 2807, which is Pat Hall's
21 will state, an appended document to that; 2807. I'm not
22 sure if the witness has it.

23 **THE COMMISSIONER:** No, I don't think you
24 have it. I don't have it.

25 **MS. ROBITAILLE:** It's a two-page letter. I

1 don't know if the screen is acceptable.

2 THE COMMISSIONER: Exhibit 2807 you say is a
3 two page ---

4 MS. ROBITAILLE: The Bates is 1145604.

5 THE COMMISSIONER: So 604, okay.

6 MS. ROBITAILLE: It's an appendix to Pat
7 Hall's statement.

8 THE COMMISSIONER: Yes, now I see it.

9 So we're looking at a letter from Shelley
10 Hallett to Staff Sergeant Derochie on December 14th, 1999.

11 MS. ROBITAILLE: That's right.

12 Ms. Hallett, I don't know if you want to
13 take a moment to re-read the letter.

14 MS. HALLETT: I'm sorry, I ---

15 THE COMMISSIONER: Ms. Hallett, can you look
16 on the top left hand?

17 MS. HALLETT: Yes.

18 THE COMMISSIONER: There is a 114.

19 MS. HALLETT: Yes.

20 THE COMMISSIONER: Well, the last four
21 numbers are 5604.

22 MS. HALLETT: Okay, 5604. Yes, m'hm.

23 MS. ROBITAILLE: I just want to draw your
24 attention to a couple portions of this letter that you
25 write on December 14th, 1999.

1 MS. HALLETT: Yes.

2 MS. ROBITAILLE: You're writing to Garry
3 Derochie.

4 You write to him:

5 "Further to the letter dated November
6 '99 [sic] to you from Marc Garson, a
7 copy of which I also received, this is
8 to advise you that I'm prosecuting
9 Crown counsel in relation to three
10 cases which have been investigated by
11 the officers of the Ontario Provincial
12 Police Project Truth."

13 And you've listed there *R. v. MacDonald* and
14 *R. v. Jacques Leduc*.

15 MS. HALLETT: M'hm.

16 MS. ROBITAILLE: And if we could skip down
17 to the second half of the next paragraph.

18 You write:

19 "The purpose of the meeting was to
20 determine whether Constable Dunlop had
21 complied fully with requests for
22 disclosure made by the Crown in the
23 Lalonde case. Mr. Garson also
24 suggested that any further disclosure
25 that might be forthcoming from

1 Constable Dunlop and material relevant
2 to other persons charged with offences,
3 be provided to the appropriate Crown
4 counsel."

5 MS. HALLETT: M'hm.

6 MS. ROBITAILLE: And you mention that you're
7 writing to enquire whether the meeting has taken place?

8 MS. HALLETT: M'hm.

9 MS. ROBITAILLE: And the second sentence in
10 that paragraph, that last paragraph, on the first page:

11 "I am also writing to enquire whether,
12 if such a meeting has occurred,
13 material relevant to the above-noted
14 prosecutions has been obtained from
15 Constable Dunlop."

16 MS. HALLETT: Yes.

17 MS. ROBITAILLE: And you go on.

18 On the second page:

19 "Kindly ensure that the existence of
20 this material is brought to my
21 attention immediately and that it is
22 forwarded as soon as possible to the
23 attention of Detective Inspector Pat
24 Hall, Project Truth."

25 MS. HALLETT: M'hm.

1 **MS. ROBITAILLE:** "As you can understand, I
2 wish to ensure that my disclosure
3 obligations in relation to these
4 prosecutions are fully met in a timely
5 way."

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

7 **MS. ROBITAILLE:** To your knowledge, Ms.
8 Hallett, this letter was not disclosed to the defence
9 in 2001 and it was not before Justice Chadwick?

10 **MS. HALLETT:** No, no. That's right.

11 **MS. ROBITAILLE:** And, therefore, not before
12 the Court of Appeal?

13 **MS. HALLETT:** No, this is the first I've
14 ever adverted to it, Ms. Robitaille, being relevant to that
15 context.

16 **MS. ROBITAILLE:** Thank you.

17 The next matter I want to move on to is the
18 issue of the Langlois letter and you recall, Ms. Hallett,
19 this is the letter you received from C-16's civil counsel?

20 **MS. HALLETT:** Yes, very early on, just I
21 believe a week or so after I'd received the brief, I don't
22 know ---

23 **MS. ROBITAILLE:** Well, it's about a month --
24 -

25 **MS. HALLETT:** Is it? Okay.

1 **MS. ROBITAILLE:** --- and in fact you make
2 the first appearance in Cornwall and it's about a month
3 later you receive this letter on July 23rd, 1998.

4 **MS. HALLETT:** Did I receive the letter on
5 that date?

6 **MS. ROBITAILLE:** That's the date of the
7 letter.

8 **MS. HALLETT:** Okay. I recall, in preparing
9 for my testimony here, I believe there was somewhat of a
10 lag time in terms of getting the letter much later after
11 the original telephone conversation. I thought maybe there
12 was -- there were a few ---

13 **MS. ROBITAILLE:** Sorry, just to clarify.
14 There would be a lag in the date of the letter and the date
15 you would have received it. Is that right?

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

17 **MS. ROBITAILLE:** And this would be a lag of
18 a couple of days?

19 **MS. HALLETT:** No, a couple of weeks.

20 **MS. ROBITAILLE:** A couple of weeks,
21 certainly not years?

22 **MS. HALLETT:** No.

23 **MS. ROBITAILLE:** Thank you.

24 Yesterday, you mentioned that there were
25 certain notes of the officers that made reference to

1 contact with Mr. Langlois?

2 MS. HALLETT: Yes, that I asked -- and
3 that's why I asked Mr. Langlois to contact the officers and
4 I wanted the officers to make note of the fact that he
5 contacted them at my request.

6 MS. ROBITAILLE: I just want to take a look
7 at the note that was available to defence about contact
8 with Mr. Langlois.

9 MS. HALLETT: M'hm.

10 MS. ROBITAILLE: It's, again, in Constable
11 Dupuis's will say and I have ---

12 MS. HALLETT: No, I'm sorry. I believe it
13 was Detective Seguin's statement.

14 MS. ROBITAILLE: I think I understand what
15 you're referring to and we'll get to that.

16 MS. HALLETT: Okay then.

17 MS. ROBITAILLE: If I can pass these up to
18 Madam Clerk. It's Document Number 123057, again, and it's
19 another Bates page.

20 (SHORT PAUSE/COURTE PAUSE)

21 THE COMMISSIONER: Thank you.
22 Exhibit 3249 is an excerpt of -- whose
23 notes?

24 MS. ROBITAILLE: Dupuis.

25 THE COMMISSIONER: Dupuis, and that's

1 Exhibit 3249.

2 --- EXHIBIT NO./PIÈCE No. P-3249:

3 (123057-1146351) - Will Say of Joe
4 Dupuis dated from June 4, 1998 to June
5 8, 1998

6 **MS. ROBITAILLE:** If I can draw your
7 attention to June 4th, 1998, Ms. Hallett. The entry is
8 16:32 hours:

9 "I received a message from Lancaster
10 office that a lawyer from Hawkesbury
11 area by the name of Gerry Langlois ..."

12 I won't say the phone number.

13 "Langlois, when contacted, stated he
14 was acting for C-16 in a civil action
15 for him re. the allegations of sexual
16 abuse involving Jacques Leduc.
17 Langlois was advised that there was an
18 investigation started re. these
19 allegations. He was told that if any
20 information was required by him, that
21 he had to ask in writing. He was also
22 advised that C-16 would be contacted to
23 confirm we can disclose any information
24 to him."

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

1 **MS. ROBITAILLE:** So this note was available
2 to the defence in '98?

3 **MS. HALLETT:** Yes. And of course the
4 defence was served with a statement of claim ---

5 **MS. ROBITAILLE:** That's right.

6 **MS. HALLETT:** --- I believe dated July 30th -
7 - June or July 30th of 1998.

8 **MS. ROBITAILLE:** I believe July 30th is the
9 date.

10 **MS. HALLETT:** Right, a full statement of
11 claim in respect of the lawsuit that was launched.

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

13 If we can next go to the disclosure request
14 in reference to this note and that is Document 116159.

15 **MS. HALLETT:** Was this not included in a
16 brief, this note, Ms. Robitaille?

17 **MS. ROBITAILLE:** The note was included in
18 the brief.

19 **MS. HALLETT:** In what volume of the brief?
20 Volume 1?

21 **MS. ROBITAILLE:** I'm not sure. I can
22 undertake to find that out and advise your counsel and we
23 can get that on the record.

24 Mr. Commissioner, this next document is
25 other application record on the 11(b). It's the one that

1 contains all the correspondence in the matter.

2 **THE COMMISSIONER:** Thank you. Exhibit 3250
3 is Volume 4 of the application record in R. v. Leduc.

4 --- **EXHIBIT NO./PIÈCE NO. P-3250:**

5 (116159) - Application Record Volume 4 re:
6 R.v. Jacques Leduc undated

7 **THE COMMISSIONER:** What page, please?

8 **MS. ROBITAILLE:** One zero seven seven six
9 two nine (1077629).

10 **THE COMMISSIONER:** So top left-hand corner.
11 It's a letter to Shelley Hallett, January 26th, 2001. Do
12 you have it, Ms. Hallett?

13 **MS. HALLETT:** Yes, I do.

14 **MS. ROBITAILLE:** So Ms. Hallett, just -- if
15 I can draw your attention to the date. By this time the
16 trial has started ---

17 **MS. HALLETT:** Yes.

18 **MS. ROBITAILLE:** --- and the first paragraph
19 here reads:

20 "Detective Dupuis' notes for June 4th,
21 '98..."

22 Which is the note we've just looked at ---

23 "...indicate that he was contacted by
24 Gerry Langlois, solicitor for [C-16].
25 Detective Dupuis advised Mr. Langlois

1 that he would require..."

2 And it sets out a content of that note. And
3 then the request:

4 "Please provide us with any ensuing
5 correspondence on this subject as well
6 as information related to conversations
7 between investigators and [C-16] about
8 it."

9 **MS. HALLETT:** Okay.

10 **MS. ROBITAILLE:** You recall this request
11 being made?

12 **MS. HALLETT:** I recall there were -- there
13 was a request at the beginning of the trial in relation to
14 the lawsuit, the civil lawsuit that had been commenced and
15 abandoned by C-16 by the time the trial started. And I had
16 my articling student actually contact Mr. Langlois to
17 ascertain the status of the litigation, and I believe that
18 I provided the letter from Mr. Langlois pursuant to this
19 request.

20 **MS. ROBITAILLE:** You did. You did provide
21 the letter and I'd like to look at that letter. It's in
22 that same book of documents that was just made an exhibit,
23 Mr. Commissioner, and it's Bates 1077631.

24 So this is the letter and I don't want to
25 read it aloud, Mr. Commissioner. Perhaps we can go

1 paragraph by paragraph?

2 The first paragraph, Mr. Langlois discusses
3 that he's had a long talk with C-16 ---

4 **MS. HALLETT:** This is the letter dated July
5 23rd?

6 **MS. ROBITAILLE:** Nineteen ninety-eight
7 (1998).

8 **MS. HALLETT:** Nineteen ninety-eight (1998).
9 Yes.

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

11 The second paragraph he references C-16
12 going to counselling.

13 I'd like to draw your attention also to the
14 third paragraph where Mr. Langlois makes specific
15 references to sexual acts.

16 And the next page -- thank you, Madam Clerk.
17 The second to last paragraph, Mr. Langlois makes reference
18 to timing and frequency of the alleged incidents.

19 **MS. HALLETT:** Yes.

20 **MS. ROBITAILLE:** So this letter dated July
21 23rd, 1998 gets disclosed to the Defence actually the day
22 before, the very day before Mr. C-16 begins his evidence in
23 the trial.

24 **MS. HALLETT:** Well, I think that there were
25 some important things that happened two years earlier in

1 relation to this matter, Ms. Robitaille, and that was that
2 on the date that I had this conversation with Mr. Langlois,
3 and he told me that there was this piece of incremental
4 disclosure that had occurred, I told him to please -- first
5 of all, I kept my conversation with him very brief. It was
6 early on in my taking over this file, and I wasn't even
7 sure who he was talking about at that point.

8 I didn't -- I really wasn't sure of who all
9 of the complainants were in the various cases that I had
10 been assigned, again this being within one month of getting
11 these briefs, but what I did tell Mr. Langlois very
12 emphatically was to please contact the officers on this
13 case at Project Truth and to advise them of what he had to
14 say.

15 I told him I wasn't equipped to investigate
16 any further allegations in relation to this matter; it
17 should be done by the police. "Please don't let's talk
18 about this." I was concerned about myself becoming a
19 witness in the matter. I didn't want to do that and I
20 provided -- I believe I provided the number of the Project
21 Truth officer.

22 I asked him to explain to the Project Truth
23 officer what had occurred, so that they could then attend
24 on the complainant and get the additional items. This did
25 sort of further the investigation in terms of the officers

1 being aware then of the dental work and the dental records
2 and the gifts that had been given by Mr. Leduc to C-16, and
3 that's what they did. And they also took -- and I thought
4 this was a good idea, and I believe that I recommended it,
5 based on what Mr. Langlois was saying, that there be an
6 additional investigative videotape taken of the complainant
7 ---

8 **MS. ROBITAILLE:** That's right. And that
9 third videotape statement includes quite an escalation in
10 the acts alleged; right?

11 **MS. HALLETT:** Yes, but again, it's before
12 the lawsuit was launched. The lawsuit was launched at the
13 end of that month, July 30th; right. So what I had done ---

14 **MS. ROBITAILLE:** Ms. Hallett, it ---

15 **THE COMMISSIONER:** You're going to have to
16 either let her finish the question -- or the answer, I
17 mean. Let her finish her sentence, please.

18 **MS. ROBITAILLE:** Thank you, Mr.
19 Commissioner.

20 **MS. HALLETT:** And so what I had done was
21 make sure that the officers were aware and recorded this
22 information from Mr. Langlois. And in fact, Detective
23 Seguin does have in his note the fact that Mr. Langlois
24 contacted him on this very day and advised that he had been
25 speaking with the Crown.

1 **MS. ROBITAILLE:** I have that note, Ms.
2 Hallett, and that note was actually disclosed along with
3 the letter on that same date. It was not disclosed in the
4 briefs but -- preceding the trial. It was disclosed during
5 the trial.

6 **MS. HALLETT:** Yes, at the request Defence,
7 yes.

8 **MS. ROBITAILLE:** That's right. So that note
9 was not available to the Defence prior to the trial.

10 **MS. HALLETT:** You mean the letter? Is that
11 ---

12 **MS. ROBITAILLE:** Neither the letter nor
13 Detective Seguin's note.

14 **MS. HALLETT:** Well, I'm sorry about that,
15 but I would have thought that Seguin's note would have been
16 included in the brief, should have been included in the
17 brief.

18 **MS. ROBITAILLE:** It is disclosed upon the
19 request letter that we just reviewed, along with Mr.
20 Langlois' letter.

21 **MS. HALLETT:** Okay.

22 **MS. ROBITAILLE:** And you've explained your -
23 - the steps that you took, once you understood who Mr.
24 Langlois was and the circumstances of his phone call, but I
25 take it you're not disputing the fact that the letter was

1 disclosed ---

2 MS. HALLETT: Upon request at the beginning
3 of the trial.

4 MS. ROBITAILLE: ---two and a half years
5 after it was written?

6 MS. HALLETT: Yes.

7 MS. ROBITAILLE: Thank you.

8 MS. HALLETT: Yes, once it was indicated to
9 me that that's what they wanted, I certainly handed it
10 over. I had -- in fact I sent the letter to the police
11 officers once I got it, but I got the letter a couple of
12 weeks after our telephone conversation and had dealt with
13 the matter, I thought appropriately, by that time.

14 MS. ROBITAILLE: The next issue I want to
15 look at is -- yesterday, with Ms. Daley, you went over the
16 top six disclosure problems in Leduc. Do you remember that
17 document?

18 MS. HALLETT: I do. I don't know who
19 prepared that document. It's not my document.

20 MS. ROBITAILLE: I think we should hear from
21 Ms. Narozniak on that issue.

22 MS. HALLETT: Okay then.

23 MS. ROBITAILLE: Ms. Daley asked you about
24 Volume 5, that it contained very dated statements and that
25 was disclosed to the Defence November 14th, 2000.

1 **MS. HALLETT:** There were a couple of
2 statements that were specified as being from earlier, but
3 I'm not sure that all of the content of Volume 5 was as old
4 as one or two of the pieces in there.

5 **MS. ROBITAILLE:** Okay. I want to address
6 that issue with you.

7 **MS. HALLETT:** Okay.

8 **MS. ROBITAILLE:** The document number is
9 103007 and this is late notice, Madam Clerk. I'll pass it
10 up.

11 **THE COMMISSIONER:** Thank you.

12 Exhibit 3251 is the index to Volume 5.

13 **--- EXHIBIT NO./PIÈCE NO. P-3251:**

14 (103007) - Index to Volume 5 undated

15 **MS. ROBITAILLE:** Thank you.

16 Now Volume 5 was disclosed November 14th,
17 2000.

18 Mr. Commissioner, I found this document in
19 the database last night and I cross-checked it to make sure
20 the dates written by hand beside the witnesses' names are
21 accurate. And they are. I believe that this document was
22 prepared either by Christine Tier or Lidia Narozniak.

23 **THE COMMISSIONER:** What did the notes, the
24 dates show? The date that the statement ---

25 **MS. ROBITAILLE:** The date that the statement

1 is taken.

2 **THE COMMISSIONER:** Taken; okay.

3 **MS. ROBITAILLE:** And so if we can just --
4 there are five witnesses' names there and I've identified
5 that number 2 -- I won't say the names but number 2, number
6 3 and number 5; those statements were all taken well over a
7 year before Volume 5 was disclosed.

8 **MS. HALLETT:** I'm not sure -- could you tell
9 me again or just remind me about when Volume 5 was
10 disclosed?

11 **MS. ROBITAILLE:** November 14th, 2000.

12 **MS. HALLETT:** Okay, so that would be -- I
13 see, just prior to starting the trial in January. Okay.

14 I frankly don't know. I certainly, myself,
15 was not sitting on these statements, Ms. Robitaille. As I
16 was getting the brief -- or the volumes of the brief, I was
17 handing them over as soon as I could, following some sort
18 of review. So I was doing my best. I believe the police
19 were doing their best, in the circumstances. It may be,
20 too, that some things are pulled together on a request from
21 the Defence, and those were often being included in
22 information packages being sent to the Defence.

23 So I'm not sure whether these statements in
24 fact, had been taken, I don't know, at an earlier point in
25 time. But perhaps we hadn't identified them, or they

1 hadn't been identified by the Defence as something that
2 they wished to obtain. I really don't know the
3 circumstances behind ---

4 **MS. ROBITAILLE:** You're not sure as to why
5 this was disclosed so late?

6 **MS. HALLETT:** No, I'm not, but I can tell
7 you that I certainly didn't keep them in my possession and
8 delay in handing them over in any way. When I was getting
9 Volume 5 I would have handed it over to the Defence; a copy
10 of it.

11 **MS. ROBITAILLE:** The next issue I'd like to
12 discuss ---

13 **THE COMMISSIONER:** Ms. Robitaille, how long
14 do you think you're going to be, because ---

15 **MS. ROBITAILLE:** Oh, Mr. Commissioner, I
16 have -- this may be an appropriate place to stop. I have
17 about 15 minutes.

18 **THE COMMISSIONER:** I will. Thank you.
19 Morning break, please.

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

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

23 --- Upon recessing at 10:59 a.m./

24 L'audience est suspendue à 10h59

25 --- Upon resuming at 11:21 a.m./

1 L'audience est reprise à 11h21

2 **THE REGISTRAR:** Order; all rise. Veuillez
3 vous lever.

4 This hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

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

7 **SHELLEY HALLETT Resumed/Sous le même serment:**

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

9 **MS. ROBITAILLE (cont'd/suite):**

10 **MS. ROBITAILLE:** Ms. Hallett, the next thing
11 I'd like to discuss with you is this issue of the quid pro
12 quo. Do you remember testifying in chief that you believed
13 that there was a quid pro quo between the Defence in Leduc
14 in 2001 and the officers, the investigating officers in the
15 case?

16 **MS. HALLETT:** Did I use that term, "quid pro
17 quo"? I think that was a fair inference from all of the
18 circumstances.

19 **MS. ROBITAILLE:** This is an inference that
20 you made.

21 **MS. HALLETT:** Yes.

22 **MS. ROBITAILLE:** Thank you.

23 **THE COMMISSIONER:** I'm sorry. I -- what's
24 the inference? I'm sorry. I missed all of that.

25 **MS. ROBITAILLE:** Perhaps I'll go to the

1 transcript. That might assist.

2 **THE COMMISSIONER:** No, just repeat it. I
3 just didn't quite ---

4 **MS. ROBITAILLE:** I took from Ms. Hallett's
5 evidence-in-chief ---

6 **THE COMMISSIONER:** Yes.

7 **MS. ROBITAILLE:** --- that she believed there
8 was a quid pro quo between the Defence in Leduc and the
9 investigating officers.

10 **THE COMMISSIONER:** Okay. Okay. Okay, I
11 understand now.

12 **MS. ROBITAILLE:** Thank you.

13 Ms. Hallett, part of your -- part of the
14 surrounding facts that made you draw this inference was ---

15 **MS. HALLETT:** Right.

16 **MS. ROBITAILLE:** --- the fact that Detective
17 Smith wasn't called as a witness on the application.

18 **MS. HALLETT:** Yes.

19 **MS. ROBITAILLE:** You testified that you were
20 astonished that Detective Smith was not called. Do you
21 recall using those words?

22 **MS. HALLETT:** Yes. That he was not going to
23 be called.

24 **MS. ROBITAILLE:** And prior to your learning
25 that he was not going to be called, you had prepared him by

1 going over his notes; right?

2 **MS. HALLETT:** Yes. Well, I had prepared
3 myself.

4 **MS. ROBITAILLE:** And you had come to the
5 view that he was a critical witness to the application?

6 **MS. HALLETT:** I felt that he was, based on
7 the arguments that had been made thus far by the Defence,
8 and the Notice of Application stated that he was a witness
9 to be called.

10 **MS. ROBITAILLE:** Ms. Hallett, why didn't you
11 call him on the application?

12 **MS. HALLETT:** Well, at that point I assumed
13 that the Defence was conceding that the failure to disclose
14 had been inadvertent. I don't know. I was rather -- as I
15 say, I was surprised. I would have thought, if that was
16 going to -- given what they had been alleging, and both, as
17 I say, orally and verbally -- rather, orally and in
18 writing, I assumed that they would have wanted to show that
19 somehow the lead officer had suppressed that information
20 about the meeting on July 23rd from the briefing from his
21 notes.

22 And that was consistent with the arguments
23 that had been made and what I heard in speaking with
24 counsel. But I guess by that time, if they weren't
25 interested in calling Smith, then they didn't feel that

1 that was an issue perhaps by that point.

2 **MS. ROBITAILLE:** You understood that even
3 though it was a Defence burden to show the clearest of
4 cases for a stay ---

5 **MS. HALLETT:** Yes.

6 **MS. ROBITAILLE:** --- it was your burden to
7 explain the nondisclosure to the Court?

8 **MS. HALLETT:** Yes.

9 **MS. ROBITAILLE:** And so if you had come to
10 the view that Detective Smith was a critical witness to
11 explain the nondisclosure and that it was inadvertent ---

12 **MS. HALLETT:** Right.

13 **MS. ROBITAILLE:** --- why didn't you call
14 him?

15 **MS. HALLETT:** I suppose I didn't think at
16 that point that his evidence -- I thought, you know, that
17 obviously the Defence is perhaps arriving at a conclusion
18 that his evidence isn't necessary because they believed
19 that it wasn't wilful. I don't know.

20 To tell you the truth, I didn't put my mind
21 to it. I would have thought, though, that given the
22 strategy of the Defence as it had become apparent to me, up
23 until then, that he would have been a pretty critical
24 witness.

25 And then when that wasn't the case, I --

1 that's why I confronted Detective Hall about -- it seemed
2 to me that what was happening here was that I was being
3 made to look like I hadn't disclosed and they were sort of
4 not going to be held accountable for what they had failed
5 to include in the brief.

6 **MS. ROBITAILLE:** That confrontation with
7 Inspector Hall is on February 22nd.

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

9 **MS. ROBITAILLE:** But you still maintain,
10 however, that the first you learned that you were the
11 target of the wilful nondisclosure allegation was in
12 closing submissions on the 26th. Is that right?

13 **MS. HALLETT:** Well, that's right. That's
14 when it became explicit.

15 **MS. ROBITAILLE:** Just from the point of view
16 of your strategy on the motion, Detective Smith wasn't a
17 critical witness for you?

18 **MS. HALLETT:** Well, certainly he wasn't a
19 critical witness if the Defence accepted that the failure
20 to disclose was not wilful.

21 **MS. ROBITAILLE:** And you had come to the
22 view by February 22nd that the Defence had dropped their
23 motion for wilful nondisclosure on the part of the police?

24 **MS. HALLETT:** No. No, that was still -- we
25 were still proceeding on that. The stay was still alive.

1 The stay issues were still alive at that point.

2 MS. ROBITAILLE: And you, as the Crown, had
3 to answer to the allegation of wilful nondisclosure?

4 MS. HALLETT: How do you mean I as the
5 Crown? I was meeting the application. I was addressing
6 the arguments made in the course of the application.

7 MS. ROBITAILLE: That's right.

8 MS. HALLETT: But I -- the evidence that I
9 was still going to call was with respect to the very
10 minimal prejudice that I thought had been suffered by the
11 Defence in terms of the minimal contact that Constable
12 Dunlop had had with the three complainants. That evidence
13 was the evidence that I was intending to call and did call
14 on February 26th.

15 MS. ROBITAILLE: And you never contemplated
16 calling Detective Smith?

17 MS. HALLETT: No, I -- as I say, I think
18 that at that point my concern was with respect to
19 demonstrating to the court that the prejudice had been
20 minimal.

21 MS. ROBITAILLE: Thank you. The next issue
22 is something we just talked about, the notice issue, and we
23 kind of talked about the reasons why you didn't withdraw
24 from the motion and perhaps bring another counsel in. Do
25 you remember discussing that in chief?

1 MS. HALLETT: Yes, m'hm.

2 MS. ROBITAILLE: And what you had kind of
3 explained to us was that part of the reason you did not do
4 that was because you weren't given proper notice of the
5 issue that was going be examined was your conduct?

6 MS. HALLETT: Yes, m'hm.

7 MS. ROBITAILLE: And just -- you understand
8 that the Court of Appeal dealt with the issue of notice?

9 MS. HALLETT: Yes.

10 MS. ROBITAILLE: If we could go to that
11 judgment, Mr. Commissioner? It's Exhibit 774.

12 THE COMMISSIONER: Thank you. Merci.

13 MS. ROBITAILLE: Now, I want to draw your
14 attention to paragraphs 77 and 78.

15 Are we there?

16 THE COMMISSIONER: No. Hold on a second.

17 Okay, go ahead. Well, hang on -- we don't have it on the -
18 - on board yet.

19 MS. ROBITAILLE: And in all fairness,
20 Ms. Hallett, the Court of appeal came to the position that
21 the notice to you was, in their words, "far from ideal".

22 MS. HALLETT: Yes.

23 MS. ROBITAILLE: You recall those words?

24 MS. HALLETT: M'hm.

25 MS. ROBITAILLE: And, in paragraph 77, the

1 Court also writes:

2 "I do, however, lean to the view that
3 though not ideal, the notice was
4 adequate. I also lean to the view that
5 the Crown should not be permitted to
6 raise the adequacy of the notice on
7 appeal."

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

9 **MS. ROBITAILLE:** "I do so for three main
10 reasons."

11 **MS. HALLETT:** Yes.

12 **MS. ROBITAILLE:** And, paragraph 78:

13 "First, from the beginning of the
14 hearing of the stay application,
15 Ms. Hallett seemed aware of the
16 allegation against her and prepared to
17 respond to it. She addressed the
18 allegation not just in her closing
19 submissions but in her questioning of
20 the police officers called on this
21 day."

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

23 **MS. ROBITAILLE:** "In answer to questions
24 from Ms. Hallett, Inspector Hall and
25 Detective Constable Dupuis each said

1 that to his knowledge Crown counsel had
2 not intentionally withheld material
3 prejudicial to the prosecution."

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

5 **MS. ROBITAILLE:** "Secondly, and more
6 importantly, Ms. Hallett did not object
7 to the adequacy of the notice she was
8 given. At no time during the stay, or
9 even during closing submissions, when
10 there could have been no doubt about
11 Leduc's position, did Ms. Hallett ask
12 for an adjournment, ask for an
13 opportunity to get advice from another
14 lawyer, or even say the allegation had
15 taken her by surprise. Although her
16 failure to object may not be fatal to
17 the Crown's position on appeal, I think
18 it is an important consideration."

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

20 **MS. ROBITAILLE:** And if we can also flip to
21 paragraph 93, and the Court makes certain comments on --
22 just as far as background, do you recall, Ms. Hallett, that
23 there were intervenors on this case?

24 **MS. HALLETT:** Yes. My association, the
25 Crown Attorneys Association, intervened on that issue of

1 what -- of the notice that should have been given to me, as
2 far as my association of the Crown Attorneys were
3 concerned.

4 **MS. ROBITAILLE:** That's right. And your
5 association asked the Court to make certain pronouncements
6 on notice ---

7 **MS. HALLETT:** Yes.

8 **MS. ROBITAILLE:** --- and the Court declined
9 to do so.

10 **MS. HALLETT:** Yes.

11 **MS. ROBITAILLE:** In paragraph 93:

12 "It seems to me that maintaining this
13 flexibility is necessary to protect the
14 Accused's constitutional right to make
15 full answer in defence."

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

17 **MS. ROBITAILLE:** "In some cases it may be
18 unfair to require the Accused to
19 identify in advance the reason for
20 nondisclosure, whether the
21 nondisclosure was intentional and, if
22 so, the party responsible. It may be
23 unfair because ordinarily the Crown is
24 in the best position to know the
25 reasons why relevant information was

1 withheld and who withheld it. The law
2 is clear that the Crown, not the
3 Defence, has the burden of explaining
4 the nondisclosure..."

5 MS. HALLETT: M'hm.

6 MS. ROBITAILLE: A reference to *Stinchcombe*
7 *and Ahluwalia*.

8 MS. HALLETT: Yes.

9 MS. ROBITAILLE: You recall those
10 pronouncements in the Court of Appeal?

11 MS. HALLETT: Yes.

12 MS. ROBITAILLE: Thank you.

13 MS. HALLETT: I must say, though, if either
14 of the defence counsel or the police and come to me about
15 this issue, about the issue of disclosing that letter to
16 Detective Dupuis on another case, if they'd simply come
17 down and spoken to me, even to give me some informal
18 notice, I could have done something in terms of making sure
19 that what they were interested in was disclosed; or, if I
20 thought it had gone further, to have retained counsel to
21 call my office.

22 But given the evidence that had been called,
23 especially from the officers, that I thought was rather
24 helpful -- and you've just read it -- in terms of what both
25 Hall and Dupuis had said about my not wilfully withholding

1 the evidence, and given what I thought was, as I say,
2 minimal evidence of prejudice, I didn't recognize the
3 jeopardy I was in, Ms. Robitaille.

4 And I think that's consistent with what Jim
5 Stewart once told me about being in a conflict of interest.
6 It is often invisible to the person who's in it ---

7 **MS. ROBITAILLE:** But you certainly ---

8 **MS. HALLETT:** --- and so I would have
9 appreciated simply the courtesy or the benefit of some,
10 sort of heads-up from defence counsel, whom I had known for
11 many years. I remember when Mr. Campbell was an articling
12 student.

13 And I believe that the Court of Appeal does
14 discuss sort of common courtesy and decency, in terms of
15 giving this kind of notice, and I think I had the right to
16 expect that in the context of this trial.

17 **MS. ROBITAILLE:** Ms. Hallett, certainly you
18 don't dispute what the Court of Appeal adverts to here in
19 paragraph 78, that in your cross-examinations of the
20 officers you asked them specifically about your conduct?

21 **MS. HALLETT:** Yes, that's right. And given
22 their responses, I didn't recognize the jeopardy I was in.
23 The jeopardy only seemed to become explicitly conveyed in
24 the course of final submissions by defence counsel on the
25 stay application.

1 **MS. ROBITAILLE:** Ms. Hallett, you must have
2 known that it was an issue, otherwise you wouldn't have
3 asked the questions.

4 **MS. HALLETT:** Yes, but I was aware of what
5 the evidence was, also.

6 **MS. ROBITAILLE:** I'll leave it ---

7 **MS. HALLETT:** The evidence appearing to
8 exculpate me from -- as far as the officers' evidence was
9 concerned.

10 **MS. ROBITAILLE:** I think it's fair to say,
11 Ms. Hallett, that you were taken by surprise by Mr. Justice
12 Chadwick's finding.

13 **MS. HALLETT:** Yes, that's true.

14 **MS. ROBITAILLE:** I'd like to move now ---

15 **MS. HALLETT:** I was taken by surprise by a
16 lot of things.

17 **MS. ROBITAILLE:** I'd like to move now to the
18 transfer of the file from you to Ms. Narozniak.

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

20 **MS. ROBITAILLE:** And if we could go to
21 document -- it's a new document, 112989.

22 **THE COMMISSIONER:** Thank you. Exhibit
23 Number 3252 is an email correspondence from Lidia Narozniak
24 to Shelley Hallett on September 28th, 2004.

25 ---EXHIBIT NO./PIÈCE NO P-3252:

1 (112989) - E-mail from Lidia Narozniak to
2 Shelley Hallett re: Update dated 28 Sep 04

3 **MS. ROBITAILLE:** Do you have it, Ms.

4 Hallett?

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

6 **MS. ROBITAILLE:** The email reads,

7 "Dear Shelley, Christine and I wanted
8 to let you know that we'll be arguing
9 the 11(b) application next week before
10 Platana J. Our position is that the
11 Defence is foreclosed from raising this
12 argument at this stage, not having
13 raised it at the first trial or the
14 appeal. However, should Justice
15 Platana open the door for the Defence,
16 the focus of the Defence argument is
17 delayed disclosure."

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

19 **MS. HALLETT:** "I'm attaching the Defence
20 argument for your information."

21 And do you see there's a little icon there?

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

23 **MS. ROBITAILLE:** "Factum, Defence".

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

25 **MS. ROBITAILLE:** Do you see that?

1 MS. HALLETT: M'hm.

2 MS. ROBITAILLE: So it appears as though Ms.
3 Narozniak provided you with the Defence factum on the 11(b)
4 in 2004. Do you recall her doing that?

5 MS. HALLETT: I don't dispute that it was
6 done, given this document.

7 MS. ROBITAILLE: Do you recall reading the
8 Defence factum?

9 MS. HALLETT: I cannot -- I'm sorry, I can't
10 recall that. I just -- I'm not sure of really what was
11 going on at that point. I don't recall any sort of attempt
12 by Lidia perhaps to discuss the matters with me earlier in
13 time about -- in terms of the issues that would be raised
14 here.

15 MS. ROBITAILLE: Well, she's proving you
16 with the argument.

17 MS. HALLETT: Yes. It looks like that, that
18 she is, m'hm.

19 MS. ROBITAILLE: And the date of that email
20 is September 28th, 2004.

21 MS. HALLETT: That's right.

22 MS. ROBITAILLE: And, again, I'm sorry, Mr.
23 Commissioner, but another late notice document is 105561.

24 (SHORT PAUSE/COURTE PAUSE)

25 THE COMMISSIONER: Thank you.

1 Exhibit Number 3253 is a memorandum from
2 Lidia Narozniak to Shelley Hallett, October 15th, 2004.

3 --- EXHIBIT NO./PIÈCE NO. P-3253:

4 (105561) - Memorandum from Shelley Hallett
5 to Lidia Narozniak re: R.v. Jacques Leduc
6 dated 15 Oct 04

7 MS. HALLETT: This -- I'm sorry. This is a
8 wrongly-dated -- this particular memo, in fact, was the
9 subject of my May memo of 2004. It was sort of a glitch on
10 my computer program so that if -- actually, what I'm
11 talking about here was the subject of a May 2004 memo; it
12 wasn't October 15th, 2004, I was providing these things. It
13 was May 2004.

14 MS. ROBITAILLE: So sorry, your evidence,
15 Ms. Hallett ---

16 MS. HALLETT: Yeah.

17 MS. ROBITAILLE: --- is that the date,
18 October 15th, 2004 ---

19 MS. HALLETT: That's right.

20 MS. ROBITAILLE: --- arrived on the document
21 as a result of a computer glitch?

22 MS. HALLETT: There were two -- there were
23 two memos that I noticed in the file just when recently
24 reading it, but the -- this was a cover -- the content of
25 this cover memo was, in fact, the subject of my memo from

1 May of 2004, not October 2004. I think October might have
2 been after the trial.

3 **MS. ROBITAILLE:** Well, it's in fact three
4 days before the stay is ordered.

5 **MS. HALLETT:** Right.

6 So that -- no. No, no. All of these items
7 were, in fact, forwarded to Lidia with a cover memo with
8 the same -- exactly the same information, but it was from
9 May of 2004, Ms. Robitaille.

10 **MS. ROBITAILLE:** So it is not the case that
11 you drafted ---

12 **MS. HALLETT:** No.

13 **MS. ROBITAILLE:** --- the memo in May without
14 disclosing the boxes and went back to the document after
15 some time ---

16 **MS. HALLETT:** No.

17 **MS. ROBITAILLE:** --- and finally, finalizing
18 the document on October 15th, 2004.

19 **MS. HALLETT:** No. No. No, no, and there
20 should -- it's in the materials, I believe.

21 **MR. DUMAIS:** Exhibit 3210, Mr. Commissioner.

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

23 **MR. DUMAIS:** Exhibit 3210.

24 **THE COMMISSIONER:** Three two one zero (3210)
25 and what would that be now?

1 **MS. ROBITAILLE:** Your indulgence, Mr.
2 Commissioner.

3 **THE COMMISSIONER:** Yeah, so what -- okay,
4 Madam Clerk, can I get 3210, please?

5 **THE COMMISSIONER:** Thank you. Okay, 3210,
6 that's the competency thing, Mr. Dumais? Three two (32) --
7 oh, 10; right? Sorry. There you go.

8 **MS. HALLETT:** Yes, this is the memo that was
9 the cover memo for the items that I itemized in the rest of
10 that memo. And I'm not quite sure what the problem was in
11 terms of a date of October 15th being on some memo in the
12 file, but I -- it was, in fact, this May 21st memo, which
13 covered the three more bankers boxes that I was sending to
14 Christine and Lidia, and they were in addition to the box -
15 - boxes I had left on March 24th and May 19th. So at this --
16 I would say that the date of October 15th should simply be
17 disregarded; it's a typo. It's a typographical error.

18 **MS. ROBITAILLE:** Is that something you would
19 have typed, Miss Hallett?

20 **MS. HALLETT:** Sometimes, what I would do,
21 Ms. Robitaille, I'm sure a lot of lawyers do, they pull up
22 a memo from -- that they've previously written on something
23 else and you use it, sort of as a -- what am I talking
24 about -- a precedent. I'm just -- I pulled up a blank -- a
25 memo and I filled it in. It was probably a dated memo and

1 with -- bearing a date perhaps October 15, 2003. And then
2 I change it in order to accord with the date and the person
3 to whom I'm sending it.

4 But in this particular case, there was this
5 error but as you can see, the content of this October 15th
6 memo is exactly the same as the one from May 21st of 2004.
7 And it was the May 21st, 2004 memo that was the cover memo
8 for the three bankers boxes that I'm referring to in this
9 memo.

10 **MS. ROBITAILLE:** Thank you, Ms. Hallett. So
11 your evidence is you finally disclose your file to Lidia
12 Narozniak a little less than four months before the stay is
13 ordered on October 18th?

14 **MS. HALLETT:** When you say "disclose", I'm
15 handing it over ---

16 **MS. ROBITAILLE:** Transfer.

17 **MS. HALLETT:** --- I'm handing -- I'm
18 transferring it in an orderly way and with everything
19 indicating what's in the content of the various boxes I'm
20 handing over. And I took some time, as you can see,
21 because of the complexity of the issue, to fully explain
22 the Dunlop materials that I'm providing and some of --
23 somewhat of the history of the Dunlop issue, which I
24 thought would be helpful to Lidia.

25 **MS. ROBITAILLE:** And you do that on May 21st,

1 2004, and we know the stay is -- is ordered October 18th,
2 2004.

3 MS. HALLETT: You're -- I'll certainly
4 accept your information on that.

5 MS. ROBITAILLE: Thank you. Those are my
6 questions.

7 MS. HALLETT: M'hm.

8 THE COMMISSIONER: Thank you.
9 Ms. Levesque? Ms. Lalji?

10 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

11 LALJI:

12 MS. LALJI: Good morning, Mr. Commissioner.

13 THE COMMISSIONER: Good morning.

14 MS. LALJI: Good morning, Ms. Hallett.

15 MS. HALLETT: Good morning. I'm sorry, your
16 name again, ma'am?

17 MS. LALJI: My name is Reena Lalji and I'm
18 counsel for the Cornwall Police Service.

19 MS. HALLETT: Hello.

20 MS. LALJI: Now yesterday, in your
21 examination in-chief, Mr. Engelmann had asked you some
22 questions about the January 10th, 2000 order issued to Mr.
23 Dunlop ---

24 MS. HALLETT: Yes.

25 MS. LALJI: --- from the Cornwall Police

1 Service.

2 MS. HALLETT: M'hm.

3 MS. LALJI: And he also asked you some of
4 the circumstances surrounding that. Do you recall that?

5 MS. HALLETT: Yes.

6 MS. LALJI: And Mr. Engelmann had also asked
7 you if you were provided with the order at that time, and
8 you weren't certain, but you had said at some point you did
9 receive the order. Do you recall that?

10 MS. HALLETT: Yes, and he reminded me that
11 it had been included in the Dunlop will say, I believe.

12 MS. LALJI: Okay.

13 MS. HALLETT: M'hm.

14 MS. LALJI: I'm actually going to take you
15 to a document to hopefully help you recall some of the
16 timelines a little bit better.

17 MS. HALLETT: M'hm.

18 MS. LALJI: Mr. Commissioner, it's Exhibit
19 1325. These are Staff Sergeant Garry Derochie's notes, and
20 I'll just take you to some portions of the notes.

21 THE COMMISSIONER: Thank you.

22 MS. LALJI: Mr. Commissioner ---

23 THE COMMISSIONER: What number again?

24 MS. LALJI: It's Exhibit 1325.

25 THE COMMISSIONER: M'hm.

1 **MS. LALJI:** And I'll take you to certain
2 begdoc pages.

3 **THE COMMISSIONER:** Well ---

4 **MS. LALJI:** One zero nine (109). Oh, sorry.
5 Actually, just for other counsel, if they want to know the
6 Document Number, it's 109487. And the Bates page number --
7 can we start at 1043338.

8 Madam Clerk, can you just make it a little
9 bit larger and if you can just go to the 1500 hours towards
10 the top of the page.

11 Now, Ms. Hallett, I'll just walk you through
12 these notes.

13 **MS. HALLETT:** I'm sorry, what date are these
14 notes?

15 **MS. LALJI:** These are Staff Sergeant Garry
16 Derochie's notes from the Cornwall Police Service.

17 **MS. HALLETT:** From what date?

18 **MS. LALJI:** That's what I'm just going to
19 get at, okay?

20 **MS. HALLETT:** Okay.

21 **MS. LALJI:** So for the 1500 hours, that's on
22 December 16th, 1999.

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

24 **MS. LALJI:** Okay, so I'm just going to take
25 you to the portion right where it says, "10/7" which means

1 he's come back to the police station ---

2 MS. HALLETT: M'hm.

3 MS. LALJI: --- and it says, "Letter waiting
4 for me from Assistant Crown, Shelley Hallett."

5 Do you see that?

6 MS. HALLETT: Okay.

7 MS. LALJI: Okay. Now, that would be your
8 December 14th, 1999 letter, which was entered yesterday as
9 Exhibit 3215. We won't go there, but that's the letter
10 he's referring to.

11 MS. HALLETT: Okay.

12 MS. LALJI: Okay.

13 And then if you just scroll down towards --
14 just down a little bit after that line in the middle of the
15 page.

16 MS. HALLETT: M'hm.

17 MR. KOZLOFF: Okay. Yeah, right there in
18 the middle. And can you see where it says "TC to Hallett"?

19 MS. HALLETT: Yes.

20 MS. LALJI: Okay. So that's "Telephone call
21 to Hallett. Left message."

22 MS. HALLETT: Okay.

23 MS. LALJI: Okay. So Staff Sergeant
24 Derochie indicates that he does leave you with -- he does
25 leave you a voice mail message, and I looked through the

1 notes and there isn't any indication that you called him
2 back, and I don't think there's an issue about that.

3 **MS. HALLETT:** Okay.

4 **MS. LALJI:** And I'm assuming, and maybe you
5 can correct me, but I'm assuming that likely the reason you
6 hadn't called him back is that you were aware that the
7 other two Crowns, Mr. Garson and Ms. Wilhelm, were already
8 dealing with Staff Sergeant Derochie and the Cornwall
9 Police on some of these disclosure issues regarding Perry
10 Dunlop. Would that be fair?

11 **MS. HALLETT:** Yes, that may be, yes.

12 **MS. LALJI:** Okay. And then if I can then
13 turn you to Bates page -- and I'll just give you the last
14 three numbers -- 339.

15 **MS. HALLETT:** Although I would ordinarily
16 return a telephone call, I must say, Ms. Lalji. I -- and
17 so I don't know that even if I thought that the matter was
18 in hand by other counsel, other Crown counsel, I -- if I
19 had been in the office, I'm sure I would have returned his
20 call.

21 **MS. LALJI:** Do you recall if you did?

22 **MS. HALLETT:** Well, of course not and you
23 know if he didn't note it, then I probably didn't, but I
24 know that I was on the road around that time. I think we
25 had just completed the Leduc preliminary inquiry.

1 So, I mean, just because I didn't return the
2 call doesn't mean that I was in the office to do that. I
3 may not have been in the office. There are a number of
4 reasons why I didn't return the call and it is not
5 necessarily simply because I thought somebody else had it
6 in hand. I would have returned a call made to me I think.
7 Okay?

8 **MS. LALJI:** Okay, fair enough.

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

10 **MS. LALJI:** But at this timeframe, you would
11 have been aware that Mr. Garson and Ms. Wilhelm were
12 already dealing with the Cornwall Police on some of these
13 issues, particularly based on Mr. Garson's letter which you
14 would have received a copy of?

15 **MS. HALLETT:** Yes.

16 **MS. LALJI:** Right.

17 And then we'll just go to Bates page 339,
18 and we'll start off with the December 23rd, 1999 entry.
19 Now, again, this is just touching on some of the evidence
20 you gave in-chief, but I'm just trying to put a bit more of
21 a timeframe to it.

22 Now, it says here in Staff Sergeant's
23 Derochie's notes on December 23rd, that he received
24 Wilhelm's comments on the order; okay?

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

1 **MS. LALJI:** And that's the one with respect
2 to Dunlop.

3 So -- and I think you did mention yesterday
4 that you were aware that Ms. Wilhelm did provide some
5 comments on the order that was ultimately issued; correct?

6 **MS. HALLETT:** Yes.

7 **MS. LALJI:** Okay then and if we just
8 continue on, on December 29th, it indicates that the Staff
9 Sergeant redrafted the order. You wouldn't have known
10 that, and then if we keep going down, it says on January
11 6th, it says that he faxed a copy of the order to -- and
12 that individual is the Cornwall Police's internal counsel
13 that they would have -- which again you indicated yesterday
14 in-chief that you were aware that Cornwall Police's
15 internal counsel also looked at the order; correct?

16 **MS. HALLETT:** Okay, very well. I wasn't
17 taking a lot of -- I wasn't involved a lot in this, simply
18 because at this point it was a Cornwall Police matter, and
19 I know that Ms. Wilhelm, yes, was handling that Lalonde
20 matter.

21 **MS. LALJI:** Right. Okay, and again, you
22 know I'm not expecting you to know everything that's
23 happened but, again, if we can just put a timeline to
24 assist you, that's what I'm trying to do.

25 **MS. HALLETT:** Okay.

1 **MS. LALJI:** And then let's just scroll down
2 to January 10th, 2000, okay? And hang on a second, let me
3 just find it here.

4 Okay, now, on January 10th, if you read the
5 note at 19:06, that portion, it essentially says that they
6 are now giving the order to Perry Dunlop. They're serving
7 that order on him?

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

9 **MS. LALJI:** Okay?

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

11 **MS. LALJI:** And then if you go to Bates page
12 342 -- I shall take you to 341 just so you can see the date
13 at the bottom; so 341, the next page.

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

15 **MS. LALJI:** So now it's January 11th and then
16 just continue to the next page at the top, 342. And if you
17 can -- yes, that's great.

18 So now on January 11th, if you take a look at
19 the screen now, towards the bottom at 13:20, at that time
20 entry?

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

22 **MS. LALJI:** Just scroll up here.

23 Okay, it says, "Called" -- and this is Staff
24 Sergeant Derochie again:

25 "Called and left message for Wilhelm to

1 call me."

2 So that's one point, and the next one:

3 "Called and spoke to Hallett."

4 Do you see that?

5 **MS. HALLETT:** Yes, I see that.

6 **MS. LALJI:** Okay. And I'm just going to
7 continue reading. It says:

8 "Briefed her on all developments.

9 Mentioned civil action statement of
10 claim. Told her about OCRPS".

11 And that's the Ottawa Police investigations.

12 **MS. HALLETT:** Oh, okay.

13 **MS. LALJI:** Do you see that?

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

15 **MS. LALJI:** Okay, so on -- sorry, on January
16 11th, so the day after the order is served on Perry Dunlop,
17 you can see from Staff Sergeant's Derochie's notes, he
18 actually had a conversation with you and gave you an
19 update, essentially.

20 **MS. HALLETT:** Yes, I see that, m'hm.

21 **MS. LALJI:** Okay. So not only did he give
22 you an update on the developments pertaining to the Dunlop
23 order but also with respect to Ottawa's investigation of
24 him. Do you see that?

25 **MS. HALLETT:** Yes, I do see that, and I am

1 taken by surprise because I thought that I wasn't aware,
2 okay, of that police investigation until later in the year.

3 MS. LALJI: And, you know, again, Ms.
4 Hallett, I'm sure you were having a lot of things going on
5 at that time with all your prosecutions ---

6 MS. HALLETT: Right.

7 MS. LALJI: --- but you would have no reason
8 to dispute Staff Sergeant Derochie's note here that he
9 would have called you on the 11th and apprised you of these
10 matters?

11 MS. HALLETT: No, I really don't.

12 MS. LALJI: Okay.

13 MS. HALLETT: No. I do see that I did ask
14 for disclosure, yes.

15 MS. LALJI: Yeah, and in fact you did. And
16 you did say there in the note -- and thank you for
17 continuing on with that:

18 "She asked the disclosure be given to
19 OPP Project Truth."

20 Which you would have done?

21 MS. HALLETT: Yes.

22 MS. LALJI: Okay.

23 And then if we can go to Bates page 344 on
24 January 17th. Now, if you look at the 9:50 timeframe, okay:

25 "Met with Dunlop in Carter's office.

1 Dunlop signed the order."

2 So this is where Perry Dunlop signs the
3 order that was issued to him, and then if you go to 11:47:

4 "Staff Sergeant Derochie indicates that
5 he faxed copies of the signed orders to
6 the Crowns."

7 And he indicates Ms. Wilhelm, yourself and
8 Mr. Garson. Do you see that?

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

10 **MS. LALJI:** Okay, and I'm only bringing this
11 to your attention because yesterday when you had testified
12 in-chief, there was -- you weren't exactly sure when you
13 would have received that order, but it was at some point.

14 **MS. HALLETT:** Okay.

15 **MS. LALJI:** So based on this timeline, you'd
16 agree with me that you would have received the order -- you
17 know, you had it faxed to you around the time that it was
18 actually issued, shortly thereafter?

19 **MS. HALLETT:** Very well.

20 **MS. LALJI:** Right? You'd agree with that?

21 **MS. HALLETT:** It appears to be that case.

22 **MS. LALJI:** Okay.

23 And you also testified yesterday in-chief
24 that as a result of this order being issued to Perry Dunlop
25 that you did, indeed, get some disclosure from him?

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

2 **MS. LALJI:** And did you have any more
3 disclosure problems with Mr. Dunlop after this order was
4 issued; after January 10th, 2000?

5 **MS. HALLETT:** When you say "problems", what
6 do you mean? Did I not get something that I should have
7 gotten at a later time? Is that what you're asking?

8 **MS. LALJI:** What I am asking is that if you
9 had any concerns with any disclosure coming from Perry
10 Dunlop, if you did ---

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

12 **MS. LALJI:** --- what I'm asking you is you
13 wouldn't have -- at least there's no indication that you
14 went to the Cornwall Police after January 10th, 2000 with
15 any concerns.

16 **MS. HALLETT:** No, I didn't, no. The -- it
17 seems to me you're asking me about a problem with
18 disclosure. The problem that came later was simply the
19 volume of materials that were finally provided, you know,
20 pursuant to this order. So I guess that was a problem.

21 **MS. LALJI:** Okay, but in terms of any
22 concerns of disclosure ---

23 **MS. HALLETT:** Of things not having been
24 disclosed? Well, one never knows what hasn't been
25 disclosed, right?

1 **MS. LALJI:** Fair enough, but in terms of any
2 concerns you had ---

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

4 **MS. LALJI:** --- with this process ---

5 **MS. HALLETT:** Yes.

6 **MS. LALJI:** --- you did not raise any of
7 those concerns to the Cornwall Police?

8 **MS. HALLETT:** No, I did not. No.

9 **MS. LALJI:** Thank you very much.

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

11 **THE COMMISSIONER:** Thank you.

12 Ms. Lahaie?

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

14 **LAHAIE:**

15 **THE COMMISSIONER:** Good morning.

16 **MS. LAHAIE:** Good morning, Mr. Commissioner.

17 Good morning, Ms. Hallett.

18 **MS. HALLETT:** Good morning.

19 **MS. LAHAIE:** We met on your first day here.

20 **MS. HALLETT:** Yes.

21 **MS. LAHAIE:** My name is Diane Lahaie. I'm
22 counsel for the Ontario Provincial Police.

23 **MS. HALLETT:** Yes.

24 **MS. LAHAIE:** I have a few issues I'd like to
25 discuss with you today and question you on.

1 **MS. HALLETT:** Yes.

2 **MS. LAHAIE:** And I would expect that I would
3 be about 45 minutes to an hour.

4 **MS. HALLETT:** Okay then.

5 **MS. LAHAIE:** Firstly, Ms. Hallett, I
6 understand from the evidence that we've heard to date that
7 your first official trip to Cornwall in relation to Project
8 Truth matters was on October 19th, 1998. Does that comport
9 with your recollection?

10 **MS. HALLETT:** I'll take your word for that,
11 Ms. Lahaie.

12 **MS. LAHAIE:** And you were coming here
13 because there was a judicial pre-trial the next day for
14 your first assigned prosecution, which was that of Dr.
15 Peachey?

16 **MS. HALLETT:** Yes. Was it just that one? I
17 thought that there were several that I attended that day or
18 it may have been in the context of the other accused, based
19 on Mr. Marleau's allegations.

20 **MS. LAHAIE:** Yes, correct.

21 **MS. HALLETT:** Okay.

22 **MS. LAHAIE:** You -- that was the day you
23 first met Monsieur Godin.

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

25 **MS. LAHAIE:** And that was also the first day

1 that you met Officer Hall.

2 **MS. HALLETT:** Okay.

3 **MS. LAHAIE:** Okay?

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

5 **MS. LAHAIE:** So you became aware rather
6 quickly, I'll suggest to you, that this was a very high
7 profile investigation. Project Truth was something that
8 you were having -- receiving the assignment on because it
9 was a high profile matter and they were bringing in a Crown
10 from outside the area due to conflict, but at any rate,
11 this was a high-profile investigation.

12 **MS. HALLETT:** I was aware of that. I was --
13 my understanding of why I was being assigned was because it
14 -- there was a conflict, and we -- and there was a person
15 involved in the -- there were people who had been involved
16 in the administration of justice who had been accused, and
17 ordinarily that will become a high-profile matter, yes.

18 **MS. LAHAIE:** And you were aware that it was
19 extensively covered by the local media?

20 **MS. HALLETT:** I wasn't as aware of the media
21 coverage at that time. I don't think -- to tell you the
22 truth, Ms. Lahaie, I have very rarely taken that much
23 interest in media accounts because you can never be sure,
24 really, how accurate they are. I generally tend to
25 concentrate on the facts of the case and leading the

1 evidence.

2 MS. LAHAIE: You knew that Dr. Peachey was
3 the Coroner for the City of Cornwall?

4 MS. HALLETT: Well, that's the reason I had
5 been assigned to the case, yes.

6 MS. LAHAIE: Because Dr. Peachey was the
7 Coroner?

8 THE COMMISSIONER: Because he was a coroner.

9 MS. LAHAIE: Because he was a coroner?

10 MS. HALLETT: Yes. M'hm, and he was -- so
11 he was a person involved in the administration of justice.

12 MS. LAHAIE: All right. And you were also
13 aware that Malcolm MacDonald was a former Crown Attorney?

14 MS. HALLETT: Yes.

15 MS. LAHAIE: For the City of Cornwall and a
16 former Federal Crown as well?

17 MS. HALLETT: Yes.

18 MS. LAHAIE: And you certainly became aware,
19 as time went on, you couldn't help, I will suggest to you,
20 become aware that there was extensive media coverage in
21 relation to Project Truth?

22 MS. HALLETT: Yes.

23 MS. LAHAIE: You were here until March of
24 '01, then you couldn't help, throughout those years, but
25 become aware that this was something that had captured

1 local attention and then much wider attention, national
2 attention?

3 MS. HALLETT: Yes.

4 MS. LAHAIE: Okay. Malcolm MacDonald and
5 Dr. Peachey also died within a couple of weeks of each
6 other; correct? Do you remember that?

7 MS. HALLETT: Did they? I can't -- I wasn't
8 keeping track of the, how should I say, the passage of time
9 ---

10 MS. LAHAIE: How much time?

11 MS. HALLETT: --- between those two deaths.
12 I thought there was -- there wasn't a year's difference,
13 no?

14 MS. LAHAIE: Well, it was actually very,
15 very close in time.

16 MS. HALLETT: Oh, is that right? Okay.

17 MS. LAHAIE: You were aware that there were
18 other deaths as well? Mr. Hickerson; Mr. Barque had died
19 in June of 1998.

20 MS. HALLETT: Okay.

21 MS. LAHAIE: You were aware of that? That
22 there were other deaths around this high-profile
23 investigation?

24 MS. HALLETT: I wasn't particularly keeping
25 track of those individuals outside of the cases that I was

1 on. In discussing the matters during -- you know, in the
2 course of time with the officers I became aware of things
3 like Mr. Hickerson's death but I'm not quite sure -- it was
4 information I absorbed along the way.

5 **MS. LAHAIE:** Mr. Hickerson and Mr. Barque
6 committed suicide in June of '98 and you were certainly
7 aware also that Mr. Ken Seguin had committed suicide in
8 November of 1993?

9 **MS. HALLETT:** Yes, but that's not all
10 information that I became aware of upfront.

11 **MS. LAHAIE:** But through the course of your
12 involvement you did become aware?

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

14 **MS. LAHAIE:** And you also became aware of
15 attempted suicides surrounding these investigations.
16 Mr. Latour had attempted suicide, Mr. Leblanc had attempted
17 suicide. Did you become aware of that?

18 **MS. HALLETT:** No, I don't think I was aware
19 of that. No.

20 **MS. LAHAIE:** Okay. But you were certainly
21 aware, I would suggest, that there were rumours about high-
22 profile people swirling around the city, and that the media
23 was very much a part of that; the website, for instance.

24 **MS. HALLETT:** There were a lot of rumours.

25 **MS. LAHAIE:** And there were rumours even of

1 high-profile people who were being investigated that were
2 not being investigated. Do you remember becoming aware of
3 that?

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

5 **MS. LAHAIE:** And there were rumours of high-
6 profile people who were being investigated who were
7 rumoured to have committed suicide and they in fact had
8 not. Did you become aware that there was pressure to that
9 point?

10 **MS. HALLETT:** Rumours that were false?
11 False rumours?

12 **MS. LAHAIE:** False rumours about people
13 having committed suicide because they were the subject of
14 investigations when in fact they had not?

15 **MS. HALLETT:** I was aware of rumours and of
16 false rumours in connection with Project Truth.

17 **MS. LAHAIE:** And you were aware of
18 allegations of a cover-up in the city, which involved very
19 high-profile people: the Crown Attorney, Murray MacDonald?

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

21 **MS. LAHAIE:** The Bishop, in a very Catholic
22 community?

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

24 **MS. LAHAIE:** The Chief of Police?

25 **MS. HALLETT:** Right.

1 **MS. LAHAIE:** The President of the Police
2 Services Board?

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

4 **MS. LAHAIE:** This was a prosecution or an
5 investigation, if you will, that was certainly something
6 that was very pressure-packed, full of rumours, innuendo,
7 pressure from the media, the website.

8 **MS. HALLETT:** Yes, like so many cases, high-
9 profile cases.

10 **MS. LAHAIE:** You've participated in other
11 similar high-profile cases like that?

12 **MS. HALLETT:** Absolutely, yes.

13 **MS. LAHAIE:** Okay. To this extent, with
14 this many players?

15 **MS. HALLETT:** This definitely had many, many
16 unique factors. There's no doubt about it.

17 **MS. LAHAIE:** Okay. And could you give us an
18 example of something that you consider to be similar?

19 **MS. HALLETT:** I had -- well, I had
20 prosecuted a police officer in London who had -- well, the
21 allegation was that he and a friend had brought an under-
22 age prostitute to their home and sexually assaulted her
23 there.

24 **MS. LAHAIE:** But certainly in terms of the
25 number of players involved, and the far-reaching scope of

1 what was being alleged, this was unique, wasn't it?

2 MS. HALLETT: It was very, very -- there
3 were many, many issues.

4 MS. LAHAIE: Okay. I'd like to turn to
5 questions regarding the briefs that you were asked to
6 review, to provide legal opinions.

7 MS. HALLETT: M'hm.

8 MS. LAHAIE: You were given six files, the
9 first five involving -- the first four involving four
10 clergymen. You recall that?

11 MS. HALLETT: Yes.

12 MS. LAHAIE: And then an additional
13 clergyman, Father Maloney?

14 MS. HALLETT: Yes, five. Five clergy.

15 MS. LAHAIE: And then a conspiracy brief?

16 MS. HALLETT: Yes. M'hm.

17 MS. LAHAIE: Okay. And the assignment of
18 the prosecution of Father Charles MacDonald was also
19 transferred to you, I would suggest, on the same date that
20 that would have been -- just give me a moment -- on April
21 9th, 1999 and that -- I'm saying Father Charles MacDonald is
22 transferred to you on April 9th, 1999, and that's as a
23 result of a meeting, I'll suggest to you. Tell me if you
24 know anything, if you can assist in confirming whether this
25 is something you knew about.

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

2 **MS. LAHAIE:** A meeting in Toronto with John
3 Corelli, James Stewart, Bob Pelletier, and Officer Hall was
4 in attendance at that meeting on April 9th, 1999.

5 **MS. HALLETT:** Yes. I know there's been
6 reference to that, and I really don't -- I don't associate
7 my assuming carriage of the Father MacDonald case with that
8 date, but it may be that Bob Pelletier had discussed it
9 with me. I think of it happening somewhat later in time
10 but, in any case, it was in -- within a few months,
11 certainly, of that date that I assumed carriage of the
12 Father MacDonald case.

13 **MS. LAHAIE:** And were you also advised that
14 when the briefs were prepared that it was decided at that
15 date in April that they would be forwarded to you?

16 **MS. HALLETT:** I wasn't, how should I say --
17 I wasn't aware, frankly, of the kind of work, additional
18 work that I was going -- that I was taking on in terms of
19 those clergy briefs. As I recall, Detective Hall was
20 asking me to assist with some further work, but I believe I
21 did testify I wasn't quite aware of the form it would take
22 or the volume that would be involved.

23 **MS. LAHAIE:** And after that discussion -- is
24 it after that discussion that Officer Hall then goes
25 through the channels to have you as the assigned, dedicated

1 person to give those opinions?

2 MS. HALLETT: I'm not quite sure. I do
3 recall a discussion and I certainly, you know, agreed to
4 help; to help further.

5 MS. LAHAIE: And were you advised by the
6 Ministry of the Attorney General around April, as I've
7 indicated?

8 MS. HALLETT: I certainly don't dispute that
9 I agreed to assist further with Project Truth matters.
10 There was no date on which I was going to -- specified on
11 which I was going to receive those briefs and I know that,
12 in spite of that work, I was going to still continue with
13 other work and also the other project briefs that I was
14 already responsible for.

15 MS. LAHAIE: Okay. And so you had that
16 knowledge before they were delivered to you?

17 MS. HALLETT: Yes.

18 MS. LAHAIE: Okay. And that came to you
19 from the Ministry?

20 MS. HALLETT: I'm not quite sure. I don't
21 know that there was any formal memo sent to me that this is
22 going to happen, this is what's involved, but I certainly
23 remember that I agreed to do further work in relation to
24 Project Truth.

25 MS. LAHAIE: You agreed with someone from

1 the Ministry?

2 **MS. HALLETT:** No. I agreed with Pat Hall
3 that I would help further, look at -- do more consultation
4 that I thought was coming. I didn't know what was coming
5 at that point, and I certainly agreed with Bob Pelletier
6 that I would take on the Father MacDonald case.

7 **MS. LAHAIE:** Okay. And those two events are
8 close in time in your mind?

9 **MS. HALLETT:** I think of them as being
10 separate in time, but obviously they were coming together
11 around -- within months of each other.

12 **MS. LAHAIE:** Okay. And just to review,
13 we've heard evidence that the first four clergymen, those
14 briefs were delivered to you -- let me just have one
15 moment, please -- on September 22nd, 1999.

16 **MS. HALLETT:** Yes.

17 **MS. LAHAIE:** And they were delivered to your
18 home in Toronto. Do you recall that?

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

20 **MS. LAHAIE:** Okay. And the fifth brief
21 involving Father Maloney was delivered to you through Mr.
22 Stewart on the 15th of November, 1999. Do you recall that?

23 **MS. HALLETT:** I -- for some reason I
24 associate the date of January with that fifth brief but
25 certainly ---

1 **MS. LAHAIE:** So it's possible that on the
2 15th of November the brief is delivered to Mr. Stewart but
3 it's not until January that you receive it?

4 **MS. HALLETT:** I think so.

5 **MS. LAHAIE:** Okay. But you don't have
6 anything concrete in writing?

7 **MS. HALLETT:** I'm not sure, no. I received
8 them all.

9 **MS. LAHAIE:** Okay.
10 And the conspiracy brief was given to you on
11 July 20th, 2000.

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

13 **MS. LAHAIE:** Do you recall that?

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

15 **MS. LAHAIE:** The five individuals, Ms.
16 Hallett, you'll agree with me that those were five separate
17 briefs that were given to you?

18 **MS. HALLETT:** Yes.

19 **MS. LAHAIE:** Correct?

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

21 **MS. LAHAIE:** And that you were being asked
22 to provide an opinion as to whether there was objective
23 reasonable and probably grounds to lay a charge?

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

25 **MS. LAHAIE:** And whether there was a

1 reasonable prospect of conviction on each of those five
2 briefs; correct?

3 MS. HALLETT: M'hm.

4 MS. LAHAIE: Yes. And you'll agree with me
5 that ---

6 MS. HALLETT: But they did have a common
7 complainant.

8 MS. LAHAIE: A common complainant ---

9 MS. HALLETT: M'hm.

10 MS. LAHAIE: --- but no common offence
11 dates, if you will, or linkages, proposed conspiracy
12 charges between them. They were five distinct briefs;
13 correct?

14 MS. HALLETT: Yes. M'hm.

15 MS. LAHAIE: And they could have been done
16 one at a time together. Your preference was to examine all
17 of them and to see whether there were common themes or
18 common facts, but they were separate and distinct; correct?

19 MS. HALLETT: Yes. But I think the fact
20 that there was a common complainant and that the complaints
21 had been elicited in a similar way, I think

22 ---

23 MS. LAHAIE: Are you certain of that?

24 MS. HALLETT: Yes, I believe that there was
25 a considerable amount of similarity in terms of how they

1 came to the attention of Project Truth ---

2 **MS. LAHAIE:** How they came ---

3 **MS. HALLETT:** --- in terms of the ---

4 **MS. LAHAIE:** --- to the attention is just --

5 -

6 **MS. HALLETT:** Yes.

7 **MS. LAHAIE:** --- because it was the same

8 complainant.

9 **MS. HALLETT:** Yes.

10 **MS. LAHAIE:** But certainly the facts were

11 very distinct?

12 **MS. HALLETT:** The facts were different but I

13 believe that they were based on the evidence, for the most

14 part, of one individual who had had an association with

15 Constable Dunlop.

16 **MS. LAHAIE:** And is that your recollection,

17 that it was the same complainant with all five clergymen?

18 **MS. HALLETT:** There was another complainant

19 with respect to one of the clergy, in addition, as I recall

20 to Mr. Leroux.

21 **MS. LAHAIE:** And that would be Father

22 Maloney's brief; correct?

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

24 **MS. LAHAIE:** And it was C-15? Do you have

25 the monikers list?

1 **MS. HALLETT:** Yes, I believe that was --
2 yes. M'hm.

3 **MS. LAHAIE:** All right.

4 Now Father Maloney is a catholic priest in
5 the community as were three of the other clergymen, and one
6 was the bishop of the community; correct?

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

8 **MS. LAHAIE:** And are you aware that the
9 information surrounding these allegations was the subject
10 of those rumours and innuendo and website details that we
11 spoke of when I first started questioning you?

12 **MS. HALLETT:** Yes. There were a lot of
13 rumours circulating, but that is common in most high-
14 profile cases.

15 **MS. LAHAIE:** Right. And Father Maloney
16 withdrew from his position as the Chaplain at the Cornwall
17 Jail pending determination of these matters?

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

19 **MS. LAHAIE:** Were you aware of that?

20 **MS. HALLETT:** I may have become aware of it.

21 **MS. LAHAIE:** Okay. He testified here and he
22 also indicated that he was reluctant to even accept an
23 award that was being proposed to be given to him from the
24 Big Brothers Association.

25 He eventually, after speaking with officers,

1 agreed to accept that award but it was something which was
2 difficult for him because he was suffering throughout this
3 period that these allegations were pending.

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

5 **MS. LAHAIE:** And you can expect that they
6 all were. Would you agree with that?

7 **MS. HALLETT:** Yes.

8 **MS. LAHAIE:** And that it's not ideal for
9 matters to be pending. If we do the math on the amount of
10 time that these briefs on the five individuals were in your
11 possession, it comes out to 13 to 17 months.

12 **MS. HALLETT:** Yes.

13 **MS. LAHAIE:** That's not ideal, is it?

14 **MS. HALLETT:** No, it's not.

15 **MS. LAHAIE:** Okay. And when I say "in your
16 possession", I'm taking you to the point in the breakdown
17 in the Leduc trial, not throughout your whole time that you
18 had custody of the briefs.

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

20 **MS. LAHAIE:** But I'm saying from the minute
21 -- from the time you received them until the difficulties
22 in Leduc.

23 **MS. HALLETT:** Yes.

24 **MS. LAHAIE:** All right. So 13 to 17 months
25 if we accept your January date on Father Maloney.

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

2 **MS. LAHAIE:** Okay? And you'll agree that
3 it's not ideal as well for public confidence in the
4 administration of justice for people wanting answers to
5 some of these questions as well?

6 **MS. HALLETT:** No, that's true, but at the
7 same time, the more complex the nature of the brief and its
8 history and age and the -- all of the surrounding
9 circumstances, the more important it is to make sure that a
10 good job is done in reviewing that brief, and that corners
11 aren't cut simply because people are in a hurry to get an
12 outcome.

13 **MS. LAHAIE:** As long as, of course, you
14 don't risk the situation that we spoke of earlier where
15 ---

16 **MS. HALLETT:** Right.

17 **MS. LAHAIE:** --- people commit suicide when
18 they're -- when they know that they're under investigation;
19 correct? You're risking that?

20 **MS. HALLETT:** Right. No. No. I ---

21 **THE COMMISSIONER:** Just a second now. The
22 suicides that I know of occurred after they were charged.

23 **MS. LAHAIE:** No, Barque and Hickerson I'm
24 sorry, Mr. Commissioner, not after they were charged. And
25 ---

1 **THE COMMISSIONER:** I'm sorry, Hickerson he
2 came -- he went in, gave an inculpatory statement somewhat,
3 and then committed suicide. Okay.

4 **MS. LAHAIE:** Correct. And Barque was a
5 similar situation.

6 **THE COMMISSIONER:** Okay, so those two, but
7 the other two had been charged.

8 **MS. LAHAIE:** Mr. Latour, you remember was
9 about to be arrested and he ---

10 **THE COMMISSIONER:** Yes.

11 **MS. LAHAIE:** --- wasn't showing up on that
12 date.

13 **THE COMMISSIONER:** Yes, yes. Yes.

14 **MS. LAHAIE:** And the officers went into his
15 home and ---

16 **THE COMMISSIONER:** Okay, but he knew he was
17 being arrested?

18 **MS. LAHAIE:** Right.

19 **THE COMMISSIONER:** So all I'm saying is that
20 we've got to be careful, especially nuances in cross-
21 examination. Is there a difference between folks that had
22 been charged or about to be charged and folks that had been
23 told, for example, Father Maloney by the officers, you can
24 go and accept that?

25 You see what I mean? There's a nuance but

1 okay, so there were a lot of people who under the umbrella
2 of either about to be charged, investigated or charged,
3 were committing suicide.

4 So were you -- was that a concern for you?

5 **MS. HALLETT:** It -- naturally, it's of a
6 concern, but to me what was more important is getting it
7 right, making sure that if there were substance to the
8 allegations, that sufficient evidence would be identified
9 to support the charges.

10 And if there weren't sufficient evidence,
11 that we could all be satisfied that the charges should not
12 result.

13 So there are a number of considerations to
14 take, Ms. Lahaie, as you know, in terms of when you've
15 turned to certain work -- and my concern was making sure,
16 given the breadth of these allegations and given how
17 fundamental they were in terms of all of the allegations in
18 this community that they be handled properly; that there be
19 sufficient time taken to review them, that there be
20 sufficient cross-checking, that there be sufficient follow-
21 up.

22 Now, although as you have already indicated
23 in your questioning to me, I was asked to take on this
24 work, it appears, in April or sometime around then. I
25 wasn't sure when those briefs would arrive. I wasn't sure

1 what would be on my plate at that time and, in fact, they
2 didn't arrive as you know until six months later or in
3 September, some of them.

4 **MS. LAHAIE:** Well, okay.

5 **MS. HALLETT:** Okay?

6 **MS. LAHAIE:** And we will review the
7 timelines.

8 **MS. HALLETT:** Right.

9 **MS. LAHAIE:** We will ---

10 **MS. HALLETT:** And then of course that second
11 set not arriving until the following summer. So you know -
12 - and of course I didn't know when they were going to
13 arrive. I didn't know what they were going to look like
14 when they arrived. Okay?

15 I wasn't even sure if they would arrive,
16 frankly. So I was doing my best under the circumstances.

17 **MS. LAHAIE:** Okay.

18 **THE COMMISSIONER:** Excuse me, yes.

19 **MR. TRUDELL:** Mr. Commissioner, I don't want
20 to interrupt my friend but ---

21 **THE COMMISSIONER:** But you are.

22 **(LAUGHTER/RIRES)**

23 **MR. TRUDELL:** This is a very difficult
24 question for anyone to answer. I mean, the tragedy of
25 someone unexpectedly taking their life ---

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

2 **MR. TRUDELL:** --- is something that affects
3 and hurts all of us as members of the community.

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

5 **MR. TRUDELL:** And I don't think there was
6 any information -- and I come late to this -- that there
7 was anyone that was particularly vulnerable in a file, that
8 you highlight that we have to move this along because this
9 person is emotionally unstable or something.

10 So this is a difficult question, I think. I
11 accept your guidance on it.

12 **THE COMMISSIONER:** Okay.

13 **MR. TRUDELL:** But I almost think that it's
14 unfair for -- to put to Ms. Hallett because I think we can
15 all agree if we know that someone is vulnerable to suicide
16 or that that investigation may cause a death. I mean, none
17 of us would ignore that, but there's no evidence here, as
18 far as I understand. I asked Commission counsel that
19 would, you know, flag a file that you've got to be very
20 careful with this person because he's vulnerable to this.

21 So this is a -- I don't want Ms. Hallett to
22 be faced with this kind of suggestion that she should have
23 been thinking about this particular type of tragedy that
24 none of us can perceive and all of us would hope would
25 never happen. Those are my submissions.

1 **THE COMMISSIONER:** Thank you, sir.

2 Ms. Lahaie, do you wish to comment?

3 **MS. LAHAIE:** No, except that it's going to
4 be -- I'm going to be much longer than I had originally
5 estimated.

6 This was just a point, Mr. Commissioner,
7 that I wanted to make, that for 13 to 17 months these
8 briefs were in Ms. Hallett's possession and her assignment
9 was to provide a legal opinion, and they were distinct
10 briefs and we reviewed this.

11 I think, Mr. Commissioner, you're very aware
12 of where I'm going with this because I went there with Mr.
13 McConnery as well, that it was, I would suggest, an
14 unreasonable period of time, considering Mr. McConnery got
15 it done in two and a half months.

16 **THE COMMISSIONER:** Well, a couple of
17 concerns. First of all, it's obvious that no-one wants
18 anyone to be ill-served -- suicide or any self-inflicted
19 injuries, and I don't think that anyone is suggesting that
20 that was the case that there was someone pinpointed.

21 I think that what I have to look at, though,
22 is whether Ms. Hallett or others lost sight of the fact
23 that while looking at all of these complex issues that
24 there are some considerations, and one consideration is
25 that an accused or a suspect has some finality. And we

1 also know that pre-charge delay is something that can
2 affect it.

3 Ms. Lahaie has indicated that there's a
4 public interest in that and for the second time,
5 Ms. Lahaie, you did not raise the issue that the
6 complainant also has an interest in all of this, and I
7 think we can't lose fact of those three in looking at the
8 whole thing.

9 So on that basis, you may continue.

10 **MS. LAHAIE:** That was my next one.

11 **THE COMMISSIONER:** Oh yeah.

12 **MS. LAHAIE:** It was.

13 So reputation as well; I don't want to just
14 focus on the fact that someone may take drastic measures
15 but also that their reputation is something which is being
16 tarnished during this time because of rumours swirling,
17 website information, et cetera; correct? It's something
18 you're conscious of?

19 **MS. HALLETT:** Yes, absolutely. I can't take
20 responsibility for rumours. I did try to do my best with
21 respect to the website at a certain point.

22 **MS. LAHAIE:** I just want to take you to
23 Exhibit 3220; that's Document Number 111224.

24 **THE COMMISSIONER:** Let's put it this way,
25 Ms. Hallett. You are in a unique position, I suppose, in

1 that there were findings made against you.

2 **MS. HALLETT:** Yes.

3 **THE COMMISSIONER:** And I'm sure that you --
4 well, you counted the days, you must have aged -- not that
5 you look any older than -- but that it weighed very heavily
6 on you.

7 **MS. HALLETT:** I was certainly under a cloud,
8 sir, for almost three years. So I know the feeling and I
9 certainly sympathize with all of those who are under a
10 cloud such as the one I was under and that these
11 individuals may have been under. But there hadn't been a
12 finding against them and I wanted to make sure that
13 whatever was done by the police and the Crown would not
14 result in anything unjust in relation to those individuals.

15 **MS. LAHAIE:** So you would give it your top
16 priority then, right? If you wanted to be thorough, it has
17 to take priority because you know that there is this other
18 side of the coin.

19 **MS. HALLETT:** Yes, there is that other side
20 but there are other priorities. There's the Leduc trial.
21 There is the Charles MacDonald trial. There is the
22 resolution of all of the issues in relation to Constable
23 Dunlop. So there was a lot going on in connection with
24 these Project Truth investigations and I think I've tried
25 to explain my thinking in relation to why I didn't turn to

1 those files earlier in time.

2 MS. LAHAIE: You will recall that Father
3 Maloney -- there was compelling evidence presented in those
4 briefs that he wasn't even at the location when C-15 made
5 those allegations; you remember that?

6 MS. HALLETT: Yes, I remember, and that was
7 one of the considerations in terms of whether or not --
8 well, in terms of the need for follow-up to make sure that
9 that was chased down.

10 MS. LAHAIE: And that was provided to you by
11 November -- by January, rather?

12 MS. HALLETT: I can't recall the content of
13 all of the briefs right now.

14 MS. LAHAIE: Okay.

15 MS. HALLETT: But, as I say, under -- I was
16 doing my best under all of the circumstances at that time.

17 I must say when I was a younger Crown, when
18 I first started in the Crown system in 1980, police
19 officers were laying charges after -- you know, based on
20 their own reasonable and probable grounds to believe, and I
21 think that was always open to the officers to do in these
22 cases.

23 MS. LAHAIE: Did you have that discussion
24 with Officer Hall at any point in time?

25 MS. HALLETT: No, I didn't ---

1 **MS. LAHAIE:** "I don't have time to do this.
2 Could you just assess it?"

3 **MS. HALLETT:** --- nor did he raise it with
4 me.

5 **MS. LAHAIE:** Okay, but you never said that
6 to him? "You are free to do this. I don't have time to
7 review these briefs." This isn't something that you had a
8 discussion with him about?

9 **MS. HALLETT:** Well, I think that it became
10 clear, on the occasions on which he asked me, that there
11 were other things on my plate, things of which he would
12 have been aware, being the officer in charge of the cases
13 such as Leduc and Charles MacDonald.

14 **MS. LAHAIE:** I promised you we would go
15 through the timelines and we will.

16 **MS. HALLETT:** Okay.

17 **MS. LAHAIE:** I just want to get back to the
18 reputational aspect. It's something that was very much on
19 your mind with respect to allegations that were made
20 against Perry Dunlop, I'll suggest to you, and those
21 allegations were perjury allegations; correct?

22 **MS. HALLETT:** Yes.

23 **MS. LAHAIE:** So much so that the exhibit
24 that is before you now, Exhibit 3220, Document 111224 ---

25 **MS. HALLETT:** Yes.

1 **MS. LAHAIE:** --- you asked to go in camera
2 on April 18th, 2000 because you didn't want to discuss in
3 public that there was an investigation of Officer Dunlop
4 for perjury.

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

6 **MS. LAHAIE:** And you testified yesterday
7 that that was because you knew that there would be severe
8 repercussions on the person and his reputation within the
9 community; correct?

10 **MS. HALLETT:** Yes, that's right.

11 **MS. LAHAIE:** And so you were so concerned
12 about pending allegations against Perry Dunlop that you
13 went in camera and didn't want those things to come out in
14 the press; correct?

15 **MS. HALLETT:** Well, I think, given the
16 general reputation and knowledge of Constable Dunlop in the
17 community that this information would have been extremely
18 explosive and probably fuelled a lot more rumours and false
19 rumours.

20 **MS. LAHAIE:** So your evidence then is that
21 allegations that a police officer lied under oath is more
22 explosive ---

23 **MS. HALLETT:** Allegations that he was being
24 investigated.

25 **MS. LAHAIE:** Right, but allegations --

1 allegations that he lied under oath, right ---

2 **MS. HALLETT:** Yes, okay.

3 **MS. LAHAIE:** --- was more explosive, in your
4 mind, than the Bishop being a sexual predator and four
5 parish priests being sexual predators in the community?

6 **MS. HALLETT:** Well, it would all be
7 certainly explosive information but I do think there is a
8 distinction between them and Constable Dunlop. I don't
9 know -- certainly Constable Dunlop was the subject of more
10 media -- I believe at that point, media attention, was he
11 not?

12 **MS. LAHAIE:** Well, for parishioners at a
13 parish where each of these parish priests is the priest in
14 charge of all of that parish and its activities, it would
15 certainly be more explosive to them, wouldn't you say?

16 **MS. HALLETT:** Had the OPP published the fact
17 that these men were under investigation?

18 **MS. LAHAIE:** The website had widespread
19 information about that.

20 **MS. HALLETT:** The Nadeau website that I
21 attempted to ---

22 **MS. LAHAIE:** Correct.

23 **MS. HALLETT:** --- do something about?

24 **MS. LAHAIE:** And the rumours and innuendo
25 that we spoke of earlier that in a small town---

1 **MS. HALLETT:** Yes.

2 **MS. LAHAIE:** --- certainly spread like
3 wildfire; right?

4 **MS. HALLETT:** Yes, but at the same time the
5 concern about rumours shouldn't short-circuit a full,
6 thorough examination of the allegations, and I thought that
7 that kind of approach to those files would be the best --
8 would result in the best outcome for all persons involved,
9 whether it be the persons who were investigated or the
10 community.

11 **MS. LAHAIE:** I'm going to suggest to you
12 that because Officer Dunlop was an integral part of your
13 prosecutions that you took greater care with respect to his
14 reputational interests than you did persons who could
15 potentially be charged with criminal offences.

16 **MS. HALLETT:** No.

17 **MS. LAHAIE:** Do you agree with that?

18 **MS. HALLETT:** No, that's not at all true,
19 Ms. Lahaie.

20 **MR. TRUDELL:** With great respect,
21 Mr. Commissioner, I mean, I don't know how this is helpful
22 to your task, and I promised I wasn't going to make
23 submissions but your are tasked here to look at
24 institutional response. I mean, this is getting awfully
25 close to a personal attack and I don't think that that

1 helps you. I don't think it's fair.

2 I think everyone tried to do the best they
3 could here, and this is shrinking, in my respectful
4 submission, to a level that -- I thought you were looking
5 at institutional responses. The direction of these
6 questions are -- direct questions, in my respectful
7 submission, in terms of the way I hear, are personal
8 attacks. How can that -- you know, we're not going to,
9 hopefully, spend your time sort of rehabilitating or trying
10 to support someone's view of someone else.

11 I mean, personalities clashed in this case;
12 there's no question about it. But your job at this stage,
13 as I understand it, is look at the institutional response,
14 and this is getting awfully close, in terms of where my
15 friend is going, to personally attacking Ms. Hallett for
16 the way she conducted herself.

17 Quite frankly, in the last three days of her
18 testimony I would think that it should be obvious to
19 everyone in this room that she tried her best. But I mean
20 you're looking at institutional response here and ---

21 **THE COMMISSIONER:** You're slipping into the
22 -- well into the glove here, Mr. Trudell, of giving
23 submissions and argument and ---

24 **MR. TRUDELL:** That's because ---

25 **THE COMMISSIONER:** --- long fact.

1 **MR. TRUDELL:** It's because I'm leaving you
2 in a few minutes.

3 **THE COMMISSIONER:** Yes, I know.

4 **MR. TRUDELL:** And I won't get a chance ever
5 again.

6 **THE COMMISSIONER:** I have the gist. Who
7 knows, Mr. Trudell? You might come up for something.

8 **MR. TRUDELL:** I think you have my point, Mr.
9 Commissioner.

10 **THE COMMISSIONER:** I do.

11 **MR. TRUDELL:** Thanks very much.

12 **THE COMMISSIONER:** Ms. Lahaie, is this a
13 personal attack on this lady?

14 **MS. LAHAIE:** It's not a personal attack, Mr.
15 Commissioner. Part of your mandate is to examine how
16 institutions dealt with allegations of child sexual abuse.
17 An institution, the Ontario Provincial Police, went to the
18 Ministry of the Attorney General to ask for opinions on
19 these files.

20 **THE COMMISSIONER:** Right. Now, just for a
21 while there ---

22 **MS. LAHAIE:** And I'm looking at ---

23 **THE COMMISSIONER:** I'm sorry, go ahead.

24 **MS. LAHAIE:** I'm just looking at how that
25 institution responded, and Ms. Hallett was the

1 representative of that institution who was charged with
2 that task.

3 **THE COMMISSIONER:** I know. It's just that
4 at one hand the OPP and -- some of the parties have not
5 shied away from blaming Mr. Dunlop for a lot of things.
6 And now you're shifting your hat over, turning it around
7 and now you're saying he got special treatment or it was
8 all part of almost the Crown's thing of keep Dunlop out of
9 it because he's going to contaminate the cases. And that
10 goes into wilfulness and I don't know if we want to go all
11 the way down that track.

12 **MS. LAHAIE:** I wasn't going there at all ---

13 **THE COMMISSIONER:** Okay. The other comment
14 ---

15 **MS. LAHAIE:** --- Mr. Commissioner.

16 **THE COMMISSIONER:** The other comment is, I
17 thought for a minute there you were the Diocese lawyer with
18 all of these questions. I don't know -- haven't seen how
19 this is going to relate to the OPP yet.

20 **MS. LAHAIE:** Well, I think it goes to your
21 mandate in the sense that you will have to examine how
22 diligent the Ontario Provincial Police was in getting to
23 the end of their mandate.

24 **THE COMMISSIONER:** Yes.

25 **MS. LAHAIE:** And these briefs and the length

1 of time that they took to be examined is very much a part
2 of that question.

3 **THE COMMISSIONER:** Absolutely. But where do
4 we come in with whether Mr. Dunlop is discussed in public
5 or not?

6 **MS. LAHAIE:** I was only referring to this
7 because it's an example of Ms. Hallett taking great care to
8 ensure that someone's reputational interests were being
9 protected, and how the same concern for reputational
10 interest for persons accused awaited 13 to 17 months while
11 this opinion was being rendered, and that that, in our
12 submission, in the end was an unreasonable period of time.

13 **THE COMMISSIONER:** So you're ready to move
14 on?

15 **MS. LAHAIE:** I am.

16 **THE COMMISSIONER:** After lunch.

17 **MS. LAHAIE:** Thank you.

18 **THE COMMISSIONER:** Thank you.

19 Let's take the lunch break.

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

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

23 --- Upon recessing at 12:31 p.m./

24 L'audience est suspendue à 12h31

25 --- Upon resuming at 2:03 p.m./

1 L'audience est reprise à 14h03

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

4 This hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** All right. Thank you.
7 Good afternoon, all.

8 **MS. LAHAIE:** Good afternoon, Mr.
9 Commissioner.

10 **THE COMMISSIONER:** Now, where were we?

11 **MS. LAHAIE:** Onward.

12 **SHELLEY HALLETT Resumed/Sous le même serment:**

13 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

14 **MS. LAHAIE (cont'd/suite):**

15 **MS. LAHAIE:** Ms. Hallett, I want to return
16 to your comment in your testimony that Officer Dupuis had
17 indicated to you that he was suggesting that you wait until
18 the conspiracy brief came to you until you rendered an
19 opinion on the other briefs.

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

21 **MS. LAHAIE:** You'll agree with me that
22 they're not related? The conspiracy brief is not related
23 to the five individuals. Is that correct?

24 **MS. HALLETT:** There would be more
25 information, though, about Constable Dunlop with respect to

1 the conspiracy brief; right?

2 MS. LAHAIE: But Constable Dunlop would not
3 be a witness in any of those other five briefs.

4 MS. HALLETT: No, that's true, but he would
5 have identified the witnesses in those other five briefs,
6 or he had dealings with both of the other witnesses in the
7 other briefs -- the key complainants.

8 MS. LAHAIE: The order of our institutional
9 responses prevents me from being in a position to call
10 Officers Hall and Dupuis to speak to that particular
11 comment.

12 MS. HALLETT: I'm sorry, what comment is
13 that?

14 MS. LAHAIE: That Officer Dupuis would have
15 told you to wait for the conspiracy brief.

16 MS. HALLETT: He suggested it might be a
17 good idea. He didn't -- it was -- I acted on the
18 suggestion that there might be more information
19 forthcoming.

20 MS. LAHAIE: And is it possible that that
21 suggestion came very close to the time that you received
22 the conspiracy brief in June of 2000? Because we're going
23 to some time entries and that proposal would make sense if
24 it were made in the summer of 2000. And we'll go through
25 the list of various dates.

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

2 **MS. LAHAIE:** But is it possible that that
3 suggestion was made to you in June of 2000?

4 **MS. HALLETT:** I can't recall when he did say
5 that but I thought it was a good idea. I was prepared to
6 do that. As I say, there were other things that I was
7 attending to also at the same time.

8 **MS. LAHAIE:** So it is possible that that's
9 when the suggestion ---

10 **MS. HALLETT:** It's possible; yes.

11 **MS. LAHAIE:** Okay.

12 So I'd like to turn to various entries in
13 Officer Hall's notebook because I understand you haven't --
14 you don't have contemporaneous notes of your own with
15 respect to when you were reviewing these briefs and so on.
16 As a Crown, you wouldn't keep those notes. It would be
17 more a police officer's habit of doing that; correct?

18 **MS. HALLETT:** I think I've created
19 sufficient documentation. I'm sure you're probably all
20 happy I didn't create more in relation to these cases.

21 **MS. LAHAIE:** Having not had much sleep
22 lately, yes, I would agree with that.

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

24 **MS. LAHAIE:** If we turn to an entry in his
25 notebook on January 6th, 2000, which is in Document 727754,

1 Exhibit 2762.

2 (SHORT PAUSE/COURTE PAUSE)

3 MS. HALLETT: M'hm. Oh, it's okay. Don't
4 worry about it.

5 THE COMMISSIONER: We'll put it on the
6 screen, in any event.

7 MS. LAHAIE: I will -- and really the
8 entries are short enough that I think Ms. Hallett may be
9 able to follow it on the screen as well. And I will have
10 to see them on the screen as well, because I have the typed
11 version with me, but it's not always an accurate
12 representation.

13 So if I could have Bates page number
14 7110361, please?

15 This is an entry from the 6th of January,
16 2000. The date would be hopefully on the previous page but
17 I can indicate that at -- the entry at 13:00 hours, if we
18 could scroll down, please?

19 "Received call from Shelley Hallett."

20 THE COMMISSIONER:

21 "Was talking to Jim ---"

22 MS. LAHAIE:

23 "Was talking to Jim Stewart. Will do
24 review of Kevin Maloney and Brian
25 Dufour briefs. Will try and have ..."

1 Next page, please.

2 "...all other briefs done by end of
3 January 2000."

4 See that?

5 MS. HALLETT: Yes. M'hm.

6 MS. LAHAIE: And so by this time, you have
7 the briefs that you received in September; correct?

8 MS. HALLETT: Right.

9 MS. LAHAIE: Those four briefs, and then you
10 believe that you received the Maloney brief in January.
11 You would have had the Maloney brief at this point, I take
12 it?

13 MS. HALLETT: Yes.

14 MS. LAHAIE: And Mr. McConnery's confirming
15 letter, or letter of opinion, indicates that all of these
16 briefs were one to two volumes. You would agree with that?

17 MS. HALLETT: Yes. Yes. I think they
18 totalled about 3,000 pages, total, the five briefs.

19 MS. LAHAIE: The five books?

20 MS. HALLETT: M'hm.

21 MS. LAHAIE: All right. And they were ---

22 MS. HALLETT: Thick.

23 MS. LAHAIE: ---an inch and a half, possibly,
24 per volume?

25 MS. HALLETT: They were quite thick, yes.

1 **MS. LAHAIE:** Okay. And your estimate, in
2 looking at them and having had the others -- I take it you
3 would have read them if you had them since September, you
4 would have read them in a cursory way?

5 **MS. HALLETT:** I did.

6 **MS. LAHAIE:** Your estimate at this point is
7 that, within three weeks, three and a half weeks you can
8 come up with an opinion; correct?

9 **MS. HALLETT:** I was going to try. I did get
10 into Dufour, of course, as you know. I was also advised at
11 some point with respect to C-2. I was attending on the
12 pre-trial conference in Leduc ---

13 **MS. LAHAIE:** Right.

14 **MS. HALLETT:** --- in February, further, and
15 dealing with those issues in relation to Mr. Edelson.

16 And, I'm sorry, the rest of the note here
17 that Sergeant Hollis -- what's he saying? I see Chayko's
18 name and I was wondering -- and Malcolm MacDonald and -- oh
19 yes, that was another thing I - I'm sorry.

20 **MS. LAHAIE:** This -- no, it's a ---

21 **THE COMMISSIONER:** They just want to
22 withdraw the charges against Malcolm MacDonald.

23 **MS. HALLETT:** Okay then. So I did discuss
24 that with him then in the course of this telephone
25 conversation?

1 MS. LAHAIE: Yes.

2 MS. HALLETT: Is that right?

3 MS. LAHAIE: But my point is that at the
4 beginning of January you felt that by the end of January
5 you could have those five opinions done, in addition to Mr.
6 Dufour's?

7 MS. HALLETT: I was doing my best.
8 Sometimes we try and set deadlines for ourselves. We agree
9 to things and -- you know, in order to make it a priority
10 and I probably was doing that at that point. I wanted to
11 try and attend to them but I wasn't sure what else I was
12 going to have to -- what was going to take the time at that
13 point.

14 MS. LAHAIE: Right.

15 Next entry, Exhibit 2754, Document 727756,
16 Bates page 7110520.

17 The entry at 8:00 o'clock. Yes, all the way
18 down. You'll see:

19 "Message left for Hallett regarding
20 recommendations on Cameron, Larocque,
21 McDougald and Ostler. Kevin Maloney,
22 22 September, '99."

23 MS. HALLETT: M'hm.

24 MS. LAHAIE: You see that?

25 MS. HALLETT: Yes.

1 **MS. LAHAIE:** So I take it at this point you
2 haven't met that self-imposed deadline of the end of
3 January, and Officer Hall is following up with you to see
4 how those opinions are coming along. Is that correct?

5 **MS. HALLETT:** Yes, and this is May, is that
6 it?

7 **MS. LAHAIE:** May 25th.

8 **MS. HALLETT:** May 25th.

9 **MS. LAHAIE:** Yes.

10 **MS. HALLETT:** So we've had a number of
11 developments in relation to Detective Constable Dunlop by
12 this point.

13 **MS. LAHAIE:** Yes.

14 **MS. HALLETT:** And of course I've testified
15 about those four developments that I was addressing the
16 court about on April the 18th ---

17 **MS. LAHAIE:** Yes.

18 **MS. HALLETT:** --- and I'm undertaking at
19 that point to get through nine bankers boxes of material in
20 relation to the Father MacDonald case to -- in order to
21 make sure we keep that running smoothly and ---

22 **MS. LAHAIE:** You definitely got busier after
23 that will say came out and the Dunlop boxes came out.

24 **MS. HALLETT:** Yes.

25 **MS. LAHAIE:** Did you make any efforts ---

1 **MS. HALLETT:** Yes. And those were things
2 that Detective Sergeant Hall would have been aware of, too.

3 **MS. LAHAIE:** Detective Inspector Hall, yes,
4 was aware of them ---

5 **MS. HALLETT:** Right.

6 **MS. LAHAIE:** --- but you'll see here he's
7 leaving a message for you.

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

9 **MS. LAHAIE:** I take it he's following up?

10 **MS. HALLETT:** Yes.

11 **MS. LAHAIE:** And at that point are you in a
12 position of saying, "Look, we've just received all this
13 Dunlop material, we're far too swamped. These opinions
14 that you're following up on, I'm too busy for this now,
15 we're going to have to send that out."

16 **MS. HALLETT:** I'm not sure what I said to
17 Detective Inspector Hall at that point, but I think that he
18 would have been pretty acutely aware of a number of other
19 concerns on other fronts at that point.

20 **MS. LAHAIE:** Do you remember if you got back
21 to him and discussed with him that you were going to be
22 delayed as a result of the latest developments?

23 **MS. HALLETT:** I was probably going down to
24 Cornwall -- I was going down to Cornwall, I think, a few
25 times that month, in order to get through those boxes of

1 material, so it could be that I expected to be able to
2 speak with him in person about that.

3 I'm sorry, what date is this entry?

4 **MS. LAHAIE:** May 25th, 2000.

5 **MS. HALLETT:** May 25th. So I know that I
6 was, in fact, going down to Cornwall around that time, so I
7 would have expected to speak with him perhaps in person.

8 **MS. LAHAIE:** All right. And then did you
9 discuss that there was going to be a delay?

10 **MS. HALLETT:** I don't know, Ms. Lahaie.

11 **MS. LAHAIE:** You don't recall?

12 **MS. HALLETT:** As you know, I didn't document
13 this as much as I documented other things in relation to
14 the trial matters.

15 **MS. LAHAIE:** All right. The next entry,
16 exhibit, still the same exhibit. It is still the same
17 document number, Bates page 7110546, an entry from June
18 27th, 2000.

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

20 **MS. LAHAIE:** Fourteen hundred hours (14:00)
21 is where I'm interested, bottom please.

22 "Call to Shelley Hallett. Advises that
23 Perry Dunlop delivered a will say to
24 her office this morning..."

25 **MS. HALLETT:** Sorry, was it June 27th, the

1 actual day of Constable Dunlop arriving?

2 MS. LAHAIE: Yes.

3 MS. HALLETT: Okay, then. M'hm. I believe
4 that we would have discussed that then.

5 MS. LAHAIE: Right. "A.M. Arrange by a --
6 -"

7 MS. HALLETT: "Appears to be the same of
8 what we have. Something ---"

9 MS. LAHAIE: "Appears to be the same as
10 what we have. Something about these
11 pages missing, could be in
12 photocopying. Said she did not have
13 the other decisions made yet."

14 MS. HALLETT: Right.

15 MS. LAHAIE: "The other decisions made yet."
16 These are again -- you and he are discussing these opinions
17 on the five clergymen; correct?

18 MS. HALLETT: Yes.

19 MS. LAHAIE: And this is the point where you
20 say to him, he's recorded: "She will wait for the
21 conspiracy briefs to be completed."

22 MS. HALLETT: M'hm.

23 MS. LAHAIE: Correct?

24 MS. HALLETT: Okay.

25 MS. LAHAIE: And is it possible that this is

1 the first time you put to him that you want to have the
2 conspiracy brief before you render those other opinions?

3 MS. HALLETT: I don't know, Ms. Lahaie. As
4 I say, it was something that had been suggested to me by
5 Detective Dupuis, and I don't know when that was.

6 MS. LAHAIE: "She's going on holidays
7 for two weeks. Asked about her
8 response to Guzzo's letter. Said that
9 she did not have it yet."

10 MS. HALLETT: And did I prepare a response
11 then for the Ministry to an inquiry ---

12 MS. LAHAIE: Mr. Guzzo? I was going to ask
13 you ---

14 MS. HALLETT: --- by Mr. Guzzo?

15 MS. LAHAIE: --- whether you ever did
16 respond to Mr. Guzzo. Do you recall?

17 MS. HALLETT: If it came to the Ministry and
18 was passed along to me to prepare the response to that
19 letter, I would have done that. I was just wondering -- I
20 know I did at a later time, of course, after the Leduc
21 trial.

22 MS. LAHAIE: Right. I have not come across
23 any correspondence from you to Mr. Guzzo.

24 MS. HALLETT: Okay, then.

25 MS. LAHAIE: Is it possible that you didn't

1 until after the Leduc matter?

2 MS. HALLETT: Well, it could be that I
3 didn't get it. It would have come in to the Ministry and
4 maybe had been assigned to someone else to respond to.

5 MS. LAHAIE: Okay. He's expecting, it
6 seems, that: "Asked about her response to Guzzo's letter.
7 She did not have it yet."

8 MS. HALLETT: Yes. I don't know whether
9 that is referring to I didn't have Mr. Guzzo's letter yet.

10 MS. LAHAIE: Okay.

11 MS. HALLETT: Or I don't know that they're
12 referring -- he's referring so much to not preparing a
13 response yet. I'm not quite sure what he's talking about
14 here. I can't remember whatever letter it might have been.

15 MS. LAHAIE: But at this point you're still
16 hoping to be able to render the decision on those five
17 individuals and you're awaiting the conspiracy brief now
18 because you want to do them all together?

19 MS. HALLETT: Yes. M'hm.

20 MS. LAHAIE: Okay. August 22nd, 2000, and
21 Exhibit 2755, Document 727758, Bates page 7110612.

22 So we're a couple of months later.

23 MS. HALLETT: M'hm.

24 MS. LAHAIE: You'll see there: "Call from
25 Shelley Hallett ---"

1 **MS. HALLETT:** I'm sorry, what date is this,
2 please?

3 **MS. LAHAIE:** August 22nd, 2000.

4 **MS. HALLETT:** Okay.

5 **MS. LAHAIE:** You now have had the conspiracy
6 brief for a month ---

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

8 **MS. LAHAIE:** ---and you have, or you
9 continue to have the other five as well. There's an entry
10 in Officer Hall's notebook:

11 "Call from Shelley Hallett. Will be
12 down tomorrow. Asked about when briefs
13 will be completed. Said end of
14 October. Discussed Project Truth
15 website of down ..."

16 It's not really all that relevant what
17 follows, I don't believe.

18 **MS. HALLETT:** It's not all that legible what
19 follows.

20 **MS. LAHAIE:** No.

21 **THE COMMISSIONER:** I thought you had the
22 typed copies, Ms. Lahaie?

23 **MS. LAHAIE:** I do, and the typed copy says:
24 "Discussed Project Truth website of down at he". It's an
25 imperfect product.

1 **THE COMMISSIONER:** Okay.

2 **MS. LAHAIE:** Thank you.

3 So at this point you're indicating to
4 him that you're going to have those opinion letters done by
5 the end of October; correct?

6 **MS. HALLETT:** I'm going to try and do that
7 because, of course, what has occurred is that I have gone
8 to London, Ontario, with Detective Dupuis, in the few weeks
9 prior to this, in order to interview C-2's brother with
10 respect to giving evidence on the preliminary inquiry with
11 respect to Father MacDonald. And I've also spoken to
12 Dr. Louise Sas about giving expert evidence, and I've been
13 trying to get through those Dunlop boxes.

14 And I'm about to commence the preliminary
15 inquiry just within that week, on the additional counts
16 with respect to Father Macdonald.

17 **MS. LAHAIE:** Right.

18 **MS. HALLETT:** And, of course, these are all
19 -- this is all work that Sergeant Hall would have been
20 aware of.

21 **MS. LAHAIE:** And -- but you are still
22 indicating to him that you're going to be getting the
23 opinions to him by the end of October?

24 **MS. HALLETT:** Yes, absolutely.

25 **MS. LAHAIE:** And we referred to a transcript

1 of an adjournment application. I have it in my notes.

2 Perhaps I'll come to it later, but there was
3 a court appearance where you were asking for a trial date
4 on the Father Charles MacDonald matter for the fall of
5 2000, indicating that your schedule was free ----

6 **MS. HALLETT:** Yes.

7 **MS. LAHAIE:** --- for the fall of 2000.

8 And so, at that point, it was quite
9 reasonable for you to be saying to Officer Hall that by the
10 end of October you could have these opinion letters to him;
11 correct?

12 **MS. HALLETT:** Are you being sarcastic?

13 **MS. LAHAIE:** No. No. Because you had told
14 him. I'm taking the quote from the notes. It said asked -
15 --

16 **MS. HALLETT:** Right.

17 **MS. LAHAIE:** --- about when briefs will be
18 completed.

19 **MS. HALLETT:** Right.

20 **MS. LAHAIE:** Said, end of October.

21 **MS. HALLETT:** Right, okay.

22 **MS. LAHAIE:** And there was ---

23 **MS. HALLETT:** But I'm still trying make
24 myself available for any trial with respect to Father
25 MacDonald ---

1 MS. LAHAIE: Oh, absolutely.
2 MS. HALLETT: --- during that time.
3 MS. LAHAIE: I think ---
4 MS. HALLETT: And, obviously ---
5 MS. LAHAIE: I think you misunderstood me or
6 I misspoke.
7 MS. HALLETT: Okay.
8 MS. LAHAIE: Let me get back to ---
9 MS. HALLETT: M'hm.
10 MS. LAHAIE: When you were at that
11 adjournment application ---
12 MS. HALLETT: M'hm.
13 MS. LAHAIE: --- and you were saying that
14 you would be able to secure a trial date in the fall of
15 2000 ---
16 MS. HALLETT: I want -- I wanted to indicate
17 to the Court I was available, and I would have been
18 available, and, believe me, that trial would have taken
19 priority ---
20 MS. LAHAIE: Right.
21 MS. HALLETT: --- over these briefs.
22 MS. LAHAIE: And I think in my mind, and
23 we'll come to it I'm sure -- I've got it in my notes and I
24 just can't put my finger on it right now.
25 MS. HALLETT: Right.

1 MS. LAHAIE: In my mind, when you say this
2 to him ---

3 MS. HALLETT: M'hm.

4 MS. LAHAIE: --- on August 22nd, 2000 ---

5 MS. HALLETT: M'hm.

6 MS. LAHAIE: --- that trial date is no
7 longer on the table.

8 MS. HALLETT: Okay.

9 MS. LAHAIE: Your trial has been already put
10 over to 2001.

11 MS. HALLETT: That trial.

12 MS. LAHAIE: And that's why ---

13 MS. HALLETT: That trial.

14 MS. LAHAIE: That trial.

15 MS. HALLETT: That trial, not the Leduc
16 trial.

17 MS. LAHAIE: No, the Father Charles
18 Macdonald trial.

19 MS. HALLETT: That's right.

20 MS. LAHAIE: But you were prepared to set a
21 trial date for six weeks, and all the preparation that goes
22 into that ----

23 MS. HALLETT: That's right.

24 MS. LAHAIE: --- in the fall?

25 MS. HALLETT: That's right.

1 **MS. LAHAIE:** So your schedule, as you were
2 representing to the Court, was free ---

3 **MS. HALLETT:** Right.

4 **MS. LAHAIE:** --- and since that date was no
5 longer being given to you ---

6 **MS. HALLETT:** Right.

7 **MS. LAHAIE:** --- you would have been free to
8 look at the conspiracy brief and the other letters -- the
9 other files, in order to give your opinion letters by the
10 end of October?

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

12 **MS. LAHAIE:** Okay.

13 **MS. HALLETT:** And I got a memo from the
14 Assistant Deputy Attorney General, just at the end of
15 August, asking me to work on this legislative initiative,
16 on a high-priority basis, with respect to this child
17 prostitution legislation, okay.

18 **MS. LAHAIE:** Yes.

19 **MS. HALLETT:** Just around that time, just at
20 the end of August there.

21 **MS. LAHAIE:** Okay.

22 **MS. HALLETT:** And, of course, I am preparing
23 for an appeal on Bianco and -- which I testified about
24 yesterday.

25 **MS. LAHAIE:** But when you told Officer Hall

1 that ---

2 MS. HALLETT: M'hm

3 MS. LAHAIE: --- on August 22nd, you didn't
4 have those other things on your plate, I take it?

5 MS. HALLETT: Well, I did have the appeal
6 but I didn't have the legislative initiative that I had to
7 deal with ---

8 MS. LAHAIE: Because you wouldn't ---

9 MS. HALLETT: --- by the end of August.

10 MS. LAHAIE: You wouldn't have told him that
11 on August 22nd if you didn't think you could do it by the
12 end of October, right?

13 MS. HALLETT: I was doing my best,
14 Ms. Lahaie.

15 It was -- there was a lot to do in terms of
16 those briefs, and I think, as I say, that Sergeant Hall
17 would have been aware of the other work that I was doing in
18 relation to Project Truth at this time.

19 MS. LAHAIE: Officer Hall was aware of your
20 workload. You were aware of the pressures on him, too,
21 though, weren't you?

22 MS. HALLETT: I think, generally, I was.

23 MS. LAHAIE: Okay.

24 MS. HALLETT: I think so, yes.

25 MS. LAHAIE: And on that note, could we go

1 to the next entry in Exhibit 2755, Document 727758, Bates
2 7110634? It's an entry on the 7th of September, 2000.

3 MS. HALLETT: I'm sorry?

4 MS. LAHAIE: The 7th of September 2000 ---

5 MS. HALLETT: M'hm.

6 MS. LAHAIE: --- and I'm looking at 9:30.

7 MS. HALLETT: Okay.

8 MS. LAHAIE: "Meet with Mayor Brian
9 Sylvester on Project Truth and
10 Cornwall Police Service allegations of
11 conspiracy."

12 MS. HALLETT: Yes.

13 MS. LAHAIE: So you're aware, at this point,
14 that the city council, Cornwall Police Service, Cornwall
15 Police Services Board -- people are very anxious to get --
16 to have Project Truth completed, and what they're -- one of
17 the things they're waiting on is a determination on these
18 conspiracy allegations; correct?

19 MS. HALLETT: Yeah, I certainly can read
20 that here, yes.

21 MS. LAHAIE: Okay. And if we go to the
22 13:30 entry on that day, page -- I'm looking further down,
23 please -- next page. It's a page by Staff Sergeant
24 Derochie:

25 "Request that I call Judy Bobka,

1 Chairperson of the Police Services
2 Board..."

3 and the phone number is there.

4 "Contacted Bobka who requested a
5 meeting with myself on Project Truth
6 investigations, interested in results
7 of the...."

8 **MS. HALLETT:** Previous investigations.

9 **MS. LAHAIE:** "...previous investigations.

10 The Police Service Board was meeting
11 next Thursday at 15:00. Wanted to know
12 if we could attend. It
13 would be in possibly in another
14 location in the building. No press.
15 Wanted to confirm that we did an
16 investigation of the alleged conspiracy
17 involving the Cornwall Police Service."

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

19 **MS. LAHAIE:** If I suggest to you that
20 Officer Hall agrees to meet with them and is armed with the
21 knowledge that you're going to be coming up with those
22 opinion letters by the end of October ---

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

24 **MS. LAHAIE:** --- you understand that this
25 particular intervening event of being called by the Mayor

1 and the Police Services Board Chairperson, looking for
2 results on that conspiracy brief, this is something that's
3 out there for him and is impressing a sense of urgency into
4 the situation?

5 **MS. HALLETT:** Yes. Yes. And that's
6 certainly part of the job.

7 **MS. LAHAIE:** Yes. If we could go to
8 September 28th, 2000, which is at Exhibit 2755, Document 2 -
9 - pardon me -- 727758, Bates 7110663. This is September
10 28th, 2000 at 9:30:

11 "Meet with Cornwall Police Service
12 Board, six members and Chief Repa,..."

13 **MS. HALLETT:** Detective Inspector ---

14 **MS. LAHAIE:** Yes, "...by Detective..."

15 **MS. HALLETT:** --- Grasman

16 **MS. LAHAIE:** And that's Klancy Grasman, and
17 that would be the media person with respect to OPP matters,
18 right? ---

19 **MS. HALLETT:** Right.

20 **MS. LAHAIE:** And so you're aware that this
21 meeting was about these conspiracy briefs?

22 **MS. HALLETT:** No, I can't say that I was
23 aware of that, Ms. Lahaie.

24 **MS. LAHAIE:** All right, but you know that on
25 the previous entry I took you to, on the 7th of September,

1 they were talking about arranging a meeting; correct?

2 **MS. HALLETT:** Well, you're telling me these
3 things.

4 **MS. LAHAIE:** Okay.

5 **MS. HALLETT:** I'm learning these things. I
6 -- you know, I'm not -- I'm on my own track, at that point,
7 as you know.

8 **MS. LAHAIE:** You understand from many
9 discussions with Inspector Hall though that there is still
10 this pressing need for him to come up with those opinion
11 letters?

12 **MS. HALLETT:** I'm certainly aware of that,
13 and, as I say, I've got a number of other responsibilities.
14 I've got to be prepared for trial; I have to be prepared
15 for the appeal. I'm doing my best. I wasn't sure when
16 these would arrive. I hadn't been told that there was a
17 specific deadline. The conspiracy briefs have just
18 arrived.

19 So, as I say, I'm doing my best under all of
20 the circumstances, and I think that Detective Sergeant Hall
21 was aware of that.

22 **MS. LAHAIE:** Okay. I want to talk about
23 some -- maybe some of the other pressures as well, and I've
24 given notice on this document, Mr. Commissioner, and it's
25 Document 726387.

1 **MS. HALLETT:** Is there some mention of the
2 Project Truth web site here too, on that date that you're
3 referring to ---

4 **MS. LAHAIE:** Yes.

5 **MS. HALLETT:** --- just now?

6 **MS. LAHAIE:** I see at 13:30 hours there is.

7 **MS. HALLETT:** We were discussing that on
8 that date? I was just wondering, that's all.

9 **MS. LAHAIE:** I can't help you.

10 **MS. HALLETT:** Okay.

11 **THE COMMISSIONER:** Thank you.

12 Exhibit Number 3254 is a letter to Mr. Ed
13 Lauzon ---

14 **MS. LAHAIE:** From Detective
15 Superintendent ---

16 **THE COMMISSIONER:** Crane.

17 **MS. HALLETT:** --- Crane.

18 **---EXHIBIT NO./PIÈCE NO P-3254:**

19 (726387) - Letter from David Crane to Ed
20 Lauzon dated 22 Aug 00

21 **MS. LAHAIE:** You'll note, Ms. Hallett, that
22 the date of this letter is August 22nd, 2000. I should have
23 spoken to -- of it, whenever we talked about that entry,
24 but that was the date, you'll recall, that you indicated to
25 Officer Hall that you'd have the opinions by the end of

1 October.

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

3 **MS. LAHAIE:** And it's my understanding that
4 Officer Hall would have communicated to Detective
5 Superintendent Crane who responded on that day to a Mr. Ed
6 Lauzon, a citizen of the community inquiring with respect
7 to the status of Project Truth matters.

8 And if you look at this letter, it sets out
9 the status of a number of the prosecutions, and I want to
10 take you to the second page.

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

12 **MS. LAHAIE:** Detective Superintendent Crane
13 is the Director of Criminal Investigation Branch at that
14 point.

15 **MS. HALLETT:** Of OPP?

16 **MS. LAHAIE:** Yes, of the Ontario Provincial
17 Police.

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

19 **MS. LAHAIE:** And he's explaining to this
20 individual:

21 "All of the above information was
22 provided in press releases and was
23 reported by the local media in the City
24 of Cornwall. Experience in previous
25 large-scale, sexual abuse

1 investigations involving male victims
2 has shown that it is difficult to
3 accurately estimate the number of
4 potential victims that may ultimately
5 report abuse. Male victims of sexual
6 abuse struggle with disclosing what may
7 have occurred and do not readily come
8 forward. In some cases, it may take
9 months if not years to report the
10 abuse. Should an investigation be
11 conducted with haste, charges laid and
12 legal proceedings commenced, experience
13 has shown further victims will come
14 forward causing extreme difficulties
15 with disclosure and problems within the
16 judicial process. It is for these
17 reasons the investigation into these
18 allegations has taken a long period of
19 time."

20 So he's responding to this individual who is
21 saying why is this taking so long, obviously.

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

23 **MS. LAHAIE:** If we continue:

24 "Our investigation into the sexual
25 assault allegations has been completed,

1 subject to further victims coming
2 forward. Crown briefs have been
3 completed and are in the process of
4 being reviewed for a legal opinion
5 pertaining to criminal charges by the
6 Crown Law Office - Criminal, Ministry
7 of the Attorney General in Toronto,
8 Ontario."

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

10 **MS. LAHAIE:** "An investigation was
11 conducted into the allegations there
12 was a conspiracy between the Diocese of
13 Alexandria-Cornwall, the Cornwall..."

14 **MR. KLOEZE:** I'm sorry to interrupt my
15 friend. I'm just not sure whether we have a context on
16 this letter.

17 Was it ever put to Ms. Hallett whether or
18 not she saw this letter at the time? I'm not sure -- my
19 friend's reading this letter into the record and putting it
20 to Ms. Hallett, but I'm not sure whether Ms. Hallett has
21 any knowledge of this.

22 **MS. LAHAIE:** I'm sure she doesn't.

23 **MS. HALLETT:** No, I don't. This is the
24 first I've seen this document, Ms. Lahaie.

25 **MS. LAHAIE:** Thank you.

1 **THE COMMISSIONER:** And so ---

2 **MS. LAHAIE:** I'm almost finished reading it.
3 I just wanted to come to -- there's just very little amount
4 of the letter left.

5 "An investigation was conducted into
6 the allegations there was a conspiracy
7 between the Diocese of Alexandria-
8 Cornwall, the Crown Attorney's office
9 and the Cornwall Police Service in the
10 \$32,000 payment in lieu of criminal
11 charges against Father Charles
12 MacDonald. The results of this
13 investigation are also being reviewed
14 for a legal opinion."

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

16 **MS. LAHAIE:** That's the conspiracy brief;
17 correct?

18 **MS. HALLETT:** Yes.

19 **MS. LAHAIE:** "We expect a decision on
20 criminal charges by October, 2000."

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

22 **MS. LAHAIE:** So this is going into a letter
23 on the same day that you've indicated to Detective
24 Inspector Hall you will have your opinions by October,
25 2000?

1 **MS. HALLETT:** I would try to have my
2 opinions, yes. I'll try to have them. Yeah, m'hm.

3 **MS. LAHAIE:** "When the information is
4 received, immediate release will be
5 given."

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

7 **MS. LAHAIE:** "We, too, appreciate your
8 Concern." [et cetera]

9 And so based on your representation to
10 Officer Hall -- I'm going to rephrase that -- clearly they
11 are looking to wrap this up?

12 **MS. HALLETT:** Yes.

13 **MS. LAHAIE:** And there is a sense of urgency
14 to it, both within the community and within the
15 organization?

16 **MS. HALLETT:** Yes. Yes, I know. They were
17 definitely looking to wrap this up and I was resisting any
18 sort of pressure to short-circuit or cut short a proper
19 review of these briefs.

20 **MS. LAHAIE:** November 22nd, 2000 is the next
21 entry I would like to go to and that's Exhibit 2756,
22 Document Number 727759, Bates page 7110712.

23 Looking at the other pressures that -- I'm
24 looking at the 10:50 entry if it's on that page.

25 **MS. HALLETT:** I'm sure. What date is this

1 again?

2 MS. LAHAIE: This is November 22nd, 2000.

3 MS. HALLETT: Okay, m'hm.

4 MS. LAHAIE: So we know from your previous
5 testimony that you don't have the opinions done by the end
6 of October ---

7 MS. HALLETT: Right.

8 MS. LAHAIE: --- as expected.

9 MS. HALLETT: M'hm.

10 MS. LAHAIE: And on the 22nd of November,
11 2000 we see another pressure point coming to light and
12 that's a meeting at 10:50 with Inspector Hall and MPP Garry
13 Guzzo on Project Truth matters.

14 MS. HALLETT: M'hm. Yes.

15 MS. LAHAIE: With Superintendent Chris Lewis
16 as he then was.

17 MS. HALLETT: Okay.

18 MS. LAHAIE: In Ottawa.

19 MS. HALLETT: Yes.

20 MS. LAHAIE: Correct? And a number of
21 matters are discussed at that meeting. And we heard a lot
22 of evidence as to this particular meeting, but Garry ---

23 MR. KLOEZE: Excuse me, Mr. Commissioner, my
24 friend's putting all sorts of statements to Ms. Hallett
25 about what other people are doing or pressures on other

1 people. I think an appropriate question would be whether
2 Ms. Hallett was told of these pressures, but I'm not sure
3 what the -- what any other purpose of this line of
4 examination is.

5 **MS. LAHAIE:** Were you told of -- I can ask
6 that question -- was she told of this pressure on -- being
7 applied by Mr. Guzzo at this time?

8 **MS. HALLETT:** I'm sorry. I just can't
9 recall that he did -- that Detective Inspector Hall
10 mentioned these meetings. I would have expected that he
11 would have been able to deal with Mr. Guzzo and I think
12 that it was for him to indicate that they were going to be
13 reviewed. And that sometimes you have to wait for a good
14 job to be done.

15 **MS. LAHAIE:** I note from an earlier entry
16 that there was a discussion about replying to a letter from
17 Mr. Guzzo.

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

19 **MS. LAHAIE:** And so you know at this point
20 that Mr. Guzzo's a pressure point?

21 **MR. KLOEZE:** Mr. Commissioner, we haven't
22 established what letter it is that my friend is referring
23 to. I'm not sure that's in the record. I know there is
24 references -- there was reference to correspondence from
25 Mr. Guzzo and Ms. Hallett drafted a response for Mr. Segal

1 to send. I'm not sure if that's the letter we're talking
2 about or not in this context. And we don't know what was
3 in that letter.

4 **MS. LAHAIE:** In my respectful submission, it
5 matters not what letter it was. What I'm saying is that
6 Mr. Guzzo is very much in the picture, applying pressure.

7 I'm trying to ask whether Ms. Hallett --
8 clearly, there was a discussion because it's reflected in
9 the notes and she accepted that there was a discussion
10 about Mr. Guzzo.

11 November 22nd, is she aware that it's gotten
12 to the point where Superintendent Lewis, Officer Hall, have
13 to travel to him to set him straight on everything which is
14 listed in this entry.

15 The videotapes issue; Malcolm MacDonald
16 allegations that he committed suicide; C-2; the interviews
17 with Ron Leroux; the matter of the search warrants for the
18 videotapes; interviews with Claude Shaver; allegations that
19 there was no trip to Fort Lauderdale. These are all
20 entries which are in this note.

21 And so they travelled to Ottawa to meet with
22 him to try to set him straight so that he stops this
23 misinformation that he's putting out into the press and
24 into the community.

25 Were you aware that that was a pressure

1 point and that this had occurred?

2 MS. HALLETT: No, I wasn't. No.

3 MS. LAHAIE: Officer Hall wasn't discussing
4 this with you?

5 MS. HALLETT: I can't recall that he
6 discussed it with me at this time. I was coming down in
7 the month of November to interview further witnesses of
8 course for the Leduc trial.

9 MS. LAHAIE: Oh, right.

10 MS. HALLETT: He may have thought that, you
11 know, my mind was on those matters at that time.

12 MS. LAHAIE: What matters? I'm sorry.

13 MS. HALLETT: Well, preparing for the trial
14 in Leduc.

15 MS. LAHAIE: Preparing for the Leduc trial
16 in January?

17 MS. HALLETT: No, this is -- yes. Yes.

18 MS. LAHAIE: And at this point, you still
19 have not said to him that you want assistance or you will
20 be busy to do it though?

21 MS. HALLETT: No. I was definitely planning
22 to review them but there were other things on my plate at
23 that time.

24 MS. LAHAIE: If we could go to the entry at
25 November 28th, 2000, Exhibit 2756, Document 727759, Bates

1 7110718, 14:00 hours.

2 MS. HALLETT: M'hm.

3 MS. LAHAIE: "Call to Hallett. Updated on
4 Guzzo meeting."

5 And so this would be the entry where he
6 updates you on that meeting.

7 MS. HALLETT: Okay.

8 MS. LAHAIE: Would that be what you recall
9 as well?

10 MS. HALLETT: I cannot recall specifically
11 this call.

12 MS. LAHAIE: Okay.

13 "Asked about legal opinions. Working
14 on it. Will have something for next
15 week when in Cornwall."

16 MS. HALLETT: Right. M'hm.

17 MS. LAHAIE: You see that?

18 MS. HALLETT: M'hm.

19 MS. LAHAIE: So you would have indicated to
20 him that you would have the opinion letters for him the
21 following week in Cornwall?

22 MS. HALLETT: I'm not sure -- I can't recall
23 this telephone conversation, Ms. Lahaie. I'm not quite
24 sure what I -- exactly what I was undertaking to do at this
25 point. I was doing my best. I was trying to juggle this

1 matter but a few other matters at that point.

2 MS. LAHAIE: I take it he was communicating
3 to you that he had this meeting with Mr. Guzzo. It was
4 pressing. He's asking you about the opinions.

5 MS. HALLETT: Yes.

6 MS. LAHAIE: And you're telling him you'll
7 have something for him ---

8 MS. HALLETT: Yes.

9 MS. LAHAIE: --- in Cornwall the following
10 week?

11 MS. HALLETT: I'm trying my best, yes.

12 MS. LAHAIE: And then it says:

13 "She paged me. Attempted to call her
14 on several occasions."

15 MS. HALLETT: M'hm.

16 MS. LAHAIE: And then at 15:00 hours:

17 "After call from Hallett, paged by Jim
18 Stewart to call him. Placed call. He
19 wanted to know about our meeting with
20 Guzzo. Said he had to report to
21 Toronto as they wanted details. Did
22 not agree with us doing a press
23 conference because of charges before
24 courts. Suggested I speak to Service
25 OPP first. Doesn't think I should call

1 Guzzo's executive assistant for
2 decision on press conference. Wants
3 Lewis to call him. Mentioned Guzzo's
4 apology and had three people who won't
5 come forward."

6 So those were the apology from Mr. Guzzo,
7 but now it's at another level in that Jim Stewart is now
8 wanting details. Is that correct?

9 **MS. HALLETT:** I can't recall Jim calling me
10 about this at this time. I can't recall a conversation; if
11 there was one, I'd be interested in knowing.

12 **MS. LAHAIE:** November 29th, 2000 is the next
13 one; same exhibit, same document number, Bates 7110719.

14 "8:45 - Call to Superintendent Lewis on
15 Guzzo and Stewart. Email copies of
16 request for opinions."

17 Now, it's my understanding that Mr. Stewart
18 would have asked for an email transmission of the request
19 that had been made by the OPP for those opinions.

20 **MS. HALLETT:** I ---

21 **MS. LAHAIE:** Do you recall that at all?

22 **MS. HALLETT:** No.

23 **MS. LAHAIE:** December 5th, 2000; same
24 exhibit, same document number, Bates 7110725. This is the
25 5th of December, 2000.

1 MS. HALLETT: M'hm.

2 MS. LAHAIE: "8 am - Call to Jim Stewart.

3 [further along] Discussed Project
4 Truth. Legal opinions. Doesn't want
5 to push Hallett. No rush in his
6 opinion."

7 Do you see that?

8 MS. HALLETT: Yes, I do.

9 MS. LAHAIE: And so it appears that this is
10 a reflection of Mr. Stewart's opinion that he doesn't want
11 to rush you and that, in his view, there's no rush for
12 these opinions.

13 Would you agree that that's what that seems
14 to be reflecting?

15 MS. HALLETT: Well, yes, I'm reading it like
16 you are. You know, obviously you'll have to ask Jim about
17 that.

18 MS. LAHAIE: And Officer Hall we've seen
19 through all of these other communications and others, I'm
20 sure that you recall from discussions with him ---

21 MS. HALLETT: Yes.

22 MS. LAHAIE: --- there's a pressing need for
23 him to get this done?

24 MS. HALLETT: Well, yes. He's feeling a lot
25 of pressure. There's no doubt about it. I can see that.

1 But at the same time I don't know that that is the only
2 thing that should be driving the criminal justice process.
3 That is, complaints or pressures; these kind of pressures.

4 As I say, it was something that was going to
5 take quite a long time to review, to do the cross-check on,
6 to do follow-up investigation on. These officers
7 themselves had been working on these briefs for a couple of
8 years before they reached me. But before they reached me
9 there were other briefs that reached me, and those briefs
10 included the briefs on Leduc, MacDonald, another MacDonald,
11 Dufour and a number of other matters.

12 So I'm doing my best under the
13 circumstances.

14 **MS. LAHAIE:** If we go to the 18th of
15 December, 2000, which is 7110741, Exhibit 2756. I'm sorry,
16 that was a Bates page; 7110741. It's an entry on the 18th
17 of December.

18 "13:00 hours - Call to Detective
19 Superintendent Lewis on Project Truth."
20 This is Inspector Hall placing that call.
21 "Spoke to Stewart, who suggested he not
22 get involved. Go to Toronto on same.
23 Advise John Corelli, Hallett's boss on
24 the case. Lewis will call as he knows
25 him."

1 So do you agree that we're starting to see
2 workings of trying to get these opinions to be pushed along
3 through contacting your boss at this point?

4 **MS. HALLETT:** Well, you know, I'm just --
5 this is December the 18th and I'm just about to start a
6 trial on what you've already sort of described earlier
7 today as a high-profile case, so I don't know that that was
8 the right time to be asking me, at this point, to conduct a
9 review or complete my review of those briefs, Ms. Lahaie.

10 **MS. LAHAIE:** I understand there were a
11 couple of weeks holidays also ---

12 **MS. HALLETT:** In two more days I'm going to
13 have a very long meeting with defence counsel ---

14 **MS. LAHAIE:** Right.

15 **MS. HALLETT:** --- on Leduc. We're going to
16 discuss all of the issues. I've just come back from the
17 interviews of the various witnesses in November. I'm going
18 to have to prepare, after this day, a factum with respect
19 to the challenge for cause in Leduc. I'm trying to meet
20 disclosure requests; all sorts of last-minute disclosure
21 requests. I'm going to be dealing with a call that Mr.
22 Defence Counsel and Leduc has made to the family of C-16.

23 So there are a lot of other things that are
24 happening at this time and they're happening with respect
25 to a case that is just about to proceed through the court

1 system.

2 MS. LAHAIE: I guess it's unfortunate that
3 in the fall, where you would have had this time period,
4 because you were prepared to set Charlie MacDonald to that
5 time ---

6 MS. HALLETT: Right.

7 MS. LAHAIE: --- for six weeks, and all the
8 preparation that went along with it, you would have had
9 time to do it at that point but the Ministry called you in
10 for the legislation.

11 MS. HALLETT: Yes.

12 MS. LAHAIE: And then it becomes a matter of
13 prioritizing.

14 MS. HALLETT: That's right.

15 MS. LAHAIE: Okay. And the priority, was
16 that left to you or was it the Ministry asking you to
17 prioritize?

18 MS. HALLETT: I was responding to the
19 pressures I was feeling at that time. You've talked about
20 pressures on Detective Inspector ---

21 MS. LAHAIE: Right.

22 MS. HALLETT: --- Hall and I was feeling a
23 lot of pressure in other directions.

24 MS. LAHAIE: And you didn't think to split
25 them up at that point maybe and have those first five

1 briefs sent off to someone else who would have more time?

2 **MS. HALLETT:** I certainly wish I had done
3 that.

4 **MS. LAHAIE:** Because you're not heading into
5 a light time. You're heading into Leduc in January ---

6 **MS. HALLETT:** Yes.

7 **MS. LAHAIE:** --- and Father Charles
8 MacDonald in May.

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

10 **MS. LAHAIE:** Okay. You wouldn't have had
11 any more time in the upcoming months than you've had to
12 date. You were very busy with those two matters.

13 **MS. HALLETT:** As I say, and I think I
14 explained a couple of days ago, when we do take on these
15 commitments it's very hard to let them go.

16 **MS. LAHAIE:** I see.

17 And on January 9th, 2001, I wonder if we
18 could just determine that by -- if we go to Bates page
19 7110763 and we move backwards. I'm trying to get to
20 January 9th, 8:00 a.m. entry.

21 The next page, please? "Call to Shelley
22 Hallett." And this is in relation to the Leduc matter.

23 **MS. HALLETT:** Yes.

24 **MS. LAHAIE:** And as we move down that
25 conversation, we see:

1 "Discussed with Hallett media on Truth
2 about finalizing same. Said she will
3 not be able to do anything until after
4 Leduc matter. Received call from
5 Detective Superintendent Lewis. Said
6 he spoke to media radio station in
7 Cornwall and said waiting for decision
8 from Crown Law Office."

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

10 **MS. LAHAIE:** So again, more pressure being
11 put to get these final opinions; correct?

12 **MS. HALLETT:** Yes, but I think while we're
13 on this page, it may be worthwhile noting the other things
14 that Detective Inspector Hall and I spoke about on this
15 day.

16 **MS. LAHAIE:** And at this point I'm not
17 disputing at all that you were far too busy for these
18 points. I know you were working very hard on Leduc as of
19 this ---

20 **MS. HALLETT:** Yes.

21 **MS. LAHAIE:** --- particular point in time.

22 **MS. HALLETT:** We were discussing a lot of
23 other things. We're talking about an attempt by defence
24 counsel to speak with witnesses on a case that's just going
25 ahead and we're discussing the trial judge. We're

1 discussing the counts on the indictment. So it's a number
2 of things that I think should have made it fairly clear to
3 Detective Inspector Hall on this day that this Leduc trial
4 has some priority.

5 MS. LAHAIE: And I agree with you, and would
6 you also agree with me that they're trying to go above your
7 head at this point? They're calling Jim Stewart and
8 they're trying to contact Corelli to try to get these
9 opinions done some other way.

10 MS. HALLETT: Not on this ---

11 MS. LAHAIE: Would you agree with that?

12 MS. HALLETT: Not on this day.

13 MS. LAHAIE: Not on that entry but the
14 previous entries.

15 MS. HALLETT: And I think, as you mentioned
16 and you raised it in a note, that Mr. Stewart had told
17 Detective Inspector Hall that there wasn't an urgency to a
18 review of these briefs ---

19 MS. LAHAIE: In his view.

20 MS. HALLETT: --- at this time.

21 MS. LAHAIE: In his view and we'll ---

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

23 MS. LAHAIE: --- get a chance to ask him
24 about that.

25 MS. HALLETT: M'hm.

1 **MS. LAHAIE:** Okay. And if we go to the
2 entry on January 12th at 7110763, 1700 hours -- next page,
3 please:

4 "Pagged by Susan Kyle. Placed call.
5 Wanted update on Project Truth matter
6 for Murray Segal as Attorney General
7 requesting a briefing on Monday
8 morning."

9 **MS. HALLETT:** Okay.

10 **MS. LAHAIE:** And this would be about Project
11 Truth coming to an end and whether they had a final word to
12 say on the conspiracy matter?

13 **MS. HALLETT:** I don't know about this
14 meeting at all.

15 **MS. LAHAIE:** Well:

16 "Wanted update..."

17 **MS. HALLETT:** Or discussion.

18 **MS. LAHAIE:** "...on Project Truth matter for
19 Murray Segal as Attorney General
20 requesting a briefing on Monday
21 morning."

22 This would be about the conspiracy, wouldn't
23 it?

24 **MS. HALLETT:** I don't know.

25 **MR. KLOEZE:** Excuse me, ---

1 **MS. HALLETT:** It could have been about
2 Leduc.

3 **MR. KLOEZE:** Mr. Commissioner, I think we've
4 heard evidence from this -- from Pat Hall and from Mr.
5 Lewis and I think the evidence at that time was that Ms.
6 Hallett was not involved in those decisions or those
7 conversations at all.

8 **MS. LAHAIE:** If we just keep reading, if we
9 might, Mr. Commissioner:

10 "Advised about court cases and
11 dispositions. Asked about when we were
12 going to conclude and if had any more
13 matters. Advised situation on legal
14 opinions and Shelley Hallett. Advised
15 on Leduc matter and failure to provide
16 legal opinions. Also present inquiries
17 on same. Background on Truth.
18 Disposition of charges."

19 **THE COMMISSIONER:** Okay. But that still
20 doesn't indicate that this witness is involved or has any
21 knowledge of this.

22 **MS. LAHAIE:** It doesn't, but is Officer Hall
23 indicating to you that there's pressure still mounting on
24 these legal opinions?

25 **MS. HALLETT:** I can't recall that on this

1 particular day. What is it, the 13th? I can't recall a
2 discussion with Detective Inspector Hall on this day about
3 this. He's being paged by Susan Kyle, right?

4 **MS. LAHAIE:** Yes.

5 **MS. HALLETT:** So there's some discussion
6 going on between them, and meanwhile, of course, I'm -- I
7 don't know; I might even be en route at that point down to
8 Cornwall to start Leduc.

9 **MS. LAHAIE:** Okay.

10 **MS. HALLETT:** I'm not sure. I'm not sure.
11 What date is this again?

12 **MS. LAHAIE:** That one was the 12th of January
13 2001.

14 **MS. HALLETT:** Right.

15 And we're just about to start that trial on,
16 I believe, January 15th.

17 **MS. LAHAIE:** Okay.

18 **THE COMMISSIONER:** How are we doing in the
19 presentation there?

20 **MS. LAHAIE:** Slower than I would have
21 thought. I'm sorry. I'm going to try to wrap up in the
22 next 20 minutes or so.

23 **THE COMMISSIONER:** Really?

24 **MS. LAHAIE:** Thank you.

25 The proceeding -- maybe we don't have to go

1 to it, but the proceeding that I was talking about with
2 respect to your indicating that you were clear for the fall
3 of 2000, that is at Exhibit 3221, Document 111226 at page 7
4 of that transcript. And you had indicated in your
5 testimony Officer Hall was with you that day. And so just
6 for purposes of the record ---

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

8 **MS. LAHAIE:** --- that -- and also to
9 pinpoint the timing of when your fall schedule was clear,
10 certainly -- well ---

11 **MS. HALLETT:** No.

12 **MS. LAHAIE:** --- on April 18th, 2000, you
13 were prepared to set that six-week Father Charles MacDonald
14 trial?

15 **MS. HALLETT:** Making yourself available for
16 a trial doesn't mean that your schedule is cleared, Ms.
17 Lahaie. It means that other things fall off the table in
18 order to try and get the trial on.

19 **MS. LAHAIE:** What would have fallen off the
20 table in April to try to get that on?

21 **MS. HALLETT:** How do you mean? Well, in
22 April, I'm saying, you know, I will be able to -- I will
23 make myself free for October, right?

24 **MS. LAHAIE:** Yes.

25 **MS. HALLETT:** That's what we're talking

1 about.

2 MS. LAHAIE: Well, yes and ---

3 MS. HALLETT: I ---

4 MS. LAHAIE: --- a six-week trial with
5 preparation time.

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

7 MS. LAHAIE: So ---

8 MS. HALLETT: And of course, bearing in mind
9 the age of the Charles MacDonald case ---

10 MS. LAHAIE: M'hm.

11 MS. HALLETT: --- I was going to give that
12 the highest priority.

13 MS. LAHAIE: Absolutely.

14 MS. HALLETT: And that, of course, is the
15 Charles MacDonald trial in comparison to, for example,
16 these briefs.

17 MS. LAHAIE: Right.

18 MS. HALLETT: Okay?

19 MS. LAHAIE: I'm just ---

20 MS. HALLETT: But then ---

21 MS. LAHAIE: --- I'm just saying that, Ms.
22 Hallett, because on -- in August -- on August 22nd ---

23 MS. HALLETT: M'hm.

24 MS. LAHAIE: --- you recall there was --
25 there was an entry there on August 22nd where you had

1 indicated that you were going to have them ready by the end
2 of October?

3 MS. HALLETT: I was going to try, yeah.
4 M'hm.

5 MS. LAHAIE: Right.

6 And we saw a confirmation on April 18th that
7 you -- your fall schedule would have permitted a six-week
8 trial, and on August 22nd then, it's reasonable for you to
9 be promising these opinions by the end of October ---

10 MS. HALLETT: Well ---

11 MS. LAHAIE: --- because you had some time
12 in the fall?

13 MS. HALLETT: Well, other things did happen
14 in the fall. I'm sorry. As I say ---

15 MS. LAHAIE: You spoke with the legislation
16 ---

17 MS. HALLETT: Yeah.

18 MS. LAHAIE: --- and the appeal.

19 MS. HALLETT: Yes, m'hm.

20 MS. LAHAIE: Okay.

21 MS. HALLETT: And the preparation for Leduc.

22 THE COMMISSIONER: So, Ms. Lahaie, I take
23 it, from what I gather, is you're going through every
24 single one showing when pressure points were being put on,
25 right?

1 **MS. LAHAIE:** Yes, and to show the urgency of
2 the situation and that it was being communicated to ---

3 **THE COMMISSIONER:** So ---

4 **MS. LAHAIE:** --- Ms. Hallett and others.

5 **THE COMMISSIONER:** Right.

6 **MS. LAHAIE:** Okay. I would move on to
7 another area now. Do you wish to have the afternoon
8 recess?

9 **THE COMMISSIONER:** Yes, let's take a bit of
10 a break.

11 **MS. LAHAIE:** Thank you.

12 **THE COMMISSIONER:** Oh, okay. First of all -
13 - no, no, before we go; Mr. Carroll, how long do you think
14 you're going to be with this witness because we have a
15 witness in the wings and I want to plan whether we go until
16 6:00 or take a supper break and then come back?

17 **MR. CARROLL:** I would expect if they're
18 direct answers, I'll be less than an hour.

19 **THE COMMISSIONER:** All right.

20 And will there be -- will you have any
21 questions for this witness?

22 **MS. BETHELL:** I may not depending on what
23 happens with the two cross-examinations.

24 **THE COMMISSIONER:** Thank you. So ---

25 **MR. KLOEZE:** I expect to be no more than 5

1 or 10 minutes.

2 **THE COMMISSIONER:** Okay. So we'll be
3 finished by 4:30. Okay. Well, let's see what we do. I'll
4 -- Mr. Carroll, hope springs eternal.

5 **MR. CARROLL:** I noticed.

6 **THE COMMISSIONER:** Well, no, that's just
7 trying to give you folks some idea as to when we'd like to
8 finish so we can start the other witness.

9 All right. Thank you.

10 **MS. LAHAIE:** Thank you.

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

13 This hearing will resume at 3:10 p.m.

14 --- Upon recessing at 2:55 p.m./

15 L'audience est suspendue à 14h55

16 --- Upon resuming at 3:17 p.m./

17 L'audience est reprise à 15h17

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

20 This hearing is resumed. Please be seated.

21 Veuillez vous asseoir.

22 **THE COMMISSIONER:** All right.

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

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

25 **LAHAIE (cont'd/suite):**

1 **MS. LAHAIE:** Just before we leave that
2 previous area ---

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

4 **MS. LAHAIE:** --- I understand that the
5 appeal you were working on -- you gave the name yesterday
6 or the day before -- was Bianco. Is that correct?

7 **MS. HALLETT:** Yes.

8 **MS. LAHAIE:** And that decision was in 2000.
9 Is that correct? You -- the ---

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

11 **MS. LAHAIE:** It was heard on the 21st of
12 September, 2000, I understand? It's reported at 2000 OJ
13 Number 4568. Does that sound familiar?

14 **MS. HALLETT:** Yes, it's reported in the
15 C.C.C. too.

16 **MS. LAHAIE:** It was a defence appeal, I
17 understand?

18 **MS. HALLETT:** It's a what?

19 **MS. LAHAIE:** A defence appeal?

20 **MS. HALLETT:** Yes, that's right.

21 **MS. LAHAIE:** And so your factum would have
22 been due -- is it eight days before it's heard?

23 **MS. HALLETT:** It would have been a Friday of
24 the week before the hearing of the appeal.

25 **MS. LAHAIE:** And so the hearing being on the

1 21st of September, it would have been due mid-September?

2 MS. HALLETT: Yes.

3 MS. LAHAIE: And so in terms of that appeal
4 being on your plate in the fall of 2000 ---

5 MS. HALLETT: M'hm.

6 MS. LAHAIE: --- very early fall -- it was -
7 --

8 MS. HALLETT: Yes.

9 MS. LAHAIE: --- done for your purposes;
10 correct?

11 MS. HALLETT: Yes.

12 MS. LAHAIE: And it's leaving the
13 legislation issue ---

14 MS. HALLETT: M'hm.

15 MS. LAHAIE: --- and the Jacques Leduc
16 matter?

17 MS. HALLETT: Yes.

18 MS. LAHAIE: Okay. Turning to the next
19 issue, I'm going to skip over January and February 2001 and
20 Mr. Carroll will be covering ---

21 MS. HALLETT: Okay.

22 MS. LAHAIE: --- those dates.

23 And I'm going to take you to the time after
24 Project Truth.

25 MS. HALLETT: M'hm.

1 **MS. LAHAIE:** And I understand and we've
2 heard evidence from other witnesses you were very angry
3 with Officer Hall. Would that be fair?

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

5 **MS. LAHAIE:** And you indicated at the end of
6 February that you couldn't continue with any more
7 prosecutions for Project Truth?

8 **MS. HALLETT:** Well, I was counselled in that
9 regard.

10 **MS. LAHAIE:** And at a meeting at the end of
11 February, you indicated, "That's it; I'm not continuing
12 with the Father Charles MacDonald prosecution"?

13 **MS. HALLETT:** It wasn't my decision so much
14 as the -- I think what was dictated by the circumstances in
15 terms of the finding against me and also that was confirmed
16 by counsel that I'd been given.

17 **MS. LAHAIE:** I understand though that those
18 comments about not continuing with the Father Charles
19 MacDonald prosecution occurred before the judgment on the
20 1st of March, that you would have had that discussion that
21 you were not continuing with Father Charles MacDonald after
22 the 22nd of February but before the 1st of March, on the 26th
23 of February?

24 **MS. HALLETT:** Well, is there something that
25 you have to sort of refresh my memory on this?

1 **MS. LAHAIE:** It's the conversation --
2 without getting into the details of it because Mr. Carroll
3 will cover the events.

4 **MS. HALLETT:** Okay.

5 **MS. LAHAIE:** But it's the conversation where
6 you expressed dissatisfaction with Inspector Hall's conduct
7 ---

8 **MS. HALLETT:** Oh yes.

9 **MS. LAHAIE:** --- and you indicate that you
10 will no longer ---

11 **MS. HALLETT:** Yes, he's failed to
12 communicate with me in a number of ways, that's right.

13 **MS. LAHAIE:** And you're not going to
14 continue with Father Charles MacDonald at that point?

15 **MS. HALLETT:** It wasn't a petulant decision
16 at this particular time, Ms. Lahaie.

17 **MS. LAHAIE:** No.

18 **MS. HALLETT:** It's not like I don't want to
19 do Father Charles MacDonald, but I do think that what the
20 officer had done by that point was a sufficient enough
21 break, in terms of our relationship, that it would have
22 been ill-advised to continue with the prosecution. I don't
23 think -- of Charles MacDonald. I don't think anybody -- if
24 I had continued, I think that would have been perceived as
25 somehow harmful to the prosecution.

1 **MS. LAHAIE:** Irreconcilable differences?

2 **MS. HALLETT:** Well, there was -- at this
3 point there had been, obviously, a failure to communicate
4 by certainly Detective Inspector Hall with me and I
5 couldn't be -- I wasn't confident that if we continued
6 further, that I would be able to do my best on the Charles
7 MacDonald case because of that breakdown there.

8 **MS. LAHAIE:** Did you send a notice to the
9 Ministry saying that you were not going to continue with
10 any prosecutions for Project Truth any further? That you
11 were discontinuing your relationship with any ---

12 **MS. HALLETT:** Well, certainly after March 1st
13 that was redundant, any such notice. I think -- and we're
14 talking about a very short period of time between, say,
15 February 22nd and March 1st. That would be seven days.

16 **MS. LAHAIE:** Did you ever send a notice to
17 the Ministry or was it something that was told to you after
18 you left on the 1st? Did you ever send a notice to the
19 Ministry saying, "I am no longer going to participate in
20 these prosecutions"?

21 **MS. HALLETT:** No, but that was definitely
22 recommended in my discussions with other counsel at the
23 Ministry, counsel who were more senior to me.

24 **MS. LAHAIE:** Could I ask who that is?

25 **MS. HALLETT:** Yes, that would be John

1 Pearson and Jim Stewart.

2 MS. LAHAIE: And we know of an email on the
3 5th of April 2001 ---

4 MS. HALLETT: M'hm.

5 MS. LAHAIE: --- that we spoke of earlier
6 where John Pearson asks you to back away from the
7 prosecution.

8 MS. HALLETT: That's ---

9 MS. LAHAIE: That's a documented date.

10 MS. HALLETT: Okay.

11 MS. LAHAIE: Do you have an earlier date
12 when you've been told that you're not to be involved any
13 further?

14 MS. HALLETT: Earlier than what date?

15 MS. LAHAIE: The 5th of April 2001.

16 MS. HALLETT: I remember I had a discussion
17 with Jim Stewart in March but I think that, you know, any
18 counsel in my position would have recognized that I could
19 no longer carry on with those prosecutions. And I think
20 that would be pretty obvious, regardless of whether or not
21 an official notice was given.

22 MS. LAHAIE: Now you were practising out of
23 the Toronto office and so you had possession of several
24 files when you make this decision and when you're
25 counselled, let's say, not to continue on.

1 MS. HALLETT: M'hm.

2 MS. LAHAIE: And you have the five
3 individuals for which you've been asked to provide
4 opinions?

5 MS. HALLETT: M'hm.

6 MS. LAHAIE: You have the conspiracy brief?

7 MS. HALLETT: M'hm.

8 MS. LAHAIE: You have the Father Charles
9 MacDonald prosecution?

10 MS. HALLETT: M'hm.

11 MS. LAHAIE: You have those files; correct?

12 MS. HALLETT: Yes, m'hm.

13 MS. LAHAIE: Okay. Does anyone from the
14 Ministry ask to have those returned immediately?

15 MS. HALLETT: Is there something that you
16 have?

17 MS. LAHAIE: No.

18 MS. HALLETT: You can understand that this
19 period of time was a difficult period for me ---

20 MS. LAHAIE: I do.

21 MS. HALLETT: --- following March 1st.

22 MS. LAHAIE: Yes.

23 MS. HALLETT: So if there's documentation
24 that you have that would refresh my memory, it might help
25 but I don't believe so.

1 **MS. LAHAIE:** Okay. The only letter that I
2 could put to you at this point is Exhibit 2807, Document
3 123035.

4 **THE COMMISSIONER:** This is a statement of
5 Pat Hall?

6 **MS. LAHAIE:** No. This is -- yes, it
7 probably is. Bates page 1145688. I think it was part of
8 the appendices. Yes.

9 This is a letter from you to Mr. Stewart on
10 March 30th, 2001.

11 **MS. HALLETT:** Okay.

12 **MS. LAHAIE:** And it confirms -- it's on the
13 Re line for Charles MacDonald. "This is to..."

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

15 **MS. LAHAIE:** "...confirm our discussion of
16 our meeting of today's date..."

17 And so you had a meeting with him on the 30th
18 of March?

19 **MS. HALLETT:** Did I?

20 **MS. LAHAIE:** Well, it says:

21 "This is to confirm our discussion of
22 our meeting of today's date..."

23 **MS. HALLETT:** Okay, yes I'm sorry. Thank
24 you.

25 **MS. LAHAIE:** "...in which I advised you

1 that I had received from Project Truth
2 officers this week the notes of their
3 March 14th, 2001 meeting with C-2, one
4 of the complainants in the above-noted
5 case."

6 And then you indicate that you wish to no
7 longer receive any materials ---

8 **MS. HALLETT:** Yes.

9 **MS. LAHAIE:** --- in relation to Project
10 Truth, and I believe if we scroll down, you cc'd Officer
11 Hall on this letter?

12 **MS. HALLETT:** Yes.

13 **MS. LAHAIE:** And this would be the first
14 communication to the Ontario Provincial Police, I take it,
15 that you are no longer working on Project Truth
16 investigations; does that sound accurate?

17 **MS. HALLETT:** I had sort of intimated
18 informally at the end of the Leduc stay that there would
19 be, you know, I really didn't want to continue to deal with
20 Detective Inspector Hall. But in this letter I want him to
21 know because I'm concerned about making sure that these
22 materials for C-16, is it, C-22, are handed over for
23 disclosure purposes. And so I do want to make an official
24 statement at this time with respect to these materials so
25 that somebody would be assigned and would be able to get

1 these additional materials.

2 **MS. LAHAIE:** And just for the record, that's
3 C-2.

4 **MS. HALLETT:** Thank you.

5 **MS. LAHAIE:** Just to be clear, that's C-2.

6 **MS. HALLETT:** C-2, thank you.

7 **MS. LAHAIE:** Okay. And the second-last
8 paragraph:

9 "You indicated to me that new counsel
10 will be available within the next two
11 weeks."

12 **MS. HALLETT:** Okay.

13 **MS. LAHAIE:** "I look forward to meeting
14 with him to discuss and deliver the
15 Crown brief in this case."

16 **MS. HALLETT:** Okay then.

17 **MS. LAHAIE:** And you're speaking of the
18 Father Charles MacDonald case.

19 **MS. HALLETT:** Okay.

20 **MS. LAHAIE:** And you become aware, I take
21 it, that Mr. McConnery becomes the assigned Crown; correct?

22 **MS. HALLETT:** M'hm. I'm not sure when
23 though.

24 **MS. LAHAIE:** He indicates it was Easter
25 weekend of that year and that would have been in early to

1 mid-April.

2 MS. HALLETT: Okay.

3 MS. LAHAIE: So within the two week time
4 period. Did you ever have a chance to sit down and meet
5 with him as you had suggested in this letter?

6 MS. HALLETT: No. Well, I don't recall that
7 he told me that he wanted to meet with me. Did he?

8 MS. LAHAIE: He testified that he was giving
9 you some space ---

10 MS. HALLETT: Okay.

11 MS. LAHAIE: --- because of what you had
12 gone through.

13 MS. HALLETT: Well, thank you.

14 MS. LAHAIE: You never had an occasion to
15 sit down with him and give him the Crown brief as you were
16 indicating in the letter you wanted to do?

17 MS. HALLETT: No, but I was holding myself
18 out as available if he wanted to do that and the Crown
19 brief was turned over. You know, of course, in the interim
20 period, I'm advised that I'm going to be criminally
21 investigated.

22 MS. LAHAIE: And he testified as well that
23 the -- just to give you a context time-wise.

24 MS. HALLETT: Right.

25 MS. LAHAIE: The Father Charles MacDonald

1 trial was scheduled for May 28th, 2001.

2 MS. HALLETT: Okay.

3 MS. LAHAIE: Okay, and on April 25th, 2001 it
4 goes over to March of 2002.

5 MS. HALLETT: Okay.

6 MS. LAHAIE: Okay. You didn't meet with him
7 to give him the Crown brief before that time period, I take
8 it?

9 MS. HALLETT: I was available, Ms. Lahaie,
10 and willing as is indicated in this letter.

11 MS. LAHAIE: But you weren't angry with him
12 or would have refused to provide this to him?

13 MS. HALLETT: Oh no; for God's sake, no.

14 MS. LAHAIE: And when the matter goes over
15 to March of 2002, you have still at that point the briefs
16 on the five individuals and the conspiracy brief; you still
17 have those in your possession as well?

18 MS. HALLETT: In 2002?

19 MS. LAHAIE: No, when the matter goes over
20 to 2002 ---

21 MS. HALLETT: Okay.

22 MS. LAHAIE: --- in April of 2001 you still
23 had the five individual briefs and the conspiracy brief.

24 MS. HALLETT: M'hm.

25 MS. LAHAIE: And Mr. McConnery is assigned

1 those briefs in May of 2001?

2 MS. HALLETT: Okay.

3 MS. LAHAIE: And he receives the individual
4 briefs from the Ministry, but he doesn't receive the
5 conspiracy brief from you.

6 MS. HALLETT: M'hm.

7 MS. LAHAIE: Did you refuse to turn that
8 over at all?

9 MS. HALLETT: No. No, not at all.

10 MS. LAHAIE: All right.

11 MS. HALLETT: No, I was trying my best to
12 hand -- to turn over materials. I was also, however, as
13 you know from all of the materials that have been made
14 available to the Tribunal, I was working on the appeal.

15 I was responding to questions from those who
16 were considering the Crown appeal request. I was working
17 on the costs issue and I, of course, on April 23rd I was
18 advised of this criminal investigation.

19 So certainly I was not withholding briefs in
20 an unprofessional way. I was trying to hand them over, but
21 I was also trying to hand them over in an orderly way.

22 MS. LAHAIE: And I don't know whether you've
23 ever seen his opinion letter, but if we could turn up
24 Exhibit 1140, Document 732711.

25 You'll see there that he rendered his

1 opinion on August 15th, 2001.

2 MS. HALLETT: Yes.

3 MS. LAHAIE: And he indicates that he
4 received a series of briefs, which were provided by the
5 Office of the Attorney General?

6 MS. HALLETT: Yes.

7 MS. LAHAIE: And he lists those and those
8 are the five individual briefs.

9 MS. HALLETT: M'hm.

10 MS. LAHAIE: There was an issue at one point
11 of -- in his testimony, that he had to go back to the
12 police to make another copy of those nine volumes.

13 MS. HALLETT: M'hm.

14 MS. LAHAIE: Was the Ministry asking you for
15 those copies back?

16 MS. HALLETT: I can't recall. I thought
17 -- was there not some correspondence indicating that I had
18 sent them off on or about June the 22nd?

19 MS. LAHAIE: Okay. And he ---

20 MS. HALLETT: Is that not before this
21 tribunal?

22 MS. LAHAIE: He started to review those in
23 May, and so I take it you did eventually send them, but he
24 obtained another copy from ---

25 MS. HALLETT: Yes, that may be.

1 **MS. LAHAIE:** That would make sense.

2 **MS. HALLETT:** I think I told the tribunal
3 that I was -- I was being investigated by two criminal
4 investigators on June the 15th and I had retained counsel
5 for that and I was preparing myself for that. So that was
6 somewhat of a priority, but I had handed over quite a few
7 of the briefs, or boxes in relation to Charles MacDonald by
8 this time.

9 **MS. LAHAIE:** And we saw that, at that
10 interview in June, they give you some comfort in that they
11 tell you that you're not going to be charged criminally?
12 Is it after that date that you return the conspiracy brief?

13 **MS. HALLETT:** Well, yes, but I had to
14 prepare for that. They'd never told me ---

15 **MS. LAHAIE:** Yes.

16 **MS. HALLETT:** --- ahead of time.

17 **MS. LAHAIE:** Right.

18 **MS. HALLETT:** They told me at the start of
19 the interview, but up until that point in time, from April
20 23rd until June 15th, I think that I'm going to be the
21 subject of an investigation for attempting to obstruct
22 justice. So I'm putting my energy into that.

23 **MS. LAHAIE:** Right. And I don't blame you.

24 In terms of the conspiracy brief, though,
25 you held on to that as well in preparation for that

1 interview?

2 **MS. HALLETT:** I don't think I needed that
3 for the interview, but I had concentrated on trying to turn
4 over the Charles MacDonald matters, boxes, and I did.
5 There were eight boxes that I left and I think were picked
6 up on June the 2nd, okay?

7 **MS. LAHAIE:** Correct.

8 **MS. HALLETT:** And I believe that I got off
9 the conspiracy briefs on or about June the 22nd. Is that
10 not the case? And so in the interim period, of course, I'm
11 ---

12 **MS. LAHAIE:** Preparing.

13 **MS. HALLETT:** -- being criminally
14 investigated.

15 **THE COMMISSIONER:** We've gone over this --

16 -

17 **MS. LAHAIE:** I know.

18 **THE COMMISSIONER:** --- several times.

19 **MS. LAHAIE:** If we could go to the second
20 page --- yes?

21 **MR. KLOEZE:** Ms. Hallett has referred to
22 some correspondence, and I think they have been entered as
23 exhibits. Exhibit 3169 and 3170 are the letters of May 17,
24 2001 where Ms. Hallett sends at least two of the clergy
25 briefs to Terrance Cooper and 3171 where she sends on June

1 22nd the nine volumes of the conspiracy brief to Mr.
2 McConnery. I just want to bring those to your attention.

3 **MS. LAHAIE:** And just while we're on that
4 note, sir ---

5 **THE COMMISSIONER:** No, no, Ms. Lahaie, I --
6 can we get on to something else?

7 **MS. LAHAIE:** Yes.

8 **THE COMMISSIONER:** I mean, it's fairly
9 evident that there was a period of time, and it's
10 documented from the time of the Leduc decision to the
11 investigation. I've heard from Mr. McConnery. I've read
12 the notes how long it took. I know that Ms. Hallett -- her
13 point of view is "I had my interests to protect." I know
14 that you folks have put in all the material, that you
15 wanted it and you needed it. Okay. Is there -- beating a
16 dead horse, is that -- or beating a dead cat? I don't know
17 if the animal activists -- but come on, can we get onto
18 something else, please?

19 **MS. LAHAIE:** I know we're all tired. We've
20 been sitting in the evenings and I know that we want to get
21 on with these things, and I know that time is of the
22 essence, Mr. Commissioner, but I can assure you that some
23 of these questions do have to be asked and we have been
24 waiting a very long time to get to this point ---

25 **THE COMMISSIONER:** Very well. Very well.

1 Stop. Just ask the questions.

2 MS. LAHAIE: Thank you.

3 The second page of this letter, please? In
4 this -- have you seen this letter, Ms. Hallett, in
5 preparation for ---

6 MS. HALLETT: Yes, I saw it.

7 MS. LAHAIE: And you'll see that both Mr.
8 McConnery and Mr. Phillips ask for quite a few additional
9 briefs to complement what they've been provided in those
10 five briefs plus the conspiracy brief ---

11 MS. HALLETT: Yes.

12 MS. LAHAIE: --- before they can come to
13 their opinion. Had you taken any similar steps to
14 ascertain the facts surrounding these other briefs?

15 MS. HALLETT: No, but I expected that I
16 would have had to based on the other briefs that I had
17 reviewed.

18 MS. LAHAIE: Okay. But you hadn't gotten to
19 that point yet?

20 MS. HALLETT: No, I hadn't.

21 MS. LAHAIE: Okay.

22 MS. HALLETT: But I must say that I do note
23 the amount of time that it did take both counsel, two
24 counsel, to conduct this review and also the amount of
25 follow-up investigation, and I am -- I must say that my

1 understanding is that they were allowed to conduct this
2 review full time, two bodies, full-time, a room just
3 devoted for that purpose, and I must say I think -- I wish
4 that I had asked for that myself.

5 MS. LAHAIE: Thank you.

6 If we turn to the Father MacDonald brief, I
7 won't go through all of the efforts that are made to get
8 you to turn that brief over, but you will agree with me
9 that ---

10 MS. HALLETT: I'm sorry, which one?

11 MS. LAHAIE: The Father Charles MacDonald
12 brief.

13 MS. HALLETT: M'hm.

14 MS. LAHAIE: That brief comes incrementally
15 to the replacement prosecutors. Would you agree with that?

16 MS. HALLETT: It does, but the major portion
17 gets out on June the 2nd ---

18 MS. LAHAIE: And ---

19 MS. HALLETT: --- of 2001.

20 MS. LAHAIE: You -- we went to a series of
21 emails from Mr. Phillips as exhibits, 130367 to 130370,
22 from September to November of 2001 where it could be
23 described that he's pleading for you to return ---

24 MS. HALLETT: Yes.

25 MS. LAHAIE: --- the transcripts ---

1 MS. HALLETT: Yes.

2 MS. LAHAIE: --- and the correspondence
3 folder?

4 MS. HALLETT: That's right. And I'm -- I've
5 got pneumonia at that time.

6 MS. LAHAIE: Pardon?

7 MS. HALLETT: I've got pneumonia at that
8 time. I believe I mentioned that in one of those emails?

9 MS. LAHAIE: Yes, in the month of September
10 you do.

11 MS. HALLETT: Okay.

12 MS. LAHAIE: And it's November 14th that he
13 is saying, "Could we please have them, and if you give them
14 to us, we'll never bother you again".

15 MS. HALLETT: Yes.

16 MS. LAHAIE: You're still not turning them
17 over.

18 MS. HALLETT: Well, I believe that -- I
19 don't believe that there was prejudice suffered by Mr.
20 McConnery there.

21 THE COMMISSIONER: It's not the point.
22 Please answer the question.

23 MS. HALLETT: Very well. Thank you, sir.

24 THE COMMISSIONER: Thank you.

25 MS. LAHAIE: You had indicated you wanted to

1 inventory the contents of that file, but you never did
2 inventory the correspondence folder. You merely sent the
3 correspondence folder along. Is that correct?

4 **MS. HALLETT:** I made copies of it.

5 **MS. LAHAIE:** Right. And you did that on
6 February 27th, 2002, is when they finally received the
7 correspondence folder?

8 **MS. HALLETT:** If that is the date of the
9 letter, then that must have been when I sent it.

10 **MS. LAHAIE:** Okay.

11 **MS. HALLETT:** And I believe I itemized the
12 items that they were getting too.

13 **MS. LAHAIE:** Yes.

14 Could I have Exhibit 3048, Document 110322?

15 This -- we heard evidence that the 13
16 videotapes -- and if we could move to the next page, please
17 -- and the seven audiotapes they had managed to receive
18 through some other source, but it's Box 2 that they did not
19 have ---

20 **MS. HALLETT:** Okay.

21 **MS. LAHAIE:** --- and we note here the
22 correspondence file, Hallett, yellow file Hallett,
23 indictments and information. This is information that
24 would have been available through other means. Pre-trial
25 conference reports ---

1 MS.HALLETT: Yes.

2 MS. LAHAIE: --- these are -- this is work
3 product. You were the holder of the only copy of those?

4 MS.HALLETT: No.

5 MS. LAHAIE: No?

6 MS.HALLETT: No, I copied -- I copied
7 Detective Inspector Hall on all of my pre-trial conference
8 reports.

9 MS. LAHAIE: And the correspondence file and
10 notes to file from Mr. Pelletier also was part of the
11 correspondence that was sent for the first time on February
12 27th, 2002, correct?

13 MS.HALLETT: M'hm.

14 MS. LAHAIE: And just to be clear, the trial
15 for Father MacDonald was to have occurred on March 18th,
16 2002?

17 MS.HALLETT: Was that the case at this
18 point?

19 MS. LAHAIE: Yes.

20 MS.HALLETT: Okay.

21 MS. LAHAIE: And so that was cutting it a
22 little close. Would you agree that you're sending that
23 late in the day?

24 MS.HALLETT: Yes.

25 MS. LAHAIE: And I just want to review an

1 email -- pardon me, a letter to you from Murray Segal, at
2 Exhibit 3206, Document 114190.

3 If we could blow up the body of the letter,
4 please? January 16th, 2002 is the month before you do send
5 the balance of the Father Charles MacDonald file, and here
6 Mr. Segal is responding to your inquiries because you're
7 requesting that they provide you with the York Regional
8 Police investigative file. This was an issue, I take it,
9 of some contention with you, that they never did provide
10 you with that file?

11 **MS. HALLETT:** Well, my concern was that I
12 might, knowing the fruits of that investigation, I might be
13 able to introduce that evidence on the appeal on an
14 intervention by myself with counsel. So that was -- that's
15 why I had requested it, but I -- obviously, this was the
16 response.

17 **THE COMMISSIONER:** Well, Ms. Hallett, since
18 when do police officers release to a citizen a file about
19 their investigation? They wouldn't do that.

20 **MS. HALLETT:** Well, it had been released to
21 everyone else, sir. It had been released to defence
22 counsel on the appeal. It had been released to John
23 Pearson.

24 **THE COMMISSIONER:** Was that the report?

25 **MS. HALLETT:** To my knowledge, all of the

1 investigation was released to various counsel on the Leduc
2 appeal and so -- and I was becoming aware of that and so I
3 was the only one that wasn't getting it and my concern was
4 simply that there may be something in there that would be
5 relevant in terms of insuring that the Court of Appeal knew
6 that I was innocent of the assertion -- of the finding by
7 Justice Chadwick that I had wilfully failed to disclose.

8 So to me it was like facing, really, almost
9 like a criminal trial. And so that's why I wanted the
10 fruits of the investigation and I knew that they had been
11 disclosed to, for example, Mr. Skurka to I believe Ms.
12 Edward.

13 **THE COMMISSIONER:** Okay. I see -- okay, I
14 see your point but I don't see how they should receive that
15 ---

16 **MS. HALLETT:** I was flabbergasted too, sir.
17 I was.

18 **THE COMMISSIONER:** All right.

19 So Ms. Lahaie, I don't want to be overly
20 mean -- I know I am usually -- but there's not one little
21 bit of evidence that you've brought out in the last ten
22 minutes that we haven't already heard.

23 **MS. HALLETT:** I know. I just want to try to
24 tie something together, please.

25 **THE COMMISSIONER:** No.

1 **MS. LAHAIE:** Just -- if I could just tie
2 something together?

3 **MS. HALLETT:** Okay.

4 **MS. LAHAIE:** I'm just -- I just want to
5 point out some observations and ask you for your comments
6 on this. Once the York Regional Police advise you that
7 you're not going to be charged criminally ---

8 **MS. HALLETT:** They never did.

9 **MS. LAHAIE:** Well, they told you in that
10 interview report, remember ---

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

12 **MS. LAHAIE:** --- that they were not looking
13 at criminal charges.

14 **MS. HALLETT:** Right.

15 **MS. LAHAIE:** Within a couple of weeks you
16 forward the conspiracy brief. Within ---

17 **MS. HALLETT:** Oh, no.

18 **MS. LAHAIE:** --- a month, a month after this
19 letter to you from Murray Segal saying that they're not
20 going to turn that investigative file over to you ---

21 **MS. HALLETT:** Right.

22 **MS. LAHAIE:** --- you forward the balance of
23 the Father Charles MacDonald file.

24 **MS. HALLETT:** But I had forwarded most of
25 the file before that. There's no *quid pro quo* there, Ms.

1 Lahaie.

2 MS. LAHAIE: Okay.

3 MS. HALLETT: I was always acting as a
4 professional. But I was acting as a professional under
5 very ---

6 MS. LAHAIE: Difficult circumstances.

7 MS. HALLETT: --- stressful circumstances.

8 MS. LAHAIE: Yes. And I just -- Ms.
9 Robitaille showed the letters where you sent the balance of
10 the Leduc file to Ms. Narozniak and I note that it's three
11 months after the leave to appeal is denied at the Supreme
12 Court of Canada. Then you send the balance of the Leduc --
13 -

14 MS. HALLETT: No.

15 MS. LAHAIE: --- matters to her.

16 MS. HALLETT: Well, the matter wasn't over.

17 THE COMMISSIONER: One person at a time,
18 please.

19 MS. LAHAIE: My question is, is it purely
20 coincidental that when your own self-interests are being
21 answered, you're releasing back the Project Truth files to
22 ---

23 MS. HALLETT: No.

24 MS. LAHAIE: --- the parties who are asking
25 for them, and that up to three years plus after you are no

1 longer involved in any Project Truth matters?

2 **THE COMMISSIONER:** Okay, just stop there.

3 Yes?

4 **MR. KLOEZE:** Mr. Commissioner, I think this
5 is really getting to the area of argument. I don't see
6 these questions have any relevance and I think, echoing Mr.
7 Trudell's objection from earlier today, this is really
8 getting to the area of a personal attack against this
9 witness.

10 **THE COMMISSIONER:** No.

11 **MR. KLOEZE:** And I don't think it's
12 appropriate.

13 **THE COMMISSIONER:** I don't think it's a
14 personal attack at all. I think it's a question that can
15 be asked. It has to do -- what Ms. Lahaie is doing is
16 asking this person, as a senior Crown person, did she
17 maliciously or intentionally keep those things either out
18 of spite or as a bargaining chip to all of the things that
19 were happening around her.

20 The question's been asked, did you do that?

21 **MS. HALLETT:** No, I did not.

22 **THE COMMISSIONER:** There you go. Okay.

23 **MS. LAHAIE:** You indicated yesterday, Ms.
24 Hallett, that in answer to Mr. Horn's questions that --
25 about feeling some sympathy for the actions of Perry Dunlop

1 and -- because similar to him you had been the subject of
2 internal investigations and you indicated that there were
3 some similarities.

4 You'll agree that there -- other
5 similarities are that people are persistently asking you
6 for the contents of your files and having a hard time
7 getting them from you.

8 Would you agree with that?

9 **MS. HALLETT:** No. I think that for the most
10 part I was trying to hand over things, as I say, in an
11 orderly way. And that was my concern.

12 **MS. LAHAIE:** And were they not stored in an
13 orderly way?

14 **MS. HALLETT:** Yes. Yes, they were but
15 sometimes after a trial or after you've been working on a
16 file things get out of order and you want to make sure that
17 they are in order when you hand them over.

18 I must say I'm rather perhaps too anal, as
19 it were, about that. I like to hand things over so that
20 people understand what they're getting as you -- as I think
21 is obvious from all of the material that I created. I like
22 to make sure it makes sense and that it will be helpful to
23 the next counsel who's handling the file.

24 **MS. LAHAIE:** You were prepared to delegate
25 other important tasks to an articling student such as

1 taking proper minutes of judicial pre-trials?

2 MS. HALLETT: Yes.

3 MS. LAHAIE: Research memoranda?

4 MS. HALLETT: Yes.

5 MS. LAHAIE: You'll agree with me an
6 articling student could have assisted with this?

7 MS. HALLETT: I don't think in terms of
8 outlining everything with respect to the Dunlop issue and,
9 you know, what's in these various boxes. An articling
10 student could have done that, Ms. Lahaie, and ---

11 MS. LAHAIE: Ms. Hallett, I'm going to
12 suggest to you that a secretary could have done an
13 itemization of the contents of boxes; would you not agree
14 with that?

15 MS. HALLETT: As I was itemizing though I
16 was also explaining what that was about. And it seems to
17 me that a lot of people haven't ever been able to figure
18 that out. I was trying my best to make sure that Ms.
19 Narozniak understood what she was getting and that ---

20 MS. LAHAIE: And Mr. McConnery?

21 MS. HALLETT: And Mr. McConnery, that's
22 right.

23 MS. LAHAIE: And the boxes and files, were
24 they ever stored offsite?

25 MS. HALLETT: Not to my knowledge?

1 **MS. LAHAIE:** Did you have any of these
2 things at home? I note that on September 22nd, they
3 delivered them to you at your home. Did you have some of
4 these things offsite?

5 **MS. HALLETT:** I don't think those briefs I
6 did. I might have taken portions of them home;
7 transcripts, for example, to read. But in fact, the reason
8 that I you know took those briefs I had -- I was trying to
9 accommodate Detective Inspector Hall. He was passing
10 through Toronto and my house is closer to 401 than my
11 office.

12 **MS. LAHAIE:** Oh. I'm not asking for an
13 explanation for September.

14 **MS. HALLETT:** Okay.

15 **MS. LAHAIE:** I'm saying did you keep the
16 transcripts that they were trying to get their hands on and
17 the file contents that they were trying to get their hands
18 on ---

19 **MS. HALLETT:** No.

20 **MS. LAHAIE:** --- offsite?

21 **MS. HALLETT:** No.

22 **MS. LAHAIE:** Did they ever threaten you with
23 a search warrant or anything of that nature to get them?

24 **MS. HALLETT:** Of course not.

25 **MS. LAHAIE:** Did no one ever go to your

1 office and ask for the files? "We're here can we have
2 them?" It seemed they were pressing you. Did they ever go
3 to your office?

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

5 **MR. KLOEZE:** Mr. Commissioner, I hesitate
6 rising to my feet too often but I really don't see how this
7 is relevant ---

8 **THE COMMISSIONER:** No. No.

9 **MR. KLOEZE:** --- to this -- my friend's
10 institutional response or in any way.

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

12 **MS. LAHAIE:** Well, you'll have to make some
13 decisions about clashes of personality and the ability of
14 people to work with people in terms of successfully
15 arriving at how the institutions responded in some of the
16 major prosecutions.

17 And if you're going to be making any kind of
18 assessment in terms of people's work habit, abilities as a
19 way of meeting their proper institutional response, you may
20 have to look at the way that they did their day-to-day work
21 ---

22 **THE COMMISSIONER:** And I ---

23 **MS. LAHAIE:** --- and make judgments in that
24 regard.

25 **THE COMMISSIONER:** And I've heard lots.

1 Enough.

2 **MS. LAHAIE:** I have no more questions.

3 Thank you, Mr. Commissioner. Thank you, Ms. Hallett.

4 **THE COMMISSIONER:** Thank you very much. All
5 right. Mr. Carroll?

6 You're going to have a hard act to follow.

7 **MR. CARROLL:** I'd never try and follow that,
8 that's for sure.

9 **THE COMMISSIONER:** So Mr. Carroll ---

10 **MR. CARROLL:** I feel like the guy who walks
11 into the bar right at last call here.

12 **THE COMMISSIONER:** Well, no -- so I'll help
13 you along.

14 **MR. CARROLL:** Do that by asking the witness
15 to be direct and I'll try to be short in my questions.

16 **THE COMMISSIONER:** Well ---

17 **MR. CARROLL:** How's that?

18 **THE COMMISSIONER:** --- I don't want to go
19 rehashing all the stuff that we've heard.

20 **MR. CARROLL:** I don't have actually a
21 reputation for doing that. And I haven't done it in the
22 past, sir and I don't intend to do it. And that's why we
23 divided up the areas.

24 **THE COMMISSIONER:** Oh, terrific, I'm happy
25 to hear that.

1 MR. CARROLL: I'm sure.

2 THE COMMISSIONER: No, I am.

3 MR. CARROLL: Thank you.

4 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
5 CARROLL

6 MR. CARROLL: Good afternoon. My name is
7 Bill Carroll and I'm counsel for the Ontario Provincial
8 Police Association.

9 MS. HALLETT: Good afternoon, Mr. Carroll.

10 MR. CARROLL: I have three sort of general
11 areas. One, I want to ask you a bit about the work habits
12 and work relationship you had with the officers and
13 obviously prior to the problems developing. And then I've
14 got a few isolated areas where I just want to clarify some
15 things in my mind; and then I'd like to deal with what
16 happened on the Leduc trial. Okay?

17 MS. HALLETT: M'hm.

18 MR. CARROLL: So those are generally the
19 three areas where I'm going to go.

20 What I'm going to do is I'm going to put
21 suggestions to you about the officers and how they worked
22 and if you can agree by just agreeing; fine, we can move
23 along. And if you need to make a comment, obviously that's
24 fine.

25 MS. HALLETT: Okay.

1 **MR. CARROLL:** Had you ever worked before
2 these prosecutions with any of the officers that we've been
3 speaking of, that being Hall, Genier, Dupuis, and Seguin?

4 **MS. HALLETT:** No.

5 **MR. CARROLL:** All right. Had you made any
6 inquiries about these officers prior to coming down to
7 conduct your assignment?

8 **MS. HALLETT:** No.

9 **MR. CARROLL:** Can we generally agree -- and
10 we'll get into specifics a little bit -- but that you had a
11 very good working relationship with all four of these
12 officers?

13 **MS. HALLETT:** Yes.

14 **MR. CARROLL:** That I guess Hall was the
15 overall manager of the prosecutions, right, from a police
16 perspective?

17 **MS. HALLETT:** Of the investigations.

18 **MR. CARROLL:** Right. So he would have the
19 ultimate authority from the policing side of these things
20 as far as you were concerned?

21 **MS. HALLETT:** Yes.

22 **MR. CARROLL:** And Dupuis had the title of
23 lead investigator on the Leduc matter?

24 **MS. HALLETT:** Yes.

25 **MR. CARROLL:** But it was clear to you from

1 the beginning, that Hall was the one calling the shots?

2 MS. HALLETT: Yes.

3 MR. CARROLL: Okay.

4 MS. HALLETT: Although most of the time I
5 think Dupuis knew more. He knew more about ---

6 MR. CARROLL: More of a hands on?

7 MS. HALLETT: Exactly.

8 MR. CARROLL: Okay. That's fine.

9 And throughout this period -- and again I'm
10 going to -- we'll stop short of mid-February but you had a
11 very good professional relationship with these fellows?

12 MS. HALLETT: Absolutely.

13 MR. CARROLL: And as you've set out in a
14 memo, which is 3083, but I don't need it to be put up, you
15 were in constant communication with them and obviously they
16 were in constant communication with you?

17 MS. HALLETT: Yes.

18 MR. CARROLL: And they wore pagers, and they
19 provided you with their pager numbers so that you would
20 have access 24/7?

21 MS. HALLETT: That's right.

22 MR. CARROLL: And when -- you've indicated
23 in that memo that you copied Hall on virtually all of your
24 correspondence and when he sent correspondence, he copied
25 you as well; did he not?

1 **MS. HALLETT:** I'm not sure whether he copied
2 me on all correspondence, but we had -- yes, we exchanged,
3 we tried to copy each other and keep each other informed.

4 **MR. CARROLL:** All right.

5 And when you were in town, as you said, you
6 had meals together during which time the vast majority of
7 the time would have been spent discussing the files at
8 hand?

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

10 **MR. CARROLL:** In dealing specifically -- I
11 guess, would Dupuis then have been the one that you worked
12 most closely with?

13 **MS. HALLETT:** Yes, and ---

14 **MR. CARROLL:** And Seguin?

15 **MS. HALLETT:** And Steve Seguin, yes.

16 **MR. CARROLL:** Okay. And in that regard, in
17 preparation for Leduc and other matters, you had occasion
18 to review the briefs that they prepared?

19 **MS. HALLETT:** Yes.

20 **MR. CARROLL:** And that would -- and you
21 would have made a very thorough review of those briefs?

22 **MS. HALLETT:** I tried.

23 **MR. CARROLL:** And that would include reading
24 all of the interview reports and other documentation that
25 was generated and put in the file?

1 **MS. HALLETT:** I tried to do that, yes.

2 **MR. CARROLL:** Yeah.

3 **MS. HALLETT:** Sometimes we were -- there was
4 always a lot of stuff coming in towards the end, not from
5 them but we were meeting disclosure requests that sometimes
6 took a little bit of time and I might have been
7 concentrating on calling the evidence of witnesses.

8 So I was doing my best to stay on top of it.

9 **MR. CARROLL:** Yeah. Well, the point of my
10 question is you had the opportunity to closely scrutinize
11 their work product?

12 **MS. HALLETT:** Yes.

13 **MR. CARROLL:** And I'm going to suggest to
14 you that their work product, from a Crown, an experienced
15 Crown viewpoint ---

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

17 **MR. CARROLL:** --- was that the interviews
18 were well done, the brief was well prepared and, generally,
19 you were put in a very good position as a Crown to
20 prosecute the matters.

21 **MS. HALLETT:** Yes.

22 **MR. CARROLL:** As a result of their work.

23 **MS. HALLETT:** Yes.

24 **MR. CARROLL:** If there was to be follow-up
25 on any aspect of a case that you thought maybe something

1 should be done or looked in, there was no hesitation on the
2 part of the officers in conducting those follow-ups and
3 reporting back to you; correct?

4 **MS. HALLETT:** Very diligent.

5 **MR. CARROLL:** I'm sorry; very diligent?

6 **MS. HALLETT:** Yes.

7 **MR. CARROLL:** And that's a compliment that
8 would apply to all four of them; correct?

9 **MS. HALLETT:** Yes.

10 **MR. CARROLL:** There's just a couple of areas
11 that I wasn't quite clear on that I'd like to ask you some
12 questions about.

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

14 **MR. CARROLL:** In a couple of instances this
15 afternoon, you talked about Pat Hall asking you to do work.
16 And I just want to get -- my understanding is that -- and
17 you correct me if I'm wrong. My understanding is that
18 files were -- briefs were done; briefs were sent to a
19 regional Crown or some other high-ranking person within the
20 Crown's office and then they were assigned out of that
21 office, be it Stewart's office or perhaps Corelli to the
22 Crowns.

23 In other words, a police officer didn't
24 assign or go and pick a Crown to do something.

25 **MS. HALLETT:** Well, I think to be fair, I

1 want to be accurate here.

2 MR. CARROLL: Yes.

3 MS. HALLETT: I think that Detective Hall
4 sort of lined me up ahead of time ---

5 MR. CARROLL: Do you have any ---

6 MS. HALLETT: --- in terms of ---

7 THE COMMISSIONER: Let her finish.

8 MR. CARROLL: Go ahead.

9 MS. HALLETT: He sort of -- I spoke about
10 this, I believe, a couple of days ago, but in the spring or
11 early summer of 1999, he was the one that I recall raised
12 the issue of doing more Project Truth work; assisting the
13 investigators with more Project Truth work. And my ---

14 MR. CARROLL: Sorry to ---

15 MS. HALLETT: Yes.

16 MR. CARROLL: I just want to break the
17 answer down. What was asked for; specifically, what work
18 were you being asked ---

19 MS. HALLETT: Well, as I -- I don't know
20 whether we discussed Charles MacDonald at that point. We
21 may have, although I thought it came from Pelletier.

22 MR. CARROLL: It did.

23 MS. HALLETT: But in any case, there was --
24 I remember this earnest request for assistance when we were
25 at the Long Sault detachment. We had had some sort of a

1 meeting that day and that's when I remember him asking me
2 if I could take on more of the work of Project Truth.

3 MR. CARROLL: MacDonald was assigned to you
4 by Pelletier; was he not?

5 MS. HALLETT: No, he wasn't assigned. He
6 asked me to do it.

7 MR. CARROLL: He asked you to do it?

8 MS. HALLETT: Yes. M'hm. He wasn't one of
9 my managers, sir.

10 MR. CARROLL: All right.

11 MS. HALLETT: No, but ---

12 MR. CARROLL: I'm not trying to get the
13 intricacies of the structure of the Crown's office.

14 MS. HALLETT: Okay.

15 MR. CARROLL: But it came -- Pelletier
16 originally had the file?

17 MS. HALLETT: Yes.

18 MR. CARROLL: And he asked you to do it?

19 MS. HALLETT: He did.

20 MR. CARROLL: Right. It was not Hall that
21 asked you to do that ---

22 MS. HALLETT: No.

23 MR. CARROLL: --- it was Pelletier?

24 MS. HALLETT: Well, that's the thing. I
25 think that he -- I think that Detective Hall was probably

1 aware that Mr. Pelletier did need to get off the case and
2 so he was doing his best to perhaps arrange for somebody
3 else to take over.

4 **MR. CARROLL:** Right, but prior to you
5 meeting one another in the summer of ---

6 **MS. HALLETT:** I'm sorry?

7 **MR. CARROLL:** Prior to you meeting one
8 another -- you had never worked with Hall before; he didn't
9 know you at all?

10 **MS. HALLETT:** Prior to when?

11 **MR. CARROLL:** To meeting you on these
12 projects. You had never worked with Hall before?

13 **MS. HALLETT:** No.

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

15 **MS. HALLETT:** But we'd known each other for
16 -- you know, when I first became involved in '98 I started
17 to work on a number of files, the three that were sent to
18 me, but it wasn't -- but in the spring of '99, he asked me
19 to take on more.

20 **MR. CARROLL:** Okay, but ---

21 **MS. HALLETT:** He was requesting a favour.

22 **MR. CARROLL:** Let me put it -- he was
23 requesting a favour. Did you speak with your managers and
24 say, "Look, I've got enough on my plate, and this officer
25 is asking me to be doing even more"?

1 **MS. HALLETT:** Well, I believe that -- yes, I
2 did. There's a memo.

3 **MR. CARROLL:** Who did you speak to?

4 **MS. HALLETT:** Well, there's a memo in March
5 of '99, I believe.

6 **MR. CARROLL:** To whom?

7 **MS. HALLETT:** I'm sending a memo to John
8 Corelli. But I don't think I did discuss this additional
9 work that he -- that Hall wanted me to do. Okay? So ---

10 **MR. CARROLL:** But that's what I'm asking you
11 about ---

12 **MS. HALLETT:** Yes.

13 **MR. CARROLL:** --- not anything else you may
14 have spoken with Corelli about.

15 **MS. HALLETT:** No, okay then.

16 **MR. CARROLL:** So there is no memo?

17 **MS. HALLETT:** No.

18 **MR. CARROLL:** All right. I thought that's
19 what you were just telling me.

20 **MS. HALLETT:** I'm sorry. I recall -- yes, I
21 recall telling John Corelli about the three that I had
22 already taken on.

23 **MR. CARROLL:** Right.

24 **MS. HALLETT:** And the developments by that
25 point.

1 **MR. CARROLL:** Right. And they all dealt
2 with files that you already had.

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

4 **MR. CARROLL:** There was nothing in that memo
5 or any other memo ---

6 **MS. HALLETT:** Right.

7 **MR. CARROLL:** --- about Hall asking you to
8 do more work?

9 **MS. HALLETT:** Well, that's true, but he did,
10 and it was ultimately the subject of a discussion, I
11 believe, between or among him and Corelli and either
12 Pelletier or Stewart.

13 **MR. CARROLL:** Well, were you present?

14 **MS. HALLETT:** No.

15 **MR. CARROLL:** Would you agree with me that
16 the way this was set up by -- with the request of, as he
17 then was, Mr. Griffiths through the OPP channels ---

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

19 **MR. CARROLL:** --- the project was set up
20 such that the police were going to do investigations; ---

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

22 **MR. CARROLL:** --- prepare briefs; ---

23 **MS. HALLETT:** Yeah.

24 **MR. CARROLL:** --- submit them to the
25 Regional Crown ---

1 MS. HALLETT: Right.

2 MR. CARROLL: --- and then they were going
3 to be reviewed by Crowns assigned?

4 MS. HALLETT: I believe that was the
5 original plan.

6 MR. CARROLL: Right. And that never changed
7 other than the Pelletier to you direct transfer; did it,
8 from the files you had?

9 MS. HALLETT: Well, as I say, there was this
10 discussion that I had with Detective Inspector Hall, but as
11 a result of which there was some -- I ended up obviously
12 agreeing to take these briefs on, and that was obviously
13 with the approval of management, because I did.

14 MR. CARROLL: Which briefs did you take on -
15 - so at least I can sequence the conversation.

16 MS. HALLETT: Okay.

17 MR. CARROLL: You say you had a conversation
18 with Hall where he asked you to take on more briefs.

19 MS. HALLETT: Yes.

20 MR. CARROLL: I take it he would have
21 specified the names of the targets?

22 MS. HALLETT: No.

23 MR. CARROLL: No?

24 MS. HALLETT: Because the briefs weren't
25 even completed at that time, sir. This is -- our

1 discussion is in, as I say, sometime in the spring, early
2 summer of '99, and I don't get the first set of those
3 clergy briefs until September of '99.

4 **MR. CARROLL:** And your evidence is that they
5 were not assigned to you by one of your superiors?

6 **MS. HALLETT:** There -- it wasn't the subject
7 of a memo or official notification, but I certainly don't
8 dispute that I had agreed. I agreed to take on that work.

9 **MR. CARROLL:** I'm going to move on to the
10 CBC interview, the one with Maureen Brosnahan?

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

12 **MR. CARROLL:** Will you agree that Pat Hall
13 was upset that -- when she broadcast the interview that she
14 did and made the comment she did about the -- what had been
15 said in court?

16 **THE COMMISSIONER:** By Alain Godin?

17 **MR. CARROLL:** Yes.

18 **THE COMMISSIONER:** Yes.

19 **MR. CARROLL:** Well, he's not -- he's really
20 not upset at Alain ---

21 **THE COMMISSIONER:** No, no.

22 **MR. CARROLL:** --- he was upset at the
23 broadcast of Alain Godin's comments?

24 **MS. HALLETT:** Yes, I think, yes.

25 **MR. CARROLL:** And are you aware -- I thought

1 you said yesterday you didn't think he wanted to do
2 anything about it. Were you not aware of the follow-up
3 that he conducted, trying to get something done about that?

4 **MS. HALLETT:** I have -- I have reviewed
5 recently his note, and that is what I must rely on ---

6 **MR. CARROLL:** You were ---

7 **MS. HALLETT:** --- Inspector Hall's note
8 about that.

9 **MR. CARROLL:** You were not aware at the time
10 that he wanted to explore the possibility of the CBC being
11 prosecuted for breach of the publication ban? That didn't
12 cross your plate?

13 **MS. HALLETT:** No, that -- no. As I recall
14 from his note, he -- he didn't enlist my assistance,
15 ultimately.

16 **MR. CARROLL:** He what?

17 **MS. HALLETT:** He didn't ultimately ---

18 **MR. CARROLL:** No, he did not, but ---

19 **MS. HALLETT:** Yes.

20 **MR. CARROLL:** --- you are aware that it was
21 a source of concern to him that he was trying to pursue?

22 **MS. HALLETT:** Yes, but I ---

23 **MR. CARROLL:** All right.

24 **MS. HALLETT:** --- I assumed that that would
25 be with other counsel ---

1 **MR. CARROLL:** That's fine.

2 **THE COMMISSIONER:** Well, just a minute. Let
3 me get back there now.

4 Are you saying you were aware back then that
5 he was concerned about that?

6 **MS. HALLETT:** I was aware that he was
7 concerned, but having read his note recently, I see that he
8 -- he didn't ultimately ask me to do anything about that.

9 **THE COMMISSIONER:** No. Were you aware at
10 the time that he was taking steps?

11 **MS. HALLETT:** No. I didn't know ---

12 **THE COMMISSIONER:** Okay.

13 **MS. HALLETT:** --- what the subsequent steps
14 were that he took.

15 **THE COMMISSIONER:** Okay.

16 **MR. CARROLL:** Did you -- all right, you
17 didn't know what steps he was taking ---

18 **MS. HALLETT:** No.

19 **MR. CARROLL:** --- but you did know that he
20 was going to pursue it ---

21 **MS. HALLETT:** I -- no.

22 **MR. CARROLL:** --- perhaps with another
23 counsel?

24 **MS. HALLETT:** No.

25 **MR. CARROLL:** You didn't know?

1 **MS. HALLETT:** I -- no, I didn't know that,
2 sir.

3 **MR. CARROLL:** All right.

4 Yesterday, or it may have been the day
5 before, the matter of the opinion letter of Paul Vesa came
6 up. Do you remember ---

7 **MS. HALLETT:** Yes.

8 **MR. CARROLL:** --- you were asked ---

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

10 **MR. CARROLL:** --- and you suggested that you
11 asked for the opinion letter because Paul -- or because Pat
12 Hall had asked for it because he didn't have it?

13 **MS. HALLETT:** Yes, he was concerned that he
14 hadn't gotten a written opinion yet.

15 **MR. CARROLL:** And that was in January -- on
16 January the 14th, in or about that timeframe?

17 **MS. HALLETT:** January 14th of -- I'm sorry?

18 **MR. CARROLL:** Two thousand (2000).

19 **MS. HALLETT:** I'll rely on that.

20 **MR. CARROLL:** I think that's the reference
21 yesterday that was made in the documentation.

22 **MS. HALLETT:** Okay.

23 **MR. CARROLL:** There is a document I'd like
24 to review a little bit with you and it's Number 700944, and
25 there are copies available for everybody, sir.

1 And you're going to be given a copy of this
2 to read.

3 **---EXHIBIT NO./PIÈCE NO. P-3255:**

4 (700944) - Memorandum from Paul Vesa to Pat
5 Hall re: Ron Leroux dated 20 Sep 99

6 **MS. JONES:** Thank you very much.

7 **MS. HALLETT:** Okay.

8 **MR. CARROLL:** And I want you to read it in
9 the context of me suggesting to you that your answer was
10 incorrect the other day, because Pat Hall was given an
11 opinion from Vesa in September, specifically the 20th, faxed
12 on the 21st, 1999.

13 Just let me know when you're finished
14 reading it, if you would, please?

15 **MS. HALLETT:** Okay. I see that there is
16 that ---

17 **MR. CARROLL:** This is the opinion letter
18 that you ultimately got from Vesa as well?

19 **MS. HALLETT:** I -- I don't know. I can't
20 remember. I ---

21 **MR. CARROLL:** You don't have any reason to
22 think that this is not the same opinion letter, given the
23 "RE." on it?

24 **MS. HALLETT:** It probably is. I'm not quite
25 sure what I did get and -- in terms of a response from Paul

1 Vespa. Perhaps -- was there a follow-up to my request?

2 MR. CARROLL: I would have no idea ---

3 MS. HALLETT: Okay.

4 MR. CARROLL: --- but your suggestion was
5 that Pat Hall asked you to get it because he didn't have
6 it ---

7 MS. HALLETT: Right.

8 MR. CARROLL: --- when that cannot be the
9 case because he had it as of September, '99.

10 MS. HALLETT: Very well.

11 MR. CARROLL: So you must have asked for
12 Vespa's opinion letter for some reason on your own? You
13 wanted to review what he said about Leroux?

14 MS. HALLETT: Okay.

15 MR. CARROLL: All right.

16 MS. HALLETT: Okay. I -- I thought ---

17 MR. CARROLL: You thought it was ---

18 MS. HALLETT: I thought that I had been
19 requested by Detective Inspector Hall to ask Paul to
20 provide an opinion. I thought that there was some concern
21 that he had about the time it was taking Paul ---

22 MR. CARROLL: Well, do you agree that ---

23 MS. HALLETT: --- to provide the opinion.

24 MR. CARROLL: Do you agree that that's
25 unlikely now, given the fact that he had it in hand months

1 before you say he asked for it?

2 MS. HALLETT: No, I don't.

3 MR. CARROLL: You don't?

4 MS. HALLETT: I think that it's still -- I
5 do recall that he was concerned about getting an opinion
6 from Paul Vesa. Now ---

7 MR. CARROLL: If you'd look at the top?

8 MS. HALLETT: Yes, m'hm?

9 MR. CARROLL: That's -- you recognize those
10 inscriptions across the top as being from a fax machine?
11 That's a date ---

12 MS. HALLETT: Yes, okay.

13 MR. CARROLL: --- September 21st, 1999, it
14 was faxed.

15 MS. HALLETT: Okay, that's fine.

16 MR. CARROLL: Dated September the 20th. It's
17 addressed to Pat Hall. It's re. Ron Leroux and it's the
18 opinion letter that he wrote to Pat Hall.

19 MS. HALLETT: Right. But I don't know when
20 he was first requested for this opinion and, as I recall,
21 Detective Inspector Hall asked me to liaise with Paul about
22 obtaining -- getting his opinion.

23 Now, that is something different,
24 Mr. Carroll, from my later request to also obtain a copy of
25 that opinion.

1 **MR. CARROLL:** Well, you see ---

2 **MS. HALLETT:** But -- but, as I recall, there
3 was -- earlier in the year, I recall that Detective
4 Inspector Hall was concerned that he wasn't getting an
5 opinion from Paul Vesa, and my recall is that he asked me
6 to liaise with Paul about that.

7 **MR. CARROLL:** I'm going to leave this area,
8 but I'm going to give you more chance just to explain to me
9 what you meant when you said, "I asked Mr. Vesa for his
10 opinion letter. I got a request from Pat Hall as he didn't
11 have it." And you said that came in January of 2000,
12 January 14th, and he's got it as of September, '99.

13 **MS. HALLETT:** Well, I don't -- I don't know
14 what other document you're referring to there, but ---

15 **MR. CARROLL:** I'm referring to your
16 testimony.

17 **MS. HALLETT:** Yes, okay, but I -- okay.
18 What I'm saying, I -- I'm trying to make
19 myself clear.

20 This opinion is dated September 20th of 1999.

21 **MR. CARROLL:** Delivered September 21st, '99,
22 according to the fax entry.

23 **MS. HALLETT:** Yes.

24 **MR. CARROLL:** All right.

25 **MS. HALLETT:** But earlier in the year -- I'm

1 not -- you could help me if you would let me know when it
2 was first assigned to Paul for a review because, as I
3 recall, it had been assigned sometime earlier and Detective
4 Inspector Hall was -- had some concerns about obtaining the
5 opinion, and I -- as I recall, wanted me to speak with Paul
6 Vesa about it.

7 Now, obviously, the opinion came through.
8 At a later point-in-time, I also wished to get a copy of
9 the opinion.

10 **MR. CARROLL:** I'll give you the history,
11 since you've asked for it.

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

13 **MR. CARROLL:** Paul delivered the briefs to
14 the ---

15 **MR. KLOEZE:** Mr. Commissioner, this witness
16 can only testify as to what she knows, obviously and what
17 she remembers Inspector Hall telling her.

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

19 **MR. KLOEZE:** She can't testify as to whether
20 or not Inspector Hall actually had that opinion or whether
21 Mr. Vesa had faxed it in September or ---

22 **THE COMMISSIONER:** Oh, no, there's evidence
23 -- I mean, that there's a fax number and everything on
24 there.

25 Now, whether or not Mr. Hall had it in hand,

1 he lost it, I don't know.

2 MR. KLOEZE: Exactly.

3 THE COMMISSIONER: But ---

4 MR. KLOEZE: I think the document and the
5 fax speaks for itself.

6 THE COMMISSIONER: Well, yes.

7 Mr. Carroll?

8 MR. CARROLL: I think it would be somewhat
9 disingenuous to suggest that he didn't get it or that he
10 lost it as an explanation for the answer that -- I'm not
11 accusing you of being that, I'm saying ---

12 THE COMMISSIONER: No, no.

13 MR. CARROLL: --- the objection founded on
14 maybe he didn't get it or maybe he lost it, is not, in my
15 respectful submission, Mr. Commissioner ---

16 THE COMMISSIONER: Okay, Mr. Kloeze?

17 MR. KLOEZE: Mr. Commissioner, that wasn't
18 my objection.

19 My objection was only that this witness has
20 testified what she knows, what Mr. Hall apparently told
21 her, and what her recollection is of that. I think it ends
22 there.

23 MR. CARROLL: And all I'm trying to do is
24 assist her recollection because, in my respectful
25 submission, she is wrong, and I'm only asking -- I know

1 it's difficult -- well, no, I won't say that.

2 **THE COMMISSIONER:** No. No. You won't.

3 Very good, Mr. Carroll.

4 **MR. CARROLL:** Yes. I believe I'm able to
5 show her through this documentation that she was in error.
6 That's the only point of the cross-examination and I've
7 done it with the document, and I leave it to you as to
8 whether ---

9 **THE COMMISSIONER:** Exactly.

10 **MS. HALLETT:** --- her answer is satisfactory
11 or not.

12 **THE COMMISSIONER:** Thank you.

13 **MR. CARROLL:** I want to go to another area
14 and, actually, this is just a point of clarification
15 because Commission counsel was leading your evidence and it
16 was on the -- on the C-22, right?

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

18 **MR. CARROLL:** The agenda ---

19 **MS. HALLETT:** Yes?

20 **MR. CARROLL:** And C-22 was, for lack of a
21 better word, a reluctant witness that you ultimately, I
22 guess, convinced to participate in the process and he went
23 off and did a video. That's the guy I'm talking about.

24 **MS. HALLETT:** Yes.

25 **MR. CARROLL:** Okay? Right.

1 And in the course of his examination, Mr.
2 Engelmann said to you as a fact that Constable Seguin had
3 threatened him with a subpoena if he didn't?

4 **MS. HALLETT:** I don't know that that's the
5 case.

6 **MR. CARROLL:** No, no -- well, in fact, it's
7 not the case, and I just want to clarify that ---

8 **MS. HALLETT:** Okay.

9 **MR. CARROLL:** --- for you because what
10 happened was there was an interview with C-22 at his home.

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

12 **MR. CARROLL:** They were unsuccessful -- or
13 maybe, maybe not. It was sort of in the balance ---

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

15 **MR. CARROLL:** --- and they were leaving.

16 **MS. HALLETT:** Okay.

17 **MR. CARROLL:** And an unidentified ---

18 **MS. HALLETT:** Yes.

19 **MR. CARROLL:** --- gentleman, whose interest
20 we don't know ---

21 **MS. HALLETT:** M'hm?

22 **MR. CARROLL:** --- came out and told the
23 officers, "He's not going to participate".

24 **MS. HALLETT:** I recall reading that in the
25 brief, yes.

1 **MR. CARROLL:** And in response to that third
2 party, Seguin said we could always put him under subpoena
3 or words to that effect.

4 **MS. HALLETT:** Okay.

5 **MR. CARROLL:** So it was not a threat of a
6 subpoena to the witness?

7 **MS. HALLETT:** No, I never suggested that,
8 Mr. Carroll.

9 **MR. CARROLL:** No, I know you didn't.

10 **MS. HALLETT:** Right.

11 **MR. CARROLL:** It was suggested to you and
12 you went along with it as being an inappropriate thing to
13 do, and I want the record straight.

14 **MS. HALLETT:** Okay, I understand. And I
15 think I was responding in terms of that wouldn't be
16 approach, that's all.

17 **MR. CARROLL:** It is not uncommon in your
18 business from time-to-time to -- maybe you don't like the
19 word "threaten" -- but to advise reluctant witnesses that
20 they can always be subpoenaed.

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

22 **MR. CARROLL:** And you'd do it on a regular
23 basis?

24 **MS. HALLETT:** I don't fault Detective
25 Seguin.

1 **MR. CARROLL:** Thank you.

2 Another brief area, and correct me if I'm
3 wrong because I may have got this wrong, you were being
4 asked about Hall getting Perry Dunlop to sign off on having
5 given all of the disclosure?

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

7 **MR. CARROLL:** And you said you interpreted
8 his actions as more of a "cover-your-ass" move than
9 anything else. First of all, did I -- you used that
10 phrase, did I get it in the right context?

11 **MS. HALLETT:** Yes, yes, m'hm.

12 **MR. CARROLL:** Okay. Now you tell me why you
13 would say that, given the importance, particularly of
14 everything that you now know, everything you went through -
15 --

16 **MS. HALLETT:** Yes.

17 **MR. CARROLL:** -- personally and
18 professionally ---

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

20 **MR. CARROLL:** --- why it wouldn't be
21 professionally responsible and important for the lead
22 investigator to get such a document signed by a witness of
23 this type? Why would that be a cover-your-ass in your mind
24 and not a proper thing to do?

25 **MS. HALLETT:** How should I say -- I think

1 that if Detective Dunlop had undertaken just verbally to
2 Detective Inspector Hall that he had provided disclosure,
3 that -- that should have satisfied, but I don't think that
4 -- and without any further documentation of that -- I think
5 that that is something that Detective Inspector Hall could
6 have relied upon; "well, this is what he told me at a
7 certain point-in-time but it wasn't true".

8 I'm not sure that it was necessary to
9 actually create a document upon which the individual is
10 being asked to sign. I suppose I was bearing in mind what
11 Steve Seguin had told me at a later time about Detective
12 Inspector Hall. That was -- it was certainly the approach
13 that he adopted in dealing with Perry Dunlop, but I don't
14 know that it was for the purpose of necessarily getting
15 more material as much as proving at a later point that he
16 had attempted to get it. Do you understand?

17 **THE COMMISSIONER:** I'm sorry, just a minute.
18 What date are we talking about? What period of time?

19 **MR. CARROLL:** This would be in July.

20 **THE COMMISSIONER:** July of?

21 **MR. CARROLL:** Ninety-eight ('98), I think
22 it's '98.

23 You're aware that he's trying to get Dunlop
24 to sign off as having turned everything over? That's
25 something that's important ---

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

2 **MR. CARROLL:** And you think that that
3 attempt to get him to sign off as having turned it over,
4 knowing what you know about Dunlop ---

5 **MS. HALLETT:** Now.

6 **MR. CARROLL:** --- and what you knew then ---

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

8 **MR. CARROLL:** --- was a cover-your-ass move
9 and not a question of significant responsibility and
10 professionalism?

11 **MS. HALLETT:** I think he was doing his best,
12 yes. Under the circumstances, he was doing his best,
13 there's no doubt about that.

14 **MR. CARROLL:** Can you agree then, Madam,
15 that it is not an appropriate characterization to say it
16 was a cover-your-ass move? Will you take that back?

17 **MS. HALLETT:** Okay then, I will.

18 **MR. CARROLL:** Thank you.

19 I would like to move on now to the events of
20 February of '01. I wonder if we could take a three-minute
21 health break?

22 **THE COMMISSIONER:** Sure can.

23 **MR. CARROLL:** Thank you.

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

1 This hearing will resume at 4:20 p.m.

2 --- Upon recessing at 4:15 p.m./

3 L'audience est suspendue à 16h15

4 --- Upon resuming at 4:21 p.m./

5 L'audience est reprise à 16h21

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

8 This hearing is now resumed, please be
9 seated. Veuillez vous asseoir

10 **THE COMMISSIONER:** Thanks, Mr. Carroll.

11 **MR. CARROLL:** Thank you for that.

12 **THE COMMISSIONER:** No problem.

13 What I've decided is, I've asked the next
14 witness to come at 6:00 and so we'll take a break after
15 that if Mr. Carroll is finished and carry on.

16 **MR. CARROLL:** I think we need to do more
17 than just me if we're going to start the next witness.

18 **THE COMMISSIONER:** Oh, well, there's you.
19 Yeah, I know but counsel for Ms. Hallett has indicated ---

20 **MR. CARROLL:** Oh, okay.

21 **THE COMMISSIONER:** --- very few questions.

22 **MR. CARROLL:** Okay, great. So the shorter I
23 am, the longer the supper hour is what you're saying?

24 (LAUGHTER/RIRES)

25 **MR. CARROLL:** I had a big lunch.

1 (LAUGHTER/RIRES)

2 THE COMMISSIONER: A slim man like yourself,
3 sir?

4 MR. CARROLL: Oh, I was a lot slimmer when I
5 started.

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
7 CARROLL: (cont'd/suite)

8 MR. CARROLL: I'd like to now deal with the
9 trial of Mr. Leduc.

10 MS. HALLETT: Yes.

11 MR. CARROLL: First -- and I take it up to
12 February 7th things are progressing in a normal fashion for
13 a trial of this type?

14 MS. HALLETT: As normal I suppose -- wasn't
15 a normal trial, I have to say, but it was proceeding
16 reasonably well.

17 MR. CARROLL: Well, you had experienced
18 defence counsel?

19 MS. HALLETT: Yes.

20 MR. CARROLL: And you yourself are an
21 experienced Crown; most of your experience in the Appeal
22 Division, I take it?

23 MS. HALLETT: No.

24 MR. CARROLL: Most in the trial division?

25 MS. HALLETT: At that point, more in the

1 trial system.

2 MR. CARROLL: All right, so you're an
3 experienced trial counsel?

4 MS. HALLETT: Yes.

5 MR. CARROLL: And you obviously have already
6 told us that you had top quality, professional assistance
7 from the police?

8 MS. HALLETT: I did.

9 MR. CARROLL: All right.

10 So up until the 7th -- we're going to get to
11 C-16's mother's evidence in a minute.

12 MS. HALLETT: Yes.

13 MR. CARROLL: But it may have been a trial
14 fraught with issues.

15 MS. HALLETT: Definitely.

16 MR. CARROLL: But it was progressing in a
17 sort of textbook way?

18 MS. HALLETT: Yes.

19 MR. CARROLL: All right.

20 And then on the 7th, C-16's mother is
21 testifying, right?

22 MS. HALLETT: That's right.

23 MR. CARROLL: And out comes from her mouth a
24 contact that she had with Mr. Dunlop?

25 MS. HALLETT: That's right.

1 **MR. CARROLL:** And you become aware that
2 Constable Dupuis was present for at least one of those
3 contacts; the telephone?

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

5 **MR. CARROLL:** So there's a break to --
6 excuse me -- there's a break to, I guess, regroup and find
7 out what's going on?

8 **MS. HALLETT:** We had a break but we -- our
9 meeting with defence was over the course of a lunch that
10 day.

11 **MR. CARROLL:** Well, you met first with the
12 police, right?

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

14 **MR. CARROLL:** Because Officer Hall attended
15 upon you and Seguin and Dupuis and brought you some
16 materials to look at and then that entourage went to meet
17 the defence?

18 **MS. HALLETT:** Yes.

19 **MR. CARROLL:** Right?

20 **MS. HALLETT:** But I believe that was over
21 lunch.

22 **MR. CARROLL:** Oh, that's fine.

23 **MS. HALLETT:** Yes.

24 **MR. CARROLL:** All right.

25 The materials that you were brought were

1 Perry Dunlop materials, correct, essentially?

2 MS. HALLETT: Yes.

3 MR. CARROLL: And, of course, the notebook
4 entry that had not been included in the brief?

5 MS. HALLETT: I don't believe that on the 7th
6 that notebook entry had yet been located.

7 MR. CARROLL: There was a -- are you sure?

8 MS. HALLETT: No.

9 MR. CARROLL: Okay.

10 MS. HALLETT: But I believe that it wasn't
11 located until maybe a day or two later, Mr. Carroll.

12 MR. CARROLL: In any event, there was an
13 acknowledgement that the event had occurred?

14 MS. HALLETT: Yes.

15 MR. CARROLL: And it was subsequently
16 backed-up with the note that Dupuis was ultimately able to
17 find?

18 MS. HALLETT: Yes.

19 MR. CARROLL: Whether it was that day or
20 another day?

21 MS. HALLETT: That's right.

22 MR. CARROLL: All right.

23 And so then you go and I guess right off the
24 bat you're thinking inadvertence, mistake, oversight?

25 MS. HALLETT: Yes.

1 **MR. CARROLL:** As the -- based on what the
2 officers have told you, right? You're not thinking these
3 guys have intentionally withheld stuff?

4 **MS. HALLETT:** No.

5 **MR. CARROLL:** No. Okay, so you go to the
6 meeting with the defence. Have they asked -- is it the
7 defence that's asked for the meeting or you?

8 **MS. HALLETT:** I'm not quite sure. The focus
9 of the meeting was to be to identify the Dunlop contacts
10 with the witness.

11 **MR. CARROLL:** Right. And to that end --
12 well -- and Pat Hall also brought along more than just the
13 contacts' information, didn't he? I mean, he brought along
14 excerpts from Dunlop's will say?

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

16 **MR. CARROLL:** And he brought along -- are
17 you sure he didn't have the notes from Dupuis?

18 **MS. HALLETT:** I'm pretty sure.

19 **MR. KLOEZE:** Perhaps I can assist on this.

20 **MR. CARROLL:** Sure.

21 **MR. KLOEZE:** It's Exhibit 2807, Bates page
22 ending 575 there's Inspector Hall's list of the things he
23 brought.

24 **MR. CARROLL:** All right. That would be
25 helpful then. We can go to that.

1 (OFF-RECORD DISCUSSION/DISCUSSION HORS ENREGISTREMENT)

2 MR. CARROLL: What Mr. Kloeze has produced
3 here is -- and I'll just read them for you, okay?

4 MS. HALLETT: M'hm.

5 MR. CARROLL: "Page 68 of Perry Dunlop's
6 Will-Say, entry for May the 8th and a
7 July 23rd, '98. Also page 69 entry
8 pertaining to Detective Inspector Smith
9 speaking to Dunlop about C-16's mother
10 received on April the 10th."

11 That's Item 1.

12 MS. HALLETT: M'hm.

13 MR. CARROLL: Item two is a:

14 "Photocopy of Dunlop's notebook of
15 July 23rd '98 pertaining to C-16's
16 contact..."

17 THE COMMISSIONER: Yes.

18 MR. CARROLL: "...taken from Tab 1 of
19 Perry Dunlop's notes received on March
20 the 14th, 2000."

21 MS. HALLETT: M'hm.

22 MR. CARROLL: Item three is:

23 "Photocopy of page 111 [I believe]
24 indicating a conversation on May the
25 8th, '98 by Perry Dunlop with C-16's

1 mother, taken from Tab 3 of Perry
2 Dunlop's notes received on March 14th,
3 '00."

4 And finally:

5 "A photocopy of Detective Sergeant Pat
6 Hall's notes of July 23rd, '98 meeting
7 with Dunlop by Detective Inspector
8 Smith, Inspector Rick Trew, Cornwall
9 Police Service, and Detective Sergeant
10 Hall."

11 As he then was. Okay. So that ---

12 **MS. HALLETT:** Yes.

13 **MR. CARROLL:** Those are the documents that
14 were brought and ---

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

16 **MR. CARROLL:** --- it appears from that that
17 unless Dupuis had his own notebook with him, you were
18 right, it was produced sometime later.

19 **MS. HALLETT:** Well, his note for that date
20 from, of course, a couple of years earlier was back at the
21 Lancaster detachment.

22 **MR. CARROLL:** Right.

23 **MS. HALLETT:** And I believe that Hall was
24 coming from Long Sault.

25 **MR. CARROLL:** Very good.

1 In any event, you had this meeting now with
2 the Defence and these items are all shown to Mr. Skurka and
3 Campbell?

4 **MS. HALLETT:** Yes.

5 **MR. CARROLL:** And they're -- immediately,
6 upon review of these documents, assertions are made by one
7 or both of the Defence lawyers that the police appeared to
8 have intentionally withheld disclosure.

9 **MS. HALLETT:** They're -- no.

10 **MR. CARROLL:** No?

11 **MS. HALLETT:** What I recall is that they're
12 getting aggressive with the officers and asking them,
13 "Well, why are we getting this information from the Dunlop
14 notes? Why don't you have this in your notes?"

15 So I'm not sure, to answer your question,
16 Mr. Carroll, whether at that point, there would have been
17 an immediate assertion that there's some wilful
18 suppression.

19 There was a concern expressed by these
20 counsel as to why it is that there's no reference to this
21 July 23rd, '98 meeting in any of the brief, any of the Leduc
22 brief.

23 **MR. CARROLL:** So the accusation is ---

24 **MS. HALLETT:** Well, no, it's not an
25 accusation.

1 **MR. CARROLL:** I'll characterize it and then
2 you can correct me; all right?

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

4 **MR. CARROLL:** I am going to suggest to you
5 that the police were being accused of not turning over,
6 from the Defence perspective, relevant disclosure. That's
7 what they were -- the message they conveying.

8 **MS. HALLETT:** I wouldn't put it as strongly
9 as an accusation at that point, if I can disagree with you.
10 What I ---

11 **MR. CARROLL:** Well, of course, you can
12 disagree with me.

13 **MS. HALLETT:** Yes.

14 **MR. CARROLL:** But is ---

15 **MS. HALLETT:** I think you are stating it a
16 little too strongly in terms of an accusation. They were
17 expressing concern in a very aggressive way, "Why isn't
18 this in the brief? Why not?" But they're not at that
19 point saying, "You have intentionally left it out of the
20 brief." No.

21 I don't think that was what we were talking
22 about at that point, but they were expressing concern, "Why
23 aren't we getting this from any of you, Officers? Why is
24 this coming from Dunlop's notes?"

25 **MR. CARROLL:** All right.

1 Let's see if you'll agree with this. They
2 were saying, "Why isn't it there?"

3 **MS. HALLETT:** Yes.

4 **MR. CARROLL:** "It should be there."

5 **MS. HALLETT:** They were suggesting that,
6 yes.

7 **MR. CARROLL:** Well, otherwise, they wouldn't
8 be asking for it; would they?

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

10 **MR. CARROLL:** They were saying, "Why isn't
11 it there?"

12 **MS. HALLETT:** Right.

13 **MR. CARROLL:** "It should be there."

14 **MS. HALLETT:** Right.

15 **MR. CARROLL:** And they weren't blaming you.

16 **MS. HALLETT:** No.

17 **MR. CARROLL:** They were blaming the police.

18 **MS. HALLETT:** They weren't blaming. They
19 were expressing concern, "Why is this coming from Dunlop?
20 Why isn't it in the brief?" Yes.

21 **MR. CARROLL:** All right. So the three areas
22 that we have got here are the Dunlop materials. We have
23 the Joe Dupuis note ---

24 **MS. HALLETT:** We don't have that.

25 **MR. CARROLL:** --- that's yet to be produced

1 ---

2 MS. HALLETT: Yes.

3 MR. CARROLL: --- but an admission about
4 this visit and who was on the phone.

5 MS. HALLETT: Yes.

6 MR. CARROLL: And we've got the meeting on
7 July 23rd between Smith and Hall, one of the Cornwall
8 officers, and Dunlop ---

9 MS. HALLETT: M'hm.

10 MR. CARROLL: --- where his contacts with C-
11 16 or his family are discussed, right?

12 MS. HALLETT: Yes.

13 MR. CARROLL: Those are the three things
14 that are being talked about in the room; correct?

15 MS. HALLETT: What is being talked about is
16 why this ---

17 MR. CARROLL: Why they didn't get it.

18 MS. HALLETT: Pardon me?

19 MR. CARROLL: Why they didn't get this
20 material.

21 MS. HALLETT: Why this -- no, why this
22 wasn't in the brief.

23 MR. CARROLL: Okay. And you say at some
24 point, "It's all news to me."

25 MS. HALLETT: Yes.

1 **MR. CARROLL:** Okay.

2 **MS. HALLETT:** Because they're talking ---

3 **MR. CARROLL:** But in point of fact ---

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

5 **MR. CARROLL:** In point of fact, the -- it
6 would appear certainly that the Dupuis visit to C-16's home
7 and what happened there ---

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

9 **MR. CARROLL:** --- and the meeting on July
10 23rd, that you were unaware of those two things.

11 **MS. HALLETT:** No, by this point, I had -- I
12 remembered Dupuis acknowledging in court after this came
13 out from C-16's mother that he had recalled being there at
14 the house.

15 **MR. CARROLL:** Yeah.

16 **MS. HALLETT:** So that wasn't news to me.

17 What was news to me that came out in the
18 course of this meeting, Mr. Carroll, was that there had
19 been this meeting of these -- the lead investigators in the
20 Project Truth case with Detective Dunlop on July 23rd of
21 1998, during which time the officers, particularly
22 Detective Inspector Smith, had been warning off Dunlop from
23 having any contact with C-16's mother. And that, I'll tell
24 you, was big news to me that came out of that meeting.

25 **MR. CARROLL:** Okay. We'll deal with that.

1 That was in Dunlop's Will-Say; right? The reference to it
2 was ultimately -- it was in his Will-Say?

3 MS. HALLETT: Yes, but ---

4 MR. CARROLL: Yeah, okay. All right, just a
5 yes will do for now.

6 MS. HALLETT: Yes.

7 MR. CARROLL: I'll come back to that.

8 MS. HALLETT: Okay, then, m'hm.

9 MR. CARROLL: So these things are being
10 talked about and you say, "It's all news to me." Then ---

11 MS. HALLETT: No.

12 MR. CARROLL: Yes.

13 MS. HALLETT: I had said, "It's all news to
14 me" when I heard about this July 23rd meeting.

15 MR. CARROLL: All right.

16 MS. HALLETT: At which these -- both Hall
17 and Smith had met with Dunlop and yet, I wasn't aware of it
18 because it wasn't in my brief.

19 MR. CARROLL: But it was in the Dunlop Will-
20 Say, right?

21 MS. HALLETT: Yes, it was.

22 MR. CARROLL: You acknowledge that.

23 MS. HALLETT: Yes, m'hm.

24 MR. CARROLL: Okay.

25 And when -- let's leave that meeting now.

1 When you leave the meeting, you then regroup and have a
2 further meeting with the officers?

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

4 **MR. CARROLL:** It is crystal clear to you
5 that, with regards to your impression, Pat Hall thinks he
6 is being blamed for withholding disclosure?

7 **MS. HALLETT:** No.

8 **MR. CARROLL:** What?

9 **MS. HALLETT:** No.

10 **MR. CARROLL:** He's not ---

11 **MS. HALLETT:** No.

12 **MR. CARROLL:** --- concerned?

13 **MS. HALLETT:** No. He's definitely
14 concerned, but what ---

15 **MR. CARROLL:** What is he concerned about?

16 **MS. HALLETT:** There wasn't any -- I think
17 probably they are concerned that this has occurred, okay,
18 that ---

19 **MR. CARROLL:** That what's occurred?

20 **MS. HALLETT:** That they have failed to
21 include notes about that July 23rd, 1998 meeting in the
22 brief.

23 **MR. CARROLL:** They have not ---

24 **MS. HALLETT:** I think that they ---

25 **MR. CARROLL:** That they're being accused of

1 withholding disclosure from the Crown.

2 MS. HALLETT: No, that did not arise at that
3 point.

4 MR. CARROLL: What are the Defence lawyers
5 saying if not, "this is material that we should have got"?

6 MS. HALLETT: Why is it not in that?

7 MR. CARROLL: And you're saying "It's news
8 to me."

9 MS. HALLETT: The query is simply being put
10 at this point, "Why is this in the Dunlop notes and why
11 isn't it coming from you guys?"

12 MR. CARROLL: And this is where you say it's
13 news to you, right?

14 MS. HALLETT: No. No, no. It's this --
15 with respect to this July 23rd meeting.

16 MR. CARROLL: Yeah. Yeah.

17 MS. HALLETT: Okay. They are talking about,
18 "Why is it that this note about the July 23rd meeting is
19 only in Dunlop notes; why isn't it in your notes?"

20 MR. CARROLL: Okay.

21 MS. HALLETT: "Why isn't it in the brief?"

22 MR. CARROLL: And just maybe a yes or no
23 will help here.

24 MS. HALLETT: M'hm.

25 MR. CARROLL: Is it not a fact that that

1 reference to the July 23rd meeting was in the Dunlop Will-
2 Say?

3 MS. HALLETT: Yes.

4 MR. CARROLL: Okay. Thank you.

5 And that's what you say, it's news to you?
6 That's what you're talking -- you just told us that.

7 MS. HALLETT: No.

8 MR. CARROLL: Yes.

9 MS. HALLETT: I think I have made it
10 abundantly clear, Mr. Carroll, that what I am responding to
11 as being news to me is that there was this meeting with
12 these lead investigators with Perry Dunlop on July 23rd,
13 1998, at which they are warning ---

14 MR. CARROLL: All right.

15 MS. HALLETT: --- they are warning Dunlop
16 off C-16 ---

17 MR. CARROLL: We know the substance.

18 MS. HALLETT: --- and I did not know about
19 it.

20 Well, you keep putting it to me, ---

21 MR. CARROLL: Okay.

22 MS. HALLETT: --- but I have to make it
23 clear.

24 MR. CARROLL: Well -- and you didn't know
25 about it?

1 MS. HALLETT: That was the news to me.

2 MR. CARROLL: You didn't know about it.

3 MS. HALLETT: Yes.

4 MR. CARROLL: All right.

5 Let's see; I would like to take you to a
6 couple of documents, please, because -- and one of the
7 documents I'm going to take you to is a much talked about
8 here and elsewhere I'm sure, and that's the July 4th letter
9 ---

10 MS. HALLETT: Yes.

11 MR. CARROLL: --- that was delivered to you
12 and ultimately turned over to the Defence?

13 MS. HALLETT: Yes.

14 MR. CARROLL: And that is the 2623, it's
15 Document 114154, I believe.

16 You should have that Exhibit.

17 THE COMMISSIONER: It's on the screen.

18 MS. HALLETT: Yes, I see it. I see it.

19 MR. CARROLL: Oh, it's on -- okay, thank
20 you. All right.

21 MS. HALLETT: I see it in front of me, yes.

22 MR. CARROLL: All right.

23 Now, this is in a letter -- and we'll get to
24 the significance of it and what happens to it later.

25 MS. HALLETT: Okay.

1 **MR. CARROLL:** I'm more interested in the
2 contents now, okay?

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

4 **MR. CARROLL:** And this is dated July the 4th,
5 2000 so it's well before the dates we've been talking
6 about, in February 2001, right?

7 **MS. HALLETT:** Yes, it's seven months
8 earlier.

9 **MR. CARROLL:** Right:

10 "Please find enclosed the notes of our
11 clerk, Michael Chard taken at my
12 request upon the unexpected visit by PC
13 Perry Dunlop to the Crown Law Office on
14 June 27th, 2000."

15 So there's another instance where you've got
16 the Will-Say. It was given to you then, right?

17 **MS. HALLETT:** Yes.

18 **MR. CARROLL:** Okay:

19 "Dunlop brought with him a duplicate of
20 his statement dated April 7, 2000 and
21 its appendices in the form of four
22 bound booklets, all of which were
23 seized by Detective Inspector Pat Hall
24 on April 10, 2000. I received a copy
25 of the same statement with appendices

1 from Project Truth on April 17th, 2000."

2 MS. HALLETT: Yes.

3 MR. CARROLL: So you had it from a couple of
4 sources ---

5 MS. HALLETT: I did.

6 MR. CARROLL: --- as of June of 2000.

7 MS. HALLETT: Yes.

8 MR. CARROLL: All right:

9 "I will review the statement..."

10 And by that we're talking about the Will-
11 Say, right?

12 MS. HALLETT: I had it from a couple of
13 sources, yes, as at the end of June.

14 MR. CARROLL: Did you hear me?

15 MS. HALLETT: Yes.

16 MR. CARROLL: Next line:

17 "I will review the statement and
18 appendices."

19 That's the Dunlop Will-Say?

20 MS. HALLETT: Yes, m'hm.

21 MR. CARROLL: "Brought in by P.C Dunlop on
22 June 27th..."

23 MS. HALLETT: Yes.

24 MR. CARROLL: "...to ensure that they are
25 duplicates."

1 Now, by that you mean duplicates of the one
2 that you were given by Truth in April?

3 **MS. HALLETT:** Yes.

4 **MR. CARROLL:** So that requires a very close
5 scrutiny of one document to the other to make sure that
6 they are duplicates, correct?

7 **MS. HALLETT:** Yes, that -- it's -- yes.

8 M'hm.

9 **MR. CARROLL:** Thank you:

10 "I then propose to provide them to my
11 co-counsel, Christine Bartlett, for use
12 in the MacDonald trial. These items
13 must be still reviewed by me prior to
14 making disclosure to the Defence..."

15 **MS. HALLETT:** Yes.

16 **MR. CARROLL:** "...which I will do upon my
17 return to the office on July 17th."

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

19 **MR. CARROLL:** So as -- you are telling Hall
20 here, and Dupuis -- the letter's to Dupuis but it's cc'd to
21 Hall.

22 **MS. HALLETT:** Yes.

23 **MR. CARROLL:** You're telling them that,
24 shortly after July 17th, you are going to have closely
25 scrutinized these two documents, to ensure that they are

1 one and the same; right?

2 MS. HALLETT: I'm going to satisfy myself
3 that they are indeed duplicates, which I did.

4 MR. CARROLL: And you have agreed with me
5 that to be able to do that, you have to closely scrutinize
6 both documents?

7 MS. HALLETT: Well you look at the numbers,
8 you look at the pages, you ---

9 MR. CARROLL: How about the content?

10 MS. HALLETT: No.

11 MR. CARROLL: No?

12 MS. HALLETT: Not to that extent, sir. Not
13 to that extent.

14 MR. CARROLL: Did you look at the content of
15 either?

16 MS. HALLETT: Pardon me?

17 MR. CARROLL: Do you look at the content of
18 either? Of either document, did you look at the content of
19 it?

20 MS. HALLETT: I didn't read it closely, I
21 think I've made that clear.

22 MR. CARROLL: Well, really, -- yeah, except
23 the problem, ma'am, my position is that this letter and one
24 other are going to give Hall exactly the opposite
25 impression. Because that's what you tell him you're going

1 to do.

2 MS. HALLETT: Okay.

3 MR. CARROLL: As of July.

4 MS. HALLETT: M'hm.

5 MR. CARROLL: Could you turn up, please,
6 Exhibit 244? It's a document you were referred to earlier
7 for a different purpose, I believe by Mr. Neville.

8 And this is a letter to James Stewart, who
9 is the Director of Crown Operations from you ---

10 MS. HALLETT: Yes.

11 MR. CARROLL: --- and it's dated April 19,
12 2000; right?

13 MS. HALLETT: That's right.

14 MR. CARROLL: And you've seen this ---

15 MS. HALLETT: Many times.

16 MR. CARROLL: All right. And you don't
17 resile from any of the contents? You don't disavow
18 anything that you've said in here?

19 MS. HALLETT: No.

20 MR. CARROLL: Okay. And it's to be noted
21 that one of the cc's is to Detective Inspector Pat Hall,
22 okay, it's on the second page.

23 MS. HALLETT: I liked to always copy him.

24 MR. CARROLL: Yes, very thorough.

25 MS. HALLETT: Of course.

1 **MR. CARROLL:** And that's so that Detective
2 Inspector Pat Hall can be kept up to date of what you are
3 doing or what you say you are doing.

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

5 **MR. CARROLL:** I ask you to turn to page 2,
6 please, and this is April 19th, talking about returning to
7 Cornwall the following week:

8 "...to review the contents of nine boxes of
9 material that Dunlop brought in to the
10 Cornwall Police Service on April 5th, 2000,
11 pursuant to an order, Staff Sergeant Garry
12 Derochie."

13 **MS. HALLETT:** Right.

14 **MR. CARROLL:** "A preliminary inventory of
15 the contents of the boxes by a Project
16 Truth investigator suggests that the
17 materials are either duplicates of
18 materials already in the possession of
19 Project Truth or irrelevant to Project
20 Truth prosecutions."

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

22 **MR. CARROLL:** "I will satisfy myself as to
23 whether any new and relevant material
24 is contained in the boxes..."

25 **MS. HALLETT:** Right.

1 MR. CARROLL: Stop there.

2 MS. HALLETT: M'hm.

3 MR. CARROLL: So that would require a very
4 thorough review, by you.

5 MS. HALLETT: Yes.

6 MR. CARROLL: You weren't just going to rely
7 on what the police told you was there.

8 MS. HALLETT: No.

9 MR. CARROLL: You wanted to, as a
10 responsible Crown attorney, make sure you were fully
11 informed.

12 MS. HALLETT: That's right, m'hm.

13 MR. CARROLL: All right:

14 "...and make necessary disclosure to
15 the Defence in the prosecutions for
16 which I am responsible."

17 MS. HALLETT: M'hm.

18 MR. CARROLL: This letter is related to
19 Charles MacDonald, but at the time of this letter, you were
20 also responsible for the prosecution of Jacques Leduc.

21 MS. HALLETT: That's right.

22 MR. CARROLL: So are you reviewing the
23 Dunlop materials with Jacques Leduc's case in mind.

24 MS. HALLETT: No.

25 MR. CARROLL: That's what you say you're

1 going to do.

2 MS. HALLETT: Yes.

3 MR. CARROLL: But you don't do it.

4 MR. KLOEZE: Mr. Commissioner?

5 THE COMMISSIONER: Yes.

6 MR. KLOEZE: I think we've gone over these
7 areas many times; you can anticipate my objection. When
8 Inspector Hall was testifying, I think both myself and Mr.
9 Carroll agreed that it would be improper to go behind the
10 decision of the Court of Appeal on this matter, and that
11 Court accepted Ms. Hallett's explanation that she gave
12 these documents a cursory review for the Leduc matter and
13 that her -- the fact that she overlooked relevant
14 disclosure was an honest and inadvertent mistake. I don't,
15 as I recall ---

16 MR. CARROLL: I may be able to short-circuit
17 this, please.

18 I don't quarrel with what he's saying, and
19 that's not the purpose for which I'm doing it.

20 MR. KLOEZE: I understand the purpose being
21 as he's -- I think Mr. Carroll's just averted to it
22 earlier; he wants to suggest something about Mr. Hall and
23 his impression, but Mr. Hall has testified about his
24 impressions and I think we don't need to hear it from this
25 witness.

1 **MR. CARROLL:** It is a reasonable proposition
2 to put to a professional that when he or she sends a
3 letter, addressed directly or indirectly to somebody saying
4 she is going to do something, that that person is entitled
5 to rely on that.

6 **THE COMMISSIONER:** Sure, sure, okay, but
7 what is it that you want to say, that Officer Hall,
8 Detective Inspector Hall, what, that he was justified in
9 thinking -- thinking what?

10 **MR. CARROLL:** Thinking that the statement,
11 "It's all news to me" was not true, because she -- I very
12 much hesitate to make these kinds of submissions in the
13 presence of the witness, but I know time is important, so
14 I'll just carry on.

15 **THE COMMISSIONER:** Yeah, go ahead.

16 **MR. CARROLL:** She has said in the witness
17 box today, that that July 23rd meeting was all news to her;
18 she didn't know about it, she says.

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

20 **MR. CARROLL:** I'm not going behind that in
21 her mind, because there's been a decision, as Mr. Kloeze
22 has said, and that's binding, but I'm putting to the
23 witness that it would be a reasonable proposition, and
24 supports Hall's evidence, that he was stunned to hear her
25 say that.

1 **THE COMMISSIONER:** Um.

2 **MR. CARROLL:** I don't see how that could be
3 objectionable, sir.

4 **THE COMMISSIONER:** Well I don't know that
5 it's necessary.

6 **MR. CARROLL:** Well, it is because ---

7 **THE COMMISSIONER:** It's clear ---

8 **MR. CARROLL:** --- there's an unfolding of
9 events here that's very important and a sequence that
10 starts with, "It's all news to me," and then there's a
11 conversation -- and I'm giving away my entire cross now to
12 the witness, but it -- the next conversation is, Hall
13 saying, "I didn't say anything in there because I didn't
14 want to embarrass you, but it wasn't news to you, you knew
15 about this."

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

17 **MR. CARROLL:** And she says, "Yeah, yeah, I
18 know." And then that triggers the July 4th letter, and so
19 on.

20 **THE COMMISSIONER:** Okay, but can we not
21 agree that, "This is all news to me" could be interpreted
22 by Pat Hall to mean that ---

23 **MR. CARROLL:** It's in direct -- go ahead.

24 **THE COMMISSIONER:** --- he disagreed with the,
25 "all news to me" thing?

1 **MR. CARROLL:** He disagreed with the fact
2 that it was news to her, but he didn't say anything because
3 he didn't -- he's on the same team.

4 **THE COMMISSIONER:** Okay, okay.

5 **MR. CARROLL:** Then when they get ---

6 **THE COMMISSIONER:** Okay, yeah, well okay, so
7 I think we ---

8 **MR. CARROLL:** There are two sources, sir,
9 the July 4th letter and this letter which, in my respectful
10 submission, should make Hall's position eminently
11 reasonable, his belief, and that's what I was putting to
12 the witness.

13 **THE COMMISSIONER:** Okay, well I don't know
14 that we have to do that, I mean ---

15 **MR. CARROLL:** Well I think we do, because
16 I'm not sure she's going to agree. Do you ---

17 **THE COMMISSIONER:** Mr. Kloeze?

18 **MR. CARROLL:** Is this cutting into my time or
19 dinner time?

20 **(LAUGHTER/RIRES)**

21 **MR. KLOEZE:** I'm sorry, sir, I think that
22 the line of questioning does go to argument.

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

24 **MR. KLOEZE:** We have Inspector Hall's
25 evidence on it, and now we have Ms. Hallett's evidence on

1 it.

2 **THE COMMISSIONER:** Well, yeah. Okay.

3 Come on forward, Mr. Carroll. Can we just
4 kind of short-circuit it, just ask questions.

5 **MR. CARROLL:** Do you agree that on the basis
6 of the letters that you sent to Pat Hall in July and April,
7 saying you were going to closely review the Dunlop
8 materials, that it was a reasonable conclusion for him to
9 draw that you were not being candid when you said, "It's
10 all news to me," because, in fact, you had knowledge of the
11 Dunlop materials. Do you agree that it was a reasonable
12 position to take?

13 **MS. HALLETT:** No, I don't, Mr. Carroll. I'm
14 sorry because you are -- you are putting together a lot of
15 components there.

16 First of all, there was the Dunlop -- there
17 were the Dunlop notes and will say that -- I think it's
18 important to make this distinction, sir, and I'm sorry to
19 do it so late in the day but, at the same time, I think I
20 really have to make this clear.

21 The Dunlop notes and material -- excuse me,
22 the Dunlop notes and will say came in March and April of
23 the year 2000 and I had them by the time I was addressing
24 the Court on April the 18th and ---

25 **MR. CARROLL:** I'm sorry, did you say you had

1 the will say as of April 18th?

2 MS. HALLETT: Yes ---

3 MR. CARROLL: Okay.

4 MS. HALLETT: --- I do.

5 MR. CARROLL: Go on. Go on.

6 MS. HALLETT: But there is also the matter
7 of the content of the nine bankers boxes of materials from
8 Dunlop that I had told the Court that I would review for
9 the purpose of determining whether any of the contents
10 should be disclosed to Father -- to counsel on Father
11 MacDonald ---

12 MR. CARROLL: Okay, can you ---

13 MS. HALLETT: --- okay?

14 MR. CARROLL: --- just stop there for a
15 second?

16 MS. HALLETT: Now, if I could -- I just
17 want, sir -- I just want you to be clear that there is a
18 distinction in my mind, and I would have thought in
19 Detective Inspector Hall's mind, between the Dunlop notes
20 and will say and the contents of the nine boxes, because
21 that -- the different tasks that I had to take in terms of
22 reviewing those sort of was based on what I was trying to
23 do at the time.

24 In terms of the Dunlop boxes, I was trying
25 to get through them to make sure -- and I was going through

1 them, I thought, fairly diligently to make sure that Genier
2 had come to the appropriate conclusion that they were in
3 fact duplicates or not relevant for the purposes of
4 disclosure.

5 That is something different than what I
6 undertook in terms of the review of the Dunlop notes and
7 will say which I wanted to review, first of all, for the
8 purposes of ascertaining whether or not they were
9 duplicates and making sure that they got into the hands of
10 Mr. Neville if they weren't; okay?

11 **MR. CARROLL:** So you ---

12 **MS. HALLETT:** Because he had already gotten
13 a set of the Dunlop notes and will say, as I recall,
14 shortly after April 18th of 2000.

15 **MR. CARROLL:** So your short answer is no,
16 you don't think it was Hall -- it was reasonable for Hall
17 to draw the conclusion he did?

18 **MS. HALLETT:** No, I don't.

19 **MR. CARROLL:** Okay, fine. Then when you go
20 into the meeting just with the police after the defence
21 lawyer's ---

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

23 **MR. CARROLL:** --- meeting, and he says to
24 you, "Why did you say that when we'd given you the
25 material, you already have it?" Why didn't you say ---

1 MS. HALLETT: No.

2 MR. CARROLL: --- "Hey, wait a minute; I was
3 talking about two different things"?

4 MS. HALLETT: No, because I don't agree that
5 that's what Detective Inspector Hall said to me.

6 MR. CARROLL: Well, what was ---

7 MS. HALLETT: He never said anything about
8 not wanting to embarrass me.

9 MR. CARROLL: What was the yeah, yeah, I --
10 no, no, he said, "We're all on the same team," I think were
11 the words that he used.

12 MS. HALLETT: I -- no, I'm sorry, I can't
13 recall that.

14 MR. CARROLL: You don't, eh?

15 MS. HALLETT: What I can recall, if you
16 don't -- if you're interested in my evidence on this point
17 ---

18 MR. CARROLL: May I just ask you there, if
19 you could direct your mind ---

20 MS. HALLETT: M'hm.

21 MR. CARROLL: --- to what was it from Hall
22 or any of the other officers that preceded your comments,
23 "Yeah, yeah, I know"? What did they say?

24 MR. CARROLL: That I had the Dunlop notes
25 and will say.

1 **MR. CARROLL:** And the reason they were
2 saying that was what, in your mind?

3 **MS. HALLETT:** The reason they were -- they
4 were reminding me that I had the Dunlop notes and will say.

5 **MR. CARROLL:** Because you'd just denied it
6 in ---

7 **MS. HALLETT:** No.

8 **MR. CARROLL:** --- in front of the defence
9 lawyers.

10 **MS. HALLETT:** Oh, for God sakes, no; that's
11 not true. And in fact, Mr. Carroll, if I could refer you
12 to the February 12th letter from Mr. Defence Counsel,
13 there's a reference in there to my having -- reportedly
14 having the Dunlop notes and will say since April of 2000,
15 so obviously, I had -- I had never disputed that I had
16 those notes.

17 I had never disputed that I had the will
18 say. I never disputed that I had that material. I
19 acknowledged that I had that material. That was never an
20 issue. The issue, sir, arising from that meeting was why
21 it was that the police had not included reference to that
22 meeting, July 23rd, '98, in their own notes.

23 **MR. CARROLL:** Wilful failure to disclose.

24 **MS. HALLETT:** No, that was not ---

25 **MR. CARROLL:** No, okay.

1 MS. HALLETT: --- what was said at that
2 time.

3 MR. CARROLL: Okay, let's move along.

4 MS. HALLETT: Okay.

5 MR. CARROLL: At some point it crystallizes
6 in your mind, based on the disclosure letters, that there
7 is an accusation of wilful failure.

8 MS. HALLETT: Yes, there is.

9 MR. CARROLL: But in the interim ---

10 MS. HALLETT: But if I could ---

11 MR. CARROLL: No, just a minute.

12 MS. HALLETT: Okay.

13 THE COMMISSIONER: Let him ask the question.

14 MR. CARROLL: In the interim, you've
15 received from Pat -- well, via one of his other officers --
16 -

17 MS. HALLETT: Right.

18 MR. CARROLL: --- the July 4th letter.

19 MS. HALLETT: Yes.

20 MR. CARROLL: And that letter sets out what
21 you say you're going to do in relation to the Dunlop
22 materials.

23 MS. HALLETT: Yes.

24 MR. CARROLL: Okay. Why do you think Pat
25 Hall was giving you that?

1 **MS. HALLETT:** Because I thought that he was
2 banging me on the head to remind me that I got -- I already
3 had those notes and will say. But I had never disputed
4 that and that's why I was perplexed when I get this through
5 Seguin; why is he sending me this?

6 **MR. CARROLL:** Well, did you ask him that?
7 Did you ---

8 **MS. HALLETT:** He wasn't there.

9 **MR. CARROLL:** Just a minute.

10 **MS. HALLETT:** He wasn't there.

11 **MR. CARROLL:** I know, but you had days
12 before things really -- the wheels fell off.

13 **MS. HALLETT:** Right.

14 **MR. CARROLL:** Did you ever go to Pat and
15 say, "Why did you send me this?"

16 **MS. HALLETT:** No, but ---

17 **MR. CARROLL:** Why not?

18 **MS. HALLETT:** I had too many other things on
19 my mind.

20 **MR. CARROLL:** No, no, no, madam. This is
21 now -- your case is potentially falling apart here.

22 **MS. HALLETT:** No, no.

23 **MR. CARROLL:** It's not?

24 **MS. HALLETT:** No, sir. Mr. Carroll ---

25 **MR. CARROLL:** It did.

1 MS. HALLETT: If you ---

2 THE COMMISSIONER: One at a time.

3 MS. HALLETT: If you look at the February
4 12th, 2001 letter that I received ---

5 MR. CARROLL: Yes.

6 MS. HALLETT: --- from defence counsel, they
7 are advising me that the case should continue -- the case
8 should continue, and we did continue for another eight
9 witnesses; right?

10 MR. CARROLL: I think you might have got
11 suckered there, ma'am.

12 MS. HALLETT: You think so? Okay then.

13 MR. CARROLL: I think so.

14 MS. HALLETT: Well, I ---

15 MR. CARROLL: Because they're ---

16 MS. HALLETT: I'm wondering ---

17 MR. CARROLL: They're suggesting in the
18 letter -- okay, you just ---

19 MS. HALLETT: Can you pull up the letter?

20 MR. CARROLL: I've got it, yeah. It's 2646.

21 MS. HALLETT: Okay.

22 THE COMMISSIONER: Twenty-six forty-six
23 (2646).

24 MR. CARROLL: And when -- and maybe we'll
25 have to play back what you said in the last two minutes.

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

2 **MR. CARROLL:** But you're saying in this
3 letter there's no accusation of wilfulness -- withholding
4 by the police?

5 **MS. HALLETT:** No, I never said that.

6 **MR. CARROLL:** I thought that's what ---

7 **THE COMMISSIONER:** No.

8 **MS. HALLETT:** But what I'm saying is ---

9 **THE COMMISSIONER:** No, no, no, what she said
10 was that in the letter -- you said, "The wheels are falling
11 off."

12 **MR. CARROLL:** Right.

13 **THE COMMISSIONER:** She says, "No, no, no,
14 look in the letter. They're suggesting that they can
15 continue. We can continue on." And you said that they'd
16 pulled a little trick on her.

17 **MR. CARROLL:** In the -- yeah, well, I stand
18 to be corrected, obviously, but preceding that was my
19 suggestion that the reason the wheels were falling off is
20 because a stay was looming.

21 **MS. HALLETT:** No.

22 **MR. CARROLL:** Look at the paragraph, "It is
23 not possible..."

24 **THE COMMISSIONER:** Where? First page?

25 **MR. CARROLL:** Second page, sir; sorry.

1 "It is not possible to frame this as a
2 narrow and limited disclosure demand..."

3 **MS. HALLETT:** Right.

4 **MR. CARROLL:** "...in light of the wilful
5 nondisclosure on this matter already."
6 Now, let's just stop there.

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

8 **MR. CARROLL:** That's wilful nondisclosure by
9 the police; correct? That's the way you were reading that.

10 **MS. HALLETT:** That -- yes, m'hm.

11 **MR. CARROLL:** All right. Now, just hold on.
12 You're an appellate lawyer and experienced trial counsel,
13 and you know that if wilful nondisclosure is proven,
14 they're halfway home to getting a stay. They may have to
15 prove some other things, but that's a very serious
16 accusation, isn't it?

17 **MS. HALLETT:** It is, but it hasn't taken the
18 form yet of an application.

19 **MR. CARROLL:** But a -- surely, ma'am, a
20 cautious and seasoned prosecutor -- a flag is going to go
21 up that this is looming.

22 **MS. HALLETT:** Not necessarily. If I could
23 refer you, though, to the -- first of all, I construe this
24 letter as a request for disclosure, but of course,
25 accompanied by a serious assertion at this point in terms

1 of the wilfulness of the nondisclosure. But if I could
2 refer you to the second to the last paragraph in the
3 letter, "The pending witnesses related to..."

4 **MR. CARROLL:** C-16.

5 **MS. HALLETT:** Thank you.

6 "The pending witnesses related to
7 [C-16] can likely be heard without
8 resolution of this disclosure issue."

9 You're -- I'm sorry, sir, I am trying to
10 respond.

11 **MR. CARROLL:** No, and I'm listening.

12 **THE COMMISSIONER:** I think he coughed.

13 **MS. HALLETT:** Oh, okay. Thank you.

14 I just want to sort of -- okay ---

15 **MR. CARROLL:** I moved the mike away. That's
16 the best I can do.

17 **MS. HALLETT:** I have a cough drop.

18 **MR. CARROLL:** Thank you, no.

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

20 (LAUGHTER/RIRES)

21 **MR. CARROLL:** I'll refrain from any comment
22 on that. Just go ahead, please. Thank you.

23 **MS. HALLETT:** Okay then. Again, okay, I'll
24 take you to the second to the last paragraph ---

25 **MR. CARROLL:** Yes.

1 **MS. HALLETT:** --- of the letter.

2 "The pending witnesses related to
3 [C-16] can likely be heard without
4 resolution of this disclosure issue."

5 Now, if I can carry on.

6 **MR. CARROLL:** You are.

7 **MS. HALLETT:** "The balance of the
8 evidence regrettably cannot be heard
9 before this disclosure is provided."

10 And if I could just -- while we're on this
11 page, so we don't waste time later -- take you to the fifth
12 paragraph up from the bottom, okay, and the last sentence
13 of that paragraph beginning with the word "additionally":

14 "Additionally, we request immediate
15 disclosure of a statement outlining Mr.
16 Dunlop's involvement in the Cornwall
17 area sexual abuse investigations
18 reportedly...

19 "...provided to Ms. Hallett in April,
20 2000 by Mr. Dunlop."

21 Now, by February 12th, in fact on -- they had
22 gotten the Dunlop notes and will say, but as you can see,
23 they are referencing the fact that they were aware that I
24 had received this Dunlop notes and will say ---

25 **MR. CARROLL:** But they ---

1 MS. HALLETT: --- in April of 2000.

2 MR. CARROLL: But they only found on
3 February the 2nd when the material was turned over. They
4 only found out that you ---

5 MS. HALLETT: Yes.

6 MR. CARROLL: --- knew.

7 MS. HALLETT: Right. So in other words, I
8 wasn't denying that I had them.

9 MR. CARROLL: I ---

10 MS. HALLETT: Do you see what I'm saying?

11 MR. CARROLL: I didn't say it was an overt
12 denial. I said you said it's all news to me and Hall
13 interpreted it as -- I'm not going to go through it al
14 again -- you know what his interpretation was.

15 MS. HALLETT: Right. Yes.

16 MR. CARROLL: And the ---

17 MS. HALLETT: And that was the wrong
18 interpretation.

19 MR. CARROLL: And the documented basis for
20 that interpretation.

21 MS. HALLETT: Well, that's ---

22 MR. CARROLL: All right.

23 THE COMMISSIONER: Mr. Kloeze?

24 MR. KLOEZE: Mr. Commissioner, I realize
25 that we are not encroaching into the dinner hour. I think

1 Mr. Carroll's repeating questions that he's already asked
2 before and I know we're getting late in the day and I think
3 emotions are running high.

4 I would -- Ms. Hallett has been on the stand
5 for quite a few days. She's been very professional and
6 measured in her responses. I just would ask my friend to
7 be cautious in the tone of his questioning, that's all I'm
8 asking.

9 **MR. CARROLL:** The only comment I would make
10 is that it was the witness went back to that answer. I
11 didn't start it with a new question.

12 **THE COMMISSIONER:** Well ---

13 **MR. CARROLL:** Well, that's a fact.

14 **THE COMMISSIONER:** I know, but who threw the
15 first stone really doesn't matter, sir.

16 **MR. CARROLL:** Well ---

17 **THE COMMISSIONER:** You've got your -- keep
18 going.

19 **MR. CARROLL:** No, I've got ---

20 **THE COMMISSIONER:** Just keep going, sir.

21 **MR. CARROLL:** Yeah.

22 Is there anything else you wanted to say
23 there about this?

24 **MS. HALLETT:** No.

25 **MR. CARROLL:** You may have been cut off

1 midstream.

2 MS. HALLETT: No, I think I've pointed to
3 what I considered to be proof from this letter that what
4 we're talking about at this point-in-time is a disclosure
5 request and not any sort of formal application for a stay.

6 MR. CARROLL: Of course, it's not a formal
7 application. They had to get the material before they can
8 ground their application.

9 MS. HALLETT: No.

10 MR. CARROLL: But does it not send off --
11 did this not send off -- as an experienced Crown Attorney,
12 did this not send off a flag in your mind that oh, oh,
13 maybe there's something serious coming here?

14 Yes or no if you can answer that.

15 MS. HALLETT: I was trying -- to me, there
16 was a request for disclosure and we were trying to meet it.
17 I didn't accept the assertion that this was a wilful non-
18 disclosure.

19 MR. CARROLL: You may not have accepted it -
20 --

21 MS. HALLETT: Right.

22 MR. CARROLL: --- but you knew they were
23 making it. Right?

24 MS. HALLETT: Yes, in the context of a
25 request for disclosure.

1 **MR. CARROLL:** Well, that's how they
2 generally come about, isn't it? And then the ---

3 **MS. HALLETT:** No.

4 **MR. CARROLL:** --- material is obtained and
5 then the application's made. Has not been your experience
6 as an experienced trial counsel?

7 **MS. HALLETT:** Ordinarily though there isn't
8 an invitation to continue with the trial ---

9 **MR. CARROLL:** Unrelated ---

10 **MS. HALLETT:** --- which is what happened
11 here. Pardon me?

12 **MR. CARROLL:** On unrelated matters. Not
13 related to the disclosure issues at all. That -- isn't
14 that -- that's the way I read that.

15 **MS. HALLETT:** Well, no I -- they're talking
16 about "continue with the trial, the balance of the
17 evidence".

18 **THE COMMISSIONER:** No, no. No, no.

19 **MS. HALLETT:** I'm not going to get into
20 naming ---

21 **THE COMMISSIONER:** No, no.

22 **MS. HALLETT:** I'm sorry, sir.

23 **THE COMMISSIONER:** No, no. They said the
24 balance of the evidence ---

25 **MS. HALLETT:** Yes, cannot be heard.

1 THE COMMISSIONER: --- cannot be heard.

2 MS. HALLETT: But ---

3 THE COMMISSIONER: So it's not "get on with
4 the whole evidence", there's some -- okay?

5 MS. HALLETT: The pending witnesses.

6 MR. CARROLL: Thank you.

7 There's a further disclosure request on the
8 15th that I want to direct you to.

9 MS. HALLETT: Yes. M'hm.

10 MR. CARROLL: And that's at 2807, Exhibit
11 2807. And that's an attachment to Pat Hall's will say, so
12 I'll give you the Bates page. The first Bates page is
13 1145652 and 3. It's just two pages.

14 All right. And I want to direct your
15 attention to paragraph 5.

16 MS. HALLETT: M'hm.

17 MR. CARROLL: "All internal OPP memos,
18 notes, correspondence, reports or other
19 records related to issues arising from
20 Perry Dunlop's history and background
21 with cases investigated by Truth."

22 Then it goes to specify some dates.

23 MS. HALLETT: Okay.

24 MR. CARROLL: All internal OPP memos. Okay?

25 MS. HALLETT: M'hm.

1 **MR. CARROLL:** Now, you had, as of this date,
2 the July 4th memo in hand because Hall had made it available
3 to you.

4 **MS. HALLETT:** I had my letter.

5 **MR. CARROLL:** Yeah.

6 **MS. HALLETT:** I had my letter ---

7 **MR. CARROLL:** Right. To ---

8 **MS. HALLETT:** --- written by me on another
9 file.

10 **MR. CARROLL:** Right.

11 **MS. HALLETT:** Yes. To ---

12 **MR. CARROLL:** In relation to Dunlop. It
13 related to Dunlop.

14 **MS. HALLETT:** Are you talking -- my July 4th
15 letter?

16 **MR. CARROLL:** Yeah. It related to Dunlop
17 materials. It was in the context of MacDonald but it
18 related to Dunlop materials; correct?

19 **MS. HALLETT:** Yeah. Well, yes.

20 **MR. CARROLL:** All right. And you know that
21 you have looked at Dunlop materials and you're now aware
22 that some of them may actually apply to the Leduc case.
23 And they're asking you for all internal OPP memos, amongst
24 other things, right?

25 **MS. HALLETT:** I'm sorry, I didn't construe

1 that as a request for a piece of correspondence from the
2 Crown's file.

3 **MR. KLOEZE:** Sorry, Mr. ---

4 **MR. CARROLL:** I want to answer that with
5 another question ---

6 **MR. KLOEZE:** Mr. Commissioner, I think we're
7 getting into the area of whether or not it was reasonable
8 for Ms. Hallett to disclose or withhold that letter from
9 disclosure in the Court of Appeal again.

10 I've spoken on that issue and they said such
11 a letter is normally disclosed.

12 **MR. CARROLL:** That's right. It does say
13 that such a letter -- did I interrupt you? It does say
14 "not normally disclosed".

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

16 **MR. CARROLL:** This is a very abnormal
17 situation. This is a situation where there's an accusation
18 -- and I agree, normally Crown work product does not go out
19 as part of disclosure in a normal ---

20 **THE COMMISSIONER:** No, no, Mr. Carroll, he's
21 just standing there.

22 **MR. CARROLL:** All right. I thought I -- I
23 didn't see him until the last second. He's a taller man
24 than I am. And quite handsome.

25 **(LAUGHTER/RIRES)**

1 **MR. CARROLL:** Normally, as the Court of
2 Appeal says, work product doesn't go. In this case where
3 there's an accusation of intentional withholding by the
4 police, it would seem that it's not -- and, again, that --
5 I'm not quarrelling with the Court of appeal.

6 I'm talking about why she didn't put it out,
7 given the specific request in the disclosure letter. It's
8 not -- I'm not saying she intentionally withheld this
9 maliciously.

10 **THE COMMISSIONER:** What's in that letter?
11 I'm sorry, what's the date of the letter, Madam Clerk?

12 **MR. CARROLL:** The date of the letter?
13 February 15th.

14 **THE COMMISSIONER:** Okay, but this is after
15 everything ---

16 **MR. CARROLL:** No, this is before the stay
17 application.

18 **THE COMMISSIONER:** Oh, no, of course. Of
19 course.

20 **MR. CARROLL:** Yeah.

21 **THE COMMISSIONER:** Okay, Mr. Carroll, how
22 long do you think you're going to be?

23 **MR. CARROLL:** Well, you know that ---

24 **THE COMMISSIONER:** How long?

25 **MR. CARROLL:** Realistically, with the way

1 it's been going, another 45 minutes.

2 **THE COMMISSIONER:** All right. What we're
3 going to ---

4 **MR. CARROLL:** I'm sorry, Madam Clerk.

5 **THE COMMISSIONER:** No, no. What we're going
6 to do, we're going to adjourn.

7 **MR. CARROLL:** Right.

8 **THE COMMISSIONER:** Because we're tired; I'm
9 tired. And we're going to finish this tomorrow at 9:30.
10 All right?

11 We're going to take the break and we're
12 going to start the next witness at 6:15 p.m.

13 **MR. CARROLL:** Thank you.

14 **THE COMMISSIONER:** I think that's the best
15 way to do it in the circumstances.

16 All right. Thank you very much. We'll see
17 you at 6:15 p.m.

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

20 This hearing will resume at 6:15 p.m.

21 --- Upon recessing at 5:04 p.m./

22 L'audience est suspendue a 17h04

23 --- Upon resuming at 6:15 p.m./

24 L'audience est reprise a 18h15

25 **THE REGISTRAR:** Order; all rise. A l'ordre;

1 veuillez vous lever.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous asseoir.

4 **THE COMMISSIONER:** Thank you. Good evening,
5 all.

6 **MS. JONES:** Good evening, Mr. Commissioner.
7 Call Lidia Narozniak to the stand, please?

8 **LIDIA NAROZNIAK:** Sworn/Assermentée

9 **THE COMMISSIONER:** Thank you.
10 Good evening, and thank you for coming at
11 this late hour. I don't know -- I think I've seen you in
12 the crowd there a little bit.

13 **MS. NAROZNIAK:** Yes.

14 **THE COMMISSIONER:** But, anyway, you have
15 some fresh water.

16 **MS. NAROZNIAK:** Thank you.

17 **THE COMMISSIONER:** It is fresh, isn't it?

18 **MS. NAROZNIAK:** Reasonably fresh.

19 **THE COMMISSIONER:** Yeah, reasonably fresh.

20 There's -- I'd ask you to speak into the
21 microphone. There's a speaker beside that little box if
22 you want to increase or decrease the volume.

23 We will be showing you some documents either
24 in hard cover -- in hard copy or on the screen. Take
25 whichever one you want. If at any time you require a break

1 or you're uncertain about something, please just address me
2 and we'll address that.

3 **MS. NARONZNIAK:** Thank you, sir.

4 **THE COMMISSIONER:** Thank you.

5 Ms. Jones?

6 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

7 **JONES:**

8 **MS. JONES:** Thank you very much.

9 I just also want to draw attention to a
10 possible voice issue that Ms. Narozniak may have; that
11 there is a health concern. Perhaps you can explain what
12 you'd like, Ms. Narozniak, to accommodate ---

13 **MS. NARONZNIAK:** I have a neurological
14 disease called Spasmodic Disponia. It affects the ability
15 to talk. I recently received an injection that paralyzes
16 the vocal chords which is why voice sounds somewhat odd,
17 but this at least permits me to speak at this point. I do
18 have text-to-speech software as a back-up in case my voice
19 goes. I'd like to say this on the record so that no one
20 misinterprets any of my stranger noises coming out of my
21 voice.

22 I have no control over the voice. I
23 sometimes end up coughing; not to be alarmed. No Heimlich
24 manoeuvres will be required. Just to be aware of it, and
25 I'll do my best.

1 **THE COMMISSIONER:** All right.

2 **MS. JONES:** That's fine. And it's hard for
3 you to control sometimes the volume as well so ---

4 **MS. NARONZNIAK:** Yes, it is.

5 **MS. JONES:** Okay.

6 **MS. NARONZNIAK:** I'll be using the microphone
7 as much as possible and some breathing techniques to help
8 me go through this.

9 **MS. JONES:** Okay. And, clearly, if you
10 require any break, for whatever reason, please advise us
11 right away, Ms. Narozniak.

12 **MS. NARONZNIAK:** I'll try to avoid the
13 breaks, given the hour.

14 **THE COMMISSIONER:** No, no. You pace
15 yourself.

16 **MS. NARONZNIAK:** Thank you. I appreciate
17 that.

18 **THE COMMISSIONER:** We'll accommodate.

19 **MS. JONES:** Ms. Narozniak, essentially what
20 we're going to be looking at for you as a witness here is
21 going over, first of all, your background ---

22 **MS. NARONZNIAK:** Yes.

23 **MS. JONES:** --- professional background as a
24 counsel, and your participation in the second Leduc,
25 Jacques Leduc prosecution. And you participated first on

1 the appeal panel and then you were actually the Crown that
2 was responsible for taking over the case. And that's
3 essentially what you are called here to do, to look at that
4 particular aspect.

5 **MS. NARONZNIAK:** Right.

6 **MS. JONES:** So the first thing I'd like to
7 do, please, is enter in Document 200340, which is Ms.
8 Narozniak's background and résumé.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **THE COMMISSIONER:** Madam Clerk?

11 **THE REGISTRAR:** I can't find it.

12 **THE COMMISSIONER:** You can't find it? Okay.
13 So what's the exhibit number?

14 **THE REGISTRAR:** Three two five six (3256).

15 **THE COMMISSIONER:** So 3256 will be Ms.
16 Narozniak's résumé.

17 **---EXHIBIT NO./PIÈCE NO. P-3256:**

18 (200340) - Career Profile of Lidia Narozniak

19 **MS. JONES:** Thank you very much.

20 **THE COMMISSIONER:** So we'll go with the
21 computer for the moment.

22 **MS. JONES:** Thank you very much.

23 I'm just going to hit on some salient points
24 rather than going through its entirety. And I understand
25 that you completed your law degree at the University of

1 Manitoba in 1981 and you were called to the Ontario Bar in
2 1983.

3 MS. NARONZNIAK: Correct.

4 MS. JONES: You began working as an
5 assistant Crown Attorney in Hamilton in 1983, and in 1987
6 you became the Crown Attorney in Kitchener where you
7 remained until 2003?

8 MS. NARONZNIAK: Correct.

9 MS. JONES: And then in 2003 you returned to
10 Hamilton as an assistant Crown Attorney to fulfil a desire
11 to actually get into the courtroom more and do more
12 prosecutions?

13 MS. NARONZNIAK: Correct.

14 MS. JONES: In July 2003 you were seconded
15 to the Ministry of the Attorney General to work on a
16 project of vertical file management.

17 MS. NARONZNIAK: That was in 2007.

18 MS. JONES: In 2007?

19 And I understand that it was to be completed
20 in January 2009?

21 MS. NARONZNIAK: The end of this month, yes.
22 We're on target, subject to this week.

23 MS. JONES: Subject to this week.

24 MS. NARONZNIAK: And possibly any other week.

25 MS. JONES: And throughout your career as an

1 assistant Crown Attorney or a Crown Attorney, you were
2 responsible for prosecuting any number of sexual assault
3 files, and of those some were historical sexual assaults as
4 well?

5 **MS. NARONZNIAK:** Correct.

6 **MS. JONES:** And did you receive any
7 specialized training either before you started those
8 prosecutions or during the course of that time?

9 **MS. NARONZNIAK:** From the outset of my
10 career, the Ontario Crown Attorney Association has regular
11 continuing education programs in the spring, summer and
12 fall, and I would be part of those and any other special
13 seminars or courses that are occasionally offered for Crown
14 Attorneys to attend.

15 **MS. JONES:** And I understand at some point
16 you actually were teaching other Crown Attorneys how to
17 handle sexual assault and historical sexual assault cases?

18 **MS. NARONZNIAK:** Correct.

19 **MS. JONES:** And the vertical file then, in
20 just trying to be brief, is a way of a Crown's office
21 managing the number of files that come in, and you have a
22 team lead and you have a team that work on a certain
23 portion of files, and the purpose of vertical file
24 management is to get someone assigned to a file at a sooner
25 date rather than a later date?

1 **MS. NARONZNIAK:** That is one of the purposes.
2 The other is file ownership, continuity and consistency.

3 **MS. JONES:** And that is to help the progress
4 of the files getting through the system in a more efficient
5 manner?

6 **MS. NARONZNIAK:** Correct.

7 **MS. JONES:** And it's also to assist in
8 ensuring that if there are victims of crime that need
9 especially specialized contact, that the contact is
10 continuous throughout as well?

11 **MS. NARONZNIAK:** Absolutely.

12 **MS. JONES:** The first contact that it
13 appears that you had with any Jacques Leduc prosecution
14 came as a result of a Crown request for an appeal by Ms.
15 Hallett, who was the Crown Attorney on the first Jacques
16 Leduc prosecution?

17 **MS. NARONZNIAK:** Correct.

18 **MS. JONES:** And I understand she would have
19 filed the requisite checklist and opinion letter, shall we
20 say. And I understand in 2001 you were assigned by John
21 Pearson, who at that time was the Director of the Crown
22 Operations in the Central West Region to be part of a
23 three-person panel that will evaluate whether or not this
24 particular appeal would go forward or not?

25 **MS. NARONZNIAK:** That's correct.

1 **MS. JONES:** And the other two people -- or
2 the other person, I should say, that was on the panel was
3 Louise DuPont, who is an assistant Crown attorney based in
4 Ottawa and still in Ottawa today?

5 **MS. NARONZNIAK:** Correct.

6 **MS. JONES:** And in this particular -- at
7 this particular time I believe Ms. Hallett was working at
8 the Crown Law Office in the Criminal Division and so it is
9 appropriate for the matter to be set outside?

10 **MS. NARONZNIAK:** Correct.

11 **MS. JONES:** And the purpose of that is to
12 provide an outside opinion because of Ms. Hallett's
13 position within the Crown Law Office?

14 **MS. NARONZNIAK:** Correct.

15 **MS. JONES:** And I believe as well that the
16 panel is to provide an independent review of the situation.
17 However, you are able to collaborate somewhat with the
18 Crown counsel that was involved in it in order to get good
19 background information on it?

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

21 **MS. JONES:** I also understand that typically
22 three people are assigned to the panel ---

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

24 **MS. JONES:** --- and that one person
25 typically does the bulk of the work or the research, and

1 the second and third members review the completed opinion
2 of the first member, and you can either agree or disagree
3 with the opinion of the first member, but all of the three
4 people do provide a legal opinion?

5 MS. NARONZNIAK: Correct.

6 MS. JONES: And in this particular case it
7 was Mr. Pearson that was assigned as the first person?

8 MS. NARONZNIAK: Right.

9 MS. JONES: And you and Ms. DuPont were the
10 second and third person?

11 MS. NARONZNIAK: Correct.

12 MS. JONES: I suppose Ms. DuPont was the
13 second person because you were the third person ---

14 MS. NARONZNIAK: I was the third.

15 MS. JONES: --- to provide the opinion.

16 MS. NARONZNIAK: Yes.

17 MS. JONES: In your opinion, do you feel
18 that Mr. Pearson was qualified to do that review?

19 MS. NARONZNIAK: Oh, he's one of the best.

20 MS. JONES: And how so?

21 MS. NARONZNIAK: Well, he's an experienced
22 counsel, has had extensive experience in the Crown Law
23 Office, Criminal Division as well, many, many appeals.
24 He's a brilliant man.

25 MS. JONES: Okay. And were you reporting to

1 Mr. McMahon or Mr. Pearson, as far as your role? Is it Mr.
2 Pearson you refer to?

3 **MS. NARONZNIAK:** Well, in 2001 during the
4 appeal, my immediate supervisor was Marc Garson, Director
5 of Crown Operations for the West Region. If the appeal was
6 in 2001, I was still the Crown Attorney of Waterloo Region.
7 John Pearson was the Director of Crown Operations for
8 Central West. John McMahon was the Director of the Toronto
9 Region, although there was an overlap time of his being
10 Assistant Deputy Attorney General, acting in some portion
11 of that time.

12 **MS. JONES:** I'd like to please go to Exhibit
13 3193, which is Document 112861.

14 Now, Ms. Narozniak, just because this is
15 your first document, we wait until you have the hardcopy in
16 front of you -- it's already an exhibit -- and we also wait
17 for Madam Clerk to put the version on the screen as well.
18 So there's a bit of a lag time there before I actually ask
19 you any questions on it.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MS. JONES:** No. I'm sorry. No. Document
22 112861.

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

24 **THE REGISTRAR:** Three-one-nine-six (3196)

25 **MS. JONES:** Three-one-nine-six (3196).

1 **THE COMMISSIONER:** Yes. Okay.

2 **MS. JONES:** Just for identification purposes
3 -- by the way, has this been stamped, because there is
4 reference to ---

5 **THE COMMISSIONER:** It hasn't, but we will.

6 **MS. JONES:** --- C-16. Thank you.

7 Also to remind you, Ms. Narozniak, that
8 there are certain persons' names, certain victim names that
9 are not to be revealed. And in this particular case we
10 will be referring to C-16. Do you know who C-16 is?

11 **MS. NARONZNIAK:** Yes.

12 **MS. JONES:** Now, in this particular document
13 here, this is a memo from Shelley Hallett dated March 21st,
14 2001 and essentially, as she is the Crown requesting the
15 appeal, it's her role, I would imagine, to inform the panel
16 and give her information that would support her contention
17 that she thinks this is something that should be appealed.

18 **MS. NARONZNIAK:** That's correct.

19 **MS. JONES:** And that's a very typical thing
20 that happens?

21 **MS. NARONZNIAK:** That is standard operation,
22 yes.

23 **MS. JONES:** Thank you.

24 And it's essentially -- this memo
25 essentially outlines Ms. Hallett's response to Justice

1 Chadwick's decision, giving her version of events, and
2 provides 12 grounds for appeal from her perspective?

3 MS. NARONZNIAK: Correct.

4 MS. JONES: If we could please go to page 5
5 of the document, which is Bates page 4978, and the Bates
6 page is the small number on the left-hand side.

7 MS. NARONZNIAK: I see that.

8 MS. JONES: And I typically say just the
9 last four digits, okay?

10 And I'm just looking down to the penultimate
11 paragraph and I'm looking at the last complete sentence --
12 I believe it's a complete sentence anyway -- where Miss
13 Hallett is essentially saying that when she was involved in
14 that prosecution and the notion of a stay application came
15 forward, she was initially under the impression that that
16 had to do solely with the notes of Officer Dupuis ---

17 MS. NARONZNIAK: Right.

18 MS. JONES: --- and the fact that this one
19 particular note of June 15th, 1998, hadn't been disclosed to
20 defence?

21 MS. NARONZNIAK: Correct.

22 MS. JONES: Now, if we could please go to
23 the next page, which is Bates page 4979. And again, I'm
24 looking at the penultimate paragraph and again, just to get
25 very clear what her position was, Miss Hallett said:

1 "I had already told the Court about my
2 possession of the Dunlop notes and
3 statement since April 2000, and that I
4 had already taken full responsibility
5 for the failure to disclose the
6 material to the defence."

7 **MS. NARONZNIAK:** Yes.

8 **MS. JONES:** I'm just pointing that out
9 because the phrase "notes and statement" that Miss Hallett
10 refers to there, I'm going to be using that as well, and I
11 just want to have a -- very clear what that is actually
12 meant by when that phrase of "notes and statement" is used.

13 **MS. NARONZNIAK:** All right, yes.

14 **MS. JONES:** Okay.

15 So those seem to be two basic premises in
16 Miss Hallett's opinion on that particular date. And I
17 would like you please to go to Document 112846.

18 **THE COMMISSIONER:** That will be a new
19 document. No, that's a new document.

20 **MS. NARONZNIAK:** Oh, that's a new document;
21 sorry.

22 **THE COMMISSIONER:** No, no, don't.

23 As I say, by the time you get used to the
24 system, it's time for you to go.

25 **MS. NARONZNIAK:** Let's hope I get used to it

1 quickly.

2 **MS. JONES:** I'm sorry, yes, I have got a
3 different document number here. It's Exhibit 2826.

4 **THE COMMISSIONER:** Ah, okay.

5 **MS. JONES:** And it's going to be Document
6 101856.

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

8 **MS. JONES:** Ms. Narozniak, just to summarise
9 again what this document is. This is detailing basically
10 the defence's request for disclosure in the Leduc matter.

11 **MS. NAROZNIAK:** Right.

12 **MS. JONES:** And Miss Hallett also detailed
13 her actions in response to the letters from Defence dated
14 February 15th and 16th, 2001.

15 **MS. NAROZNIAK:** Right.

16 **MS. JONES:** Miss Hallett also states in this
17 memo that she had sent notes from -- I believe she was a
18 junior counsel at least -- Kerry Benzakein taken in the
19 course of the proceedings.

20 **MS. NAROZNIAK:** I believe she was the
21 articling student at the time.

22 **MS. JONES:** The articling student at the
23 time, okay.

24 And this clearly is addressed to you as
25 well. So this would have been something that you would

1 have used in consideration when you were writing your
2 opinion?

3 **MS. NARONZNIAK:** She was keeping us in the
4 group, the panel, in furtherance of queries put to her by
5 John McMahon.

6 **MS. JONES:** Did you ever have a meeting
7 before this point with Miss Hallett to discuss the appeal?

8 **MS. NARONZNIAK:** No, but we had a conference
9 call but not a personal meeting, no.

10 **MS. JONES:** And if you can just explain how
11 it works. Did you ever meet as a panel to discuss the
12 viability of the appeal before you each went off to do your
13 opinions? Is that how that works?

14 **MS. NARONZNIAK:** No, we first -- we went by
15 order of the legal opinion, first of all. There was no
16 discussion other than preliminary discussion, I believe,
17 regarding some factual underpinnings of what took place.

18 John Pearson took the lead. He provided the
19 first legal opinion. Then it went to Louise DuPont. Then
20 it went to me and then the three of us had a conference
21 call.

22 **MS. JONES:** So whenever any Crown is
23 requesting an appeal, essentially, you're going to three --
24 there's three kicks at the can, if you were -- three
25 different people giving their independent evaluation on

1 that before you get together?

2 **MS. NARONZNIAK:** Well, I wouldn't call it
3 three independent kicks because it's either -- the majority
4 rules is what I'm saying.

5 **MS. JONES:** Okay.

6 **MS. NARONZNIAK:** So out of the panel of
7 three, you will have either agreement or denial of the
8 application for appeal.

9 **MS. JONES:** So an appeal will go forward if
10 two of the three of the panel agree?

11 **MS. NARONZNIAK:** Exactly, or unanimous.

12 **MS. JONES:** Or unanimous, okay, thank you.
13 If we could please go to Document 102183.

14 **THE COMMISSIONER:** Thank you.

15 Exhibit 3257 is a document entitled "Crown
16 Appeal Request".

17 **--- EXHIBIT NO./PIÈCE NO. P-3257:**

18 (102183) Opinion letter written by John
19 Pearson dated 18 Mar 01

20 **MS. JONES:** Thank you.

21 This is actually the document written by Mr.
22 Pearson.

23 **THE COMMISSIONER:** Is it?

24 **MS. JONES:** And it's dated March 18th, 2001
25 on the last page.

1 **THE COMMISSIONER:** Very good. Thank you.

2 **MS. JONES:** Just touching on this particular
3 document then, this is the opinion letter written by Mr.
4 Pearson?

5 **MS. NARONZNIAK:** Right.

6 **MS. JONES:** And he starts off and he first
7 gives a very detailed chronology of events that happened,
8 and I might add too -- could this please be stamped as
9 well? Thank you.

10 And if we could please go to page 7 of the
11 document, which is Bates page 1369. In this chronology, it
12 is stated, if we look at the date of April 17th, 2000, which
13 is a little bit down the page.

14 **MS. NARONZNIAK:** Yes.

15 **MS. JONES:** The sentence attributed to that
16 particular date is that:

17 "Shelley Hallett receives copy of
18 Dunlop's statement and supporting books
19 from Project Truth."

20 **MS. NARONZNIAK:** Right.

21 **MS. JONES:** Is this what was considered the
22 "notes and statement"?

23 **MS. NARONZNIAK:** Yes.

24 **MS. JONES:** The phrase?

25 **MS. NARONZNIAK:** Yes.

1 **MS. JONES:** Okay, thank you.

2 "April 2000, Perry Dunlop delivers nine
3 bankers' boxes of material in
4 compliance with order of supervisors to
5 deliver any outstanding material in
6 relation to Project Truth."

7 **MS. NARONZNIAK:** Right.

8 **MS. JONES:** Okay.

9 Then at the bottom, it says:

10 "May 3rd and 4th, 2000 Officer Grenier
11 reads Dunlop will-say statement, which
12 was filed as Exhibit 2B."

13 Was it your understanding that that was a
14 different statement than referred to in the statement on
15 April 17th, 2000?

16 **MS. NARONZNIAK:** Well, I thought it was the
17 same one.

18 **MS. JONES:** Okay.

19 If we could please go to page 11 of the
20 document, which is Bates page 1373. The first complete
21 paragraph, it starts off with "It was my opinion".

22 **MS. NARONZNIAK:** Yes.

23 **MS. JONES:** And this is Miss Hallett
24 speaking, and these are her submissions to the Court
25 actually. And she said:

1 "It was my opinion, having reviewed
2 these documents, the Dunlop notes and
3 statement, in I must say a cursory way,
4 it was my view that these items should
5 certainly be disclosed to defence
6 counsel for Charles MacDonald because
7 of the very close connection between
8 Constable Dunlop and the witnesses and
9 victims in that case. As I say, Your
10 Honour, it was not my understanding
11 that there was any contact by Constable
12 Dunlop and any witness or victim in the
13 Leduc matter and I did not perceive
14 these items from Constable Dunlop to be
15 relevant to the issue of disclosure to
16 generate any disclosure obligation on
17 my part."

18 So just to paraphrase then, Miss Hallett
19 felt certainly she was making her submissions that the
20 disclosure of the Dunlop notes and statement were relevant
21 to Charles MacDonald but not to the Jacques Leduc
22 prosecution?

23 **MS. NARONZNIAK:** That's correct.

24 **MS. JONES:** Okay. And if we could please go
25 to page 14, which is Bates page 1376. And just looking at

1 the one sentence above the February 26th, 2001 at the
2 bottom. Again, this is a summary of what was happening and
3 it's stated that at the first Leduc matter that:

4 "The Crown, Ms. Hallett, called three
5 complainants to testify they had no
6 contact with Perry Dunlop."

7 **MS. NARONZNIAK:** That's right.

8 **MS. JONES:** On page 20, which is Bates page
9 1382 -- now, again, there is a name there. Remember it's
10 C-16 or C-16's mother, as we refer to her.

11 **MS. NARONZNIAK:** Yes.

12 **MS. JONES:** And in the middle paragraph it
13 said, "At paragraph 23 Chadwick J states that," and you're
14 at that paragraph?

15 **MS. NARONZNIAK:** Yes.

16 **MS. JONES:** Essentially this paragraph is
17 significant because, according to Mr. Pearson, it seems
18 that Justice Chadwick had mixed up the contacts that were
19 attributed to Mr. Dunlop and he states -- and this is
20 Justice Chadwick stating:

21 "In Dunlop's notes there is a reference
22 to the [C-16's] mother's telephone
23 call. An entry of May 8th, 1998
24 reads...when one looks at the notes of
25 Perry Dunlop, one becomes suspicious as

1 to when entries were actually made."

2 In paragraph 25 His Honour states:

3 "The entry of May 8th, 1998 appears at
4 page 111. Up until that entry there
5 have not been any entries for two
6 months. The last full sentence was
7 back on November 27th, 1997. From
8 Detective Dupuis' notes we know that
9 the call was made on June 15th, 1998."

10 **MS. NARONZNIAK:** Right.

11 **MS. JONES:** Then Mr. Pearson writes:

12 "The evidence indicates that the call
13 on June 15th, 1998 was a follow-up call
14 by Dunlop to [C-16's] mother when, by
15 coincidence, Detective Dupuis was
16 present. His Honour seems to have
17 mixed up the two contacts between [C-
18 16's] mother and Perry Dunlop. "

19 **MS. NARONZNIAK:** Right.

20 **MS. JONES:** Was this a position that you
21 agreed with when you were putting together that opinion, as
22 well, to that particular portion attributed to Justice
23 Chadwick?

24 **MS. NARONZNIAK:** I don't recall focusing on
25 that particular position as being essential to the analysis

1 of the legal opinion. That was -- that certainly was
2 supportive of my review of the evidence thus far. That was
3 my understanding as well, so I would agree with Mr.
4 Pearson's description of him.

5 **MS. JONES:** Okay; thank you.

6 If we could please go to Document 101647?
7 And there will be a stamp on that too, please.

8 **THE COMMISSIONER:** Thank you. Exhibit
9 Number 3258 is a memo to John McCann from Louise DuPont
10 dated March 31st, 2001.

11 **--- EXHIBIT NO./PIÈCE NO. P-3258**

12 (101647) Memorandum from Louise DuPont to
13 John McMahon re: Crown Request for appeal
14 in the matter of R. v. Jacques Leduc dated
15 23 Mar 01

16 **MS. JONES:** Now, this is the second legal
17 opinion of the panel that you were part of.

18 **MS. NARONZNIAK:** Yes.

19 **MS. JONES:** And I want to draw your
20 attention, please, to page 9 of the document. This is
21 Bates page 7505. I'm looking at the paragraph starting
22 with, "By holding the Crown responsible..."

23 **MS. NARONZNIAK:** Yes.

24 **MS. JONES:** And I'll just read that in the
25 record. This had to do with looking at the issue of

1 whether or not Justice MacKinnon should have remained
2 hearing this particular case or not:

3 "By holding the Crown responsible..."

4 And Ms. DuPont was meaning Ms. Hallett at
5 that point:

6 "By holding the Crown responsible,
7 Justice MacKinnon would no longer have
8 to bear the responsibility of a
9 mistrial he could have avoided had he
10 been prudent and refused to hear the
11 case in the first place. This is a
12 bold statement but I can attest to the
13 fact that there exists a cloud of
14 suspicion amongst my colleagues and
15 certainly in the community at large
16 that this is exactly what happened.
17 Also the fact that Justice MacKinnon
18 had his colleague, also from Ottawa,
19 take over his case did not improve that
20 apprehension of bias which already
21 existed. For the members of the
22 community in Cornwall, this travesty of
23 justice is simply further proof of the
24 alleged cover-up which began years
25 ago."

1 And just to be clear, too, Ms. DuPont is
2 actually an assistant Crown attorney based in Ottawa?

3 **MS. NARONZNIAK:** Yes, correct. She's Deputy
4 Crown Attorney now.

5 **MS. JONES:** Correct. Was there any sort of
6 discussion amongst you about that particular paragraph?

7 **MS. NARONZNIAK:** No, not at all.

8 **MS. JONES:** No? And on page 16, which is
9 Bates page 7512, at this particular case Ms. DuPont is
10 actually looking at what she feels to be the most
11 disturbing error in the judgment of Justice Chadwick, and
12 that being the connection between Constable Dunlop and the
13 witnesses in the case. And I won't read out the entire
14 part there but clearly Justice Chadwick -- consistent with
15 what I read out earlier in Mr. Pearson's opinion, and
16 following on from that, I just go down to the paragraph
17 that sets out, "As pointed out by others..."

18 **MS. NARONZNIAK:** Yes.

19 **MS. JONES:** And it states:

20 "As pointed out by others, his
21 conclusion was in direct conflict with
22 the sworn testimony of four witnesses,
23 and a careful review of the Dunlop
24 notes and statement should have
25 convinced the learned judge that

1 Dunlop's interest in this case was
2 indeed significant."

3 **MS. NARONZNIAK:** Yes.

4 **MS. JONES:** Okay; thank you.

5 And if I go to the -- I should have
6 completed the first paragraph, that essentially what
7 assistant Crown attorney DuPont was saying was that there
8 was clear unchallenged and uncontradicted evidence that
9 indeed there had been no contact, nor any attempt at
10 contacting the witnesses directly or indirectly by Perry
11 Dunlop.

12 **MS. NARONZNIAK:** That was before Justice
13 MacKinnon, yes.

14 **MS. JONES:** Okay.

15 Now, at this particular point -- this
16 opinion is dated March 23rd, 2001 and we have heard much in
17 this Inquiry about the nine boxes belonging to Mr. Dunlop.

18 **MS. NARONZNIAK:** Yes.

19 **MS. JONES:** And I believe that you would
20 know that these were in the possession of the Crown by
21 April 2000.

22 **MS. NARONZNIAK:** Correct.

23 **MS. JONES:** In fact I think I read it out in
24 the chronology when I was looking at Mr. Pearson's ---

25 **MS. NARONZNIAK:** That's correct.

1 **MS. JONES:** --- just to remind you.

2 So when this opinion is being written on
3 March 23rd, 2001 you'll agree that certainly at that point
4 the Crown had knowledge of these nine boxes ---

5 **MS. NARONZNIAK:** Yes.

6 **MS. JONES:** --- of materials?

7 And would you agree with me at this stage
8 that it would appear to be the opinion of Mr. Pearson and
9 Ms. DuPont that the nine boxes that we refer to were
10 actually irrelevant to the Leduc matter?

11 **MS. NARONZNIAK:** I'm not sure that that was
12 the stated opinion of both Mr. Pearson and Ms. DuPont,
13 because, no, I'm not aware that they reviewed the nine
14 boxes. Certainly I did not as part of my review of the APO
15 request. I think it was on the basis that the evidence
16 before Justice MacKinnon that the conclusion was on the
17 admissible sworn evidence that Justice MacKinnon had -- or
18 actually was Justice Chadwick, there was no evidence to
19 suggest there was contact between Mr. Dunlop and the Leduc
20 victims.

21 **MS. JONES:** Okay. On page 18, Bates page
22 7514, looking at the last paragraph, I'll just read:

23 "The accused, in my view, has failed to
24 establish the nondisclosure has
25 probably prejudiced or had an adverse

1 effect on his ability to make full
2 answer in defence. As suggested by
3 Ms. Hallett in her submissions on the
4 stay application, given the non-
5 materiality of the nondisclosure, there
6 was no breach of Mr. Leduc's Charter
7 right. Even if the Court were to find
8 a breach, the breach was minimal, not
9 intentional, and capable of being
10 remedied. I also agree with John
11 [Pearson] that even if prejudice was
12 caused, there was no evidence that the
13 prejudice would be manifested,
14 perpetuated or aggravated throughout
15 the conduct of the trial or by its
16 outcome."

17 **MS. NARONZNIAK:** Right.

18 **MS. JONES:** So to sum it up then, in
19 Ms. DuPont's opinion the problem was so minimal that it was
20 difficult to think that there would be any prejudice
21 against the accused?

22 **MS. NARONZNIAK:** Correct.

23 **MS. JONES:** Okay.

24 Now, if we could please go to Document
25 101867. This should be stamped, thank you, Madam Clerk.

1 **THE COMMISSIONER:** Thank you. Exhibit 3259
2 is a memorandum to John McMahon from Lidia Narozniak, dated
3 the 16th of March, 2001.

4 **--- EXHIBIT NO./PIÈCE NO. P-3259:**

5 (101867) Memorandum from Lidia Narozniak to
6 John McMahon re: Crown Appeal Request R. v.
7 Leduc dated 26 Mar 01

8 **MS. JONES:** Thank you.

9 I'm not going to actually go into any detail
10 in your opinion, but essentially you agreed with the
11 opinions of Mr. Pearson and Ms. Dupont?

12 **MS. NARONZNIAK:** Correct.

13 **MS. JONES:** Okay. And I understand that Mr.
14 Leduc was served with a notice of appeal on March 28th,
15 2001, and that Mr. Pearson was actually designated to
16 handle the appeal?

17 **MS. NARONZNIAK:** That's what happened, yes,
18 correct.

19 **MS. JONES:** And Justice Chadwick's decision
20 was overturned at the Court of Appeal, and leave to appeal
21 the application at the Supreme Court of Canada was denied
22 on January 12th, 2004?

23 **MS. NARONZNIAK:** Correct.

24 **MS. JONES:** Now, between the time that you
25 had given this opinion, which is in March, 2001 ---

1 MS. NARONZNIAK: Yes.

2 MS. JONES: --- and the eventual Court of
3 Appeal decision, did you have any involvement at all in
4 this matter?

5 MS. NARONZNIAK: Not until the fall of --
6 when was the appeal again to the Supreme Court of Canada
7 date?

8 MS. JONES: The date was January 12th, 2004.

9 MS. NARONZNIAK: So 2004, so the fall of
10 2003, after my return to the Hamilton office, John Pearson
11 called me and asked if I would be interested in prosecuting
12 the retrial should there be one. That was the extent of
13 our conversation. I said, yes, and the rest was waiting to
14 see what the Supreme Court of Canada would do.

15 MS. JONES: Okay. So that's in the fall of
16 2003.

17 MS. NARONZNIAK: Yes.

18 MS. JONES: If I could please go to Exhibit
19 2814, which is Document 732785?

20 THE COMMISSIONER: So 2814? You might have
21 that book, just look on the spine; 2814? Do you have it?
22 No; 2814?

23 MS. NARONZNIAK: Oh, sorry, yes.

24 MS. JONES: Now, this particular exhibit is
25 a letter that was written by Mr. Stewart, who is the

1 Regional Director of Crown Operations in the East Region,
2 and it's a letter written to Pat Hall, again, dated
3 September 6th, 2001.

4 And in this particular letter -- as I say,
5 I'm not going to go through it, it's already been discussed
6 at an earlier time -- but in this particular letter there's
7 a discussion that Mr. Stewart has about the disclosure of
8 the various items including the Fantino brief and other
9 items belonging to Mr. Dunlop, through the course of the
10 investigation.

11 **MS. NARONZNIAK:** Yes.

12 **MS. JONES:** And the very last conclusion
13 that's stated by Mr. Stewart if you look on the second page
14 which is Bates page 6989, essentially, Mr. Stewart says at
15 the top of the page:

16 "A careful examination of the
17 circumstances surrounding the material
18 that was delivered to the Ministry does
19 not support the suggestion that it was
20 somehow being withheld from the
21 police."

22 And at the very bottom of the letter, it
23 says:

24 "Accordingly, I do not believe the
25 absence of the material was relevant to

1 the allegation of conspiracy as
2 referred to by you in your letter, and
3 it was not necessary for it to form a
4 part of the recent review by the
5 Crown."

6 **MS. NARONZNIAK:** Yes.

7 **MS. JONES:** Do you see that?

8 **MS. NARONZNIAK:** Yes, I do.

9 **MS. JONES:** I don't know if you are able to
10 answer this or not, but this recent review, do you think
11 they were referring to that opinion that ---

12 **MS. NARONZNIAK:** I'm not sure.

13 **MS. JONES:** You're not sure about that?

14 **MS. NARONZNIAK:** No.

15 **MS. JONES:** Okay.

16 **MS. NARONZNIAK:** Now, we have, from other
17 materials, determined that the nine boxes of the Dunlop
18 disclosure, which are known as the nine banker's boxes ---

19 **MS. NARONZNIAK:** Yes.

20 **MS. JONES:** --- were actually disclosed to
21 defence on June 26th, 2002?

22 **MS. NARONZNIAK:** I'll accept that.

23 **MS. JONES:** Okay. And you're not brought in
24 until the fall, 2003.

25 **MS. NARONZNIAK:** Right.

1 **MS. JONES:** So my question is, did you have
2 any involvement in the decision to make that disclosure?

3 **MS. NARONZNIAK:** No.

4 **MS. JONES:** And do you know when you were
5 brought on board if there was any discussion about why it
6 was disclosed at that particular point?

7 **MS. NARONZNIAK:** No.

8 **MS. JONES:** And when you took on this case
9 in the fall, 2003, did you get any further briefing on the
10 matter from Crown Hallett? Do you recall?

11 **MS. NARONZNIAK:** I don't recall a briefing.

12 **MS. JONES:** From anyone else? Was there any
13 sort of a mandate given to you or any sort of a ---

14 **MS. NARONZNIAK:** Prosecute.

15 **MS. JONES:** Okay. Besides that? Nothing
16 else?

17 **MS. NARONZNIAK:** No.

18 **MS. JONES:** Okay.
19 If we could please go to Document 733331?

20 **THE COMMISSIONER:** Thank you.

21 Exhibit Number 3260 is a memorandum to James
22 -- an email correspondence to James Stewart, from Colleen
23 McQuade.

24 --- **EXHIBIT NO./PIÈCE NO. P-3260:**

25 (733331) - E-mail from Colleen McQuade to

1 James Stewart re: *R. v. Leduc* Cornwall Case

2 MS. JONES: There's a few dates on there,
3 yes, Mr. Commissioner.

4 THE COMMISSIONER: No, but I just want to do
5 it with the -- just identify the exhibit, and so ---

6 MS. JONES: Unfortunately, there's not a
7 date on the top email ---

8 THE COMMISSIONER: Okay.

9 MS. JONES: --- but the emails seem to date
10 from January 19th and January 20th, 2004.

11 THE COMMISSIONER: All right then.

12 MS. JONES: So I assume the top one is
13 around that same timeframe.

14 THE COMMISSIONER: M'hm.

15 MS. JONES: Essentially, this is the email
16 from Mr. Stewart advising Mr. Lewis that you would be the
17 Crown that would be assigned to this?

18 MS. NARONZNIAK: That's right.

19 MS. JONES: And so presumably the police
20 learned about you in January, 2004?

21 MS. NARONZNIAK: Correct.

22 MS. JONES: Okay.

23 If I could please go to Document 105368?

24 THE COMMISSIONER: Thank you, yes.

25 Exhibit Number 3261 is email correspondence

1 from John Pearson to Lidia Narozniak, dated January 26th,
2 2004.

3 ---EXHIBIT NO./PIÈCE NO P-3261:

4 (105368) - E-mail from John Pearson to Lidia
5 Narozniak & James Stewart re: Project Truth
6 dated January 26, 2004

7 **MS. JONES:** If I could just please go --
8 because emails go always backwards in time, I have to go
9 back ---

10 **MS. NARONZNIAK:** Yes.

11 **MS. JONES:** --- to the first ones, and if I
12 go to the second page at the bottom, which is Bates page
13 7864, and I'm looking right at the bottom there, it's an
14 email from Ms. McQuade to Don Genier, but you were "cc'd"
15 on that.

16 **MS. NARONZNIAK:** Right.

17 **MS. JONES:** And on the third page, which is
18 Bates page 7865, the first complete paragraph starts off
19 "In essence", and Officer McQuade said:

20 "In essence, what Lidia needs to do is
21 to review all information, every piece
22 of paper that has ever been obtained
23 and harboured within the confines of
24 Project Truth, not just the Leduc file.
25 It is not that we are not trusted to

1 deliver all documents of relevance, it
2 is that to objectively review the
3 entire matter, Lidia is tasked with
4 having to review everything herself so
5 as to instil total confidence in the
6 courts that nothing is outstanding."

7 **MS. NARONZNIAK:** Correct.

8 **MS. JONES:** So I tried to give emphasis to
9 the words that were given emphasis by Officer McQuade.

10 **MS. NARONZNIAK:** Correct.

11 **MS. JONES:** So the decision was made by
12 someone that you were to review everything. Can you recall
13 how that came about?

14 **MS. NARONZNIAK:** Well, the decision was made
15 in consultation with John Pearson by me.

16 With respect to the development in the first
17 trial, that there was an oversight on a relevant piece of
18 disclosure, I thought it prudent to ensure that all the
19 material would be reviewed again, especially since there
20 was this Dunlop connection, that we not miss through
21 oversight or inadvertence, any other reference or any other
22 relevant disclosure that touches on the Leduc case.

23 My goal was to ensure that the trial
24 proceeded without being derailed.

25 **MS. JONES:** Okay.

1 **MS. NAROZNIAK:** And we thought the -- in
2 consultation with John, John agreed with me that out of an
3 abundance of caution the review of the entire investigation
4 would be prudent.

5 **THE COMMISSIONER:** I'm sorry? Would be?

6 **MS. NAROZNIAK:** Sorry -- prudent.

7 **THE COMMISSIONER:** Prudent?

8 **MS. NAROZNIAK:** I lose my voice ---

9 **THE COMMISSIONER:** No, no, that ---

10 **MS. NAROZNIAK:** --- at certain portions, I
11 apologize.

12 **THE COMMISSIONER:** No, no. When you get to
13 be my age, you don't hear very well either.

14 **(LAUGHTER/RIRES)**

15 **THE COMMISSIONER:** And some people think I
16 don't hear at all, sometimes.

17 **(LAUGHTER/RIRES)**

18 **THE COMMISSIONER:** But the other thing I've
19 noted, is it correct to say that you were freed of -- and
20 you were dedicate -- you were dedicated full-time to Truth?

21 **MS. NAROZNIAK:** That's correct.

22 **THE COMMISSIONER:** All right.

23 **MS. NAROZNIAK:** I had a few cases left,
24 obviously. It's difficult to just completely separate
25 yourself from your caseload, but that was being done very

1 proactively.

2 **THE COMMISSIONER:** Okay, thank you.

3 **MS. JONES:** Thank you.

4 And the email I just referred you to was
5 January 22nd, 2004, so I just want to do things in
6 chronology here as well.

7 If we could please go to Document 733394?

8 **THE COMMISSIONER:** Thank you.

9 Exhibit Number 3262 are email transmittals
10 to Lidia Narozniak from Colleen McQuade, January 23rd, 2004.

11 **--- EXHIBIT NO./PIÈCE NO. P-3262:**

12 (733394) - E-mail from Colleen McQuade to
13 Lidia Narozniak re: Project Truth dated 23
14 Jan 04

15 **MS. JONES:** Thank you.

16 Again, because they're emails, there's a
17 whole variety of dates that are contained, actually, within
18 this particular document.

19 But if we could please go to the page that's
20 right in front of you, again at the bottom, it's the same
21 date as the other email, which is January 22nd, 2004. And
22 again, it's an email from Ms. McQuade to Genier. And
23 again, this is a reiteration of what we just went through
24 before, and the emails are on top of it, which are about
25 the same date. It seems to me Officer McQuade is very

1 supportive, and you were very supportive of each other,
2 shall we say?

3 **MS. NARONZNIAK:** Yes.

4 **MS. JONES:** And obviously shows a good
5 relationship?

6 **MS. NARONZNIAK:** It was very good.

7 **MS. JONES:** And I understand you kept that
8 good relationship throughout the prosecution?

9 **MS. NARONZNIAK:** Yes.

10 **MS. JONES:** Okay.

11 **THE COMMISSIONER:** Okay. You're saying good
12 relations with the police?

13 **MS. NARONZNIAK:** Very. Yes, very much so.

14 **THE COMMISSIONER:** Right. I just note that
15 in Exhibit 3261 you've got on Bates page 1027864 where it
16 says:

17 "It's sad to say, but..."

18 And this is Officer Genier:

19 "...I see that as a result of the first
20 trial, the Attorney General's Office
21 are aiming at not working together on
22 this file with the OPP and I don't see
23 that as a good thing."

24 **MS. NARONZNIAK:** That's correct.

25 **THE COMMISSIONER:** Did you address that at

1 some point?

2 **MS. NAROZNIAK:** That's exactly what took
3 place with the assistance of Colleen. My view was that
4 Constable Genier misunderstood the intention of the review.
5 I still -- I believe that he was still feeling the effects
6 of what took place earlier at the first trial, that this
7 was lingering somehow, that it was evaluating the police
8 work when in fact I was ensuring that my Crown obligation
9 of disclosure was fulfilled in its entirety. And with
10 Colleen's help we worked it out and it was a good
11 relationship from that point.

12 **MS. JONES:** Okay. So it was -- basically,
13 that was my next point, actually. There was just a
14 misunderstanding?

15 **MS. NAROZNIAK:** It was a misunderstanding
16 and it was quickly resolved.

17 **MS. JONES:** Okay. Good.

18 **THE COMMISSIONER:** I guess there's some
19 merit to copying the Crown when you're going to criticize
20 them then?

21 **MS. NAROZNIAK:** Well, it got -- I'm not sure
22 how it got to my hands, but it certainly ---

23 **THE COMMISSIONER:** You were copied.

24 **MS. NAROZNIAK:** I was a little surprised by
25 it, but we resolved it and moved forward.

1 **THE COMMISSIONER:** Terrific.

2 **MS. JONES:** If we could please go to
3 Document 733396? And these are also a series of emails,
4 Mr. Commissioner.

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

6 **MS. JONES:** I can tell you the dates are
7 March to October 2004 in the next exhibit.

8 **THE COMMISSIONER:** All right.

9 **MS. JONES:** It's again a difficult one to
10 classify.

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

12 Exhibit Number 3263 begins with an email to
13 Steve Seguin from Colleen McQuade on Tuesday, April 6th,
14 2004.

15 **--- EXHIBIT NO./PIÈCE NO. P-3263:**

16 (733396) - E-mail from Colleen McQuade to
17 Steve Seguin re: Project truth OA6 dated 06
18 Apr 04

19 **MS. JONES:** Now, again, just to -- there's
20 various emails here, various dates between the group of you
21 between March and October.

22 But just to capsulize, there was some
23 discussion in these emails about whether the disclosure
24 should be shipped to you or if you should go to the Project
25 Truth office and review them.

1 MS. NARONZNIAK: Right.

2 MS. JONES: But in the end, essentially it
3 was decided that the boxes would be shipped to you a few at
4 a time so you could read them yourself in Hamilton. Is
5 that right?

6 MS. NARONZNIAK: That's correct.

7 MS. JONES: Okay. Now, if we could please
8 go to Document 102938?

9 THE COMMISSIONER: Thank you.

10 Exhibit 3264 is a transcript of an
11 adjournment in Her Majesty the Queen v. Leduc dated
12 February 19th, 2004.

13 --- EXHIBIT NO./PIÈCE NO. P-3264:

14 (102938) - Adjournment re: R.v. Jacques
15 Leduc dated 19 Nov 04

16 MS. JONES: Now, this is the first court
17 appearance you have, actually, with respect to the Leduc
18 prosecution, and you were brought into the file maybe in a
19 more official capacity in January 2004?

20 MS. NARONZNIAK: Yes.

21 MS. JONES: And I understand that a trial
22 date had been set for May 2004?

23 MS. NARONZNIAK: I forget when it was set.

24 MS. JONES: And this application for an
25 adjournment was to adjourn that May date?

1 **MS. NARONZNIAK:** Well, it was actually set
2 for a case management conference, first of all, but when
3 the date was set for May, it was after Marie Henein was
4 retained by Mr. Leduc for the second trial.

5 In my conversation with her, she said she
6 was going to be ready for the spring. I don't recall how
7 the May 10th date was picked, but I was surprised by that
8 comment by her, but my instruction was we were going to be
9 ready no matter what, at whatever date, to ensure that
10 there was a speedy trial -- speedy retrial.

11 By the time of the conference, case
12 management conference with a Superior Court justice, Ms.
13 Henein realized how much material she had to deal with, and
14 in the course of the review of the upcoming pre-trial
15 motions with the justice, I acknowledged her comments that
16 there was a lot of material to review, that it was much
17 more complicated than she perhaps originally thought and
18 there were several pre-trial motions she had to pay
19 attention to.

20 And with that, I believe Ms. Henein assumed
21 it was a joint request. I was ready for trial at any time,
22 but since the time from May to October did not count due to
23 an 11(b) waiver, I didn't bother saying anything.

24 **MS. JONES:** Okay. So we'll just -- I just
25 need to go through the actual ---

1 **MS. NARONZNIAK:** Certainly.

2 **MS. JONES:** You basically anticipated my
3 questions on that.

4 **MS. NARONZNIAK:** Yes, I did.

5 **MS. JONES:** But on February 19th, 2004, you
6 and Ms. Henein appeared before Madam Justice -- the
7 Honourable Madam Justice Métivier ---

8 **MS. NARONZNIAK:** Correct.

9 **MS. JONES:** --- in Cornwall, and on the
10 first page of the transcript, which is Bates page 4797, the
11 Court goes on record and says:

12 "The Court is very conscious of the
13 need to have this matter heard
14 expeditiously."

15 **MS. NARONZNIAK:** Yes.

16 **MS. JONES:** And it seemed that the trial
17 date of the 10th of May was the initially scheduled trial
18 date?

19 **MS. NARONZNIAK:** Correct.

20 **MS. JONES:** Which appears at the second
21 page, which is Bates page 4798.

22 Ms. Henein addresses the Court on that same
23 page.

24 **MS. NARONZNIAK:** Yes.

25 **MS. JONES:** And she states:

1 "That's correct, Your Honour. There was
2 a May date that was set. As you're
3 aware, both Ms. Narozniak and myself
4 are new to the file. This matter
5 covers some, in my office at least, 20
6 boxes and I believe Ms. Narozniak's
7 file is growing as we speak, and we
8 both have to engage in an extensive
9 review of the file. It's for that
10 reason that neither of us are in a
11 position to proceed in May and what we
12 would be requesting are dates for
13 motions to proceed."

14 Now, you're anticipating my question. The
15 issue of "neither of us are in a position to proceed in
16 May," do you agree with that? Because you don't actually
17 disagree with that on the transcript.

18 **MS. NARONZNIAK:** I didn't disagree on the
19 record. However, my position was that I was going to be
20 ready for May 10th regardless.

21 It was in the course of the case management
22 conference when we discussed the complexity of the -- and
23 the volume of the material to review that I believe Ms.
24 Henein assumed that this was a joint request. She stated
25 it as such and I did not feel it necessary to challenge

1 her, given the waiver from May to October, and I let it go.

2 **MS. JONES:** Okay. Now, the other notable
3 thing that Ms. Henein says is that she had 20 boxes and:

4 "...I believe Ms. Narozniak's file is
5 growing as we speak."

6 Can you explain what that means in the sense
7 of it would appear that you have the disclosure already,
8 including all the Dunlop material, well before February
9 2004?

10 **MS. NARONZNIAK:** It was kind of a movement of
11 boxes. She's referring to the fact that I was reviewing
12 the Project Truth boxes as well, which numbered way beyond
13 20, and there was a movement of those boxes in my office.
14 I'm not sure what amounted to the 20 boxes that she had,
15 but it included not only disclosure but transcripts of both
16 the preliminary and the first trial.

17 **MS. JONES:** In fact, at that particular
18 point, you still had -- I have a document we can go to to
19 verify that, but you still later on would receive 30 more
20 boxes of disclosure.

21 **MS. NARONZNIAK:** That's all part of the
22 Project Truth review that consisted of all the cases that
23 they -- they being the OPP -- the Project Truth part of the
24 OPP investigated. So it was an ongoing flow of boxes that
25 numbered and -- I don't know, I forget the number now but

1 it was over 40.

2 **MS. JONES:** Okay, thank you.

3 If you look at the next paragraph of Ms.
4 Henein's comments:

5 "I can indicate to Your Honour that we
6 are attempting to obviously focus this
7 case and we will make admissions that
8 are necessary to move it along."

9 Do you recall what, if any, admissions she
10 was referring to that you had discussions with her about?

11 **MS. NARONZNIAK:** There was -- there were some
12 evidence regarding a probation officer who was very ill, if
13 not passed away. We were trying to review some of the
14 minor witnesses that were called in the first trial to see
15 if that could be admitted by way of stated case as opposed
16 to having them called.

17 We were in discussion about the timing and
18 the number of pre-trial motions, for example, similar fact
19 evidence, application, third party record application,
20 privilege application, disclosure application, 11(b). It
21 was a myriad of issues I don't have recollection of each
22 and every one, but we were trying to work together to focus
23 the issues and ensure that the trial was expeditious.

24 **MS. JONES:** Okay.

25 And then you make a submission to the court

1 and you state, as you recall during the case conference
2 management, one of the potential motions is a delay motion.

3 MS. NARONZNIAK: Yes.

4 MS. JONES: So this had been discussed, as I
5 say, certainly by that point anyway?

6 MS. NARONZNIAK: Yes.

7 MS. JONES: And then you went on to say that
8 there was an 11(b) waiver between the May date and the new
9 trial date?

10 MS. NARONZNIAK: Correct.

11 MS. JONES: Whatever it would be and I think
12 it was in October that was -- the suggestion was made?

13 MS. NARONZNIAK: Correct, with pre-trial
14 motions already scheduled for the following month on June
15 21st.

16 MS. JONES: The trial was for judge alone?

17 MS. NARONZNIAK: Correct.

18 MS. JONES: Scheduled for four-to-six weeks
19 beginning October 4th or October 12th?

20 MS. NARONZNIAK: Right.

21 MS. JONES: If we could please go to
22 Document 705993.

23 MS. HENEIN: I may have misheard my friend.
24 Thank you.

25 THE COMMISSIONER: So we have been going for

1 about an hour now. Are you ---

2 MS. NARONZNIAK: I'm good.

3 THE COMMISSIONER: You're good, all right.

4 MS. JONES: It's possible that your mic
5 might be covered, the sound isn't clear.

6 MS. NARONZNIAK: Oh, I'm sorry.

7 MS. JONES: You may be hitting the button
8 down at the bottom.

9 MS. NARONZNIAK: Testing.

10 THE COMMISSIONER: Oh, there we go.

11 MS. JONES: That's better. That's good.

12 MS. NARONZNIAK: That's much easier. That
13 might have happened with the binder.

14 MS. JONES: It does happen.

15 MS. NARONZNIAK: I apologize.

16 THE COMMISSIONER: Don't worry about it.

17 Okay, 3265 is a letter dated February 27th,
18 '04, Attention Ms. Narozniak from Colleen McQuade.

19 --- EXHIBIT NO./PIÈCE NO. P-3265:

20 (705993) - Letter from Colleen McQuade to
21 Lidia Narozniak re: Project Truth dated
22 February 27, 2004

23 MS. JONES: Thank you.

24 In this particular letter, Officer McQuade
25 has sent you further disclosure relating to the stay

1 application and the Project Truth internal reports. Is
2 that right?

3 **MS. NARONZNIAK:** Yes.

4 **MS. JONES:** You were still going to be
5 having more information given to you at that point, but
6 were you getting a feeling for when you would have received
7 the bulk of the disclosure from Officer McQuade?

8 **MS. NARONZNIAK:** It was -- it started shortly
9 after my assignment to the case in January. I can't tell
10 you more than that.

11 **MS. JONES:** Document 73 -- let me make sure
12 it's not already an exhibit -- 733312.

13 **THE COMMISSIONER:** Thank you.

14 Exhibit 3266 is an email correspondence from
15 Steve Seguin to Colleen McQuade dated March 19th, 2004.

16 --- **EXHIBIT NO./PIÈCE NO. P-3266:**

17 (733312) - E-mail from Colleen McQuade to
18 Steve Seguin re: Truth dated March 19, 2004

19 **MS. JONES:** Now the email, the top email, of
20 course -- again, because e-mails are backwards. I'm
21 referring actually to the email sent by Steve Seguin on
22 Friday, March 19th at 9:44 a.m., which is in the middle of
23 the front of the first page there.

24 **MS. NARONZNIAK:** Yes.

25 **MS. JONES:** And Officer Seguin is raising

1 concern because there are materials in there from the York
2 Regional Police investigation into the situation involving
3 Crown Hallett.

4 MS. NARONZNIAK: Right.

5 MS. JONES: And it would appear from this
6 email that he didn't want you to actually read over that
7 material because he was concerned that it might affect your
8 unbiased approach towards this?

9 MS. NARONZNIAK: Well, I think he was more
10 concerned about his putting a strain on the relationship
11 that was positive at that point.

12 MS. JONES: And do you know why that would
13 have caused a strain -- do you know why he thought it might
14 cause a stain?

15 MS. NARONZNIAK: Have you read the York
16 Regional Police, yes, well, the strain was as a result of
17 what took place and the allegations that were made, and the
18 notes contained in 30 books by Detective Inspector Pat Hall
19 certainly showed the extreme tension that existed at the
20 time.

21 MS. JONES: Okay. But you actually did read
22 over the materials?

23 MS. NARONZNIAK: I had them in my possession
24 and I don't remember how I got them. It's very possible
25 that Mr. Pearson gave it to me.

1 **MS. JONES:** And I understand too that at one
2 point when you were reviewing the materials, Officer Seguin
3 actually saw you reviewing them?

4 **MS. NARONZNIAK:** Yes. That was one of his
5 delivery dates of the additional Project Truth boxes that I
6 was intending on reviewing. It just so happened,
7 coincidentally, that I was reviewing the York brief on my
8 desk when he walked in and that started our little
9 conversation. We resolved the issue and decided to move
10 forward.

11 **MS. JONES:** And, in fact, I can refer you,
12 please -- if we can go back to Exhibit 3262. That was a
13 new exhibit that I just gave you a little while ago. It's
14 a series of emails; 3262.

15 **MS. NARONZNIAK:** Yes, I have it.

16 **MS. JONES:** You have it there? And I'm
17 looking specifically at Bates page 0493, the second last
18 page or the third last page.

19 **MS. NARONZNIAK:** Yes.

20 **MS. JONES:** And part way down there's
21 actually a short email there from Steve Seguin and he's
22 writing to Officer McQuade and he says:

23 "No need to be concerned with the
24 York Regional file any more. When I
25 got there yesterday, Lidia was reading

1 it and the inevitable question was
2 asked of me and essentially there was
3 still a good feeling and we resolved
4 things."

5 So that, again, it was something that you
6 were able to get over and you had a good relationship ---

7 **MS. NARONZNIAK:** That's correct.

8 **MS. JONES:** --- a good working relationship
9 with Officer Seguin?

10 **MS. NARONZNIAK:** Yes, very much so.

11 **MS. JONES:** And you continue to have a good
12 working relationship with him?

13 **MS. NARONZNIAK:** Yes.

14 **THE COMMISSIONER:** What exhibit was that? I
15 know I read that.

16 **MS. JONES:** That was Exhibit 3262.

17 **THE COMMISSIONER:** Yes, okay, good. Thanks.

18 **MS. JONES:** Now if we could please go to
19 Document 103210. I'm sorry, just a moment. No, can I
20 please go to Exhibit 2832, which is Document 732780.

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

22 **MS. JONES:** Now, this is a letter that was
23 written on April 22nd, 2004, and do you recall a little
24 while ago I brought you to a document written in 2001 by
25 Mr. Stewart when he wrote to Mr. Hall?

1 **MS. NARONZNIAK:** Yes, I remember that.

2 **MS. JONES:** This appears to be, given the RE
3 line, Mr. Hall's response?

4 **MS. NARONZNIAK:** Right.

5 **MS. JONES:** Approximately two-and-a-half
6 years later, if my math is correct.

7 And again, I'm not going to go through it in
8 any amount of detail, but the first thing he -- one of the
9 first things he comments on is that he feels that he may
10 actually be a witness for the defence in any sort of
11 subsequent trial on the Jacques Leduc matter.

12 Had you had any contact or discussions with
13 Mr. Hall about that?

14 **MS. NARONZNIAK:** I remember Mr. Hall called
15 me, but I do not recall the nature of our conversation. I
16 kept it very, very general and very, very short because I
17 did not have any expectation of his being -- well, either a
18 defence witness or a Crown witness.

19 **MS. JONES:** Had there been any discussions
20 about Mr. Hall being a witness amongst the other officers,
21 specifically Officer Seguin and McQuade?

22 **MS. NARONZNIAK:** Not that I'm aware of.

23 **MS. JONES:** Now, Officer Hall writes a
24 rather lengthy letter, a very pointed letter where he
25 disagrees with some of the assertions that were made in

1 that 2001 letter that was written to him by Mr. Stewart.
2 Again, I'm not going to go into that, but that was his
3 response to that particular letter.

4 And Mr. Stewart wrote back then to Mr. Hall,
5 which is Document 726443.

6 **THE COMMISSIONER:** Thank you.

7 Exhibit Number 3267 is a letter dated
8 Thursday, April 29th, 2004 to Detective Inspector Hall from
9 James Stewart.

10 **--- EXHIBIT NO./PIÈCE NO P-3267:**

11 (726443) - Letter from James Stewart to Pat
12 Hall dated 29 Apr 04

13 **MS. JONES:** Thank you.

14 And as I say, this is dated a few days later
15 after receiving Officer Hall's note, and clearly Mr.
16 Stewart is saying that he's not actually going to respond
17 or deal with what he figures to be inaccuracies in that
18 letter of April 22nd, 2004.

19 **MS. NARONZNIAK:** Yes.

20 **MS. JONES:** He is also advising him that any
21 future contact would be with yourself and if he wants to
22 speak with the Crown attorney on it anyway.

23 Did you have any conversation with Mr. Hall,
24 say, after that particular date?

25 **MS. NARONZNIAK:** I believe there's some email

1 documents that refer to my call, phone conversation with
2 Mr. Hall and how to deal with him in the future. I would
3 be able to refresh my memory on the timing if that email
4 can be located. I know it was submitted in the list of
5 documents that was provided to me in advance.

6 **MS. JONES:** Let's look at Document 733306.

7 **THE COMMISSIONER:** Thank you.

8 Exhibit 3268 is email correspondence to
9 Lidia Narozniak from ---

10 **MS. JONES:** And Officer McQuade; it doesn't
11 say it but it is.

12 **THE COMMISSIONER:** Okay, Colleen McQuade,
13 and the date we'll say is May 31st, 2004.

14 **MS. JONES:** Thank you very much.

15 **--- EXHIBIT NO./PIÈCE NO P-3268:**

16 (733306) - E-mail from Colleen McQuade to
17 Lidia Narozniak re: The Letter dated 31 May
18 04

19 **MS. JONES:** It would appear --
20 unfortunately, Officer McQuade's emails often don't have
21 her name at the top or the date for some reason.

22 **MS. NARONZNIAK:** Yeah, I notice that.

23 **MS. JONES:** But luckily she signs them at
24 the bottom, so we know who they're from.

25 This seems to be a discussion after you had

1 received the letter from Mr. Hall between yourself and Ms.
2 McQuade?

3 **MS. NARONZNIAK:** Yes.

4 **MS. JONES:** And certainly it seems, by this
5 correspondence, there clearly was no intention to call Mr.
6 Hall as a witness?

7 **MS. NARONZNIAK:** No, I certainly had no plans
8 in doing so. There was no -- he had no direct evidence
9 that was relevant to the case at that point but,
10 unfortunately, this doesn't help me with the date of the
11 phone call.

12 **MS. JONES:** The phone call. I'll see if I
13 can find that maybe for tomorrow if that -- if need be, but
14 ---

15 **MS. NARONZNIAK:** I can't recall if it was
16 before or after this letter.

17 **MS. JONES:** Okay.

18 Now, the email that's on the first page,
19 which is Bates page 0341, is an email from yourself to Ms.
20 McQuade and the date is May 31st, 2004. And it's apparent
21 that you had discussions with defence counsel, and I'm just
22 referring you to the last sort of fuller paragraph there.

23 And you state:

24 "Defence counsel feels she needs to
25 cross-examine Dunlop. I can't say that

1 I disagree with her."

2 MS. NARONZNIAK: Right.

3 MS. JONES: Now, I wonder if you could
4 please explain if the defence are bringing applications or
5 have given you notices of different motions.

6 MS. NARONZNIAK: Right.

7 MS. JONES: I believe that at this
8 particular stage, at least, you know there's going to be a
9 disclosure motion and a delay motion perhaps later on down
10 the road.

11 MS. NARONZNIAK: Right.

12 MS. JONES: What is your practice, if
13 defence bring a motion with regards to who calls witnesses;
14 who calls the police witnesses; who gets the right to
15 cross-examine?

16 MS. NARONZNIAK: Well, it depends on local
17 practice, personal practice and the circumstances of the
18 particular application. For example, in the Ontario Court
19 of Justice, on a day-to-day basis, Charter applications are
20 made by the defence, but it is a routine practice,
21 certainly in my jurisdiction, where the judges expect the
22 Crown to lead the evidence and have a blended voir dire
23 that allow the defence counsel to cross-examine.

24 Technically, it's their application but to
25 be efficient and pragmatic, the Crown calls the evidence.

1 So that's one example, which is common, and
2 I dare say almost everywhere in the Province of Ontario.

3 In this particular case, we're dealing with
4 a motion for disclosure. Indeed, it is the defence
5 application, but there is an overriding obligation on the
6 Crown to fulfil the disclosure obligation.

7 So in effect, it's still my onus generally
8 to ensure that disclosure has been fulfilled. That is one
9 overriding context in deciding whether it's pragmatic for
10 me to call the evidence or for the defence to call the
11 evidence.

12 More specifically to this case, I was pretty
13 confident that Mr. Dunlop would not be a cooperative
14 witness and would likely be quite hostile, which means that
15 even if the defence called Mr. Dunlop as their own witness,
16 it would very quickly turn into a 9-2 and then 9-1
17 application declaring him hostile, and we were into a
18 cross-examination anyway.

19 So the more efficient, more pragmatic
20 approach to this motion, bearing in mind the overriding
21 obligation that I continued to have, was for me to call the
22 evidence first.

23 **MS. JONES:** Okay. Just to be clear, the 9-1
24 or 9-2?

25 **MS. NARONZNIAK:** Sorry, under the *Canada*

1 *Evidence Act* if a party calls a witness and that witness is
2 adverse and contradicts a prior statement, there is an
3 application that can be made to provide an opportunity for
4 the counsel calling the witness to cross-examine that
5 witness specifically on prior or inconsistent statements or
6 generally, if there's a declaration that the witness is
7 hostile.

8 **MS. JONES:** Okay. And again, just to make
9 it clear, that is a value to that counsel because there's
10 obviously an advantage to be able to cross-examine a
11 witness versus not being able to cross-examine the witness.

12 **MS. NARONZNIAK:** Cross-examination is the way
13 you get to the truth of the matter; there's no question.
14 And in this case, the Crown was -- well, the Crown counsel,
15 myself and my co-counsel, Ms. Tier, were equally interested
16 in ensuring that we had all the information and evidence
17 before the court.

18 **MS. JONES:** If we could please go to
19 Document 706019.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit Number 3269 is a letter dated May
22 17th, 2004 attention Staff Sergeant Garry Derochie from Ms.
23 Narozniak.

24 --- **EXHIBIT NO./PIÈCE NO P-3269:**

25 (706019) - Letter from Lidia Narozniak to

1 Garry Derochie re: Dunlop Material dated 17
2 May 04

3 **MS. JONES:** In this correspondence,
4 Ms. Narozniak, you wrote Officer Derochie of the Cornwall
5 Police, stating that the Dunlop duty notebooks of 1994 to
6 2001 should be turned over for disclosure purposes. How
7 did you reach that decision?

8 **MS. NAROZNIAK:** I'm sorry, could you repeat
9 that?

10 **MS. JONES:** At this particular point, it
11 seems that you're requesting -- sorry, just a moment,
12 please.

13 **THE COMMISSIONER:** It says, "As a result of
14 our review", that's you and the Defence ---

15 **MS. NAROZNIAK:** That's right.

16 **THE COMMISSIONER:** "--- it has become
17 necessary to review the notebooks in their original form".

18 **MS. NAROZNIAK:** Oh, right.

19 **THE COMMISSIONER:** Why was that?

20 **MS. JONES:** And it was Officer Derochie that
21 had the notebooks in his possession.

22 **MS. NAROZNIAK:** Correct, and so we had to go
23 to him.

24 **MS. JONES:** Yeah.

25 **MS. NAROZNIAK:** What we had in our

1 possession were copies and the way the copies -- the duty
2 notebooks follow a specific sequence and the review that we
3 conducted, it was really difficult to understand how that
4 sequence flowed from one duty book to another. And most
5 importantly, what we determined was one of the notebooks
6 was missing in its original form, and the copy that we had
7 in our possession clearly showed some gaps that we were
8 trying to figure out, and we thought the original form of
9 the material would be more helpful.

10 **MS. JONES:** Did you know why the original
11 notebooks were still in the possession of CPS?

12 **MS. NARONZNIAK:** They're considered police
13 property.

14 **MS. JONES:** If we could please go to
15 Document 112748?

16 **THE COMMISSIONER:** Thank you. Exhibit 3270
17 is email correspondence from Lidia Narozniak to Shelley
18 Hallett dated Tuesday, May 18, 2004.

19 **---EXHIBIT NO./PIÈCE NO. P-3270**

20 (112748) - E-mail from Lidia Narozniak to Shelley
21 Hallett re: A Question dated 14 May 04

22 **MS. JONES:** Now, if we could please go to
23 the first email in time, which is actually going to be the
24 bottom one.

25 The date of that email is May 14th, 2004, and

1 it's written from yourself to Ms. Hallett, and you state:
2 "Last Wednesday Christine and I reviewed the nine boxes of
3 Dunlop material with defence counsel."

4 Was that the first opportunity you had to
5 review those nine boxes?

6 **MS. NARONZNIAK:** I can't remember. I'm not
7 sure if it was the first or second time. I know I reviewed
8 them, I thought independently myself. I'm sorry, I can't
9 answer that. I haven't got an independent recollection of
10 that.

11 **MS. JONES:** Okay. Now, I'd mentioned before
12 -- as I say, I have it verified by the Defence application
13 actually -- that disclosure of the nine boxes was made in
14 June 2002 to defence, but they were being viewed, it would
15 appear, in May 2004 as well. Do you recall why that would
16 have happened?

17 **MS. NARONZNIAK:** The disclosure in 2002 was
18 for the appeal counsel.

19 **MS. JONES:** Okay, so this particular defence
20 counsel didn't have it?

21 **MS. NARONZNIAK:** She didn't have them.

22 **MS. JONES:** Right. And if we look at that
23 email, you actually are asking Ms. Hallett to answer a
24 couple of questions that you may have. She writes back,
25 she says: "Yes, tell me what the questions are."

1 So if we can go up to your top email, which
2 is dated May 18th, 2004, the first paragraph states:

3 "I have read the entire stay
4 application and I'm not clear on what
5 constitutes Dunlop's will state.
6 Christine suggests that it's the four
7 binders. However, I get the impression
8 that it was an actual narrative that
9 accompanied that material."

10 Do you recall -- unfortunately I don't have
11 an answer to this email but do you recall what was
12 considered the will state?

13 **MS. NARONZNIAK:** I believe the will state was
14 the 110-page document. That was the problem. The more we
15 reviewed, there was this interchangeable use of binders and
16 will states and notebooks, and it started getting rather
17 confusing to know what people were actually referring to.

18 There's a will state that Mr. Dunlop himself
19 prepared; I believe it was 110 pages. And then there were
20 the notebooks and then there were some Hilroy notebooks. I
21 was trying to identify what was meant by statements and the
22 will state to be clear.

23 **MS. JONES:** Okay. In April 2000,
24 because there were various times that Mr. Dunlop provided
25 disclosure but in April 2000 he provided the nine bankers

1 boxes.

2 MS. NARONZNIAK: Right.

3 MS. JONES: And he also, it appeared, handed
4 over a will state that came with four books of appendices.

5 MS. NARONZNIAK: Right.

6 MS. JONES: Is that what you're referring
7 to?

8 MS. NARONZNIAK: That's what I was asking
9 about.

10 MS. JONES: All right, thank you. The
11 second question, you write in your email, was in relation
12 to Dunlop's police officer notebooks:

13 "Were they available at the time of the
14 stay application? The nine boxes of
15 material now contain copies of his
16 notes but I don't know if they were
17 available for disclosure back in 2001."

18 Now, if I could just have that particular
19 sentence there. The way that it's phrased, I just want to
20 ask you if this is what you meant or not. When you say,
21 "The nine bankers boxes now contain copies of his notes,"
22 are you inferring that at one point they did not?

23 MS. NARONZNIAK: No. It's just what I saw at
24 the time. They contained copies of notebooks and I wasn't
25 sure if that was part of the nine boxes or not.

1 **MS. JONES:** Okay:

2 "More importantly, do you recall having
3 copies of his notes in relation to the
4 years 1997 and 1998? The boxes that we
5 have cover '94, '95, '96, and then '99
6 and 2001."

7 **MS. NARONZNIAK:** Right.

8 **MS. JONES:** Now, I understand that on March
9 8th, 2000 Perry Dunlop actually handed over a document of
10 notes that had four tabs of notes attached. Do you know
11 what I'm talking about there?

12 **MS. NARONZNIAK:** No; I'm sorry.

13 **MS. JONES:** Okay. Now, at one point the
14 nine boxes were actually paginated, I believe, under the
15 direction of Mr. Stewart, Mr. James Stewart, and
16 Mr. Cooper, another Assistant Crown Attorney.

17 **MS. NARONZNIAK:** Yes, I was aware of that.

18 **MS. JONES:** Do you recall that?

19 **MS. NARONZNIAK:** Yes.

20 **MS. JONES:** When you read over these nine
21 boxes, do you recall if the pagination had already
22 occurred? I believe it would have.

23 **MS. NARONZNIAK:** Yes, I think it did. I
24 think so.

25 **MS. JONES:** At this particular point in time

1 then, especially considering you had looked at these boxes
2 with Defence, is it fair to say that you felt that these
3 nine boxes in their entirety were actually relevant to the
4 Leduc prosecution?

5 **MS. NARONZNIAK:** The contact that was
6 referenced in the material made them relevant to the Leduc
7 prosecution and they certainly provided the foundation upon
8 which a disclosure motion was launched. The fact that
9 there was a missing notebook over the relevant time period
10 was significant. It was clearly a gap with respect to the
11 notebooks that were provided and kept by the Cornwall
12 Police Service, and it certainly covered a relevant time
13 period in the Leduc trial and, as a result, it had also
14 justified the need to explore this more fully ---

15 **MS. JONES:** Okay.

16 **MS. NARONZNIAK:** --- not to mention, of
17 course, explore the issue about the contact more fully.

18 **MS. JONES:** Okay. If we look at the
19 timeline, in January 2000 Perry Dunlop was ordered to
20 provide these materials.

21 **MS. NARONZNIAK:** Right.

22 **MS. JONES:** And there's two times that he
23 makes disclosures as a result of that, presumably. One is
24 the March 8th, 2000 that I referred to earlier, where he
25 handed over documents and there's four tabs and there's

1 four sets of documents within those four tabs. And it
2 appears that the third tab specifically actually has
3 reference to the contact with C-16's mother.

4 **MS. NARONZNIAK:** Right.

5 **MS. JONES:** The subsequent disclosure in
6 April 2000, which is the nine bankers boxes, you agree
7 contained a lot of duplication of material that had
8 previously been disclosed?

9 **MS. NARONZNIAK:** Correct.

10 **MS. JONES:** Okay. Do you recall if there
11 was any new material that related to the Leduc matter in
12 those nine bankers boxes that had not previously been
13 looked at in the other previous disclosures made by
14 Mr. Dunlop?

15 **MS. NARONZNIAK:** I don't recall there being
16 any additional material other than the notebooks I
17 mentioned earlier.

18 **MS. JONES:** Could I please go to Document
19 113443?

20 **THE COMMISSIONER:** Thank you. I think we'll
21 go until 8 o'clock.

22 **MS. JONES:** Thank you.

23 **THE COMMISSIONER:** Because I think I'm --
24 the candle is burning low.

25 Exhibit 3271 is a memorandum dated May 19th,

1 2004 sent to Lidia Narozniak from Shelley Hallett.

2 --- EXHIBIT NO./PIÈCE NO. P-3271:

3 (113443) - Memorandum from Shelley Hallett
4 to Lidia Narozniak re: R.v. Leduc dated 19
5 May 04

6 MS. JONES: In this fax, if I can go to
7 Bates page 7842, ---

8 MS. NARONZNIAK: Yes.

9 MS. JONES: --- which is the third page in,
10 essentially, what Ms. Hallett was doing was summarizing or
11 doing an inventory of the various boxes -- these four boxes
12 of materials that she was trying to organize there.

13 MS. NARONZNIAK: Yes.

14 MS. JONES: And essentially contained the
15 Crown brief materials with regards to the prosecution of
16 Jacques Leduc.

17 MS. NARONZNIAK: Yes.

18 MS. JONES: Okay.

19 And at the bottom of her memorandum, she
20 stated:

21 "It is my belief that all materials
22 which were required to be disclosed
23 which are contained in the boxes that
24 you are being provided have been
25 disclosed" --

1 And she's underlined "have been disclosed" --

2 "to the defence by this point."

3 **MS. NARONZNIAK:** Yes.

4 **MS. JONES:** So this is May 19th, 2004.

5 Was it your understanding that certainly,
6 looking at the material that she had organized here, that
7 there was nothing outstanding as far as disclosure went at
8 that point?

9 **MS. NARONZNIAK:** That's correct.

10 **MS. JONES:** Okay.

11 So you agree with her opinion then that she
12 voiced at the bottom of the page there?

13 **MS. NARONZNIAK:** Yes.

14 **MS. JONES:** Thank you.

15 If we could please go to Exhibit 3211. It's
16 Document 105722.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MS. JONES:** I'm sorry. It's on the screen.
19 I guess my candle is burning a bit low too.

20 In this particular email now dated May 22nd,
21 2004, Ms. Hallett is confirming that ---

22 **THE COMMISSIONER:** I'm sorry.

23 **MS. JONES:** --- she has sent all necessary
24 and relevant ---

25 **THE COMMISSIONER:** Can we blow it up? What

1 part are you looking at?

2 MS. JONES: I'm sorry. Just the first
3 paragraph actually.

4 THE COMMISSIONER: Madam Clerk ---

5 MS. JONES: I'm sorry.

6 THE COMMISSIONER: --- should we blow it up?
7 There you go.

8 MS. JONES: She's stating that she's
9 essentially given you seven boxes of material and this is
10 all necessary and relevant and that is, essentially, the
11 end of that.

12 Miss Hallett goes further to say that she
13 was trying to organize the file because, in her words, "the
14 Dunlop material was scattered and disorganized" and she
15 didn't want to have defence counsel mount an attack based
16 on that.

17 Do you see that in the second paragraph?

18 MS. NARONZNIAK: I do.

19 MS. JONES: Okay.

20 Then she stated in that middle paragraph:

21 "I'm aware from Christine that Marie
22 Henein is already starting to say that
23 things may be missing from the Dunlop
24 boxes, which I never had access to away
25 from the Project Truth office. I

1 needed to take the time to organize and
2 inventory the brief and the Dunlop
3 materials and make sure the four
4 volumes of the correspondence file,
5 which documents all of the disclosure
6 that was made to Leduc's counsel, was
7 complete and in order, so that I could
8 protect myself professionally."

9 **MS. NARONZNIAK:** Right.

10 **MS. JONES:** She also goes on at length to
11 discuss how busy she's been as well; that there was -- she
12 had quite a load on that she was trying to cope with and
13 there were many, many things that were going on, but she
14 was trying to give this the type of priority that she was
15 able to, given her circumstances.

16 **MS. NARONZNIAK:** Right.

17 **MS. JONES:** Okay.

18 Did you have any discussions with Ms.
19 Hallett about this after you received this email?

20 **MS. NARONZNIAK:** About which part
21 specifically?

22 **MS. JONES:** Just about the fact that now
23 disclosure was complete and just sort of a general
24 discussion of expectations with regards to disclosure that
25 she was confirming what she had sent you in the email?

1 **MS. NARONZNIAK:** No, I don't know if we
2 talked specifically about that, no. I was satisfied with
3 the email.

4 **MS. JONES:** If we could please go -- refer
5 back to a new exhibit that we had tonight, Exhibit 3263,
6 which is Document 733396. I'm specifically looking at
7 Bates page 50534, which is the last page.

8 **THE COMMISSIONER:** Not quite; before last
9 page.

10 **MS. JONES:** The last page, which is Bates
11 page 0534, 7130534.

12 **THE COMMISSIONER:** Yeah, it's the before
13 last page.

14 **MS. JONES:** Is it? Oh, it's my last page so
15 I must be missing something.

16 **THE COMMISSIONER:** You're missing something.

17 **MS. JONES:** Sorry.

18 **THE COMMISSIONER:** Do you have it, Ms.
19 Narozniak?

20 **MS. NARONZNIAK:** I have a last page.

21 **THE COMMISSIONER:** No, no, what she wants
22 you to look at ---

23 **MS. NARONZNIAK:** Yes, but I do have one.

24 **THE COMMISSIONER:** Nine (9), the last, 534?

25 **MS. JONES:** That's the correct one. That's

1 correct.

2 **THE COMMISSIONER:** Five three four (534) on
3 the top. If you look on the top left-hand corner, there
4 are a bunch of numbers.

5 **MS. NARONZNIAK:** That's right. I have 534.

6 **THE COMMISSIONER:** That's the one she wants.

7 **MS. JONES:** Okay, I'm sorry. My document is
8 slightly different from yours apparently.

9 This is an email from Officer Seguin to
10 Officer McQuade, May 26th, 2004, and I just want to draw
11 your attention to the middle part. It says:

12 "According to Lidia, defence will be
13 making a strong push for section
14 11(b)."

15 **MS. NARONZNIAK:** Yes.

16 **MS. JONES:** So you're aware, at that point
17 now, that the delay has become an issue?

18 **MS. NARONZNIAK:** Oh, yes.

19 **MS. JONES:** Yeah.

20 And just for the record, Section 11(b) is
21 the delay provision under the Charter?

22 **MS. NARONZNIAK:** Correct.

23 **MS. JONES:** Do you recall when you were
24 clear that Ms. Henein was going to be making 11(b) an
25 issue?

1 **MS. NARONZNIAK:** I believe that that was even
2 part of the discussion at the case management conference in
3 February.

4 **MS. JONES:** Okay. If we could please go to
5 another new document that was tonight -- new exhibit
6 tonight, 3262. I am looking specifically at Bates page
7 0487, and I'm looking at the email from yourself dated May
8 31st, 2004.

9 **MS. NARONZNIAK:** Yes.

10 **MS. JONES:** I'm sorry. I'm looking at the
11 one below that. There's two May 31st. I'm looking at the
12 one from Steve Seguin to yourself and Officer McQuade.

13 **MS. NARONZNIAK:** Okay.

14 **MS. JONES:** He makes a mention that,
15 actually, the nine boxes have been gone through by
16 yourself. I presume it's the same time as defence.

17 **MS. NARONZNIAK:** No, I ---

18 **MS. JONES:** Or did you go through ---

19 **MS. NARONZNIAK:** --- this is at -- I remember
20 going through the boxes with Steve myself. I think this is
21 the reference that I was talking about.

22 **MS. JONES:** Okay.

23 Now, the issue I just want to ask you about
24 here is in the next bit:

25 "Lidia and I have had a brief

1 discussion on the approach to use to" -

2 -

3 I'm sorry. I should go back one sentence.

4 **MS. NARONZNIAK:** I'm sorry. Where are you?

5 **MS. JONES:** I'm at the next paragraph of Mr.
6 Seguin's email.

7 **THE COMMISSIONER:** Starting with "Sergeant
8 Garry Derochie."

9 **MS. JONES:** "Staff Sergeant Garry Derochie".

10 **MS. NARONZNIAK:** Oh, got it.

11 **MS. JONES:** Yeah. I'll start from there:

12 "Staff Sergeant Garry Derochie was very
13 helpful as usual. We came across one
14 item of particular interest. It was a
15 set of notes from a blueline type
16 police binder. The original of this as
17 well as Dunlop's final police notebook
18 have not been provided by him. Lidia
19 and I had a brief discussion on the
20 approach to use to obtain these items.
21 We have discussed the possibility of a
22 search warrant on Dunlop's residence.
23 This has just been bounced around at
24 this point, but it may be necessary as
25 the defence's position is clearly going

1 to be on attacking Dunlop. We may
2 never need to go this route, but I
3 wanted to give you a heads up in case
4 it becomes necessary."

5 And certainly, at this point, it's clear
6 that, very obviously, that the defence is going to be going
7 after Mr. Dunlop.

8 **MS. NARONZNIAK:** Those are Steve's words, but
9 certainly from our review of the material and the fact that
10 Steve and I are discussing even a search warrant of
11 Dunlop's house, we are all of the view that there's still
12 material missing.

13 **MS. JONES:** Okay. That actually was my next
14 question with you.

15 **MS. NARONZNIAK:** That's -- that's ---

16 **MS. JONES:** It's clear what the defence
17 position is probably going to be, but ---

18 **MS. NARONZNIAK:** And essentially, the Crown
19 and actually police too felt that there was some gaps in
20 the material that we had; that there was an original
21 notebook that was not in the possession of the Cornwall
22 Police and that there was still material outstanding that
23 covered a relevant time period in our case.

24 **MS. JONES:** Were you aware that there had
25 been previous discussions about doing a search warrant on

1 Mr. Dunlop's house ---

2 MS. NARONZNIAK: No.

3 MS. JONES: --- years before?

4 MS. NARONZNIAK: No.

5 MS. JONES: I believe in 1999.

6 MS. NARONZNIAK: I wasn't.

7 MS. JONES: If you were going to be
8 obtaining a search warrant, what grounds were you going to
9 be using?

10 MS. NARONZNIAK: Reasonable and probable ones
11 I hope.

12 (LAUGHTER/RIRES)

13 THE COMMISSIONER: You didn't use a search
14 warrant then?

15 MS. NARONZNIAK: We did not.

16 MS. JONES: No.

17 MS. NARONZNIAK: I think this was just
18 tossing out some ideas. We really didn't crystallize
19 anything at that point.

20 MS. JONES: All right.

21 Had you yourself or Officer Seguin, when
22 you're discussing this, discussed any alternative methods
23 of perhaps obtaining them? Had you thought about
24 contacting Mr. Dunlop, for example, to ask him directly?

25 MS. NARONZNIAK: Well, that was going to be

1 part of the motion that he was going to be subpoenaed, with
2 the subpoena identifying the materials. And I was going to
3 be talking to him and hopefully getting cooperation in
4 bringing the material in.

5 **MS. JONES:** If I could please go to Document
6 705722.

7 **THE COMMISSIONER:** Thank you.
8 Exhibit Number 3272 is a will-state of Staff
9 Sergeant Garry Derochie.

10 **MS. JONES:** It's undated.

11 **THE COMMISSIONER:** It's -- well -- yeah.
12 Document 705722.

13 **---EXHIBIT NO./PIÈCE NO. P-3272:**

14 (705722) - Will Say of Garry Derochie
15 undated

16 **MS. JONES:** Thank you.

17 I can say it describes events. So
18 transpiring between 2000 and 2004.

19 **THE COMMISSIONER:** That's right.

20 **MS. JONES:** Thank you.

21 Essentially, what this document is -- of
22 Staff Sergeant Derochie -- is a chronology, shall we say,
23 of events, and it -- with regards to these boxes of
24 disclosure with regards to Officer Dunlop.

25 **MS. NARONZNIAK:** Yes.

1 **MS. JONES:** And there's actually a brief
2 reference to yourself that you had attended there and
3 looked at the documents.

4 I just want to refer you please to the Bates
5 page 2270.

6 **MS. NARONZNIAK:** Yes.

7 **MS. JONES:** And partway down it states:

8 "On May 25th, 2004, I received a
9 telephone call from Seguin. He
10 informed me that Assistant Crown
11 Attorney, Ms. Lidia Narozniak, had
12 asked that I maintain possession of the
13 nine banker's boxes until the
14 completion of the Leduc trial."

15 **MS. NARONZNIAK:** Right.

16 **MS. JONES:** And on May 28th, apparently, he
17 says:

18 "I met with Seguin and Narozniak. They
19 examined the contents of all boxes
20 containing the documents in question."

21 **MS. NARONZNIAK:** Right.

22 **MS. JONES:** Okay. So that could maybe
23 establish the dates for you as well.

24 **MS. NARONZNIAK:** That could.

25 **MS. JONES:** He stated also too:

1 "On June 21st, I received a telephone
2 call from Genier. He requested on
3 behalf of Narozniak that the boxes be
4 made available for examination by the
5 defence. I attended the exhibit room
6 and checked out the nine banker's boxes
7 and secured them in my office. I was
8 unable to be present later that day
9 when the boxes were to be examined.
10 Therefore, I assigned CPS Detective
11 Emma Wilson-King to be present. I
12 provided her with my office keys and
13 instructed that the boxes be locked in
14 my office when the examination was
15 complete and for her to keep control of
16 the keys. On June 22nd on reporting for
17 duty, I found the boxes in my office.
18 I later spoke with Wilson-King and she
19 informed me that some documents had
20 been identified as being of interest to
21 the defence but none had been taken."

22 And I'm wondering if you had any discussion
23 with either defence counsel or Officer Derochie to get any
24 sort of clarification on what sort of documents were of
25 interest by the defence?

1 **MS. NARONZNIAK:** I can't recall if I did. I
2 do know that, again, we had discussions about the copied
3 notebook that was not in its original form, the gaps that
4 were evident, and that copy I know that that was certainly
5 a prime interest.

6 **MS. JONES:** Will you please go to Document
7 733383. I'm sorry I don't need to have that document.
8 Sorry, Madam Clerk. I'll save you some energy there.

9 **THE COMMISSIONER:** Is this a good place to
10 stop?

11 **MS. JONES:** This is probably a good place to
12 stop actually. Thank you.

13 **THE COMMISSIONER:** Thank you.

14 So we're going to be starting at 9:30 with
15 probably an hour of cross-examination of Ms. Hallett. So
16 could you plan to be available at 10:30?

17 **MS. NARONZNIAK:** Absolutely.

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

19 Good evening all.

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

22 This hearing is adjourned until tomorrow
23 morning at 9:30 a.m.

24 ---Upon adjourning at 7:53 p.m./

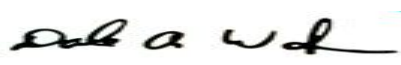
25 L'audience est ajournée à 19h53

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CVR-CM