

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
TRIAL DIVISION
JUDICIAL DISTRICT OF FREDERICTON

BETWEEN:

HER MAJESTY THE QUEEN

- and -

ALLAN JOSEPH LEGERE

TRIAL held before Honourable Mr. Justice
David M. Dickson and a Petit Jury at Burton, New
Brunswick, commencing on the 26th day of August,
A. D. 1991, at 10:00 in the forenoon.

APPEARANCES:

Graham J. Sleeth, Esq.,)
Anthony Allman, Esq., and) for the Crown.
John J. Walsh, Esq.,)

Weldon J. Furlotte, Esq., for the Accused.

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VERNA PETERSON
COURT REPORTER

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40 (ACCUSED IN DOCK.)

THE COURT: First of all could I have the appearances,
please? This is the case, of course, of Her
Majesty the Queen versus Allan Joseph Legere, and
45 for the Crown?

MR. ALLMAN: Anthony Allman appearing for the Crown, My
Lord, together with Mr. Graham Sleeth and Mr. Jack
Walsh.

MR. FURLOTTE: Weldon Furlotte appearing on behalf of
50 Allan Legere.

THE COURT: Gentlemen, the Crown have filed an amended
indictment in this case and I presume that it's
the wish of the Crown to have the accused
re-arraigned on the amended indictment, Mr.
55 Allman?

MR. ALLMAN: That's correct, My Lord.

THE COURT: The amended indictment has been signed by the
Attorney General for the Province of New Brunswick
and it indicates on it that it's been preferred
with his personal consent as Attorney General for
the Province of New Brunswick pursuant to Section
577 of the Criminal Code of Canada, so Mr. Pugh,
as Clerk would you please re-arraign the accused?

CLERK: Mr. Legere, please stand. Allan Joseph Legere
stands charged that you, on Count 1 of this
indictment:

"on or about the 28th day of May A. D.,
1989, at or near the Town of Chatham in
the County of Northumberland in the
Province of New Brunswick did commit
first degree murder on the person of
Annie Flam, contrary to Section 235(1)
of the Criminal Code of Canada and
amendments thereto."

On Count 1 of this indictment how do you plead,
guilty or not guilty?

MR. LEGERE: Not guilty.

CLERK: Allan Joseph Legere stands charged on Count 2 of
this indictment that you:

"on or about the 13th day of October,
A. D., 1989, at or near the Town of
Newcastle in the County of Northumberland
in the Province of New Brunswick did
commit first degree murder on the person
of Donna Daughney contrary to Section
235(1) of the Criminal Code of Canada
and amendments thereto."

On Count 2 of this indictment how do you plead,
guilty or not guilty?

MR. LEGERE: Not guilty.

CLERK: Allan Joseph Legere stands charged on Count 3 of
this indictment that you:

"on or about the 13th day of October,
A. D., 1989, at or near the Town of
Newcastle in the County of Northumberland
in the Province of New Brunswick did
commit first degree murder on the person
of Linda Daughney, contrary to Section
235(1) of the Criminal Code of Canada and
amendments thereto."

On Count 3 of this indictment how do you plead,

guilty or not guilty?

5 MR. LEGERE: Not guilty.

CLERK: Allan Joseph Legere stands charged on Count 4 of
10 this indictment that you:

15 "on or about the 15th day of November,
A. D., 1989, at or near Chatham Head in
the County of Northumberland in the
Province of New Brunswick did commit
first degree murder on the person of
James Smith, contrary to Section 235(1)
of the Criminal Code of Canada and
amendments thereto."

20 On Count 4 of this indictment how do you plead,
guilty or not guilty?

25 MR. LEGERE: Not guilty.

CLERK: Hearken to your plea as the Court doth record it,
on each four counts of this indictment you plead
30 not guilty.

THE COURT: And the Crown now moves for trial?

35 MR. ALLMAN: We do, My Lord.

THE COURT: Well, now ladies and gentlemen of the jury
panel, it's customary at this stage of a trial for
40 the judge to address a few remarks to you to
explain why you're here and the procedures that
we'll be following, and I would like you to pay
45 good attention to what I have to say over the next
few minutes.

50 First I'd like, perhaps, to say a word about
the background of this particular trial and then
I'll go on to explain how the various challenges
55 are made, the method used in determining what
order you're called up here to be sworn in as
jurors, what applications you may still make to
60 the Court, if necessary, for exemption from jury
service should that be necessary, and a number of
65 other things that are pertinent at this stage.

70 Firstly this trial. Back on December 5th of
1990, that is some seven months ago, the Attorney

The Court

General preferred by what is known as direct indictment an indictment in this Court against the accused, Mr. Legere, and that indictment charged him with four counts of first degree murder. The description of the counts was very similar to what you have just heard read by the Clerk now in the indictments to which Mr. Legere has been asked to plead, or re-plead.

I had taken on the trial at that time and an application was made on behalf of the accused at the sitting on December 5th in Newcastle for a change of venue on the ground that it would be very difficult to select an unbiassed jury in the Northumberland Judicial District, that is the Newcastle-Chatham area, because these events which are concerned in the charges occurred there, and of course it is a tightly-knit community and it would indeed be very difficult to find jurors who didn't have some interest in the case or knowledge or familiarity with some aspect of it or who are friendly with some of the principals involved and so on, so the application to change the venue was granted by me at that time, perhaps not so much on the ground that it would be impossible or even difficult to get a jury there but because it wasn't really the proper place for this particular trial to take place, and I had then to decide what judicial district in the province would be the proper one for the trial, and I canvassed the views of counsel on the matter, I applied my own judgment and experience to the matter, and I felt that the proper place would be in the nisi prius seat of the Court, that is the Judicial District

of Fredericton. As was explained to you with the notes accompanying the summons to juror, the Judicial District of Fredericton comprises the Counties of York, Sunbury, and Queens Counties.

Then, of course, came the determination as to what site should be used for the trial. Normally, perhaps, it would have been held at the court house in Fredericton but the facilities there are limited, there's one jury trial court room only. There are other trials which are scheduled and were scheduled at that time and will be taking place over the next several months and have been taking place, and it was my feeling that the Burton Court House, having regard to a number of factors, would be the proper place for it, so I set the place of trial as the Burton Court House. That is why it's being tried in Burton. Actually we're sitting here today, again as was explained in the notes accompanying the summons to jurors, simply because even the Burton Court House or none of the court houses in the province are large enough to accommodate a group of people sufficiently large to select a jury in a case of this nature.

It had been my hope that the trial might get under way in January or February, I think February 6th was fixed initially for it. The case is one which does involve a new technology known as DNA typing or DNA comparisons, as you will learn in due course, and it was represented to me that this would require, perhaps particularly by defence counsel, some preparation which would make an early start to the trial rather impossible. It was also a case which would involve the determina-

- tion of certain matters as to the admissibility of certain types of evidence and so on before the actual selection of the jury. It was not known at the time exactly how long that might take.

5 Evenutally I fixed April 22nd at the Burton Court House as the time and place for the holding of what is known as a voir dire session and we sat off and on, more on than off, for a period of six weeks at that time and we finished on June 7th,
10 and those preliminary matters were got out of the way or were substantially got out of the way.

In the trial here you've heard the indictment read and the indictment contains on its back or attached to it a list of the witnesses to be heard
15 in the trial, and attached to the indictment here is a list of some 243 witnesses, which is an abnormally large number. Really this is four trials in one because there are four counts of first degree murder involved, which would account
20 for the very large number of witnesses, and also many or some of those witnesses will be expert witnesses, presumably, testifying to particular matters, and their evidence may take somewhat longer than ordinary witnesses who are just
25 called to testify as to some particular fact.

When we concluded on June 7th the voir dire hearings or that aspect of it, it appeared to me that there was little point in starting the trial proper at that time with the selection of the jury
30 and so on. It would in my estimate take another eight or ten weeks for this trial to be completed as from today on. Had we started in June it would have meant that a jury and everyone else involved would have had to sit through the whole summer and
35 that is not the way we like to spend our summer

vacations in New Brunswick, sitting in a court
room. I think it would have been an abnormal
demand to make of any juror to ask to sit right
5 through and perhaps finish in September or
October, so what I instructed at that time was
that the trial would commence today. The reason
it's not starting, perhaps, in early September but
in late August is because this school facility was
10 available with an adequately sized auditorium for
this purpose, so this explains why we're here
today and I've also given you a little background.

Whatever jury is selected today or today and
tomorrow or however long it takes to select a jury
15 will be embarking on the trial of this matter
immediately. Once we're finished here we'll be
moving to the Burton Court House and the trial
will proceed there five days a week through from
Monday to Friday of each week and until the trial
20 is concluded. Hopefully by early November the
trial will have been concluded.

Now, that gives all that I need to give at
this point of the general background. Once a jury
is selected, of course, I will be giving
25 particular instructions to the jury about their
functions and their conduct and so on.

Just as a general background I might say that
those selected for the jury will be required to
attend daily at Burton at about 9:30 in the
30 morning and will be required to remain there until
we finish for that day. I would hope to press
forward with the trial as quickly as we can and to
sit probably each day until about 4:30 in the
afternoon. Jurors normally in a trial find their
35 way to the court room on their own, usually in

their own automobiles and so on. If that poses some difficulty it may be that we'll be providing a van to bring jurors from, say, Fredericton.

5 We'll have perhaps a congregation point in Fredericton and the jurors would find their own way there from their homes and would be brought by the Sheriff's officers in a public van from there to Burton.

10 I might just mention at this point the rate of remuneration. Within the last year the provincial authorities have seen fit to do away with compensation to jurors for jury service. I'm not going to say at this time what I think of that
15 move, I must say I'm highly critical of it, but there is one exception and that is where a trial lasts for over - I forget whether it's eight days or ten days - jurors are entitled to be paid \$25.00 a day as a sitting fee. This trial will
20 undoubtedly require longer than ten days so those jurors who are selected will be paid at a rate of \$25.00 per sitting day for the period they're involved in the trial starting today. Jurors are, of course, also paid their mileage to get to the
25 court house at the regular prevailing rates for the civil service.

Now a few words about how you happen to be here. Well, every year or every couple of years a board known as the Jury Board for the Judicial
30 District sits down, it's composed of the Sheriff and the Clerk of the Court and somebody else, I forget who, and they draw up a list of two or three or four thousand jurors who may be required over the next year or couple of years or perhaps
35 even three years for jury service, and then I

believe a notice of that is sent out to those people who appear on the list.

5 The way that list is prepared is to take the election lists for the last provincial election - there are certain alternative ways, they can use Medicare rolls and so on, but normally they use the election lists, and if for the three counties there are, say, 85,000 or 100,000 names on the
10 three election lists and they figure they need 5,000 jurors, possibly, for the next two years, they would take every 20th name, or every 20th name on those election lists would be selected. I think most of you would have received one or
15 two years ago or some time ago a notice that you were on that particular list, but whether you did or not or whether you recall it or not has no bearing at this time.

Then as cases come on which require juries
20 the judge who is presiding advises the Sheriff of the number of jurors that he'd require for a particular panel. For a normal three-day jury trial it's usually adequate to summon, say, 75 or 80 jurors. Mind you, that list from which the
25 jury list is prepared of course becomes older and more antique as time goes on because it's based - in the present case it's based on electoral lists which are now four years old, and a good many people have died in the meantime, others have
30 moved away, others have changed their residence and can't be found, so there's a large natural attrition.

In this case, having regard to all of the aspects of it, particularly the length of time
35 involved and so on, I instructed the Sheriff to

summon a panel of 350 jurors, and those notices went out which all of you have received. Those notices went out on July 25th. Two weeks
5 or ten days after that it appeared that the attrition was such that probably a rather small percentage of that total of 350 might actually be available, and another panel list was available to the Sheriff for another jury trial which was to
10 have taken place and which was subsequently cancelled for reasons which don't concern us here, and I instructed the Sheriff to add those 160 names to the original 350 names, which made a total of 510 juror summons which have gone out
15 altogether, so you have received notices either included in the July 25th batch or in the batch which subsequently went out, and as you know, the jury summons included an instruction sheet which advised of the rights of persons summoned to
20 apply for exemption from service if that were a proper course.

I may say that in the meantime I have sat on a number of occasions with the Sheriff and his staff and we've gone over the list of applications
25 for exemption and we've tried to keep the list up to date. I might say and I do report to you that 69 people were unable to be located out of that 510; in other words, they'd moved or the post office couldn't locate them. Fifty-seven were
30 excused on medical grounds, produced doctor's certificates which satisfied us, satisfied me, because the responsibility of excusing is mine - satisfied me that they couldn't for medical reasons partake or take part in the trial.

35 There is also a provision as the instruction

sheet said that where irreparable financial hardship would be occasioned any person through jury service they may apply, and quite naturally when, say, ten weeks is involved away from jobs and so on it is going to work a financial hardship. Even if you're on unemployment insurance the unemployment insurance people won't continue to pay unemployment insurance when you're serving on the jury because you're not available to take up employment. This is a ruling which the unemployment insurance people have made. I believe they have it under consideration for review but it hasn't been changed as yet, so if there is anyone even here today who is on unemployment insurance they must face up to the fact that to serve on the jury they'd have to give that up, and I will be asking people when they are called forward to be sworn to make known any of these circumstances to me so that I can consider whether even at that stage they should be exempted or not.

There were 53 applications, I believe, for exemption on the ground of financial hardship, truck drivers who couldn't afford to give up their work, businessmen or businesswomen with small businesses whose presence was required to make sure their business functioned properly and who would suffer grievous financial loss if they had to serve for ten weeks on a jury, and different other cases, and there were 53 of that nature, 53 exemptions granted.

There were 34 other persons who were found to be now living out of the bailiwick; in other words they no longer live in York, Sunbury or Queens County and they're no longer eligible to serve.

There were 26 persons who applied for exemption on the ground that they had a child or children under 14 in their care, either full or part time, and the Jury Act - as was indicated in the memorandum you got the Jury Act provides that anyone with a child under 14 may apply for exemption.

There were 16 persons who are now deceased. There may be more, perhaps, some of those who weren't served may be deceased, but there were 16 persons reported in on behalf of relatives who had become deceased and so on, and quite naturally they aren't here. If any of them are here I wish they'd shout out, we'd find out what sort of prescriptions they take.

There were 16 who are aged 70 or over. The Act provides that anyone from 19 to 70 years of age inclusive is required to serve unless excused for other reasons as jurors. If you are over 70 and no one notices and you look 60 or 50 or something, you can still be chosen and you're quite eligible to serve, so if there are persons over 70, 70 or over, here today who wish to serve, just keep quiet about it and hope the counsel here won't notice the fact and perhaps challenge you or raise the question, but there were, in any event, 16 persons who were served who were over 70 years who took advantage of that provision to seek exemption from service.

There were ten person who were out of the jurisdiction either on vacation or through work requirements and exemptions were granted to them on the ground that there would have been a hardship exemption in any event in all of those

cases.

5 There were seven persons with a criminal record. If you have a criminal record you're not eligible to serve on the jury. There were seven persons served who acknowledged that they had criminal records or who were otherwise found to have had criminal records and they were exempted on that ground.

10 There are certain other persons under the Jury Act who are exempted. Lawyers, clergymen, firemen, and certain other groups, physicians, I believe, or doctors, are exempt from service, and included in that were six, there were six people served who fell within that.

15 Included were, I believe, one case of a death in the family. There was another case of someone had planned to get married next month and had a two-week honeymoon arranged and we took great compassion on that person and said go and get married and have your honeymoon and forget about jury service.

20 There were four persons who were responsible for the care of sick or elderly persons, and if you have someone who is elderly or sick in your family and requires your care, that is another ground for application for exemption.

25 I am hopeful that most of the people who would be entitled to any of these exemptions have in fact already applied for and have been dealt with and got rid of at the present time.

30 There were three students at university who are away and of course would presumably have had to repeat their year if they missed ten weeks out of their university year.

35

There were three teachers who had charge of children under the age of 14. There were two others who are on the staff of the R.C.M.P. and we felt we did not want them because the R.C.M.P. of course will be playing quite a role in this case.

There were two persons who were acquainted with individuals involved in the case and it was felt that they should not be required to serve and would undoubtedly be challenged in any event, and they were excused.

Well, now, out of the 510 there have been a total of 311 total exemptions, which whittles the number down to 200 from the 510, and most of those 200 are probably present today. There are, I believe another five or six names which just have been removed who haven't been served by the post office or something and we'll deal with those as we come to them.

Now, the procedure we follow this morning is when I've finished my remarks the Clerk here, Mr. Pugh, will call out the list of those who remain on the jury panel, I believe there will be about 180 names on the panel remaining, and that should comprise just about everybody, or will comprise everybody who's present here today in response to the summons. When he calls out your name I would ask you to indicate by raising your hand and by shouting out, "Present", "Here", or something of that nature to indicate that you are present. Please do it in a forceful manner so that he can determine whether you are present or not. If there are persons whose names are called and who should be here today and who aren't here he will

call out the names three times. If there's still
no response, then I will be asking the Sheriff,
Sheriff Fraser, who is this gentleman sitting to
5 the left here with the fancy bow tie on - I'll be
asking him to look into the reasons that that
person or those persons may have for not being
present. He will endeavour to find out whether
they have in fact been served with their summons
10 or not. If they haven't been served, then in due
course I will be having them brought before me to
determine whether or not they're in contempt for
failing to attend for jury service. The Jury Act
provides for a substantial fine and substantial
15 punishment for those who don't attend in
compliance with a summons to juror.

Well, now, he will go through the whole list.
That is merely for the purpose of determining
whether you're present here for the trial or not.
20 Then, that having been completed, he will take
this ballot box or this wooden box that's on the
table in front of me, and he will put in it a
coupon or a ballot bearing the name of all the
persons who are present here today. The names of
25 those not present will have been extracted by the
Sheriff as he goes through the list the first time
so there will be a ballot in that box for each of
you and he will shake that up and then he will
proceed to read out, extract the names of the
30 ballots and read out the names in the order in
which you will be called forward to be sworn in as
jurors, and he will go through. Suppose there are
180 people there, he will extract 180 names, juror
#39 may be the first name called. That person
35 would be the first person who will be called up to

be sworn in, and you will be called in that same order, so when he extracts those ballots sort of keep mental track of where you stand in the order, whether you're going to be called late or whether you're going to be called early on. If your name appears toward the end of the list it may be that a full jury will have been selected before your name is come to and it may not be necessary to consider you at all.

Excuse my voice, I hope it holds. I've been taking antibiotics for the flu for the last week so if my voice holds out today I'll be doing very well, I think.

Now, when Mr. Pugh extracts the ballots from the box and determines the order in which you're going to be called, please don't do anything at that point, don't come forward when the numbers are called, simply stay in your seats. Now, when he has completed ascertaining the order in which you're going to be called up, then I will be asking him to have you brought up four at a time to be sworn in as jurors. He will take the first four names that have been called out of the ballot box and he will read those names off and those four persons will come up here onto the stage, stand over in front of the jury box, this is the simulated jury box on the lefthand side, and stand here and facing over toward the accused, and at that point certain things will take place.

The selection of the jury is in the hands, essentially, of counsel, these three gentlemen here representing the Crown and Mr. Furlotte representing the accused. They have the right to certain challenges and they may ask me to ask

certain questions of the jurors, I'll go into this in just a minute. You won't be sworn the minute you're brought up here.

5 If there are jurors still here today who haven't asked for exemptions on any of the grounds that I've mentioned so far or that have been mentioned in the memorandum that went out with your summons, please raise that point when you
10 come forward here today. Miss Smith, for instance, when she's called, if she is looking after her aged grandmother 24 hours a day and must continue to look after her and can't serve on the jury on that account, let me know when you come up
15 here to be sworn, and let me know immediately you come up to be sworn, or if you come up here and you can't hear a word that's going on, your hearing is so bad, make us aware of that fact or make me aware of that fact, and the Clerk, when
20 you come forward to be sworn.

 If you're going to suffer financial hardship - I'm not inviting you to look for reasons not to serve on the jury but I want to ensure that no one is going to be serving on the
25 jury on whom a hardship is going to be inflicted on account of that service. I'm not talking about, perhaps, the general inconvenience of serving on a jury, I'll have something to say about that in a minute, but I don't want jurors
30 to be selected today and then turn around tomorrow and someone say, "Oh, I forgot, my daughter is being married next week and I can't come next week", because once you're selected you're committed to serving on this jury until the trial
35 is completed.

There are provisions that in the course of a trial the judge may excuse jurors up to a number of two, and you can proceed with a jury as small
5 as ten members instead of twelve members, but those are not exemptions that I want to grant because somebody is going to get married in the family. I want to reserve those for genuine cases of illness or sickness or some other good and
10 pertinent reason that may arise in the course of the trial, so I can't impress on you too strongly that once you are sworn in here, and you'll be given lots of notice that you're going to be sworn in when you are - once you're sworn in, then
15 you're committed to the trial and you can't be heard then to say, "Well, look, I'm going to suffer financial hardship or whatever on that account".

Now, I say that counsel have the selection of
20 the jury under their control. There are a number of challenges that they will perhaps wish to exercise and I would describe those challenges for you.

Counsel on either side have a number of
25 peremptory challenges, what are known as peremptory challenges. Counsel for the Crown have four peremptory challenges in a case of this nature. Counsel for the accused have 20 peremptory challenges in a trial of this nature, and counsel
30 for the accused is obliged under the Criminal Code to assert his challenges first. He may say, "I challenge the first juror here, Miss Smith, peremptorily", or Crown Counsel may say, "I challenge Mr. Smith or Mr. Brown peremptorily".

35 In the case of a peremptory challenge counsel

doesn't have to give any reason for it. It may be because they don't like the colour of your hair or the colour of your eyes or perhaps you don't have any hair at all and they don't like people without hair. They don't have to give any reason. They may have a good reason for it, you may look too stupid or you may look too bright, but please don't hold it against counsel if they challenge you peremptorily. Very possibly they have no real reason at all for exercising the challenge, perhaps, other than to say, "Well, I want to assert my right here to a challenge and to show who's boss and therefore I'm going to challenge that person and get them out of the way", so if you are challenged peremptorily, think nothing of it, consider yourself unfortunate that you haven't got on the jury, not lucky that you've got off.

If you are challenged peremptorily, then as you are challenged the Clerk will be instructing you to go back to your seat here. I would ask you not to leave the court room or the auditorium which is a court room for this purpose until you're given the word to leave. At some suitable stage, perhaps at noon hour, we will be dismissing or releasing those jurors who will not be serving and giving them an opportunity to leave at that time, but please don't - I'm instructing you not to straggle out one at a time.

Now, there's another type of challenge which isn't really a challenge at all, it's the right of stand aside. The Crown have the right to stand jurors aside, and again they don't have to give any reason for it. They may have a reason again as in the case of peremptory challenges, or they

may have no reason at all, but if you're stood
aside that means that Mr. Allman here or whoever
is handling it for the Crown will say, "I stand
5 Miss Smith or Mr. Brown aside". If that is done,
then you go back and take your place and you
remain in your place. You're not released from
service as a juror at that point. If the whole
panel has been gone through and a full jury has
10 not been selected, then those who have been stood
aside will be called up in the same order as they
were called up earlier and will be considered a
second time, and there may be a number of stand
asides asserted or there may be none asserted, no
15 one may be stood aside, but I say to you again if
you are stood aside, think nothing. Don't try to
say, well, why did he not like me or why did he
like me that much or whatever. He has stood me
aside, that's it.

20 Now, there's a third type of challenge and
that is a challenge for cause, which is one that
is not terribly frequently exercised in criminal
trials, although sometimes it is, and the
Criminal Code which is the law prescribing how
25 challenges are made and so on prescribes that
challenges for cause may be made by either Crown
or accused, or through their counsel, on a number
of grounds.

Section 638 provides for the grounds on which
30 challenges for cause may be made.

"(1) the name of a juror does not appear
on the panel",

35 but the Act goes on to say,

"but no misnomer or misdescription
is a ground of challenge where it
appears to the court that the
description given on the panel

40

sufficiently designates the person referred to".

5 For instance, if Miss Mary Smith of 220 Smith
Street, Fredericton, is called forward one of the
counsel may say, "Look, that name doesn't appear
10 on here, that woman isn't Mary Smith, it's Mary
Ann Smith". Well, I have to determine then
15 whether the person who's called forward is the
person intended or not. That's a simple thing and
that's not likely to arise.

20 Another ground is where:

"a juror has been convicted of an
25 offence for which he was sentenced
to death or to a term of imprisonment
exceeding twelve months".

Well, if counsel on either side have reason
30 to believe that you have been imprisoned for -
obviously you haven't been sentenced to death or
you wouldn't be here, but if you have been
35 sentenced to a period of imprisonment for over
twelve months you could be challenged on that
40 ground, but that again is unlikely because I don't
think anyone here has been imprisoned or has a
criminal record.

45 A third ground is that "a juror is an alien".
I don't know whether that means an alien from
50 outer space or from outside the country or just
what, but we'll deal with that when it comes up.
Presumably Canadian citizens would all be
55 eligible.

Another ground of challenge for cause is that
60 "a juror is physically unable to perform properly
the duties of a juror". Well, of course, if some
juror comes up here and can't find the staircase
65 and is obviously suffering under some mental or
physical disability we'll leave it up to counsel
to say look, perhaps Miss Smith or Mr. Brown
70

5 shouldn't really serve on this jury, and
probably there'll be agreement that they will be
stood aside or will be excused.

10 The other ground on which a challenge for
cause may be made is that "a juror is not
indifferent between the Queen and the accused".
15 In other words, the challenge is that the juror is
biased or prejudiced and is not fit to serve on
the jury and to provide that sort of independent
assessment and decision in the case that is
required of a juror.

20 Our Charter of Rights in this country which
was adopted some years ago, you recall, provides
among other things that any person charged with an
offence has the right to be presumed innocent
until proven guilty according to law in a fair and
25 public hearing by an independent and impartial
tribunal. In other words, the jury that is
selected here today must be an independent and
impartial tribunal, and when you take your juror's
oath you will be required to swear that you will
30 try the issues involved in the case in a fair,
independent, and impartial manner and in an
unbiased and unprejudiced manner, but now, if
either counsel, for the Crown or for the accused,
has reason to believe that your mind may be so
35 warped and that you are so biased and so
prejudiced that you can't serve as a juror, the
challenge for cause may be made on that ground.
If a challenge for cause on the ground of lack of
indifference or bias or prejudice is made, then
40 there's a ritual that we have to go through. We
have to have a trial within a trial to determine
whether the challenge is well taken or not. In

other words, suppose to get back to our old
friends Miss Smith or Mr. Brown here, one counsel
or other here says, "I challenge Miss Smith on the
5 ground of lack of indifference", so I will then be
asking Miss Smith to sit down in this witness box
beside me here and she will be sworn to tell the
truth on an examination. Two jurors, the two
jurors selected immediately before that, will be
10 designated as a jury within a jury, or a petit
jury, a small jury, to determine whether the
challenge is well taken or not, so we have Mr.
White and Mr. Black sitting over here in the jury
box and they will be sworn in to try the issue of
15 whether the challenge against Miss Brown has been
well made or not.

Counsel will be permitted to ask Miss Brown
certain questions, not in the American style of
browbeating poor Miss Brown and so on, I will
20 permit nothing and I'll tolerate no type of brow-
beating or that sort of thing, and I'm sure
counsel would not stoop to that here. We see this
on American television, they're given a great deal
more latitude in American courts. At least if we
25 believe the television court room scenes that we
sometimes see they're given a great deal more
latitude there than we do here, but anyway, a
certain number of questions will be asked.

The purpose of the questions and the purpose
30 of the exercise of this trial within a trial will
be to determine whether or not Miss Brown is
capable of being an impartial juror and a fair,
unbiased, unprejudiced juror. The question isn't
whether she may at some earlier stage have formed
35 an opinion as to the guilt of this accused or

not. She may have been reading newspapers a year ago, two years ago, when these events happened, and she may then very well have said, "Well, my
5 gosh, it looks as though this accused was guilty of these offences". She may have formed a tentative opinion based on media reports that she read, she may have read publications about it. The question for this mini-jury to determine is
10 not whether Miss Brown has at some time in the past formed an opinion or even perhaps come here today with the notion that perhaps this accused is guilty of these offences with which he's charged and it looks as though he's guilty. I'm not
15 suggesting that is the case but I'm giving this to you by illustration. That isn't the question that the jury will - they don't say then on the strength of that because poor Miss Brown allowed herself the privilege of forming an opinion from
20 what she read in the newspapers, as is only normal for anyone, that she has disqualified herself as a juror. The question that the mini-jury will have to determine is this, regardless of what opinions Miss Brown may have formulated in her own mind
25 before now or what opinions or what media opinions or what propaganda or whatever she may have been subjected to before, is she capable of acting in a fair, unbiassed manner and basing her decision as to the guilt or innocence of the
30 accused on each of the charges in the indictment on the evidence that she hears in this court room, not on something that she's read in newspapers or heard on the radio or television, but on the evidence she hears here in this court room and on
35 the instructions which I will be giving the jury

as to the law applicable in this case to be applied to the facts as determined by the jury, is she capable of that or not, and the mini-jury will be asked to retire to a jury room out here and they will be asked to determine whether the challenge is well taken or not. If they're satisfied that the challenge isn't well taken, that Miss Brown is not biased or prejudiced and should not be kept off the jury, then they return with the verdict that the challenge is not well taken, or if they find that Miss Brown is so biased and prejudiced that she shouldn't be serving on the jury they will make that finding.

If they make the finding that she is biased and prejudiced she will be asked to take her place back in the public gallery here and to remain until jurors are excused, but she won't be asked to serve.

If she is found to be not biased or prejudiced, then she is eligible to serve on the jury and would in the normal course be sworn but it's still competent for the counsel on one side or the other to challenge her peremptorily. You know, after having gone through this exercise, if Mr. Allman has one of his four peremptory challenges left or Mr. Furlotte has one of his 20 peremptory challenges left, they may say, "I challenge Miss Brown peremptorily". Well, that puts an end to Miss Brown. If she isn't challenged peremptorily, then she is sworn in as a juror.

Now, you may wonder how long - do we go through every juror on the list here with this mini-trial to determine whether a challenge for

cause may be taken or not. The accused must normally have some good reason for asserting the challenge for cause or the Crown must have some good reason for asserting the cause. They've had the list of jurors available to them now for several weeks or for a couple of weeks in the case of the additions, and they may say, "Well, look, here is a man on here, Mr. Brown, who I know he told somebody, 'I would never convict anybody of anything, I hate the police', or something like that, or 'I would convict anybody who is charged with any offence', and who has expressed some so terribly biased or terribly prejudiced notion publicly and seriously that he is just not fit to serve. Well, that could be a ground for a challenge for cause, and if someone has said something like that you may be asked questions about it if you're challenged for cause up here, did you on some occasion say that you would never convict any accused person regardless of what the charge is or regardless what the evidence is and so on, but that's a rather farfetched example.

There is a concern in some cases where there has been a good deal of publicity to a case that persons through the weight of the publicity and the weight of the news reporting and perhaps through other factors, the publication of books or articles in newspapers and so on, and they have warped the minds of jurors. In this case I believe, and I don't want to pre-empt the position of counsel, but there may be some concern that the publication of a book called, "Terror on the Miramichi", which was distributed to some extent or sold in newsstands in New Brunswick - there may

be some fear that persons who've read that may have become so influenced by what they read that they couldn't in an unbiassed fashion and in an objective fashion sit as a juror in this case. I personally question whether very many of you have ever seen the book let alone read it, or perhaps you may have heard of it if you have read it.

When we start to call jurors up here I will be inviting counsel to suggest to me any questions which they may want me to ask of jurors before the challenges are taken, of a general nature; for instance, have you read the book, "Terror on the Miramichi", might be a question that I might ask you, and perhaps if counsel on one side or the other feel that a challenge for cause should be asserted against you on that account if you have read the book, then that will give them a basis for at least making the challenge. You won't be under oath at that stage but I would ask you to reply truthfully to any question that I direct to you, and if for instance in the case of a question like that you were to say, "No, I have never seen the book, I have never read it and I'm not influenced by it", that presumably is the end and there would be no challenge for cause. If you're asked a question like that I do ask you to reply truthfully and don't say you haven't read it if you have in fact read it, don't say you haven't read it just to avoid being asked some questions by counsel.

It is absolutely essential that we have an unbiassed, impartial jury here, and I have no doubt that most of the persons sitting here are quite competent, quite able to sit as jurors and

to determine the guilt or innocence of the
accused in this case in an objective fashion based
on the evidence you hear in this court and on my
5 instructions and that you would not be unduly
prejudiced or biased by anything you may have
read a couple of years ago or even seen or read
since, but it is the privilege of counsel to make
the challenges for cause if they see fit.

10 There is one other thing I would have to say.
If counsel challenges you on the ground that
you're biased and prejudiced and unable to decide
the case objectively, then that amounts in effect
to an assertion or a charge that you are biased
15 and prejudiced, and if you're found not to be by
the mini-jury which sits to determine that matter,
then the counsel who has made the charge that
you're biased and prejudiced is almost duty-
bound in his own interest to exercise one of his
20 peremptory challenges to get rid of you, because I
don't think that anyone having -

MR. FURLOTTE: My Lord, I'm going to object to these kind
of comments to the jury panel. I don't think it's
fair and proper for you to put innuendoes in their
25 minds as to what conclusions they should be
drawing from any challenge that I ought to make.

THE COURT: Your objection is noted, Mr. Furlotte, and I
will continue.

MR. FURLOTTE: And I would ask for a mistrial at this
30 period of time, My Lord, because of those -

THE COURT: It's denied. I will continue my remarks.
Well, I've explained what happens in the case of
a mini-trial. If the first challenge for cause,
if there are to be challenges for cause - if they
35 are made before any jurors have been selected,

then we can't of course select the last two
jurors or appoint the two jurors last selected as
the triers of fact. It is my responsibility to
5 select at random out of your group two persons who
will act in that first instance as the triers, and
of course I will be doing that.

Well, now, I think I've reviewed about every-
thing, and I'm sorry to have taken as long as I
10 have in instructing you about these matters. I
hope you understand your position. I emphasize
again if you have reasons that if you were
selected and you can't serve because of financial
hardship or looking after sick or elderly persons,
15 state those facts when you come forward to be
sworn because once you are sworn it's too late
then, you are on the jury.

Now, there is one other thing I should
perhaps say and that is four persons will be
20 called up at one time to be sworn. Counsel will
be given the opportunity to exercise their rights
of challenge in respect of those persons. If two
persons among those four are not challenged in any
way, then they will be sworn in as jurors. What
25 we normally do is wait until four jurors have been
selected before we begin to swear in jurors, so
those two persons would be asked to sit down in
the second row of the jury box here and await the
outcome of the other challenges, or you may be
30 asked to simply stand where you are. If, for
instance, jurors #3 and 4 were challenged
peremptorily they go back to their seats. Two
more jurors would be called up until we have four
standing there. Counsel would then be asked to
35 exercise their challenges in respect of the two

new jurors who have been called up, and when four
jurors have been settled upon by counsel, then
they will be sworn in and they will become seated
5 here in the jury box, and so on. We continue this
process through until a full jury of twelve
persons has been selected. Hopefully we will have
today a jury of twelve persons selected. If we
don't, then we will take - those jurors who have
10 been selected will of course become part of the
jury and I will be giving them instructions as to
what they may do. Jurors here, I may say, in this
case are entitled to separate overnight. Jurors
will not be entitled through the trial to separate
15 during the daytime. They will be kept in sort of
close custody through the lunch hour or any
recesses we have and they'll be taken by the
constable who is in charge of them to a restaurant
in the Burton area or in this area for their lunch
20 time meal, so if by lunch hour today we have, say,
two jurors selected, then those two jurors will be
put in custody of Mr. Sears, the constable here to
my right, and he will be taking them off to have
lunch somewhere together by themselves, and
25 they'll be brought back here after lunch.

I think that is all the questions I have. If
anyone has any particular question to ask about
any matter that I have omitted, you may ask it of
me when you come forward here to be sworn, when
30 your name is called and you're brought up here.
If you do ask any question I don't want you to
indicate in any way any decision or opinion you
may hold as to the outcome of this case or as to
what disposition you may feel in your own mind
35 should be made of this case, but I mean any

question as to transportation. You know, if you
 have a question, "I don't drive a car, how am I
 going to get there", well, I may say, "Can you
 5 get as far as Fredericton with your brother or
 your wife or your husband", and then put in a bus
 and brought here.

Well, now, those are the preliminary things.
 We'll move along now to the point of the trial
 10 where Mr. Pugh here will read over the jury list
 and will determine who is present, and then he
 will start again with his ballot box and determine
 the order in which you're to be called up.

Provision for lunch has been arranged by the
 15 constable here in the cafeteria for those on the
 jury panel. My suggestion would be that we should
 press on with this matter until - it's half-past
 eleven now, let's get through this two lists
 without any break and determine then whether we
 20 actually get down to the process of selection
 before having a break for coffee and sandwiches or
 whatever we want to do at that stage, but I'll be
 very much guided by the wishes of the jury panel
 as to what breaks you want to take and so on.

I think we should press on now and try to get
 25 ahead, so Mr. Pugh, will you determine who is
 present from your list?

MR. PUGH: Yes, My Lord. Please answer to your names.

30 Harold Sappier - Present
 Pat Bourque - Present
 Lowell Kerr - Present
 Richard Crawford - Present
 Holly Barton - Present
 35 Irma Moore - Present
 Norman Taber - Present
 Carolyn Brewer - Present
 James Gilchrist - Present
 Alice Flower - Present
 Harry Tretiak - Present
 40 Fred Farrell - Present
 Bert DeVink - Present
 Nellie Quigley - Absent

Donald Saunders - Present
 Pat O'Brien - Present
 William Steever - Present
 5 Paul Basha - Present
 Walter Brooks - Present
 Sherry Sarchfield - Present
 Gregory Demmons - Present
 Roger Levesque - Present
 10 Andrew Paisley - Present
 Basil Wilson - Present
 Richard York - Present
 Vivian McKay - Present
 Bertha Collins - Present
 15 Paulette Legendre - Present
 Douglas Kerton - Present
 Kirk Stevens - Present
 Jack Wright - Present
 Paula White - Present
 20 Maureen Wallace - Absent
 Leigh Hill - Absent
 Herman Holland - Present
 Leonard Arsenault - Present
 Frances Michaud - Present
 25 Thomas Broadhead - Present
 Leone Sussey - Absent
 Tim Maillet - Present
 Catherine MacPhail - Present
 Peter Roberts - Present
 30 Gordon Sewell - Absent
 Kendall Grieve - Present
 Richard Richardson - Absent
 Bernard Paulin - Present
 Glenn Scott - Present
 35 John Brigham - Present
 Anthony Hachey - Present
 Pauline Davis - Present
 Mavis Currie - Present
 Peter Dunham - Present
 40 Donna Williams - Present
 Joyce Gemmell - Present
 Louis Richard - Present
 Carl Caverhill - Present
 Linda Ingraham - Present
 45 Anne Coburn - Present
 Sandra Palmer - Present
 Alice McFarlane - Present
 Joyce Langlois - Present
 Joseph Folkins - Present
 50 Steven Scott - Present
 Georgina Thibodeau - Present
 Ronald Furlong - Present
 James McKay - Present
 Toney Howe - Present
 55 Glen Doucet - Present
 Joyce Ingalls - Present
 Stephen Grant - Absent
 Barbara Dore - Present
 Jennifer Allen - Absent
 60 Nicholas Muzzerolle - Present
 Malcolm Fox - Present
 Nancy Durling - Present
 Joanne Webb - Present
 Carolyn MacKay - Present
 65 Sheldon Jones - Present
 Philip Thomas - Present
 Claire Rogers - Present
 Joyce Greer - Present
 Joseph Murch - Present
 70 Rodney Cunningham - Present

Angela King - Present
 Michael McInnes - Present
 5 Joan Duffield - Present
 Keith Huglin - Present
 David Martin - Present
 Frank Montgomery - Present
 Phyllis Atkinson - Present
 10 Betty Johnston - Present
 Bernard Velensky - Absent
 David Groves - Present
 Barbara Townshed - Present
 Bertha Cronkhite - Present
 15 Allen McIntyre - Present
 Claudette DeWitt - Present
 Jennifer Doherty - Present
 Manford Ogden - Present
 Stephen Bragdon - Present
 20 Nyla Hanson - Present
 Marybelle Murrant - Present
 Eric Richard - Absent
 Jim Lockhart - Present
 Andrew Brewer - Present
 25 Marilyn Mazerall - Present
 Deanna Phillips - Present
 Leonard Price - Present
 Fred McCully - Present
 Grant Keleher - Present
 30 Mary Ellen Holleran - Present
 William Porter - Present
 Glenda Clayton - Present
 Carl Jamieson - Present
 Susan Perrin - Present
 35 Linda Riley - Present
 Stephen Aubin - Present
 Gail Ring - Present
 John Margetson - Absent
 Carol Slack - Present
 40 Michael Wall - Present
 Paul DeWolfe - Present
 Jeff Moorcraft - Present
 Kevin Cronkhite - Present
 Michelle Larocque - Present
 45 Eugene Belyea - Present
 Michael Reiger - Present
 Irason Ross - Present
 Faye Gilmore - Present
 Myrna Currie - Present
 50 Thomas Morrisey - Present
 David Morten - Present
 Edison Nason - Absent
 Betty Noble - Present
 Beverly Pothier - Present
 55 Theresa Smith - Present
 Ann Van Wart - Present
 John White - Present
 Andrea Johnson - Present
 Anne Bridges - Present
 60 Letitia Lancaster - Present
 William Monteith - Present
 Mary McDonald - Absent
 Larry Dickinson - Present
 Elaine Gauthier - Absent
 65 Bernard LeBlanc - Absent
 Colleen Crawford - Present
 Gary Sinclair - Present
 Kevin Hughes - Present
 Stella Ross - Present
 70 Carlotta Flowers - Present

Gary Kowalski - Present
 Leon Brideau - Present
 5 Reginald Drummond - Present
 Patricia Wilson - Present
 Lisa Whittie - Present
 Joseph Jones - Present
 Kathleen Cole - Absent
 10 Derek Jones - Absent
 Eileen Ferris - Present
 Lloyd Palmer - Present
 Paul Campbell - Present
 Leslie Sebastien - Present
 15 John Hiscock - Present
 Lovelie Irving - Absent
 Terri Guislan - Present
 Maude McGinnis - Present
 Christopher Hawkes - Present
 20 James Buttimer - Present
 Danny Yeaman - Present
 Ken Scott - Present
 Dianna Dougherty - Absent
 Ernest Miner - Present
 25 Kimberley Murphy - Absent
 Ernest Campbell - Present
 Robert Strange - Absent
 Lewis Boudreau - Present
 Paul Richard - Present
 30 Janet Farrer - Present
 Ellen Ramsay - Absent
 Geraldine Kelly - Present
 William McKellar - Absent
 Jackie Woloski - Absent
 35 Richard Allen - Present
 Hazen Betts - Absent
 Michael Blume - Absent
 Kevin Connors - Present
 Robert Devine - Absent
 40 Michelle Duguay - Absent
 June Holder - Absent
 James Labilloy - Present
 Arnold MacPherson - Present

45 THE COURT: I would ask the Sheriff to check into those
 who are absent and see if they have any good
 reason for their absence. I would point out that
 50 quite a few of those marked absent were toward the
 end of the list and it may very well be that they
 weren't served by the post office with their
 55 summons or couldn't be served because they've
 moved and so on. I notice, as a matter of fact,
 60 as we went along, quite a few of the addresses
 would indicate that very possibly they have moved
 or been transferred in the last four years, so
 65 there aren't as many absentees, I think we can
 assume, as there appears on the face of it. The
 70

Sheriff had also handed me a number of five or
 six that I believe had not been served that he had
 got returns from the post office only today or
 5 yesterday, and those were included - we didn't
 have a chance to check those off first.

Now, Mr. Pugh, will you go through your
 exercise of drawing the ballots out of the box?
 He's the only clerk in the province who can put
 10 150 ballots into the box, shake them up, and
 bring them out consecutively, 1, 2, 3.

MR. PUGH:	57	Andrew Paisley
	105	Kendall Grieve
	4	Lowell Kerr
15	243	Manford Ogden
	14	Holly Barton
	3	Pat Bourque
	62	Basil Wilson
	111	Glenn Scott
20	110	Bernard Paulin
	72	Paulette Legendre
	71	Bertha Collins
	122	Pauline Davis
	409	John Hiscock
25	415	Terri Guislan
	123	Mavis Currie
	45	William Steever
	44	Pat O'Brien
	15	Irma Moore
30	16	Norman Taber
	420	Christopher Hawkes
	350	William Monteith
	124	Peter Dunham
	198	Claire Rogers
35	330	Betty Noble
	100	Peter Roberts
	1	Harold Sappier
	427	James Buttimer
	75	Jack Wright
40	429	Danny Yeaman
	438	Ken Scott
	90	Thomas Broadhead
	449	Ernest Miner
	162	Steven Scott
45	153	Joseph Folkins
	322	Faye Gilmore
	74	Kirk Stevens
	179	Barbara Dore
	381	Leon Brideau
50	332	Beverly Pothier
	327	David Morten
	285	Carl Jamieson
	384	Reginald Drummond
	316	Irason Ross
55	419	Maude McGinn
	300	Carol Slack
	389	Lisa Whittie
	197	Philip Thomas
	392	Joseph Jones

	399	Eileen Ferris
5	308	Michelle Larocque
	503	Arnold MacPherson
	336	Ann Van Wart
	141	Alice McFarlane
	343	Andrea Johnson
10	230	David Groves
	225	Betty Johnston
	476	Richard Allen
	73	Douglas Kerton
	367	Kevin Hughes
15	401	Lloyd Palmer
	326	Thomas Morissey
	231	Barbara Townsend
	17	Carolyn Brewer
	222	Frank Montgomery
20	501	James Labillois
	24	James Gilchrist
	233	Bertha Cronkhite
	482	Kevin Connors
	404	Paul Campbell
25	67	Richard York
	192	Joanne Webb
	68	Vivian McKay
	200	Joyce Greer
	463	Lewis Boudreau
30	176	Joyce Ingalls
	262	Andrew Brewer
	238	Claudette DeWitt
	46	Paul Basha
	405	Leslie Sebastien
35	55	Roger Levesque
	363	Colleen Crawford
	196	Sheldon Jones
	181	Nicholas Muzzerolle
	194	Carolyn McKay
40	97	Catherine MacPhail
	85	Frances Michaud
	190	Malcolm Fox
	25	Alice Flower
	464	Paul Richard
45	208	Angela King
	173	Glen Doucet
	30	Harry Tretiak
	126	Donna Williams
	212	Joan Duffield
50	171	Toney Howe
	76	Paula White
	191	Nancy Durling
	163	Georgina Thibodeau
	287	Susan Perrin
55	337	John White
	239	Jennifer Doherty
	289	Linda Riley
	5	Richard Crawford
	366	Gary Sinclair
60	313	Eugene Belyea
	373	Carlotta Flowers
	209	Michael McInnes
	468	Geraldine Kelly
	234	Allen McIntyre
65	170	James McKay
	39	Bert DeVink
	164	Ronald Furlong
	145	Joyce Langlois
	205	Joseph Murch
70	456	Ernest Campbell
	355	Larry Dickinson

	379	Gary Kowalski
	121	Anthony Hachey
5	128	Joyce Gemmell
	41	Donald Saunders
	346	Anne Bridges
	37	Fred Farrell
	295	Stephen Aubin
10	297	Gail Ring
	81	Herman Holland
	260	Jim Lockhart
	82	Leonard Arsenault
	51	Sherry Sarchfield
15	129	Louis Richard
	385	Patricia Wilson
	255	Stephen Bragdon
	135	Anne Coburn
	266	Deanna Phillips
20	257	Marybelle Murrant
	134	Linda Ingraham
	136	Sandra Palmer
	93	Tim Mailet
	224	Phyllis Atkinson
25	465	Janet Farrer
	256	Nyla Hanson
	214	Keith Huglin
	305	Kevin Cronkhite
	48	Walter Brooks
30	701	Michael Wall
	372	Stella Ross
	118	John Brigham
	325	Myrna Currie
	303	Paul DeWolfe
35	314	Michael Reiger
	348	Letitia Lancaster
	279	Mary Ellen Holleran
	220	David Martin
	133	Carl Caverhill
40	334	Theresa Smith
	280	William Porter
	207	Rodney Cunningham
	304	Jeff Moorcraft
	267	Leonard Price
45	274	Grant Keleher
	264	Marilyn Mazerall
	272	Fred McCully
	283	Glenda Clayton
50	53	Gregory Demmons

50 THE COURT: Well, that establishes the order in which
jurors will be called up, and I think we better
recess for some sort of lunch now. As I indicated
earlier, there are sandwiches and coffee being
55 provided in the cafeteria here, and my suggestion
would be that we adjourn for what, I'm in your
hands now, jury panel - for, say, what, 45 minutes
or an hour? Why not an hour, perhaps, and that
would be time enough to serve those sandwiches and
60 so on and then we'll come back. It's half-past

twelve now so we'll come back at half-past one and
resume our consideration of this matter. I
believe that the Sheriff's Department has
5 requested that you take your summons to juror
along with you to gain entrance to the cafeteria.
If you haven't for any reason got it I'm sure you
will be able to get into the cafeteria anyway, so
would the jurors please - yes, a question at the
10 back there? Would you come right up? I'm afraid
I can't hear you from back there, can't hear a
word you're saying. Come up forward. O.K., I can
hear you there.

MR. WILSON: My name was called. I didn't hear - Basil
15 Wilson.

THE COURT: You're the seventh name from the beginning.
Sorry that this young man didn't call those names
out as loudly as he might have done.

MR. WILSON: Number 7?

20 THE COURT: No, your number is 62, Mr. Wilson, so you'll
be the seventh person called up here, about 23 1/2
minutes to two o'clock. If you want to smoke I
think there's a restriction in this building on
smoking which the school board imposes but there
25 is a courtyard out here which is open and if you
do want to smoke would you please go out into that
courtyard and smoke to your heart's content. All
right, one hour.

30 (LUNCH RECESS - COURT RESUMED AT 2:00 p.m.)

(ACCUSED IN DOCK.)

THE COURT: I'm sorry about the delay in getting underway
here. We are a little behind schedule but we've
35 put the time to good advantage. I've been meeting

with counsel and we have been resolving a few things in chambers that perhaps will make it move along a little more expeditiously this afternoon, so the next item now is Mr. Pugh will be calling off the names of the first four prospective jurors to come up, and as I indicated before, Mr. Sears over here will show you where to stand.

I may want to ask you a few general questions first as to whether you have any grounds for exemption or not. I say again that if there's any reason why you can't serve for the next ten weeks or whatever period it takes to complete the trial, speak now or forever hold your peace.

There's one other thing, too, I would say, and that is we have a dearth of microphones here in the hall. I have this microphone here which broadcasts my voice through the auditorium, hopefully adequately. Mr. Pugh has one there. The microphones you see on counsel's desks are solely for the recording device here, they don't amplify the voices, and it may be that some of the proceedings that take place here this afternoon will not be capable of being heard totally by you down there. I can only ask you to bear with us in that respect. I would ask counsel and Mr. Pugh and any others concerned here to speak up so that those present can follow as much as possible. If any juror, as I say, is challenged for cause they would be using the same microphone that I'm using here and they can use this same microphone and speak into that so that they can be heard, and counsel in asking any questions of jurors could use Mr. Pugh's microphone, Mr. Furlotte and Mr. Allman. So now, Mr. Pugh.

Jury Selection

CLERK: Allan Joseph Legere, the names that you are about
to hear called are the names of the jurors who are
5 to try you. If, therefore, you wish to object to
them or any of them, you must do so as they come
to the book to be sworn and before they are sworn,
and your objections shall be heard.

Andrew Paisley
10 Kendall Grieve
Lowell Kerr
Manford Ogden

THE COURT: You gentlemen have no grounds of financial
hardship or looking after elderly persons or
15 anything that you want to plead?

KENDALL GRIEVE: Yes, I'd like to make an exemption.

THE COURT: Mr. Grieve, you are?

MR. GRIEVE: Yes.

THE COURT: What's your situation, Mr. Grieve?

20 MR. GRIEVE: I drive truck and it's just that I couldn't
get away for ten weeks to do that.

THE COURT: You are employed driving truck, are you?

MR. GRIEVE: Yes, I am.

THE COURT: For somebody else?

25 MR. GRIEVE: Yes, I'm the only employee.

THE COURT: And you would lose that income if you -

MR. GRIEVE: Yes.

THE COURT: And that income would mean more to you than
the pittance of \$25.00 you get as a juror?

30 MR. GRIEVE: I believe so, yes.

THE COURT: All right. Well, gentlemen, I'm inclined to
excuse Mr. Grieve. I would excuse you, Mr.
Grieve, but I must ask you to hang on here until
we finish this afternoon, so would you go back and
35 take your place, please?

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ANDREW PAISLEY: I'd like to be exempt. I have a wife
and three children and I drive truck for a living
and I'm the only breadwinner in the house. I
5 don't think that I can afford to lose -

THE COURT: Well, you're going to lose a lot of money if
you have to spend ten weeks doing this. All
right, where do you live, Mr. Paisley?

MR. PAISLEY: Nackawic.

10 THE COURT: All right. I wish you'd told us this a few
days ago is the only thing. Well, you're excused
as well. Thank you.

THE COURT: You other gentlemen are agreeable to -

15 LOWELL KERR: Yes, I'm self-employed and I have some
machinery and stuff in the woods and nobody else
to look after it.

THE COURT: Where do you live, Mr. Kerr?

MR. KERR: Williamsburg.

20 THE COURT: Williamsburg, and you have a farm up there,
do you?

MR. KERR: No, I'm a woodworker.

THE COURT: Woodworker, are you, and you're reliant on
your income from that to keep going?

MR. KERR: Yes, I am.

25 THE COURT: And it would exceed what you'd make out of
this thing? Hopefully, what?

MR. KERR: Sometimes.

THE COURT: All right, you're excused as well. Mr.
Ogden, you have no excuse?

30 MANFORD OGDEN: No.

THE COURT: All right. Now, could we have three others
called up, please?

CLERK: Holly Barton

Pat Bourque

35 Basil Wilson

Jury Selection

THE COURT: You made it, Mr. Wilson, before 23 minutes to two.

5 MR. WILSON: Yes, I believe I did.

THE COURT: What about you three people? You've heard what I said to the first three persons. Miss Barton, you're free and available to serve on the jury if selected?

10 MISS BARTON: I work for Natural Resources under contract and I was hired on the premise of a ten-week program -

THE COURT: Well, you work for - is this the Provincial Department?

15 MISS BARTON: Mm-hmm.

THE COURT: Do you get paid whether you're on the jury or not?

MISS BARTON: Yes.

THE COURT: Well, how is it going to affect you adversely, then?

20 MISS BARTON: Well, it was just that I was hired to do this work.

THE COURT: Do that particular job?

MISS BARTON: Yes, which is going to take place in November.

25 THE COURT: I see, and if you don't produce the results by November you're not going to get hired again?

MISS BARTON: Oh, well, I don't know about that.

THE COURT: Well, I would say perhaps the financial hardship ground would apply in Miss Barton's case. You're excused, Miss Barton. Take your place, please. Mr. Bourque, I guess you have no excuse?

MR. BOURQUE: No, not right offhand.

35 THE COURT: And Mr. Wilson, you're free to act if you're

Jury Selection

chosen?

MR. WILSON: Well, yes, I guess I am if my health holds
5 out.

THE COURT: You look pretty healthy. Now, one more.

CLERK: Glenn Scott.

THE COURT: Mr. Scott, you're available to act as a jury
if you're selected?

10 MR. SCOTT: Yes, Your Honour, I'm an elementary school
principal and ten weeks seems to be a long time
away from my students and my school but other
than that I'm available, yes.

THE COURT: Your school board pays your wages?

15 MR. SCOTT: Yes.

THE COURT: Well, we appreciate very much your willing-
ness to offer, and I know it means a sacrifice on
the part of your students but you're going to be
a lot more valuable teacher when you can go back -
20 if you're selected to the jury and can go back and
report to them on what has transpired in the
trial. So often in the past teachers have tried
to get out of serving on juries and I've always
felt myself that they're the people who can most
25 benefit from serving on a jury. I would like to
add something to what I said this morning. You
know, a lot of people have fear and dread of being
selected for jury service. I've presided over a
very large number of jury trials over a good many
30 years on the bench and I have never known a juror
in a trial, with one exception I have mentioned
before in Carleton County, where any juror in a
trial failed to follow every single word of the
trial as it's gone through. I find that jurors
35 become deeply engrossed in trials and they don't

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want to miss a single word. A fellow I make the
exception of up in Carleton County, he fell
5 asleep, I think he'd been at the tavern over
lunch hour or something, and I will say this,
too, that on numerous occasions I have had
jurors come to me afterward and say how much they
enjoyed the experience, not because it's a simple
10 thing to sit in judgment one way or another on
your fellow citizen but because of the experience,
the learning experience of seeing how the law
functions and being part of it.

This trial, of course, is one which will be
15 exceptionally that way. I'm not talking about
entertainment value, anything like that. I'm sure
any criminal trial is worth more than two months
of soap operas in the afternoon but in this trial,
for instance, there is the suggestion that there
20 will be DNA typing evidence. This is a totally
new field in the criminal law and you don't have
to be a scientist or even a school principal,
perhaps, to understand that, but it will be a
remarkable learning experience for anybody who
25 takes part in the thing, and I hope that no one
feels that they should stay off a jury or try to
get off a jury merely because it's going to be
boring or dully or non-remunerative in the way of
experience.

30 Well, now I'll turn you people over to
counsel here. Do you have any challenges, Mr.
Furlotte?

MR. FURLOTTE: Yes, My Lord, as I gave yourself and the
Crown Prosecutors notice that I would be
35 challenging the panel for cause I would just like

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5 to state the ground of the cause and the reason
why, basic reason why, so that a jury doesn't take
it as an insult to them when I challenge them for
cause. The accused challenges each and every
person on the jury panel on the grounds that the
juror is not indifferent between the Queen and the
accused pursuant to Section 638(1)(b) of the
10 Criminal Code of Canada and that the juror does
not presume the accused innocent pursuant to
Section 11(b) of the Charter of Rights and
Freedoms. I'd like to advise the jury panel that
this is nothing personal against any members but
15 in my position I have had many comments towards
the guilt of Mr. Legere and that many people do
feel him guilty and would not even want him to
have a trial, so I have to protect Mr. Legere
against any possible individuals with such
20 attitudes as being chosen members of the jury,
so please don't take it personal.

THE COURT: Thank you very much, Mr. Furlotte. What
you're doing, in effect, you're challenging the
first juror called here, Mr. Ogden -

25 MR. FURLOTTE: Yes.

THE COURT: On the ground of not being indifferent?

MR. FURLOTTE: Yes, I am, My Lord.

THE COURT: So, Mr. Ogden, would you come and sit here,
please, and would the other three gentlemen -
30 would you mind going around and sit in the back
row there of the jury box, just as a convenience?

MR. ALLMAN: My Lord, before counsel commences this
exercise I wonder if this might be an appropriate
moment to mention what Your Lordship indicated you
35 did propose to mention to the jury regarding the

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nature of a challenge for cause of this kind,
before we start getting into all the jurors? I'm
5 just making that as a suggestion.

THE COURT: Yes, I think the suggestion is well made.

In my meeting with counsel at noon hour they told
me quite frankly that I may have gone a bit strong
this morning when I suggested that when a
10 challenge for cause on the ground of lack of
indifference is made it might be taken as a charge
by that counsel making the challenge that that
juror is biased. I think I perhaps did in effect
say that. I think I may have overstated - in
15 fact, I know I overstated the matter slightly in
that regard. Counsel may feel that there is a
possibility - not a likelihood necessarily, but a
possibility that a juror may have been exposed to
a great deal of publicity or propaganda with
20 regard to a trial and the counsel wants to enquire
into that and see if that is in fact the case, so
as Mr. Furlotte has just now capably, competently
explained the matter, the making of the challenge
itself doesn't mean that he's imputing any bias or
25 prejudice to this juror or to any other juror.

Mr. Furlotte also had indicated to me in
chambers during the recess that he would like to
ask of jurors against whom he makes this challenge
a number of questions, and I've revised those
30 questions somewhat, I didn't feel that all of the
questions that he was proposing were quite proper.
I've revised them and he and all counsel have been
provided with a list of questions which Mr.
Furlotte will be permitted to ask of any juror
35 against whom he makes this challenge. There may

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5 be other additional questions which he may seek
leave of the Court to ask in addition. As I said
earlier, I'm not going to permit any - I'm sure
it isn't Mr. Furlotte's intention or that of any
other counsel to browbeat jurors or to ask
embarrassing personal questions or anything of
that nature and certainly I wouldn't permit it in
10 any event, anyway.

We will need two triers and where no jurors
have been selected up to the present it's
necessary for me at random to appoint - to pick
out two persons to act as triers and one person
15 I'm going to appoint - I'm picking names here just
at random - Pauline Davis will be one trier. I
would ask Miss Davis or Mrs. Davis as the case may
be to come forward, and the other trier will be
Jim Lockhart. Would Mr. Lockhart please, and Miss
20 Davis, come forward? I don't know these people,
I'm not selecting them, they're just picked at
random. Now, Mr. Pugh, would you swear the two
triers, please? You people understand your
function here? I've explained this before, I
25 will be explaining it to you again, but the
challenge has been made of this juror, Mr. Ogden,
that he may not be indifferent, he may be too
biassed or too prejudiced to sit as a juror in
this case. Now, it's the duty of you two people
30 to determine whether that challenge is well made
or not. Mr. Furlotte here is going to be
permitted to ask questions of Mr. Ogden, Mr. Ogden
will be sworn in first, and then Mr. Allman on the
Crown's side will be allowed to ask certain other
35 questions if he wishes, he may be satisfied with

Jury Selection

5 the answers that have come out up to that point,
and then I'm going to tell you people to go out
and decide whether this man would make a fit
juror or not. I will be instructing you on what
your criterion should be. I will instruct you on
10 that before you retire. We will give you two or
three minutes to go out to one of the rooms
outside and then you come back and tell us what
your finding is, but now you have to be sworn in
as triers.

PAULINE DAVIS AND JIM LOCKHART duly sworn
as triers:

15

MANFORD OGDEN duly sworn:

MR. FURLOTTE: Mr. Ogden, you'll have to bear with me
while I try to read the judge's writing.

A. No problem.

20 MR. FURLOTTE: Have you at any time in the past two years
formed a tentative opinion as to the guilt or
innocence of the accused in regards to any or all
of the murders for which he is charged?

A. Yes, I have.

25 MR. FURLOTTE: And what was that opinion?

A. I would think he was guilty.

MR. FURLOTTE: My Lord, if I may paraphrase some of these
questions because I have a difficult time under-
standing all of the words.

30 THE COURT: My writing?

MR. FURLOTTE: Your writing, yes.

THE COURT: Do you want me to ask the questions? I'm not
sure I can read my own writing.

MR. FURLOTTE: Maybe if you ask the question first, then

35 I can -

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THE COURT: Well, let me read the question from the -

5 these are questions that I have scribbled out in
my own handwriting and I'm afraid we didn't have
time to have them typed, so I'm in sympathy with
Mr. Furlotte here if he can't read them. The next
question is, and you might reiterate the question
after I've said it, has your information
10 concerning the accused and the deaths with which
he is charged come largely through the media;
i.e., newspaper, radio and T.V., or from
friends. There are two questions there really.

A. Probably both. Mostly through the media but in
15 talking with friends, I would say, that would
certainly have a bearing on it.

MR. FURLOTTE: Have you ever read the book, "Terror"?

A. No, I haven't.

THE COURT: If you were selected a juror in this case is
20 it likely that you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. I shouldn't think so, no.

MR. FURLOTTE: You wouldn't be subject to any pressure?

A. No, I think it would be up to me.
25

THE COURT: The next question, which isn't really
relevant at this point but the next question so
that you'll know what it is if it arises, if so -
that is if you were subject to pressures - would
30 you be capable of resisting that pressure and
acting solely in accord with your own conscience?

A. I should think so.

THE COURT: Well, you've answered that already, yes, and
#7 is, notwithstanding that you may have in the
35 past formed an opinion as to the accused's guilt

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5 or innocence would you be able, if selected a
juror, to come to an objective decision on the
issues free from bias and prejudice and based
solely on the evidence you have heard in the court
room and the explanation of the law given to the
jury by the presiding judge?

10 A. I doubt very much you could convince me other than
the way I believe now.

MR. FURLOTTE: Would you repeat that, please?

A. I doubt you could convince me of anything other
than the way I feel now.

15 MR. FURLOTTE: So you believe Mr. Legere is guilty and
there's no way to change your mind?

A. I think you'd have a hard time convincing me of
his innocence, yes.

MR. FURLOTTE: No further questions.

THE COURT: Mr. Allman?

20 MR. ALLMAN: I have no questions.

THE COURT: Well, Mr. - the two triers, anyway, I've lost
your names here just for the moment - you have got
to then go out and determine whether this juror is
capable of acting objectively in the matter. You
25 have heard Mr. Ogden's answers to the question. I
think he has indicated that his mind is pretty
well made up and that he's not capable of
approaching the matter objectively and getting rid
of his personal biases and prejudices, so would
you, Mr. Sears -

30 MR. FURLOTTE: My Lord, maybe if I could just re-read
Section 11(d) of the Charter which you have
already read to the jury panel just to remind the
triers of fact that, "Any person charged with an
35 offence has the right to be presumed innocent

Jury Selection

5 until proven guilty according to law in a fair
and public hearing by an independent and impartial
tribunal".

10 THE COURT: Well, what I was about to say to the two
triers is that I think Mr. Ogden has indicated
that he is biassed and prejudiced and incapable of
acting indifferently, so would you please go out
with Mr. Sears, talk about this thing for about
ten seconds or twenty seconds, and if you believe
Mr. Ogden you come in and you find that the
challenge was well taken.

15 (TRIER'S DELIBERATE AND RETURN.)

THE COURT: Now, Miss Davis or Mr. Lockhart, which one is
going to speak for you? Mr. Lockhart, how do you
find, that the challenge is well taken or not well
taken?

20 MR. LOCKHART: We feel he was very honest and he's
biassed and he should not be a juror.

25 THE COURT: Fine, thank you very much, so you're
released, Mr. Ogden. Would you please stay,
though, in the court room until there's sort of a
general release here? You people have done such a
good job so far I think we'll continue to keep you
here as triers. Is it your intention, Mr.
Furlotte, to challenge similarly the second
person?

30 MR. FURLOTTE: My Lord, it's my intention to challenge
every potential juror for the same reason.

THE COURT: All right.

THE COURT: Mr. Bourque, would you please stand? So
you're challenging Mr. Bourque here similarly?

35 MR. FURLOTTE: Yes.

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THE COURT: Would you come over here and sit down, Mr.
Bourque?

5 PAT BOURQUE duly sworn.

THE COURT: Now, would you, Mr. Bourque, when you answer
the questions that Mr. Furlotte is going to put to
you, sort of talk into that black microphone
there, and the same two triers are acting again.
10 Counsel, may we treat the triers as being sworn in
for whatever other ones they -

MR. FURLOTTE: The triers of fact, yes, they only have to
be sworn in once, I believe.

THE COURT: Well, I guess so. That's what we're doing
15 anyway, so will you ask your questions of Mr.
Bourque?

MR. FURLOTTE: Mr. Bourque, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused with
20 respect to any or all of the murders for which
he is charged?

A. No.

THE COURT: Question 2?

MR. FURLOTTE: My Lord, I withdraw the challenge for
25 cause and I will challenge this potential juror
peremptorily.

THE COURT: Mr. Allman, there seems to be no reason why
that cannot be done so the challenge for cause
has been withdrawn against you, Mr. Bourque, but
30 you've been challenged peremptorily by the
accused, which means that you're not going to be a
juror, so will you go back and take your place,
though, until we excuse you a little later? Thank
you very much. Mr. Wilson is the next victim.
35 Would you swear Mr. Wilson, please?

BASIL WILSON duly sworn.

MR. FURLOTTE: Mr. Wilson, have you at any time in the
5 past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all murders for which he is charged?

A. No, I haven't.

MR. FURLOTTE: Mr. Wilson, have you read the book,
10 "Terror"?

A. No, I haven't.

MR. FURLOTTE: Have you read anything in the newspaper
or heard anything in the media -

A. Yes, I have, I've read a lot about it.

15 MR. FURLOTTE: You've read a lot of it?

A. Yes, I have.

THE COURT: Question 5?

MR. FURLOTTE: If you were selected as a juror would you
expect that there would be pressure placed upon
20 you by your friends or family to convict Mr.
Legere?

A. No, I don't think so.

MR. ALLMAN: My Lord, I hesitate to interrupt but Mr.
Furlotte is persistently paraphrasing your
25 questions. That wasn't the question you wrote.
I think he should stick to the precise text.

THE COURT: Well, I would ask you, Mr. Furlotte, please,
to stick to the question. The answer is no, I
don't think so.

30 MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subjected
throughout the trial to strong pressure from
family members or friends to support a particular
verdict?

35 A. No, not a bit.

THE COURT: And Question 7?

MR. FURLOTTE: Question 7 does not apply.

5 THE COURT: Oh, yes, yes.

MR. WILSON: Pardon me, I can't seem to hear too good
here, I don't know why.

THE COURT: No, well, you may be talking a little too
close, Mr. Furlotte.

10 MR. FURLOTTE: I have no further questions, My Lord.

THE COURT: Mr. Allman?

MR. ALLMAN: I have no questions.

THE COURT: I'm going to ask you this question, Mr.

15 Wilson. Would you be able, if selected a juror,
to come to an objective decision on the issues
free from bias and prejudice and based solely on
the evidence you've heard here in the court room
and the explanation of the law given to the jury
by the presiding judge?

20 A. Would you repeat that once more?

THE COURT: O.K.

A. I hate to ask you but -

25 THE COURT: That's all right, take your time. Would you
be able if selected a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence
you've heard in the court room and on the explana-
tion of the law given to the jury by me as the
presiding judge?

30 A. My answer is yes.

THE COURT: Well, now, triers, you've heard the witness
asked these questions. He has indicated his
answers to them and he has indicated that he
feels that he could act objectively in this case.
35 He says, as I recall, that he has not formed any

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5 opinion as to guilt or innocence on the part of
the accused before now. Would you people in
accordance with the oath that you've taken go out
with Mr. Sears to the jury room and come back and
determine whether the challenge of lack of
indifference or the challenge of bias or prejudice
is well taken or not in this witness's case, Mr.
10 Wilson's case. If you feel that he is able to
act, as he claims to be, objectively as a juror,
then you should come back with a finding that the
challenge isn't well taken. If you don't accept
what Mr. Wilson has said and you feel that he for
15 some reason or other would be biased or
prejudiced, you should come back and find that the
challenge is well taken, so would you go out and
take a few minutes, couple of minutes, and come
back?

20

TRIALERS DELIBERATE AND RETURN.

THE COURT: Mr. Lockhart, are you the spokesman again?

MR. LOCKHART: I guess so.

THE COURT: All right, and what is your finding?

25 MR. LOCKHART: We figure he would be O.K.

THE COURT: He would be O.K., fine, challenge not well
taken, so would you stand up there, Mr.
Wilson, please? You're approved so far if you
can get over the next hurdle. Now, Mr. Furlotte,
30 any challenge?

MR. FURLOTTE: This is Mr. Wilson, I believe?

THE COURT: Mr. Wilson, yes.

MR. FURLOTTE: I challenge Mr. Wilson peremptorily.

THE COURT: So Mr. Wilson, you're challenged peremptorily
35 which means you're not going to be a juror.

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MR. LEGERE: Excuse me.

THE COURT: Pardon? Oh, they want to change their mind,
5 perhaps.

MR. FURLOTTE: I'm sorry, My Lord, I made a mistake. We
do not wish to challenge, we accept Mr. Wilson.

THE COURT: You're passing up any opportunity. Mr.
Allman?

10 MR. ALLMAN: We don't wish to challenge Mr. Wilson but we
would ask that he stand aside.

THE COURT: All right, so Mr. Wilson, you're being stood
aside. You're subject to being recalled again
second time around, so would you please sit down
15 below, go down to your seat there and wait there.
Now, the next person is Mr. Scott. Would you
swear Mr. Scott, please, and the same challenge is
being made against Mr. Scott.

20 GLENN SCOTT duly sworn.

THE COURT: And you two triers are continuing on as
triers, please, and you're still under oath and so
on. Now, Mr. Furlotte, you ask your questions,
25 please.

MR. FURLOTTE: Yes, Mr. Scott, have you at any time in
the past two years formed a tentative opinion as
to the guilt or innocence of the accused in
respect of any or all of the murders with which he
30 is charged?

A. I have not.

MR. FURLOTTE: Have you read the book, "Terror"?

A. No, sir.

MR. FURLOTTE: And have you been subjected to much of the
35 newspaper media or television in respect of

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publicity about this case?

MR. ALLMAN: That question doesn't appear on the list
5 that Your Lordship drafted.

THE COURT: No. Do you want to ask - well, ask Question
#2 there, Mr. Furlotte, has your information
concerning the accused -

MR. FURLOTTE: Well, I don't even know if he has any
10 information about the accused.

THE COURT: Oh, well, everybody has information.

MR. FURLOTTE: Do you have any information at all
concerning the accused or this case that's
before me?

A. No. I read the paper every day, that's all.

MR. FURLOTTE: You read the paper every day?

A. I read the paper every day.

MR. FURLOTTE: And you don't have any information?

A. No.

THE COURT: Question 5.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subjected
throughout the trial to strong pressures from
family members or friends to support a particular
25 verdict?

A. No.

MR. FURLOTTE: If you were selected as a juror would you
be able if selected as a juror to come to a free -

THE COURT: - and objective decision.

MR. FURLOTTE: I still can't read your writing, My Lord.

THE COURT: Well, let me ask the questions here. Would
you be able, if selected a juror, to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence
35 you've heard in the court room and the explanation

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of the law given to the jury by the presiding
judge?

5 A. Yes, sir.

MR. FURLOTTE: No further questions.

THE COURT: Any questions, Mr. Allman?

MR. ALLMAN: No, My Lord.

10 THE COURT: Well, now, the two triers again have heard
the questions here and you've heard the answers
given by this witness. He says that he would be
able to act objectively and that he hasn't formed
any opinion to date, so would you people please go
out and consider this matter and come and report.

15

TRIER'S DELIBERATE AND RETURN.

THE COURT: Mr. Lockhart, you're reporting for the
triers? How do you find?

MR. LOCKHART: We feel he's not biased.

20 THE COURT: Fine, so the challenge is not well taken,
then, in the opinion of the triers, and so
would you stand over there in front of the box
and we'll see if there are any other challenges
to be made of you, Mr. Scott.

25 MR. FURLOTTE: The accused wishes to challenge this
potential juror peremptorily.

THE COURT: All right, so you're challenged peremptorily
and you're not a juryman. Would you take your
place until we dismiss people later? Now, four
30 more names, please, Mr. Pugh?

CLERK: Bernard Paulin
Paulette Legendre
Bertha Collins
Pauline Davis

35 THE COURT: Oh, Miss Davis is a trier, so we'll have to

appoint a new trier. Well, we can carry on with you for a short time until we come to your name.

5 You carry on for the present. Now, you're continuing this, Mr. Furlotte, you want to challenge for cause Mr. Paulin?

MR. FURLOTTE: I believe you were going to ask these people if they had any reasons?

10 THE COURT: I will do that first, I forgot about that. Any reasons why for financial hardship or otherwise you feel you should be excused?

MISS LEGENDRE: I work part time and if I take the time off they won't pay me.

15 THE COURT: Where do you live?

MISS LEGENDRE: Here in Fredericton.

THE COURT: In Fredericton, and you would suffer a loss of income if you did that, so we'll excuse Miss Legendre, then, on the ground of financial
20 hardship, so would you go back and take your place, please, for the present. Mr. Paulin, what do you have to say?

MR. PAULIN: I read the book, "Terror on the Miramichi", a couple of months ago.

25 THE COURT: Why do you say that? I mean you read it but that doesn't disqualify you.

MR. PAULIN: No, I was just saying -

THE COURT: You're admitting that?

MR. PAULIN: Yes.

30 THE COURT: Well, that's fair enough, so if you're challenged, as you will be now, and you want to answer you'll be asked the same questions as - and you're Miss Collins?

MISS COLLINS: And I do work part time for senior
35 citizens and there's no one to fill in if I'm

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not available.

THE COURT: What would happen to the senior citizens?

5 MISS COLLINS: Well, I don't know what they'd do. I
guess the other ones would have to double up.

THE COURT: Is it a voluntary job or -

MISS COLLINS: No, no, I get paid.

THE COURT: So you would suffer?

10 MISS COLLINS: Well, not so much me but it's them I'm
considering.

THE COURT: Where do you live, Miss Collins?

MISS COLLINS: I live on Chestnut Street.

THE COURT: Oh, in Fredericton?

15 MISS COLLINS: Yes.

THE COURT: Well, you feel it would work a hardship on
the people that you're looking after at the
present time?

MISS COLLINS: Right, exactly.

20 THE COURT: Well, I think you come under that section of
the New Brunswick Jury Act which says if you're
looking after elderly persons -

MISS COLLINS: They depend on me.

THE COURT: Are all senior citizens elderly?

25 MISS COLLINS: They're all senior citizens, it's in a
senior citizens' home.

THE COURT: Are you calling me elderly?

MISS COLLINS: No.

30 THE COURT: My God, you know, if I weren't sitting here
I'd be eligible for being excused from jury duty.
Well, we'll excuse you, then, Miss Collins.
Thank you for being frank and honest. Now, you're
challenging Mr. Paulin on the ground of possible
lack of indifference, so Mr. Paulin should be
35 sworn, please.

BERNARD PAULIN duly sworn.

5 THE COURT: And if in giving your answers, Mr. Paulin,
if you'd try to give them into that microphone
there just so they can be heard and Mr. Furlotte
is going to ask you these questions.

10 MR. FURLOTTE: Mr. Paulin, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the offences with which he is
charged?

A. Yes.

15 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media, newspaper, radio,
T.V.?

20 A. Through the media and after reading the "Terror
on the Miramichi" by Andre Veniot and Rick
MacLean.

MR. FURLOTTE: And I believe you mentioned you read the
book, "Terror"?

A. Yes.

THE COURT: Question 4?

25 MR. FURLOTTE: Question 4 I can't make out that third
word.

THE COURT: If so, in other words, if you've read the
book, has it affected your opinion as to the
accused's guilt or innocence? If yes, how?

30 A. Yes, Your Honour, because all of the detail in
the book has biased my own judgment and being
from the Bathurst area not far from the Miramichi
so -

THE COURT: And 5 and 6?

35 MR. FURLOTTE: If you were selected as a juror in this

Jury Selection

5 case is it likely that you would be subjected
throughout the trial to strong pressure from
family members or friends to support some
particular verdict?

A. No.

10 MR. FURLOTTE: Notwithstanding that you may have formed
an opinion as to the accused's guilt or innocence
would you be able if selected as a juror to come
to a objective decision in the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and the
15 explanation of law given to the jury by the
preiding judge?

A. I doubt very much I would be able to come up
to some objective decision.

THE COURT: Thank you very much. Now, Mr. Allman, have
you any questions?

20 MR. ALLMAN; No, I have no questions. I got the
impression or Mr. Walsh got the impression the
jury might not have heard the answer to the last
question of defence counsel. I have no questions.

THE COURT: Did the triers hear the answer to that?
25 Well, can you read it back, Miss Peterson, please?
Listen to Miss Peterson, the Court Reporter, now
and she'll read back the answer that the witness
gave.

30 COURT REPORTER: I doubt very much I would be able to
come up with some objective decision.

MR. FURLOTTE: Mr. Paulin, is your answer that you doubt
very much you would be able to come up with an
objective decision?

MR. PAULIN: Yes, that was my -

35 THE COURT: Well, you triers have heard the answer and

Jury Selection

5 Mr. Paulin has been quite frank here and he has
acknowledged that he doubts very much if he'd be
able to come up with an objective decision, so
will you go out and determine whether the
challenge is well taken or not. If you accept
what Mr. Paulin says I think you'd come back and
say he couldn't be a juror.

10

TRJERS DELIBERATE AND RETURN.

THE COURT: Mr. Lockhart?

MR. LOCKHART: We feel he's biased.

THE COURT: He's biased, yes. Well, he's not

15 ir indifferent, then, so Mr. Paulin, you're excused.
You're found to be not unbiased and challenged
successfully, so would you take your place,
please, down there? Now the next person to be
20 tried is Miss Davis. You're going to get your
own back here. I'm going to appoint - would
Betty Noble please come up and act as juror?

BETTY NOBLE SWORN AS TRIER.

25 THE COURT: Miss Noble, were you able to follow earlier
my instructions to the triers with regard to the
duties of the triers and what your purpose is?

MISS NOBLE: Yes.

30 THE COURT: So I needn't explain that over again to you,
so your function and that of Mr. Lockhart now is
to act as the mini-jury here to determine whether
Miss Davis is not indifferent or not, whatever
that means. Mr. Furlotte, you ask Miss Davis
the -

35 MR. FURLOTTE: Miss Davis, have you at any time in the
past two years formed a tentative opinion as to

5 the guilt or innocence of the accused in respect
of any or all the murders with which he is
charged?

A. Yes, I have.

10 MR. FURLOTTE: Has your information concerning the
accused and the deaths of which he is charged -
did that come largely through the media,
newspaper, T.V., radio, or from friends?

A. Media.

MR. FURLOTTE: Media mostly, and have you read the book,
"Terror"?

A. No, I haven't

15 THE COURT: Question 5?

MR. FURLOTTE: I guess maybe I should go back to
Question 1. You said you'd formed a tentative
opinion as to guilt or innocence. What was that
opinion?

20 THE COURT: Well, I'm not really interested and I don't
think any of us are interested whether the finding
and the opinion has been that one is guilty or is
innocent. I suppose we could assume based on the
media publicity in this thing that probably the
25 opinion would be of guilt rather than of innocence
but I don't think that we should ask a juror how
he or she has determined it. There are other
questions coming along which pertain to the same
thing, so Question 5, Mr. Furlotte?

30 MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you would be subject
throughout the trial to strong pressure from
family members or friends to support some
particular verdict?

35 A. No.

Jury Selection

THE COURT: And then Question 7?

MR. FURLOTTE: Notwithstanding that you may have in the
5 part formed an opinion as to the accused's guilt
or innocence would you be able if selected as a
juror to come to an objective decision on the
issues free from bias or prejudice and based
solely on the evidence you have heard in the court
10 room and the explanation of the law given to the
jury by the presiding judge?

A. I don't believe so.

MR. FURLOTTE: You don't think so?

A. No.

15 THE COURT: Mr. Allman, have you any questions?

MR. ALLMAN: No.

THE COURT: Well, now, triers, you've heard the
witness's answer. She has indicated, and quite
truthfully, one would suppose, that she has formed
20 opinions on the basis of what she's heard about
this trial before and that she - while she hasn't
read the book, "Terror on the Miramichi", which
may mean that you have formed an opinion or it may
not mean that you've formed an opinion, but she
25 says quite frankly that she doesn't feel that she
would probably be capable of acting in an
unbiased manner. If you accept that statement
you would of course come back and find that the
challenge is well taken and that she isn't capable
30 of being a juror, or a fair and unprejudiced
juror, so would you retire, please, and consider
your verdict on this just for a couple of minutes
and come back and tell us?

TRIALS DELIBERATE AND RETURN.

35 THE COURT: And Mr. Lockhart or Miss Noble?

Jury Selection

MR. LOCKHART: We feel that she's biased.

5 THE COURT: She is biased and should not serve, so the
challenge is well taken in this case, so thank you
very much, Miss Davis, not only for being frank in
your answers but also for your service as trier,
so would you go back and sit down, please, for a
10 while? We might reward you by giving you a cup of
coffee and a doughnut a little later. Now, four
more names, please?

CLERK: John Hiscock
Terri Guislan
15 Mavis Currie
William Steever

THE COURT: May I ask you people before we get down to
this challenge for cause business and so on,
are any of you people seeking exemption or should
20 you be seeking exemption? Miss Guislan, is it?

MISS GUISLAN: I just returned to work after maternity
leave and I was out for six months and I wouldn't
look forward to -

THE COURT: Well, you've got an extra mouth to feed,
25 then.

MISS GUISLAN: That's right.

THE COURT: Where do you work?

MISS GUISLAN: Toronto-Dominion Bank, and they don't pay
for being -

30 THE COURT: So you would lose your income if you were to
serve, yes. Well, you're excused on the ground of
irreparable financial hardship. You're - no
excuse?

MR. HISCOCK: No, I haven't any excuse.

35 THE COURT: And Miss Currie, is it?

MISS CURRIE: No, not really.

THE COURT: And Mr. Steever?

5 MR. STEEVER: Yes, Your Honour, I do. I am currently on
unemployment and I believe if I serve on a jury
that my unemployment would stop.

THE COURT: I think you're quite right. They say if a
jury trial lasts one or two days they sometimes
10 overlook it, but I'm sure they won't be over-
looking it in this case, so you would lose your
unemployment insurance and certainly if work comes
up you want to go back to it, I'm sure.

MR. STEEVER: Yes, sir.

15 THE COURT: Well, sorry you won't be with use but you're
excused.

MR. STEEVER: O.K., thank you.

THE COURT: Let's have two more, then.

CLERK: Pat O'Brien

20 Irma Moore

THE COURT: Mr. O'Brien?

MR. O'BRIEN: Yes.

THE COURT: And Miss Moore? Are you a Ms. or a Mrs.?

MRS. MOORE: Mrs. Moore.

25 THE COURT: Any hardship or any other grounds in your
case, Mrs. Moore?

MRS. MOORE: I worked with one of the victims, I worked
with one of the girls, the Daughney girls.

THE COURT: Oh, with one of the girls?

30 MRS. MOORE: Yes, I know one of them.

THE COURT: Oh, you knew one of the ladies who died in
these incidents?

MRS. MOORE: That's right.

THE COURT: And you feel that might - is strong enough
35 that it would prejudice you unduly?

Jury Selection

MRS. MOORE: Yes.

THE COURT: Can we agree that Mrs. Moore should be
5 released from service?

MR. ALLMAN: Yes.

THE COURT: Mr. Furlotte, you're agreeable to that?

MR. FURLOTTE: Yes.

THE COURT: So you're exempted, then, on some ground or
10 other. Thank you very much, Mrs. Moore. Now
perhaps we should start here. You're going to
challenge Mr. Hiscock, so would the other two
jurors please just sit down in the back row there
until your turn comes?

15

JOHN HISCOCK duly sworn.

MR. FURLOTTE: Mr. Hiscock, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
20 of any or all of the murders of which he's
charged?

MR. HISCOCK: Yes, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
25 come largely through media, newspaper, radio and
T.V. or from friends?

MR. HISCOCK: I didn't hear that.

THE COURT: Well, may I read it again? Has your informa-
tion concerning the accused and the deaths with
30 which he is charged come largely through the
media, for instance the newspaper, radio and T.V.,
or from friends? Where have you got most of
your -

MR. HISCOCK: Newspaper and T.V.

35 MR. FURLOTTE: Have you read the book, "Terror"?

Jury Selection

MR. HISCOCK: Pardon me?

THE COURT: Have you read the book, "Terror on the
5 Miramichi", or whatever it's called?

MR. HISCOCK: No.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subject
throughout the trial to strong pressure from
10 family members or friends to support some
particular verdict?

MR. HISCOCK: I didn't hear that one either.

THE COURT: If you were selected a juror in this case is
it likely that you could be subject throughout the
15 trial to strong pressure from family members or
friends to support some particular verdict?

MR. HISCOCK: No.

MR. FURLOTTE: Notwithstanding that you may have formed
an opinion in the past as to the accused's guilt
20 or innocence, would you be able if selected as a
juror to come to an objective decision on the
issues free from biases and prejudice and based
solely on the evidence you would have heard in
the court room and the explanations of the law
25 given to you by the presiding judge?

THE COURT: Did you get that?

MR. HISCOCK: Not really, but I'd have to say I am
biassed.

THE COURT: You are biassed?

MR. HISCOCK: Yes.

THE COURT: So, any questions, Mr. Allman, or have you
any other questions? No?

MR. ALLMAN: It may be superfluous in the light of the
last answer but do you have a hearing disability?

MR. HISCOCK: Yes, I do.

Jury Selection

THE COURT: Well, perhaps we could shortcut things a little here by excusing Mr. Hiscock on the ground of his hearing disability. O.K., you're excused. We'll save the triers work. Now, the next gentleman, Mr. O'Brien, I think it is.

MR. WALSH: Mavis Currie, My Lord.

THE COURT: Oh, I'm sorry, this is Miss Currie here.

MAVIS CURRIE duly sworn.

MR. FURLOTTE: Mrs. Currie, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of any or all of the offences with which he is charged?

MRS. CURRIE: I'm afraid I have.

MR. FURLOTTE: Pardon?

MRS. CURRIE: I have.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he's charged come largely through the media, newspaper, radio and T.V.?

MRS. CURRIE: Mostly.

MR. FURLOTTE: Any of it from friends?

MRS. CURRIE: Yes.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

MRS. CURRIE: No.

MR. FURLOTTE: If you were selected as a juror in this case is it likely that you would be subject throughout the trial to strong pressures from family members or friends to support some particular verdict?

MRS. CURRIE: No.

Jury Selection

MR. FURLOTTE: Notwithstanding that you have in the past
formed an opinion as to the accused's guilt or
5 innocence would you be able, if selected a juror,
to come to an objective decision on the issues
free from bias and prejudice and based solely on
the evidence you have heard in the court room and
the explanation of the law given to the jury by
10 the presiding judge?

MRS. CURRIE: I'm not sure that I could.

MR. FURLOTTE: You're not sure you could?

MRS. CURRIE: No.

THE COURT: Mr. Allman, any questions?

15 MR. ALLMAN: No, no questions.

THE COURT: Well, would the two triers, then, please
retire in a minute and determine whether Mrs.
Currie is - whether the challenge is well taken.
You've heard her evidence, she has expressed some
20 doubt as to whether she would be able to try it in
a fair and unbiassed manner. She's been quite
frank in her answer and if you accept what she
says and feel that she's not just saying that to
try to avoid jury service, which I don't think is
25 the case, then you should bring back a verdict
that the challenge is well taken, so would you
take a couple of minutes to decide?

TRIER'S DELIBERATE AND RETURN.

30 THE COURT: Mr. Lockhart, you're again the spokesperson?

MR. LOCKHART: Yes, I guess so. We feel that she would
not be biassed.

THE COURT: So you find that the challenge is not well
taken?

35 MR. LOCKHART: Right.

Jury Selection

THE COURT: All right, so you are going to be a juror,
Mrs. Currie, and they obviously think that you're
5 honest and you could approach this objectively,
so you stand over there, please, and see if they
have any other challenge to make of you.

MR. FURLOTTE: We would challenge Mrs. Currie perempt-
orily.

10 THE COURT: So you're challenged peremptorily and that
means that you're not going to be a juror after
all, so would you take your place, please, Mrs.
Currie? Now, Mr. O'Brien, we'll do you here.

15 PAT O'BRIEN duly sworn.

MR. FURLOTTE: Mr. O'Brien, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders with which he's
20 charged?

MR. O'BRIEN: Yes, I have.

MR. FURLOTTE: Has your opinion concerning the accused
and the deaths of which he's charged come
largely through the media, newspaper, radio and
25 T.V.?

MR. O'BRIEN: Media.

MR. FURLOTTE: Any from friends?

MR. O'BRIEN: No.

MR. FURLOTTE: Have you read the book, "Terror on the
30 Miramichi"?

A. No.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subject
throughout the trial to strong pressure from
35 family members or friends to support some

Jury Selection

particular verdict?

A. No.

5 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able if selected as a
juror to come to an objective decision on the
issues free from bias and prejudice and based
10 solely on the evidence you have heard in the
court room and the explanation of the law given
to the jury by the presiding judge?

MR. O'BRIEN: Yes.

THE COURT: Mr. Allman, any - I'm sorry.

15 MR. FURLOTTE: My Lord, maybe since this potential juror
has admitted to forming an opinion whether or not
I could ask at this time whether that opinion is
to guilt or innocence?

THE COURT: I won't permit that question, Mr. Furlotte.
20 There's not one of us here in the court room who
perhaps hasn't formed an opinion at some stage or
another as to guilt or innocence in this case.
The criterion, as I've explained before, and as
the triers understand, is is a person able to
25 objectively approach the issues and decide without
bias or prejudice, impartially.

MR. FURLOTTE: May I ask if Mr. O'Brien has ever
expressed his opinion to other people and
discussed his opinion with other people?

30 THE COURT: Do you care to answer that, Mr. O'Brien?

MR. O'BRIEN: Yes, I can. With my wife.

THE COURT: With your wife?

MR. O'BRIEN: Yes.

MR. FURLOTTE: Not with family or friends, just your
35 wife?

Jury Selection

MR. O'BRIEN: Yes.

THE COURT: Mr. Allman?

5 MR. ALLMAN: I have no questions.

THE COURT: The triers have heard the answers given here.

10 Mr. O'Brien has acknowledged that he has formed
an opinion in the past as to guilt or innocence.
He says that notwithstanding that he feels that
he would be able to act objectively as a juror
here, so would you please go out and determine
whether the challenge is well taken.

TRIERS DELIBERATE AND RETURN.

15 THE COURT: And Miss Noble?

MISS NOBLE: We don't feel that he would be biased.

20 THE COURT: So you feel the challenge is not well taken,
so Mr. O'Brien, would you stand up there in front
of the jury box and we'll see if there are other
challenges for you.

25 MR. FURLOTTE: My Lord, for the record, since I don't
know whether this potential juror has formed an
opinion as to whether Mr. Legere was guilty or
innocent I have no choice but to challenge him
peremptorily. I would like to state for the
record that Mr. Legere has every right to be
presumed innocent before his trial and under the
questions that you have limited that by asking
whether or not they've formed a tentative opinion
30 as to his guilt or innocence, then there's no way
I can challenge that Mr. Legere's rights are being
violated under the Charter when it says to be
presumed innocent until proven guilty.

35 The triers of fact under the circumstances
have no justifiable reason to bring back a verdict

Jury Selection

of the challenge for cause being unfounded
because these people as they are saying yes,
5 they formed an opinion, but they could have
formed the opinion that Mr. Legere is innocent,
therefore he's not being biased towards Mr.
Legere, and under the circumstances I will have
to challenge everyone peremptorily under those
10 conditions.

THE COURT: Well, I only point out you can do it up to
the limit of your peremptory challenges.

MR. FURLOTTE: Up to the limit, yes. Then we'll give
the Crown their field day.

15 THE COURT: Mr. Allman, do you have any comment to make
on Mr. Furlotte's remarks?

MR. ALLMAN: My comment is that the only question I'm
concerned with is whether or not they're
indifferent. I don't mind if they're indifferent
20 what their tentative opinion was.

THE COURT: So you're challenged peremptorily and you
won't be required to serve as a juror, Mr.
O'Brien. Now, members of the jury panel, we have
a decision here to make and that is where do we go
25 for the rest of the afternoon. It's twenty to
four, we've had quite a long day, and quite
obviously most of the panel excepting for those
who have been discarded, if I may use that word,
so far will have to return tomorrow, and perhaps
30 on Wednesday although I would hope that perhaps
tomorrow we might have the jury selected. I think
you will find that better progress will be made as
the case goes along, we're getting into a little
pattern now, and mind you, once peremptory
35 challenges have been used up, then we've got to

Jury Selection

start selecting jurors, so we won't be going any slower tomorrow. There's no point in taking a
5 mid-afternoon recess today. I believe they did have coffee and doughnuts or something arranged in the cafeteria but I would think that most members of the panel would prefer, perhaps, to sit for, say, another twenty minutes until four o'clock, see if perhaps we can deal with another four, the
10 next four people on the list, and then we'll adjourn for the afternoon until 9:30 tomorrow morning. I would suggest that we do that. We can stop now if you like but I'm sure again those who have to return tomorrow would like to get as
15 much done today as we can, so if I hear no strong objections we'll go along with another four members here and try to fill in about another twenty minutes, so four more names?

20 CLERK: Norman Taber
Christopher Hawkes
William Monteith
Peter Dunham

THE COURT: Now may I ask you gentlemen first individually and collectively, do any of you have any
25 reason to apply for exemption on the ground of hardship or otherwise or are you available to ask - you're O.K., Mr. Taber, I gather?

MR. TABER: No, Your Honour, I'm drawing unemployment
30 insurance.

THE COURT: Yes, and if you get a job in the meantime you want to go and take it?

MR. TABER: Yes, perhaps.

THE COURT: And if you lose your unemployment insurance
35 you're going to be earning less money than you

Jury Selection

are for jury?

MR. TABER: That's right, sir.

5 THE COURT: So you want off?

MR. TABER: Yes, please.

THE COURT: That's fair enough. You're excused on the
ground of hardship, and Mr. Hawkes, what is your
story?

10 MR. HAWKES: I'm a graduate student at U.N.B., this would
interfere with my course work.

THE COURT: Wouldn't be in sociology? Wouldn't they give
you a credit for a course if you were on the jury?
Wouldn't they give you a full term credit?

15 MR. HAWKES: No, this isn't too pertinent to geology,
really.

THE COURT: Geology? Well, something to do with rocks.
Well, you're a graduate student and ten weeks
service would interfere with your studies?

20 MR. HAWKES: Yes, it would.

THE COURT: And that would certainly work - geologists
make about \$150,000.00 a year, they say, so that
would certainly work a hardship on you, wouldn't
it? O.K., you're excused. And Mr. Monteith?

25 MR. MONTEITH: Yes, I'm supposed to start a job today
through Job Creation and I don't want to miss any
more time, I'm in need of money right now so -

THE COURT: Well, you're looking for employment and you
haven't got any at the present time?

30 MR. MONTEITH: Well, I was supposed to start today with
NB Power.

THE COURT: Have you got a job with them?

MR. MONTEITH: Yes, I do, yes.

35 THE COURT: Better grab it fast tomorrow morning. O.K.,
you're excused on the ground of financial

Jury Selection

hardship, and Mr. Dunham?

MR. DUNHAM: I'm working part time right now so -

5 THE COURT: You wouldn't be compensated for the time you
lost?

MR. DUNHAM: No.

THE COURT: And where are you working, Mr. Dunham?

MR. DUNHAM: At the K-Mart.

10 THE COURT: K-Mart in Fredericton?

MR. DUNHAM: Yes.

THE COURT: Where do you live?

MR. DUNHAM: Greenfields Drive in Fredericton.

15 THE COURT: Well, you're going to suffer financial loss
if you have to serve for ten weeks? That's
understandable, so you're excused on the ground of
hardship. Could we have four more? When I said
four I didn't mean four excused like this. Let's
have four more here. The more progress we make
20 the shorter it will be from here on. Four more.

CLERK: Claire Rogers

Betty Noble

Peter Roberts

Harold Sappier

25 THE COURT: Well, you could still act on this first one
here, Miss Noble. So may I ask you people, are
you free to act on the jury without suffering too
much financial hardship and so on? Mrs. Rogers,
what about you?

30 MRS. ROGERS: No, my husband is an R.C.M.P. officer and -

THE COURT: He tells you what to find and what not to do,
does he? Well, you feel that perhaps because he
is an R.C.M.P. officer that you shouldn't serve on
the jury?

35 MRS. ROGERS: Yes, I do.

Jury Selection

THE COURT: I think I would have to agree with you. Do
counsel agree with that, counsel for the Crown?

5 MR. ALLMAN: Yes.

THE COURT: Where is he stationed, in Fredericton? Yes,
so we'll excuse you on that ground, Mrs. Rogers,
thank you very much. Mr. Roberts?

MR. ROBERTS: Yes, I couldn't afford to take time off.

10 THE COURT: Where do you work?

MR. ROBERTS: I work in Minto at R & D Welders.

THE COURT: At Minto?

MR. ROBERTS: Yes.

THE COURT: And you are on wages there, earning wages,
15 are you, work by the week or what?

MR. ROBERTS: No, I work by the hour.

THE COURT: By the hour? What doing?

MR. ROBERTS: Welding.

THE COURT: Welding, and you wouldn't be paid if you
20 were -

MR. ROBERTS: If I wasn't there, no.

THE COURT: If you weren't there, so you would be losing
money?

MR. ROBERTS: Quite a bit.

25 THE COURT: Well, we'll excuse you, then, on the ground
of hardship, and Mr. Sappier, you've got nothing
to do but sit in court and listen to this thing,
have you? I can tell from the look of you.

MR. SAPIER: I have other things to do.

30 THE COURT: You've got no excuse, you say?

MR. SAPIER: No.

THE COURT: No, good. Let's sit you down there in the
back row there, Mr. Sappier, if you would, and
Mrs. Noble, do you have any excuse or any grounds
35 on which you want to be exempt?

Jury Selection

MRS. NOBLE: Well, we have a family business and I'm the
secretary-treasurer and I think it would be an
5 awful hardship if I wasn't there for two months.

THE COURT: No confidence in your husband to run that
business?

MRS. NOBLE: He doesn't do my office work.

THE COURT: Well, you're in partnership, more or less,
10 and what is your business?

MRS. NOBLE: General contracting.

THE COURT: Well, I think that it would be fair to say
that you would suffer financial hardship. That's
what you're trying to tell me?

15 MRS. NOBLE: Yes.

THE COURT: So we'll excuse you on the ground of hardship
and thank you very much for serving as trier along
with - we're not going to release Mr. Lockhart
yet. I don't know where he comes in on this list
20 but he along with his lady friends have been doing
a darned good job here this afternoon, so thank
you very much, Mrs. Noble. Now let's bring
forward another trier here. Mr. Larry Dickinson,
would you act as a trier here? I guess there's no
25 reason why we have to supplant a female with a
female so we'll for a while here anyway have two
males, so Mr. Dickinson, will you be sworn as a
trier, please?

30 LARRY DICKINSON SWORN AS TRIER:

THE COURT: Mr. Dickinson, you've heard the explanation
given to the triers before and what your function
is, to determine whether jurors are able to act
objectively in the case and so on. It may be
35 relevant whether they've formed opinions or not

Jury Selection

5 but the mere fact that they have formed some
opinion on the case one way or another, or either
way, doesn't mean in itself that they are biased
or prejudiced and unable to serve, but you have to
look at the totality of their answers here on this
to determine it. Now, would you swear Mr. Sappier
and let's try him.

10

HAROLD SAPIER duly sworn.

MR. FURLOTTE: Mr. Sappier, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
15 of any or all of the murders with which he is
charged?

A. No, I haven't.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

20 A. No.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subject
throughout the trial to strong pressures from
family members and friends to support some
particular verdict?

25

A. No.

MR. FURLOTTE: Would you be able if selected as a juror
to come to an objective decision on the issues
free from bias and prejudice and based solely on
30 the evidence you have heard in the court room
and the explanation of the law given to the jury
by the presiding judge?

A. Yes.

THE COURT: Any questions, Mr. Allman?

35 MR. ALLMAN: Just one not particularly on that issue.

Mr. Sappier, this trial may last a while. Is your physical health adequate, do you think, to reasonably guarantee you getting through a ten or twelve-week trial?

A. Well, I don't know, but I don't work. It's not that good.

MR. ALLMAN: O.K., thank you.

THE COURT: Do you mow the lawn?

A. No, I've got boys to do that.

THE COURT: Good. Neither do I, but I see no reason why your health wouldn't be up to it? You have no health problem that would -

A. Well, my breath's quite - little short of breathing, I'll say that.

THE COURT: I wish you'd pass it on to the lawyers.

Now, would you two triers, Mr. Dickinson and Mr. Lockhart, go out? You've heard the answers of Mr. Sappier and he has said that he feels he could act objectively and without bias in this matter as a juror. Will you go out and decide whether you feel he's a proper juror or not?

TRIERs DELIBERATE AND RETURN.

THE COURT: Well, who is it, Mr. Lockhart or Mr. Dickinson? Mr. Lockhart again?

MR. LOCKHART: Yes.

THE COURT: What is your finding?

MR. LOCKHART: We feel he's O.K.

THE COURT: You think that he might make a good juror?

MR. LOCKHART: Yes.

THE COURT: All right, the challenge isn't well taken so Mr. Sappier, would you stand up there, please, to see if they want to exercise any other type of

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challenge against you?

MR. FURLOTTE: We are content, My Lord.

5 MR. ALLMAN: My Lord, we don't challenge this juror but
in light of what he said about his health we would
ask him to stand aside.

10 THE COURT: All right, so we'll stand you aside, Mr.
Sappier, and you'll have to come back tomorrow, of
course, and you may be considered again along the
way. Well, now it's five minutes to four. Do I
have the permission of the jury panel to stop
here, or four more? Well, I would say that the
feeling is we should do four more, then, and try
15 to get through another four, so four more names,
Mr. Pugh.

CLERK: James Buttimer
Jack Wright
Danny Yeaman
20 Ken Scott

MR. FURLOTTE: My Lord, Mr. Legere will have to be
excused. We would like a short recess for Mr.
Legere to go to the washroom?

25 THE COURT: Oh, yes, sure. Would you gentlemen just sit
down in the back there?

(BRIEF RECESS - MR. LEGERE RETURNS TO DOCK.)

30 THE COURT: Now may I ask you gentlemen if you have any
reason for applying for exemption on the ground of
financial hardship or otherwise? Mr. Wright, is
it?

MR. WRIGHT: I have been taking therapy for my back for
three months and I have an appointment with a
specialist next week and I may have to have
35 surgery done on it and I don't think I'd be able

Jury Selection

to set - I didn't bring a paper from my doctor.
I could have but I didn't realize I needed it
5 today.

THE COURT: But you have an appointment with your
specialist, do you?

MR. WRIGHT: Yes, next Tuesday morning.

THE COURT: How long have you had -

10 MR. WRIGHT: Three months.

THE COURT: The back - three months you've had the -

MR. WRIGHT: I've been waiting to get into the specialist
and take therapy.

15 THE COURT: Oh, yes, but it's not something that's
cropped up since last week?

MR. WRIGHT: Oh, no. No, I have been off work since May.

THE COURT: Oh, have you really, and where do you work?

MR. WRIGHT: Eastland Industries in Minto.

20 THE COURT: Oh, yes. Well, presumably when your back is
cured you're going to want to get back to work
anyway, do you, and then you're going to be
suffering financial hardship?

MR. WRIGHT: That's right.

THE COURT: Where do you live, Mr. Wright?

25 MR. WRIGHT: Chipman.

THE COURT: In Chipman. Well, I think that's a fair
enough reason. Thank you very much. Good luck
with your back.

MR. WRIGHT: Thank you.

30 THE COURT: Don't let them operate on it, bear it out.
They don't know what they're doing, you'll regret
it afterwards. Mr. Buttimer, you have no
particular reason you want to seek to be released?

MR. BUTTIMER: No.

35 THE COURT: And Mr. Yeaman?

MR. YEAMANS: Yeamans.

THE COURT: Yeamans, I could tell from the lack of hair.

5 Did you have something to say? You have no
reason, and Mr. Scott, you have no reason not to -
good. So Mr. Furlotte, you're exercising the same
challenges here, I gather?

MR. FURLOTTE: Yes.

10 THE COURT: It's four o'clock. When you said four more
you meant to see them through here to a finish,
so would you, Mr. Yeamans and Mr. Scott, go back
and sit down there, please, and would you swear
Mr. Buttimer in as a witness, or give him the
15 oath that he'd take?

JAMES BUTTIMER duly sworn.

THE COURT: Now, Mr. Dickinson and Mr. Lockhart, you're
still acting as triers here and you're sworn for
20 the purpose.

MR. FURLOTTE: Mr. Buttimer, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders with which he is
25 charged?

A. Yes, sir, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media, newspaper, radio
30 and T.V.?

A. Through the media, yes, newspaper or radio, T.V.

MR. FURLOTTE: Any of it through friends?

A. No.

MR. FURLOTTE: Have you read the book, "Terror on the
35 Miramichi"?

A. Yes, I have.

MR. FURLOTTE: Has this affected your opinion as to the
5 accused's guilt or innocence and if yes, how?

A. I already had formed an opinion.

MR. FURLOTTE: You had already formed an opinion. I'd
ask, My Lord, if -

10 THE COURT: Don't you want to go on with - if you don't
ask Question 7 Mr. Allman is going to, but
shouldn't you ask Question 5? Why not complete it
and ask the other two questions there? I point
out that, you know, we've had different people
this afternoon who've said they've formed an
15 opinion but they have been found by triers to be
objective, which is legitimate.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subject
throughout the trial to strong pressures from
20 family members or friends to support some
particular verdict?

A. Yes, I would get pressure. I'm originally from
the North Shore so I know people from the
Miramichi.

25 MR. FURLOTTE: If so, could you be capable of resisting
that pressure and acting solely in accord with
your own conscience?

A. I could try.

30 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence, would you be able if selected as a
juror to come to an objective decision on the
issues free from bias and prejudice and based
solely on the evidence you have heard in the
35 court room and the explanation of the law given to

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the jury by the presiding judge?

A. I doubt it. I've already made up my mind.

5 MR. FURLOTTE: You doubt it, you've already made up your
mind?

THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No.

10 THE COURT: Well, the two triers, then, you've heard the
evidence given by this witness, or the answers.
He's indicated, and quite frankly, that he doubts
if he would be able to act objectively. Would you
people please go out and decide whether the
challenge is well taken or not?

15

TRIEERS DELIBERATE AND RETURN.

THE COURT: And your verdict, Mr. Dickinson?

MR. DICKINSON: We think he's biased.

20 THE COURT: All right, the challenge is well taken, so
you're excused, Mr. Buttimer. Thank you very
much. Now, Mr. Yeamans.

DANNY YEAMANS duly sworn.

25 MR. FURLOTTE: Mr. Yeamans, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders with which he's
charged?

A. Yes, I have.

30 MR. FURLOTTE: And has your information concerning the
accused and the deaths with which he is charged
come largely through the media, newspaper, radio
and T.V.?

A. Media.

35 MR. FURLOTTE: Any of it from your friends?

A. No.

5 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No.

10 MR. FURLOTTE: If you were selected as a juror in this
case is it likely that you could be subject
throughout the trial to strong pressures from
family members or friends to support some
particular verdict?

A. No, sir.

15 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able if selected as a
juror to come to an objective decision on the
issues free from bias and prejudice and based
solely on the evidence you have heard in the
court room and the explanation of the law given to
20 the jury by the presiding judge?

A. I believe I could do that.

MR. FURLOTTE: You believe you could do that?

A. Yes, sir.

THE COURT: Mr. Allman?

25 MR. ALLMAN: No questions.

THE COURT: Triers, you've heard this juror's answers to
the question. He says that he believes - he says
that he has formed an opinion as to guilt or
innocence before now but notwithstanding that,
30 whatever it is, he believes that he could act
objectively and without bias or prejudice in this
case, so would you please retire and consider what
your verdict is on Mr. Yeamans?

TRIER'S DELIBERATE AND RETURN.

THE COURT: And who speaks for the triers? Mr.

5 Dickinson, what is your verdict?

MR. DICKINSON: We think he's O.K.

THE COURT: He'd be O.K., so the challenge is not well
taken, so Mr. Yeamans, would you stand up there in
front of the box and see what happens now?

10 MR. FURLOTTE: Defence will challenge Mr. Yeamans
peremptorily.

THE COURT: So you're challenged peremptorily. That
means you're not on the jury and thank you very
much, Mr. Yeamans, and the last person we'll
15 consider today, I think, is Mr. Scott.

KEN SCOTT duly sworn.

MR. FURLOTTE: Mr. Scott, have you at any time in the
past two years formed a tentative opinion as to
20 the guilt or innocence of the accused in respect
of any or all of the murders with which he is
charged?

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
25 come largely through the media, newspaper, radio
and T.V.?

A. The media, yes.

MR. FURLOTTE: Any of it through friends?

30 A. Some of it.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected as a juror in this
35 case is it likely that you could be subject

Jury Selection

5 throughout the trial to strong pressures from
family members or friends to support some
particular verdict?

A. No.

10 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able if selected a juror
to come to an objective decision on the issues
free from bias and prejudice?

A. It would be very difficult.

15 MR. FURLOTTE: And base your opinion solely on the
evidence you have heard in the court room and the
explanation of the law given to the jury by the
presiding judge?

A. It would be difficult.

MR. FURLOTTE: It would be very difficult?

A. Yes.

20 THE COURT: Mr. Allman, have you any questions?

MR. ALLMAN: Do you feel that you have the capacity to
overcome difficulties from time to time?

A. That's a judgmental thing. I'm not -

MR. ALLMAN: I'm asking you to make that judgment.

25 A. I'm not sure.

THE COURT: Perhaps I can enlarge or ask the same
question perhaps in a slightly different way.
Do you think it's a difficulty that you could
overcome if you were faced with - the jurors
30 serving in the case will be instructed by me
that they must decide the issues on the basis not
of anything they've heard beforehand but on what
they hear in court from these 240 witnesses or so
who are going to be called, and of course on the
35 instructions as to the applicable law which I will

Jury Selection

be giving. Do you have misgivings about your prejudices in the matter?

5 A. It's difficult to answer, Judge. To say a yes or a no you're - you've got to be true.

THE COURT: Well, let's put you in the hands here of the triers and you've heard the answers, they're fresh in your mind, I'm not going to try to reiterate
10 them. Mr. Scott has said that he has difficulty saying that he could act totally impartially. I would take that there's a possibility that he could and very possibly after having some further instruction along with other jurors in the matter
15 he might find it possible to get over those hurdles, but I'll leave it up to you people to determine the matter and come back and give your answer.

MR. FURLOTTE: My Lord, since there's a new trier of fact
20 here I would like to read again to that trier of fact -

THE COURT: I'm sorry.

MR. FURLOTTE: - Section 11 of the Charter.

THE COURT: Which says?

MR. FURLOTTE: "Any person charged with an offence has the
25 right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal."

THE COURT: The point Mr. Furlotte is making, I think, is
30 that the jury here must be an independent and impartial tribunal. In other words -

MR. FURLOTTE: Who must presume him innocent at the start of the trial.

THE COURT: Oh, well, that's true, and all jurors will be
35 presuming the - yes, that's true, he must be

Jury Selection

presumed not guilty or innocent at the commencement of the trial. You understand that?

5 MR. LEGERE: Could I be excused, Your Honour?

THE COURT: Yes. This is just a temporary -

MR. LEGERE: Pardon?

THE COURT: Mr. Furlotte, may I speak through you? Would you ascertain -

10 MR. LEGERE: Well, I find it quite impossible. If he's not allowed to tell his opinion, how are you going to know if he thinks I'm guilty or not?

THE COURT: Would you gentlemen please retire and consider your verdict?

15

TRIEERS DELIBERATE AND RETURN.

THE COURT: And Mr. Lockhart?

MR. LOCKHART: We feel he would be biassed.

20 THE COURT: You feel he would be biassed so the challenge is well taken, so you're excused, Mr. Scott. Thank you very much. Well, now I think that we will stop there. We have done our four people and I think we'll be adjourning now. I'm going to
25 release you as trier, Mr. Lockhart. You've had your fair share of that this afternoon. I want to thank you for acting as a trier. We'll stay with Mr. Dickinson for a while. Mr. Lockhart, I
30 am advised by the Sheriff, if I'm correct here, that you have a one-man business that you operate?

MR. LOCKHART: I'm in business but I'm the sole owner and I do all the painting so it would be impossible for me to be out.

35 THE COURT: You couldn't spend ten weeks or whatever?

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MR. LOCKHART: I worked yesterday to be here today.

THE COURT: When are you going to work for tomorrow,
5 tonight?

MR. LOCKHART: Work tonight to make up for tomorrow.

THE COURT: Well, I'm aware of your business and I think
 that you should be excused on the ground of
 financial hardship.

10 MR. LOCKHART: Thank you.

THE COURT: So you are excused and it won't be necessary
 for you to attend further. Well, now, we will
 adjourn the Court until tomorrow morning at
 9:30, and all of the persons summoned for jury
15 duty are required to attend again tomorrow
 morning with the exception of those persons whose
 names I will have the Clerk read, and those are
 the persons who have either been excused today or
 who have been rejected by the triers of fact today
20 as jurors or who have been peremptorily challenged
 by the defence today, and there are a number of
 those. It won't be necessary for those persons to
 attend tomorrow. Those who have been peremptorily
 challenged needn't come back again tomorrow.

25 MR. ALLMAN: Peremptorily challenged or challenged for
 cause. Anybody who's been challenged success-
 fully.

THE COURT: Well, no, there have been people who've been
 challenged for cause who have been found to be
30 indifferent and who've been subsequently stood
 aside, there are two at least. Mr. Sappier will
 have to come tomorrow, who's still eligible, and
 another gentleman.

MR. ALLMAN: The stand asides will have to come back but
35 the challenges, peremptory or successful for

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cause, won't.

THE COURT: That's right. Mr. Pugh, could you read out
5 into the microphone there so there will be no
question about who is excused? Why don't I do it
myself from my list here and you check me, though,
to make sure that I'm correct.

Mr. Paisley

10 Mr. Grieve

Mr. Kerr

Mr. Ogden

Mr. Barton

Mr. Bourque

15 I'm sorry, I'm saying Mr. in each case here, it
may be that some of these people are female and I
haven't got that indicated in my list. If some of
those people are Miss or Mrs., read that accord-
ingly.

20 Wilson, #62, Juror Wilson

#111, I believe it was, Juror Scott. That was the
one who was challenged who was tried but then
found - was then challenged peremptorily.

MR. ALLMAN: I'm sorry, you say Mr. Wilson won't have to
25 come -

THE COURT: No, Mr. Wilson was stood aside. Mr. Wilson,
you will have to come again tomorrow. You're not
excused, you'll have to be back here tomorrow.
Mr. Paulin was found to be not indifferent so he
30 is excused and needn't come tomorrow.

Miss Legendre

Mrs. Collins who works with the senior citizens.

Mrs. Davis

Mr. Hiscock

35 Miss Guislan

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Juror Currie, who was tried and found to be indifferent but was challenged peremptorily.

5 #45, Steever, who was excused on the ground of financial hardship.

Mr. O'Brien who was challenged peremptorily by the Crown needn't come back.

10 Juror Moore, who was released by consent of counsel.

#16, Mr. Taber, who was excused on the ground of financial hardship.

Mr. Hawkes, the student.

Mr. Monteith, excused on the ground of hardship.

15 #124, Dunham, excused on the ground of hardship.

Mrs. Rogers, who is the wife of an R.C.M.P. officer.

#330, Mrs. Noble, who was excused on the ground of financial hardship and who we thank again for her assistance as one of the triers.

20 #100, Mr. Roberts, excused on the ground of hardship.

Not Mr. Sappier, Mr. Sappier will be required to come back tomorrow, he is not excused.

25 Mr. Buttimer was found to be not indifferent and is excused.

Mr. Wright, who was excused because of hardship.

Mr. Yeamans, who was found to be indifferent but who was challenged peremptorily by the accused.

30 Mr. Scott, the last gentleman, who was found to be not indifferent.

Now, all of those persons whose names I've read, with the exception of Mr. Sappier and who was the other one, Mr. Allman -

35 MR. ALLMAN: Well, Mr. Lockhart, you indicated, has been

Jury Selection

released.

THE COURT: Oh, yes, Mr. Wilson and Mr. Sappier are the
5 only names I've mentioned who will be required to
be here tomorrow, and Mr. Lockhart has been
released, has been excused on the ground of
financial hardship and needn't attend tomorrow, so
10 those persons are the only ones who need not
attend tomorrow. Everyone else must be here.

MR. DICKINSON: Your Honour?

THE COURT: Yes.

MR. DICKINSON: I might as well tell you now that I can't
lose tomorrow, let alone lose three months or
15 whatever, so it might save you some time.

THE COURT: Are you working now, Mr. Dickinson?

MR. DICKINSON: Yes. I'm working now and I don't get
paid if I'm not there.

THE COURT: And you don't get paid if you're not there.
20 Well, I will take it upon myself - there's no need
of bringing Mr. Dickinson back here tomorrow, he
can be excused now, so I will excuse you on the
ground of financial hardship and I thank you for
your help as a trier in the case. Now, there may
25 be others who are among the jurors who do intend
to apply on the ground of hardship. I'm not going
to get into a consideration of all those people
tonight. I must ask you to come - there may be
some who have spoken to the Sheriff. Do you have
30 some names, Sheriff?

SHERIFF FRASER: I have one young lady is all I have at
this point.

THE COURT: Well, if you will give me her name when I
retire to my chambers immediately we've adjourned
35 I will consider her and you can let her know, but

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if there are others they will have to wait until
tomorrow morning. Did you have some point to
5 raise, Mr. Allman?

MR. ALLMAN: I think you said Pat O'Brien was challenged
peremptorily by the Crown. He was challenged
peremptorily by the accused.

THE COURT: Sorry, by the accused, that's the way it
10 shows in the record, so I'm asked to tell you that
in the canteen or in the cafeteria here if some of
you have a distance to drive you might care to
pick up a cup of coffee or a doughnut or something
before you take off for home, and you may do that
15 by checking by at the cafeteria. I think tomorrow
we'll do the same arrangement about lunch. We
will try to have a very brief period at lunch hour
and have a condensed break at lunch of about an
hour or so, and there will be the same meal
20 provided tomorrow, which isn't very adequate but
it will suffice.

Counsel didn't have anything else to raise
at this point? So we'll adjourn, Mr. Clerk -
would you have the crier make the proclamation and
25 adjourn until 9:30 tomorrow morning?

Before the Clerk does that, again I want to
say that we're making faster progress now.
Perhaps tomorrow we'll wind it up. Hopefully it
will wind it up. If it doesn't we'll have to go
30 on into Wednesday, but we're beginning to see the
light here and the mere fact that no juror has
actually been sworn at this point doesn't mean
that we're not an awful lot closer to getting
jurors selected than we were.

35 (COURT ADJOURNED TO 9:30, AUGUST 27, 1991.)

(COURT RESUMED AT 9:30 a.m., AUGUST 27, 1991.)

(ACCUSED IN DOCK.)

5

THE COURT: We will continue where we left off yesterday. I'm not going to bother having any roll call taken, I take it that everyone is here who should be here from yesterday afternoon, so we'll go on with another four persons. Now, we do need - we'll have four called up, Mr. Pugh, but before you do that we need two new triers. You're going to continue the challenges for cause, Mr. Furlotte, it's your intention to continue the challenge for cause?

10

15

MR. FURLOTTE: Yes, I am, My Lord.

THE COURT: So we'll need two new triers, and at random out of the list I have picked two names, persons who might serve for a short while, anyway, or for a number of mini-trials. One is the name Mrs. Anna VanWart and the other is the name Mr. Harry Tretiak. I wonder if those two persons would please come up and be sworn as triers.

20

25

(ANNA VanWART and HARRY TRETIK SWORN AS TRIERS.)

THE COURT: Mrs. VanWart and Mr. Tretiak, you're serving here as triers to determine whether anyone who is challenged for cause - whether the challenge is well taken or not. You've heard the instructions that I've given to the earlier triers and you don't need any further instructions, I gather. Do you understand your duties? Your duty in this case is to hear the answers that the juror or the proposed juror gives to the counsel in response to

30

35

Jury Selection

their questions, whatever questions they ask, and then you will retire to determine whether or not the challenge is well taken; in other words, are they biassed, is that juror biassed or is he or she not biassed. If you find that he or she is biassed, then you come back and say the challenge is properly taken and that person will be excused or stood aside. If you find that that person is not biassed and is a fit juror, then you say the challenge isn't well taken.

It has been pointed out earlier that under the Charter of Rights and Freedoms which govern us all an accused person, any person charged with an offence, has the right among other things to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal, so the purpose of this exercise today, of course, is to select a - what is the word here, an independent and impartial tribunal, and we want to get persons who are not prejudiced or, as I have explained earlier, the criterion is not whether someone may have made up an opinion tentatively as to the guilt or innocence of the accused two years ago or one year ago or last week or even this morning or before they came to trial today. The criterion is not what opinion may have been arrived at earlier one way or another; is the person prepared to deal with the matter objectively and to put out of their minds any prejudices or biases that they have in the matter and determine the issues, that is, the guilt or innocence of the accused, solely on the basis of the evidence they hear in the

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5 court room during the trial and based also on the
instructions as to the law which I as the
presiding judge will be from time to time giving
to the jury, so you understand your functions.
Now, if we could -

MR. FURLOTTE: My Lord -

THE COURT: Yes.

10 MR. FURLOTTE: As a matter of interest which I was
concerned about yesterday and the way some of the
judgments came back from the triers of fact, I was
wondering if it would not protect the appearance
of justice if the triers of fact themselves were
15 able to declare themselves impartial, because if
the triers of fact themselves are not impartial,
how could the appearance of justice be protected
that Mr. Legere is being given - is being tried by
an impartial tribunal?

20 THE COURT: You mean they don't look impartial?

MR. FURLOTTE: Pardon?

THE COURT: Those people don't look impartial to you?

MR. FURLOTTE: My Lord, what do I look like?

THE COURT: Well -

25 MR. FURLOTTE: Appearances are deceiving.

THE COURT: Yes, but where do we stop? Do we pick two
people to try these people to see whether they're
impartial and then two people beyond that to
determine whether those people are fit to
30 determine whether these people are impartial, and
we'd keep on going forever, you know, on the
thing. I've picked out two people at random out
of the thing. They are totally respectable,
honest looking citizens, as far as I'm concerned.

35 MR. FURLOTTE: Oh, I'm not saying they're not impartial,

Jury Selection

5 but there have been two individuals already
declared impartial and were stood aside by the
Crown, and maybe they would be the best possible
people to sit as triers of fact.

10 THE COURT: Well, these are the people I'm going to
appoint, Mr. Furlotte. I take note of what you
say. These people have, mind you, taken the oath
as well on the Bible here this morning that they
will - I forget how the oath reads in this case,
but that they will well and truly try the issues
that are put before them.

15 MR. FURLOTTE: And I'm not saying they won't do that, My
Lord, but I'm just saying for -

20 THE COURT: Well, they've taken the oath to do it,
they've sworn they will, and I'm content,
actually, to put ourselves in their hands. I note
what you say but it seems to me that we would be
just impractical to keep on going and so on. The
criminal law gives to the presiding judge - where
jurors have not already been selected gives to the
presiding judge not only the right but the duty of
25 appointing triers at random from those present,
which I take to mean from the jury list itself,
not just from someone in the court room, although
perhaps it's capable of the interpretation it
doesn't even have to be someone on the jury list.
However, these people have taken the oath that
30 they will carry out their duties responsibly and
we'll have to see how they perform.

Now, could you call the next four names up?

35 CLERK: Thomas Broadhead
Ernest Miner
Steven Scott
Joseph Folkins

THE COURT: Firstly may I put to you gentlemen the
questions that I have put to the witnesses
5 earlier. Do any of you have any application to
make for exemption on the ground of financial
hardship or any other reason or is there any
reason that you should declare that you know of
that would make you unfit to be a juror? For
10 instance, are you related to any of the victims
or to anyone else involved in the trial or
anything else? Mr. Broadhead?

MR. BROADHEAD: Well, the only thing I have, I have a
son in London, Ontario, and he's going in for a
15 heart transplant and he's second on the emergency
list now and he's already got his beeper so he
could be going any time, so when he goes I'm going
to be there. See, and I don't know just exactly
when he's going but it will be in -

20 THE COURT: Where do you live, Mr. Broadhead?

MR. BROADHEAD: Fredericton.

THE COURT: In Fredericton. Well, it seems to me that
that is a good ground. I think you should hold
yourself available for when he has his operation,
25 and you intend to go to Ontario?

MR. BROADHEAD: Oh, yes, sir.

THE COURT: At the time, yes. Well, I will excuse you,
then. Thank you. Will you take your place,
please? And what about the other gentleman, Mr.
30 Miner, is it? You're free and available to serve
on the jury?

MR. MINER: Yes.

THE COURT: And Mr. Scott, you're free and available to
serve?

35 MR. SCOTT: Yes.

Jury Selection

THE COURT: And Mr. Folkins, you're free and available to serve?

5 MR. FOLKINS: I have a farm to look after, cattle to look after, and it's pretty hard to look after them.

THE COURT: Oh, looking after a farm only takes about an hour a day, doesn't it? Do you have any help on your farm?

10 MR. FOLKINS: No, I don't.

THE COURT: You're all alone. Where do you live, I mean the general area?

MR. FOLKINS: Young's Cove.

THE COURT: And your wife - who's in your family?

15 MR. FOLKINS: Just my wife and me.

THE COURT: Just your wife and you?

MR. FOLKINS: Yes.

THE COURT: And how many head of cattle have you got?

MR. FOLKINS: Around 40.

20 THE COURT: Forty. You better look after those cattle, not look after us here. I think that's a totally legitimate thing. You've got to look after your farm, you've got a business. Thank you very much, you're excused.

25 MR. FOLKINS: Thank you.

THE COURT: Now I think we will - without calling any more right at the moment, we will try these gentlemen here, Mr. Miner and Mr. Scott. Mr. Scott, would you mind just sitting in the back row there for the time being until your turn comes, and would you swear Mr. Miner in here?

30

(ERNEST MINER duly sworn.)

THE COURT: Now, Mr. Furlotte, you have some questions to ask?

35

Jury Selection

MR. FURLOTTE: Yes, My Lord, but before I start I'd like
to put on the record again my objections to being
5 unable to ask the potential jurors as to whether
or not they formed the opinion as to the guilt of
Mr. Legere and not just as to the guilt or
innocence.

THE COURT: May I just comment on that to this extent?
10 You know, there are decisions of the Supreme Court
of Canada which says the purpose of an exercise
like this is not to give either to the accused or
to the Crown the right to pick a favourable jury,
to determine what people's notions are beforehand
15 and to pick a favourable jury, it's to ascertain
whether or not jurors are biased or prejudiced or
objective in their approach, and so I'm not going
to depart from the ruling I made earlier that I'm
not going to require any of these jurors to say
20 whether they have come to a conclusion that the
accused is guilty or is not guilty before now, if
they have formed an opinion or a tentative opinion
on the matter. So, O.K.

MR. FURLOTTE: Well, My Lord, just again the position of
25 the defence is not to attempt to find a favourable
jury. Since it is Mr. Legere's right to be
presumed innocent, the mere fact that if I
establish that a potential juror has presumed Mr.
Legere innocent, that is only establishing Mr.
30 Legere's right, not something that's favourable.
It is something that he demands and ought to have.

THE COURT: Mr. Allman, does the Crown have any other
position?

MR. ALLMAN: No, we agree with you and I believe the
35 ruling of the Supreme Court and other courts is

Jury Selection

the question is are they impartial, not if they have an opinion what it is.

5 THE COURT: Now, Mr. Furlotte, you have some questions to ask of Mr. Miner.

MR. FURLOTTE: All right, My Lord, and again before I start just in answer to the Crown I'd like to - in the Crown's brief on challenge for cause, on Page 3 of the Crown's brief, Paragraph 6, it says:
10 "The leading case as it comes from the Supreme Court of Canada is Sherratt, copy attached. It states, and in Paragraph (a) it says, 'The trial judge cannot in exercising his discretion to
15 control the process effectively curtail the statutory right to challenge for cause'."

THE COURT: Yes, I have that case right here, very familiar with it.

MR. FURLOTTE: Yes, and I would submit, My Lord, that
20 the Section 11 of the Charter is a statutory right to be presumed innocent, and if I cannot find out whether or not the potential juror does not presume Mr. Legere innocent, then that is curtailing my right for a challenge for cause. I
25 will now proceed with the questions as directed by yourself.

Mr. Miner, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of
30 any or all of the offences with which he is charged?

A. Yes, I think so. I think yes.

MR. FURLOTTE: Would you repeat that, please?

A. Well, according to the papers, the Gleaners that
35 I've read and, you know, it's hard to answer.

MR. FURLOTTE: And have you formed an opinion because of what you read in the newspapers?

5 A. Well, just a rough one, yes, I guess.

MR. FURLOTTE: I'll read the second question. Has your information concerning the accused and the deaths of which he is charged come largely through the media, i.e., the newspaper, radio, T.V., or from
10 friends?

A. No, the media and the newspaper.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

A. Yes, I have, yes.

15 MR. FURLOTTE: If so, has it affected your opinion as to the accused's guilt or innocence?

A. It's hard to say. Everything is right out in it, pictures and everything, but it's hard -

MR. FURLOTTE: So you're not sure?

20 A. No.

MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

25 A. No.

MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence, would you be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

30 A. No, I don't think so. I'm a little biased, I
35 guess.

Jury Selection

MR. FURLOTTE: You're biased yet?

A. Yes.

5 THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No, My Lord.

10 THE COURT: Well, now, the two triers, would you people
please retire and consider your finding in this
matter? The witness, Mr. Miner, has said that he
feels that he might be biased. If you feel that
he is wrong in his own assessment, then you would
find the challenge wasn't well taken. If you
accept what he says and accept the fact that he
may be biased and shouldn't serve as a juror,
15 then you should return with a finding that the
challenge is well taken, so would you please
retire with Mr. Sears there and -

(TRIERS DELIBERATE AND RETURN.)

20 THE COURT: And who is going to do the speaking? Mrs.
VanWart?

MRS. VANWART: The challenge was well taken.

25 THE COURT: The challenge is well taken is the finding of
the triers, so you're excused, Mr. Miner, thank
you very much. Now, Mr. Scott?

STEVEN SCOTT duly sworn.

30 MR. FURLOTTE: Mr. Scott, have you at any time in the
past formed a tentative opinion as to the guilt
or innocence of the accused in any or all of the
deaths of which he is charged?

A. Yes, I have.

35 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media; i.e., newspaper,

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radio and T.V., or from friends?

A. Pretty well all of the above.

5 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
10 the trial to strong pressure from family members
or friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding you may have in the past
formed an opinion as to the accused's guilt or
15 innocence would you be able as a juror to come to
an objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have heard in the court room and on the explana-
tion of law given to the jury by the presiding
20 judge?

A. Yes, I think so.

MR. FURLOTTE: My Lord, may I ask why this potential
juror thinks he might be able to set everything
aside, his prejudices aside?

25 THE COURT: That he could act objectively?

MR. FURLOTTE: Yes.

THE COURT: Why he thinks he might -

MR. FURLOTTE: Why he thinks he could set his bias aside.

THE COURT: Well, he hasn't any biases.

30 MR. FURLOTTE: He doesn't have any biases?

THE COURT: No. I mean, he says he doesn't.

MR. FURLOTTE: Well, he said he formed an opinion -

THE COURT: Well, you don't have to have a bias to form
an opinion. There are none of us who haven't
35 formed some opinion somewhere along the line on

Jury Selection

5 something. However, you've been asked, Mr. Scott,
if you feel that you could act objectively and on
the basis of what you hear in the court room, and
you say you think so. When you say you think so,
do you mean yes, you feel you can, or you have
grave doubts about it or what? Could you
elaborate just on the degree to which you're
10 satisfied that you could act objectively?

A. Well, I think I could because Mr. Legere is
entitled to a fair trial like everyone else and
I don't think I would let it influence, what I've
heard before. I'd have to go on what was
15 presented in the court room.

THE COURT: Mr. Furlotte, you have no more questions?

MR. FURLOTTE: I have no more questions.

THE COURT: No. Mr. Allman, any questions?

MR. ALLMAN: Certainly not, My Lord.

20 THE COURT: Well, triers, you've heard the answers given
by Mr. Scott and would you please go out and
determine whether he would be capable of acting
in an unbiassed manner or not?

25 (TRIERS DELIBERATE AND RETURN.)

THE COURT: Same spokesman?

MRS. VanWART: The challenge is not well taken.

THE COURT: The challenge is not well taken, so up to
this point you will be sworn as a juror, Mr.
30 Scott. Will you just stand, though, in front of
the jury box to determine whether the counsel have
any other type of challenge they want to make?

MR. FURLOTTE: My Lord, the accused wishes to challenge
this juror peremptorily.

35 THE COURT: All right, so you're not going to be a juror,

Jury Selection

Mr. Scott. Thank you very much, you're challenged peremptorily. Now, could we have four more?

5 MR. FURLOTTE: My Lord, again for the record I would like
to put on the record that the accused is being
forced to challenge - make some of these
challenges peremptorily because we do not know how
10 this person - what opinion this person formed to
begin with. Had he formed the opinion that Mr.
Legere was innocent at first we definitely would
not have used up a challenge, but not being able
to take that chance we have to assume that he
presumed Mr. Legere guilty and therefore Mr.
15 Legere's rights under Section 11 of the Charter
would be violated.

THE COURT: All right, you've made that point before, Mr.
Furlotte. Now, four more, please.

CLERK: Faye Gilmore
20 Kirk Stevens
Barbara Dore
Leon Brideau

THE COURT: Now I would put to you, ladies and gentlemen,
the same question that I put earlier. Are you
25 aware of any reason why you shouldn't serve as a
juror because of relationship to any of the
parties or victims or anyone else involved, or
do you have reasons why you feel you should be
exempted from service? In other words, I want to
30 make sure that ten or twelve weeks or a year, if
it takes that long, I don't think it will, down
the line that you're still available to act as a
juror in this matter. When I say a year I don't
want to frighten you off, it's not going to take
35 any year, but Miss Gilmore?

Jury Selection

MISS GILMORE: I think my job would be jeopardized if I
were on the jury.

5 THE COURT: Would you? Where -

MISS GILMORE: I work at the Aboriginal People's Council
and I'm in housing and there's a program that we
have to finish and we have a certain length of
time to do it and there's only two of us to do it.

10 THE COURT: This is in Fredericton?

MISS GILMORE: Yes.

THE COURT: In Fredericton, yes, and you've worked with -

MISS GILMORE: For two years.

THE COURT: For two years with them on a -

15 MISS GILMORE: But we have a new person we're training
and I'm supposed to be there, he started Monday
and I've been here.

THE COURT: Well, this isn't wasted time, though, is it?

MISS GILMORE: No, I realize that but -

20 THE COURT: Well, I think that is a good ground, we'll
call it financial hardship. It's perhaps not
quite that but I quite appreciate your reasons
and I think your reasons are perfectly valid, so
you're excused. Would you care to take your seat,
25 please? And Mr. Stevens?

MR. STEVENS: I just started a new job and I think it
would be jeopardized also.

THE COURT: They're not going to want to keep you on if
you don't show up?

30 MR. STEVENS: Well, yes, plus there's only two of us and
we have appointments, like a sales rep, so right
now he's double booked, he's doing two jobs.

THE COURT: You're in sales, in the sales field, are you?

MR. STEVENS: Yes.

35 THE COURT: On commissions, or what do you do?

Jury Selection

MR. STEVENS: Yes, commission.

THE COURT: Commission. so you're going to suffer a loss
5 if you have to sit on this for ten days. Where do
you live, Mr. Stevens?

MR. STEVENS: Right here in Fredericton.

THE COURT: In Fredericton, yes. Well, you're excused,
then, on the ground of financial hardship. Thank
10 you. And Miss Dore?

MISS DORE: Yes, I would suffer, it might be a
financial -

THE COURT: How would you suffer, without being too
personal? I'm not trying to delve into your -

15 MISS DORE: Well, where I am we were just cut back 600
hours a week, and I mean they wouldn't hire
someone else to do my hours and I couldn't
afford to lose two months pay.

THE COURT: Oh, you're working, you have steady employ-
20 ment?

MISS DORE: Yes, I am.

THE COURT: And you wouldn't be paid?

MISS DORE: I would not be paid.

THE COURT: Where do you live?

25 MISS DORE: In Fredericton.

THE COURT: Well, you're excused, then, on the ground of
financial hardship. Thank you.

THE COURT: Mr. Brideau, it looks as though probably
you're able to serve, are you?

30 MR. BRIDEAU: Yes.

THE COURT: Fine. Let us, then, swear Mr. Brideau and -

LEON BRIDEAU duly sworn.

MR. FURLOTTE: Mr. Brideau, have you at any time in the
35 past two years formed a tentative opinion as to

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5 the guilt or innocence of the accused in respect
of any or all of the murders for which he is
charged?

A. No.

MR. FURLOTTE: Pardon?

A. No, sir.

10 MR. FURLOTTE: Have you received any information
regarding this case through the media, say in the
last two years through the media or from radio or
T.V. or from friends?

A. Not really, no.

15 MR. FURLOTTE: Not really? Have you read the book,
"Terror on the Miramichi"?

A. No.

20 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressures from family members or
friends to support some particular verdict?

A. No.

25 MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have read in the court room and on the explanation
of law given to the jury by the presiding judge?

A. Yes.

MR. FURLOTTE: Pardon?

A. Yes, I would.

30 THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No.

35 THE COURT: Well, again, the triers have heard the
answers given by Mr. Brideau. He hasn't spoken
quite as loudly, perhaps, as some of the others,
but some people don't speak loudly but that

Jury Selection

5 doesn't detract necessarily from the quality of
their answers, so would you please retire and
consider?

(TRIALERS DELIBERATE AND RETURN.)

THE COURT: And who will speak for the triers? Mrs.
VanWart?

10 MRS. VANWART: The challenge is not well taken.

THE COURT: So the finding of the triers is the challenge
is not well taken. There, Mr. Brideau, you are
qualified to serve on the jury and will be sworn
unless you are challenged peremptorily, so would
15 you stand there, please, to determine whether the
counsel have any challenges they wish to make of
you?

MR. FURLOTTE: Defence is content, My Lord.

MR. ALLMAN: Crown is content.

20 THE COURT: So, Mr. Brideau, you will be sworn in as a
juror. Would you, please, Mr. Sears, put Mr.
Brideau perhaps right down in this corner here
if you would. Now, could we have four more? We
won't swear you in just yet, Mr. Brideau, we'll
25 wait until we get four jurors selected and then
swear the four in together, so you just sit
quietly in the meantime.

CLERK: Beverly Pothier

David Morten

30 Carl Jamieson

Reginald Drummond

THE COURT: Now may I put the same questions to you, Miss
Pothier, and to you gentlemen. Is there any
reason why you want to apply for exemption or are
35 you all free to serve on the jury and aren't aware

Jury Selection

of any reasons why you should disqualify
yourselves? Miss Pothier, you're quite prepared
5 to serve if selected?

MISS POTHIER: Yes.

THE COURT: And Mr. Morten?

MR. MORTEN: Yes, I have a hearing aid. I don't think I
could hear well enough to be on the jury.

10 THE COURT: Sometimes it's an advantage?

MR. MORTEN: Yes, it is.

THE COURT: But you do have a problem with your hearing,
do you?

15 MR. MORTEN: Yes, I'm O.K. one to one but if somebody
turns their back or talks low I couldn't hear
them.

THE COURT: Well, you won't feel offended, then, if we
stand you aside. Thank you very much. And Mr.
Jamieson?

20 MR. JAMIESON: I'm hired by a board to manage a small
business in Fredericton. I have five employees,
make loans and things like that. I think two
months out of that business would be certainly
a hardship on the business.

25 THE COURT: Making loans wouldn't require any time or
effort, would it? There'd be so many people after
you that you wouldn't - all you'd have to do is
say yes.

MR. JAMIESON: You also have to collect them, sir.

30 THE COURT: Oh, you've got to get them back afterwards,
that's a different problem, and you're operating
this business or advising in it now and I -

MR. JAMIESON: Yes, I manage the business and make loans,
loans officer.

35 THE COURT: And you wouldn't be reimbursed, presumably,

Jury Selection

if you were serving -

MR. JAMIESON: Not if I wasn't working, sir, no.

5 THE COURT: So you are going to suffer irreparable
financial hardship. I can appreciate your
problem and thank you very much, you're
excused. And Mr. Drummond, are you free to -

MR. DRUMMOND: I wouldn't be able to get time off work
10 either. I work for a small company and I'm the
only person that does the ordering for two
different companies and it would take too long to
train anybody else to do it. I'm the only person
to determine what needs ordered.

15 THE COURT: Where is the company located?

MR. DRUMMOND: It's in Fredericton and I represent
two-thirds of the work force in that department
so I have a half a person, half a man.

THE COURT: Well, it's going to very seriously disrupt
20 the operation of -

MR. DRUMMOND: It would, both for the company and for
myself.

THE COURT: For yourself. Well, I would say that would
be irreparable financial hardship and you can be
25 excused. Thank you very much for coming but hold
on, please, until you are excused from the room.
Now perhaps we should try Miss Pothier here. Try
her, that's not the right word - assess her
competence.

30

BEVERLY POTHIER duly sworn.

MR. FURLOTTE: Miss Pothier, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
35 of any or all of the offences with which he is

charged?

A. No, I haven't.

5 MR. FURLOTTE: Have you received any information
concerning the accused and the deaths of which he
is charged through the media, newspaper, radio and
T.V., or from friends?

A. Perhaps in the paper but I don't read the paper
10 that often and follow the news.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
the trial to strong pressure from family members
or friends to support some particular verdict?

15 A. Yes, I believe so.

MR. FURLOTTE: And if so, would you be capable of
resisting that pressure and acting solely in
accordance with your own conscience?

A. Yes, I would.

20 MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely -

A. Yes, I believe so.

MR. FURLOTTE: You believe so?

25 THE COURT: Questions, Mr. Allman?

MR. ALLMAN: None, My Lord.

THE COURT: Well, then, would the triers again please
retire? You've heard the answers given by Miss
Pothier and she says that she feels that she could
30 act objectively.

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers is?

MRS. VanWART: The challenge is not well taken.

35 THE COURT: The challenge is not well taken, so you are

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qualified to be sworn, Miss Pothier. Would you stand there, though, till we see if there are any other types of challenges to be made.

MR. FURLOTTE: We challenge Miss Pothier peremptorily.

THE COURT: You're challenged peremptorily so you won't be serving as a juror. Thank you very much indeed.

CLERK: Irason Ross
Maude McGinnis
Carol Flack
Lisa Whittie

THE COURT: And may I ask you, Mr. Ross, and the ladies, if you have any reasons to believe that you couldn't serve as a jury. Do you have individual applications for exemption to make or do you know of any reason why you shouldn't serve that you should be disclosing to us now? Mr. Ross, you're prepared to serve if necessary, and Mrs. McGinnis, you're able?

MRS. MCGINNIS: No, I don't think I would.

THE COURT: Oh, and what -

MRS. MCGINNIS: I'm needed at home and I have a doctor's appointment in September for a specialist in Fredericton.

THE COURT: You say you're needed at home?

MRS. MCGINNIS: Well, my husband and I have a farm and he has a bad back and a quarter of the year he's laid up and somebody has to attend to the animals.

THE COURT: You live on a farm?

MRS. MCGINNIS: Yes.

THE COURT: And he makes you look after the farm?

MRS. MCGINNIS: Well, I do it anyway.

THE COURT: I'll bet he's just using that bad back to

Jury Selection

get you -

MRS. MCGINNIS: I'll see about that.

5 THE COURT: All right. Well, you're excused. There's
just your husband and yourself on the farm?

MRS. MCGINNIS: Yes.

THE COURT: Where is your farm located?

MRS. MCGINNIS: Chipman.

10 THE COURT: You have no other help or -

MRS. MCGINNIS: No.

THE COURT: Well, that sounds like a case of financial
hardship to me and you're excused. Thank you very
much. And Mrs. Flack?

15 MRS. FLACK: I have a 15-month old daughter at home.

THE COURT: Sorry, I'm getting hard of hearing in my old
age. Can you speak up just a little?

MRS. FLACK: I have a 15-month old baby at home.

20 THE COURT: You have a young baby at home and you look
after the child yourself?

MRS. FLACK: Yes.

THE COURT: Well, you qualify and you don't feel you can
take the time off or get anyone else to look after
the child?

25 MRS. FLACK: No, I work, too.

THE COURT: And you work as well, oh. Well, you have the
care of a child under 14 and I think on that
ground you're entitled under the Jury Act to be
excused, so you're excused. Where do you live,
30 Mrs. Flack?

MRS. FLACK: Minto.

THE COURT: Thank you very much, then, you're excused.
And Miss Whittie, are you free to act as a juror
if -

35 MISS WHITTIE: Yes.

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THE COURT: Fine. Well, now, would you mind sitting just
in the back there and wait your turn and Mr. Ross,
5 we'll look into you.

IRASON ROSS duly sworn.

MR. FURLOTTE: Mr. Ross, have you at any time in the past
two years formed a tentative opinion as to the
10 guilt or innocence of the accused?

A. No, I haven't.

MR. FURLOTTE: Have you received any information
concerning the accused and the deaths with which
he is charged through the media, newspaper, radio,
15 T.V. or friends?

A. Media.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
the trial to strong pressure from family members
or friends to support some particular verdict?

A. No.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have heard in the court room and on the explana-
tion of the law given to the jury by the presiding
30 judge?

A. Yes, I would.

THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No questions, My Lord.

THE COURT: So would the triers then retire again,
35 please? You've heard the answers.

Jury Selection

(TRIERS DELIBERATE AND RETURN.)

THE COURT: Mrs. VanWart?

5 MRS. VanWART: The challenge is not well taken.

THE COURT: The challenge is not well taken, so you are qualified and you will be sworn as a juror unless peremptory challenges are made, so would you stand over there for a moment, please, Mr. Ross?

10 MR. FURLOTTE: Defence is content, My Lord.

MR. ALLMAN: Content, My Lord.

THE COURT: So you are selected a juror, Mr. Ross. Would you take your place back beside the other gentleman, please? And Miss Whittie?

15

LISA WHITTIE duly sworn.

MR. FURLOTTE: Miss Whittie, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of any or all of the murders of which he's charged?

20

A. Yes.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he is charged come largely through the media, i.e., newspaper, radio and T.V., or from friends?

25

A. Yes, media and newspapers.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

30

A. Yes, I have.

MR. FURLOTTE: If so, has it affected your opinion as to the accused's guilt or innocence?

A. Yes.

MR. FURLOTTE: And how has that affected your opinion, to his guilt or innocence or how?

35

A. To his guilt, yes.

5 MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subjected throughout the trial to strong pressure from family members or friends to support some particular verdict?

A. No.

10 MR. FURLOTTE: Notwithstanding that you have in the past formed an opinion as to the accused's guilt or innocence would be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on the evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

15 A. Yes.

20 THE COURT: Would the triers then please retire and determine whether this juror is - whether the challenge is well taken or not.

(TRIERS DELIBERATE AND RETURN.)

THE COURT: Mrs. VanWart?

25 MRS. VANWART: The challenge is not well taken.

THE COURT: The challenge is not well taken is the finding of the triers, so therefore, Miss Whittie, you are going to be sworn unless you are otherwise challenged. Would you mind standing over there, please, in front of the jury box for a moment?

30 MR. FURLOTTE: Defence wishes to challenge Miss Whittie peremptorily.

35 THE COURT: You're challenged peremptorily by the accused, Miss Whittie, so you are excused.

Jury Selection

Thank you.

5 The Criminal Code provides that the triers
shall be the last two jurors selected, which I
take to mean sworn, and we now do have two jurors
selected and I think we should have those jurors
sworn and I think they should - in fact, they must
10 at this point, I think, replace the temporary
triers that we've been using, and so would you
people just hold on for a moment, please, but
would Mr. Brideau and Mr. Ross please come forward
and stand out here?

15 (LEON BRIDEAU and IRASON ROSS SWORN AS TRIERS.)

THE COURT: Now, would you gentlemen go in in the order
Mr. Brideau first and Mr. Ross second, and would
you, Mrs. Van Wart and Mr. Tretiak - you may
return to your seats, we're through with you, and
20 thank you very much indeed for the help you've
been. Now, Mr. Brideau and Mr. Ross, the next
person challenged for cause you two people will
act as the triers, and would you then swear these
two triers in as triers? Not as jurors but as
25 triers, Mr. Pugh? You can just stand where you
are in your place, there.

(LEON BRIDEAU and IRASON ROSS SWORN AS TRIERS.)

THE COURT: Just a word first to you gentlemen as triers.
30 You've heard the explanation that I have given
earlier to the other triers. Need I elaborate
again or repeat it? You've followed, you under-
stand what your responsibility is here, simply to
determine whether the challenge is well taken or
35 not in respect of anyone challenged, so could we

Jury Selection

have four more persons, please, Mr. Pugh?

CLERK: My Lord, I think there's been a mistake here.

5 They were sworn in twice as triers. I didn't
swear them in as jurors. I took it that you
wanted me to swear them in as jurors in the
first swearing, so they haven't been sworn in as
jurors as yet. I know that the Crown is aware of
10 that.

THE COURT: I'm sorry, I hadn't appreciated that.

CLERK: I thought you told me to swear them in as triers.

THE COURT: No, they've been sworn twice, so they're well
sworn as triers. Well, they needn't be sworn as
15 jurors at this point. They have been selected as
jurors and we'll swear them in as jurors along
with the next couple of jurors selected, so you
have been sworn in as triers and you will of
course be sworn in due course as jurors as well.

20 CLERK: Philip Thomas
Joseph Jones
Eileen Ferris
Michelle Larocque

THE COURT: Now may I put to you persons the same
25 question that I have put to the others, is there
any reason that any of you know of that you should
declare why you shouldn't serve as a juror in
this, through relationship or any other reason, or
undue bias or prejudice or anything of that nature
or is there any application that any of you want
30 to make for exemption on the ground of financial
hardship or looking after children or otherwise?
Perhaps I could go through each in turn. Mr.
Thomas, you've available to act as a juror, are
35 you?

Jury Selection

MR. THOMAS: Yes, sir.

THE COURT: You are, and the next I had was Mr. Jones. I
5 think perhaps you're not standing in quite the
right order there. Mr. Jones, are you available
and will be available to act as a juror?

MR. JONES: Well, I'm self-employed.

THE COURT: You're self-employed?

10 MR. JONES: Yes, I am.

THE COURT: You could always work in the evenings?

MR. JONES: Well, I don't know.

THE COURT: What sort of a business do you have?

MR. JONES: Masonry contractor.

15 THE COURT: So you're going to lose your income during
the period you're serving on the jury, is that
so?

MR. JONES: Yes.

THE COURT: Well, I think that is good ground to be
20 excused from jury service, so I'm sorry we can't
have you as a juror but you're excused.

MR. JONES: Thank you very much.

THE COURT: And Mrs. Ferris, are you free and available
to act as a juror if selected?

25 MRS. FERRIS: Yes, I am.

THE COURT: You are, thank you, and Miss Larocque, are
you free and available to serve as a juror if -

MISS LAROCQUE: Yes.

THE COURT: So, Mrs. Ferris and Miss Larocque, would you
30 two ladies please sit in the back row there for
the time being and we'll determine the situation
with Mr. Thomas.

PHILIP THOMAS duly sworn.

35 MR. FURLOTTE: Mr. Thomas, have you at any time in the

Jury Selection

5 past two years formed a tentative opinion as to
the guilt or innocence of the accused in relation
to any or all of the murders of which he is
charged?

A. Yes, I have.

10 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media, newspaper, radio
and T.V., or from friends?

A. All the above.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

15 A. No.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressures from family members or
friends to support some particular verdict?

20 A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
25 bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of law given to the jury by the
presiding judge?

A. It would be very hard to.

30 MR. FURLOTTE: Pardon?

A. It would be very hard to.

THE COURT: Mr. Allman?

MR. ALLMAN: Recognizing that we all have to do hard
things from time to time in our life do you feel
35 that having sworn an oath on the Bible you would

Jury Selection

Be able to comply with that oath?

5 MR. FURLOTTE: Well, My Lord, if I have to ask permission
from the Court to ask questions that are not on
the list I would request that Mr. Allman do the
same.

MR. ALLMAN: I'd ask permission to ask that question.

10 THE COURT: I would grant permission to ask that
question, Mr. Allman. Do you want to ask it
again, perhaps?

MR. ALLMAN: I don't know. If the witness can still
remember the question I don't see the need to ask
it again.

15 THE COURT: May I paraphrase it? You're sort of being a
little ambivalent, is that the word, in your
answer as to whether you are prepared to act
objectively and without bias or prejudice. Can
you answer in more concrete terms? Do you feel
20 that having taken an oath to act impartially as a
juror and to base your decision, any decision that
you come to, on the evidence that you've heard in
court and on the instructions given by the trial
judge, that you could act impartially or biased
25 or is it a question in your mind as to whether
perhaps your prejudice or any opinion you've
formulated to date might be so strong that you
couldn't overcome that? Could you elaborate,
please, for the benefit of the triers?

30 A. My past opinion would definitely have bearing on
it.

THE COURT: It would have a bearing on it, and you feel
that it would be difficult to shake loose from
that opinion, I take it?

35 A. Yes, sir.

THE COURT: Yes. Well, would the triers then please
retire and come back and determine whether the
5 challenge is well taken?

(TRIEERS DELIBERATE AND RETURN.)

THE COURT: Which gentleman is going to speak for the
triers? Mr. Ross?

10 MR. ROSS: The challenge is well taken.

THE COURT: The challenge is well taken so you are
excused, Mr. Thomas. Now, Mrs. Ferris, please.

EILEEN FERRIS duly sworn.

15 MR. FURLOTTE: Now, Mrs. Ferris, have you at any time in
the past two years formed a tentative opinion as
to the guilt or innocence of the accused in
respect of any or all of the deaths with which he
is charged?

20 A. Yes, sir, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media, the newspaper,
radio and T.V., or from friends?

25 A. Just from the media and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, sir, I have not.

MR. FURLOTTE: If you were selected as a juror in this
30 case is it likely you would be subject throughout
the trial to strong pressure from family members
or friends to support some particular verdict?

A. No, sir.

MR. FURLOTTE: Notwithstanding that you may have in the
35 past formed an opinion as to the accused's guilt

Jury Selection

5 or innocence, would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes, sir, I could.

10 THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No.

THE COURT: The jurors have heard the answers to the
question here. Would you determine, please,
whether the challenge is well taken or not?

15

(TRIALERS DELIBERATE AND RETURN.)

THE COURT: Now, Mr. Ross, what is your verdict?

MR. ROSS: The challenge is not well taken.

20 THE COURT: The challenge is not well taken, so you will
be sworn as a juror, Mrs. Ferris, unless you are
peremptorily challenged.

MR. FURLOTTE: Defence wishes to challenge Mrs. Ferris
peremptorily.

25 THE COURT: So you will not be serving as a juror. Thank
you very much. And Miss Larocque?

MICHELLE LAROCQUE duly sworn.

30 MR. FURLOTTE: Miss Larocque, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders of which he is
charged?

A. Yes, I have.

35 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged

Jury Selection

come largely through the media, newspaper, radio
and T.V., or from friends?

5 A. All of the above.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case
10 is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
15 past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
20 the explanation of the law given to the jury by
the presiding judge?

A. Yes.

THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No.

25 THE COURT: So the triers have heard the answers. Would
you please determine -

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And your verdict, Mr. Ross?

30 MR. ROSS: The challenge was not well taken.

THE COURT: So Miss Larocque, you will be sworn in as a
juror unless some other type of challenge is made.
Would you please just stand there for a moment and
give counsel an opportunity to make up their mind?

35 MR. FURLOTTE: Defence challenges Miss Larocque.

Jury Selection

peremptorily.

5 THE COURT: So you won't be serving as a juror. Thank
you very much. Now let me see. I think actually
we will indulge in the luxury of a ten-minute
recess here this morning. It will give an
opportunity - is there coffee for jurors in the -
oh, well, anyway, we will have a - there may be
10 coffee or may not be, I'm not sure. I had
indicated earlier that we might be sailing right
through but I think we will - if we take a ten-
minute recess then we can come back and go till
what, half-past twelve? Half-past twelve she'll
15 have lunch ready so we'll have just a very brief
ten-minute recess at this point.

I would ask the two jurors who have been
selected here to stay by yourselves if you
wouldn't mind at this point. I will be giving
20 you further instructions later. There is a jury
room out here and Mr. Sears will take you out and
show you where that is and if you wouldn't mind
staying there, it's the music room or something,
so we will recess for let us say 15 minutes,
25 until ten minutes past eleven.

(BRIEF RECESS - RESUMED AT 11:25 a.m.)

(ACCUSED IN DOCK.)

30 THE COURT: There was one prospective juror, Mr. Herman
Holland, who made some representations to the
Sheriff concerning some business matters that he
had. Would Mr. Holland mind, I wonder, coming up
on the stage? I'd like to just ask a couple of
35 questions. I'm not trying to go into your

Jury Selection

personal affairs here in front of everyone but
I understand from you that you have sold your farm
5 and that the deal is to be concluded this after-
noon in a lawyer's office plus there are other
commitments about being moved out and so on. You
haven't just arranged this so you can stay off the
jury?

10 MR. HOLLAND: No.

THE COURT: Is there any - there's no way that you can
look after the farm transaction and moving and so
on and still make -

MR. HOLLAND: I have to be out by Wednesday night.

15 THE COURT: You have to be out by Wednesday night, so
you've got to move and so on. Well, I think I
will take it upon myself to excuse you on the
ground of hardship and business necessity and so
on, and you do have - I understand there's an
20 appointment at two o'clock you have or something
so you had better go now.

MR. HOLLAND: Thank you, Your Honour.

THE COURT: Thank you very much for coming. Now we'll go
on with another four prospective jurors.

25 CLERK: Arnold MacPherson
Anne VanWart
Alice MacFarlane
Andrea Johnson

THE COURT: Now may I put to you ladies and to you, Mr.
30 MacPherson, the question as to whether you have
any particular grounds you want to rely upon to
be excused individually from jury service or are
you all able to serve on the jury if selected, or
are you aware of any personal reasons that you
35 feel should be disclosed to the Court as to why

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you aren't fit to serve; for instance, relationship to some victim or anything of that nature.

5 Mr. MacPherson, what is your situation? You're free to serve if selected?

MR. MacPHERSON: Yes.

THE COURT: And Mrs. VanWart, you're free to serve if selected?

10 MRS. VanWART: Yes.

THE COURT: And Mrs. MacFarlane, is it?

MRS. MacFARLANE: Yes. There would be three days that I wouldn't be able to.

THE COURT: Well, what do you mean by three days?

15 MRS. MacFARLANE: Well, I have an appointment on the 11th of September at the hospital.

THE COURT: In September, yes. You are due to go into hospital for several days, are you?

MRS. MacFARLANE: Well, no, I think it would just be that one day.

20 THE COURT: Oh, one day, yes. Is it possible to shift those or to -

MRS. MacFARLANE: Well, really I wouldn't want to shift the one that's coming up now.

25 THE COURT: No. Well, these appointments have been made for some little time, have they?

MRS. MacFARLANE: Yes.

THE COURT: And your doctor is -

MRS. MacFARLANE: - Macaulay.

30 THE COURT: Dr. Macaulay. Where do you live?

MRS. MacFARLANE: Nashwaak Bridge.

THE COURT: In Nashwaak Bridge? Well, I think we should perhaps excuse you on the ground of medical - for medical reasons. You do want to be excused, I take it, do you?

35

Jury Selection

MRS. MacFARLANE: Yes, and I've got other things coming up that really are quite important, too.

5 THE COURT: Well, we will excuse you on the medical grounds. Thank you very much indeed for coming. And Miss Johnson, you're free to act as a juror if you are selected?

MISS JOHNSON: Yes.

10 THE COURT: So would Mrs. Van Wart and Miss Johnson please sit down in the back row there and we'll try Mr. MacPherson.

ARNOLD MacPHERSON duly sworn.

15 MR. FURLOTTE: Mr. MacPherson, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of any or all of the murders of which he is charged?

20 A. Yes, I have.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he is charged come largely through the media, newspaper, radio and T.V.?

25 A. I've had reason to follow it closely in the media but my opinion was based on information received from friends and relatives on the Miramichi.

MR. FURLOTTE: From friends and relatives?

A. Yes.

30 MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

A. No, I haven't, sir.

MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subject throughout
35 the trial to strong pressure from family members

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or friends to support some particular verdict?

A. No.

5 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
prejudice and bias and based solely on the
10 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. No, I'm afraid not.

THE COURT: Mr. Allman, any question?

15 MR. ALLMAN: No.

THE COURT: Well, the triers have heard the witness say
that he has doubts about his ability to approach
this objectively. Would you please retire and
determine whether the challenge is well taken or
20 not?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: Mr. Ross?

MR. ROSS: The challenge was well taken.

25 THE COURT: The challenge is well taken, so you are
excused, Mr. MacPherson, on the ground that you're
not indifferent. Thank you very much. Now, Mrs.
VanWart?

30 ANN VanWART duly sworn.

MR. FURLOTTE: Mrs. VanWart, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in relation
to any or all of the murders of which he is
35 charged?

Jury Selection

A. Yes.

5 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
or from friends?

A. Media.

10 MR. FURLOTTE: Media? Have you read the book, "Terror on
the Miramichi"?

A. Yes.

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. No.

15 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

20 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
25 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes.

THE COURT: Mr. Allman, any questions?

30 MR. ALLMAN: No, My Lord.

THE COURT: Well, you've heard the juror's answers, Mr.
Ross and Mr. Brideau. Would you please retire and
determine whether the challenge is well taken or
not?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: Mr. Ross, your verdict?

5 MR. ROSS: The challenge was not well taken.

THE COURT: So you will be sworn as a juror, Mrs.
VanWart, unless you're challenged, so would you
stand over there for a moment, please?

10 MR. FURLOTTE: The defence wishes to challenge Mrs.
VanWart peremptorily.

THE COURT: So you won't be a juror. Thank you very
much, and Miss Johnson, please.

ANDREA JOHNSON duly sworn.

15 MR. FURLOTTE: Miss Johnson, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders of which he is
charged?

20 A. Yes.

MR. FURLOTTE: Has your opinion concerning the accused
and the deaths with which he is charged come
largely through the media, newspaper, radio and
T.V., or from friends?

25 A. From both.

MR. FURLOTTE: Pardon?

A. From both.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

30 A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

35 A. No, I wouldn't.

Jury Selection

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
5 or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
10 the presiding judge?

A. Yes, I could.

THE COURT: Mr. Allman, no questions?

MR. ALLMAN: No.

THE COURT: You've heard the answer of the accused, Mr.
15 Ross and Mr. Brideau. Would you retire, please?
I'll bet you didn't realize you were going to get
that much exercise sitting in the court room.

(TRIERS DELIBERATE AND RETURN.)

20 THE COURT: And the verdict of the triers, Mr. Ross?

A. The challenge was not well taken.

THE COURT: The challenge is not well taken, so you will
be sworn as a juror unless you're challenged, Miss
Johnson. Would you mind standing over there
25 before the jury box for a moment?

MR. FURLOTTE: Defence wishes to challenge Miss Johnson
peremptorily.

THE COURT: So, thank you.

CLERK: David Groves
30 Betty Johnston
Richard Allen
Douglas Kerton

THE COURT: Now I'll put to you, lady and gentlemen, the
same questions, if you know of any reason why you
35 should disqualify yourselves because of

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relationship or whatever I would ask you to
advise me, or if you have any particular applica-
5 tions to make for exemption on the ground of
hardship or otherwise would you please do that?
How about you, Mr. Groves?

MR. GROVES: I've got a small contracting business and,
like, I wouldn't mind for two or three weeks but
10 ten weeks is a little much without me.

THE COURT: Well, you operate your business yourself, do
you?

MR. GROVES: Well, I have employees but -

THE COURT: Yes, it would be pretty hard to carry on for
15 that length of time.

MR. GROVES: A little difficult.

THE COURT: Well, I think that is good reason to excuse
you, and thank you very much for coming. And
Miss Johnston, you're available and able to serve
20 if selected, are you?

MISS JOHNSTON: Yes.

THE COURT: And Mr. Allen?

MR. ALLEN: Yes, sir.

THE COURT: You're available and ready to serve, and Mr.
25 Kerton?

MR. KERTON: No, sir, I feel the time required would have
a severe negative impact on the company's
operation.

THE COURT: Yes, well, you have a company of your own, do
30 you?

MR. KERTON: Yes, I'm a part-owner.

THE COURT: What type of company is that?

MR. KERTON: It's office equipment and I'm responsible
for the service end of it, and unfortunately
35 right at this time is one of the busier times of

the year with the schools opening up.

THE COURT: Well, it would be very disruptive to your
5 company's business?

MR. KERTON: Yes, it would.

THE COURT: Well, I can appreciate that, so you are
excused, then, on the ground of financial
hardship.

10 MR. KERTON: Thank you.

THE COURT: So Mr. Allen, would you mind going back and
sitting in the back there for the moment, and Miss
Johnston?

15 BETTY JOHNSTON duly sworn.

MR. FURLOTTE: Miss Johnston, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused -

A. Yes, I have.

20 MR. FURLOTTE: Has your information concerning the
accused and the deaths of which he's charged come
largely through the newspaper, radio and T.V. or
from friends?

A. Mostly the media.

25 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
30 the trial to strong pressure from family members
or friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
35 or innocence would you be able as a juror to come

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5 to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes.

THE COURT: Mr. Allman, any questions?

10 MR. ALLMAN: No questions.

THE COURT: Would you gentlemen then retire, please and
come back with your verdict?

(TRIERS DELIBERATE AND RETURN.)

15 THE COURT: And the verdict of the triers, Mr. Ross?

MR. ROSS: The challenge was not well taken.

THE COURT: So you are eligible, Miss Johnston, or you
will be sworn as a juror unless you're otherwise
challenged. Would you mind standing in front of
20 the jury box, please, for a moment?

MR. FURLOTTE: Defence wishes to challenge Miss Johnston
peremptorily.

THE COURT: So you're challenged. Thank you.

25 RICHARD ALLEN duly sworn.

MR. FURLOTTE: Mr. Allen, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders with which he is
30 charged?

A. Yes, sir, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come primarily through the newspaper, radio and
35 T.V. or from friends?

Jury Selection

A. All.

MR. FURLOTTE: Have you read the book, "Terror on the
5 Miramichi"?

A. No, I have not.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
the trial to strong pressures from family members
10 or friends to support some particular verdict?

A. No, sir.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
15 to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

20 A. I don't know that.

MR. FURLOTTE: You don't know?

A. I can't - I don't know.

MR. FURLOTTE: Thank you.

THE COURT: Mr. Allman, have you any questions? Perhaps
25 you should indicate to me the nature of your
question first.

MR. ALLMAN: I'd like to ask him whether given that he
would swear an oath on the Bible to give a true
verdict and given that he's going to be hearing
30 several weeks of evidence whether he feels that
would be sufficient to overcome any prejudice he
may have occasioned in the past.

THE COURT: Well, I permit that question, and you heard
the question, Mr. Allen. What Mr. Allman is
35 asking you is if you took the oath on the Bible

Jury Selection

5 to act in an unbiassed fashion as a juror could
you set aside any prejudices you have and act in
an objective manner. If you have doubts about
that, say so.

A. I think I should answer I should have doubts.
It's very possible that I'd have doubts, yes.

10 THE COURT: So would the triers then please determine
whether the challenge is well taken or not?

(TRIEERS DELIBERATE AND RETURN.)

THE COURT: Now, Mr. Ross, the verdict?

MR. ROSS: The challenge was well taken.

15 THE COURT: So you are excused, then, Mr. Allen. Thank
you very much.

CLERK: Kevin Hughes

Lloyd Palmer

Thomas Morissey

20 Barbara Townshed

THE COURT: I would give to you, lady and gentlemen, the
opportunity to disclose any reason why you feel -
that you should disclose touching on why you may
feel you shouldn't serve as a juror in this case
25 because of relationship or acquaintanceship with
any party involved, and also to give you an
opportunity to apply for exemptions if you feel
that any ground does apply in your case. Could I
perhaps go through you individually. Mr. Hughes,
30 are you free to act as a juror if selected?

MR. HUGHES: No, I'm on unemployment insurance and I'm
home alone and I do believe if I'm out for eight
to ten weeks I wouldn't have a chance to find work
and I'd be out that money.

35 THE COURT: Well, that is understandable, and there's no

Jury Selection

5 reason why you should have to give up that
financial advantage, so you're excused on the
ground of financial hardship, and Mr. Palmer,
you're free and available to serve if selected as
a juror?

MR. PALMER: I'm not deaf but I do have a little hearing
problem.

10 THE COURT: None of us are deaf but we just don't hear as
much, so our wives tell us. Would you have
difficulty in a court room, do you think,
following the evidence? Some witnesses don't
speak too loudly sometimes and -

15 MR. PALMER: Well, I don't know what it would be like
in a court room. Now, I don't hear anything
that's going on from back there.

THE COURT: You don't hear? You haven't been able to
follow what's going on here even though quite a
20 bit of it has been on the loudspeaker?

MR. PALMER: I catch the odd bit but not good.

THE COURT: Well, I think perhaps we should excuse you,
with counsel's permission or agreement. We
should excuse you on the ground of the medical
25 condition. Good, thank you very much, you're
excused, and Mr. Morissey, are you free and
available to serve if selected?

MR. MORISSEY: Yes.

THE COURT: Thank you, and Miss Townshed, is it?

30 MRS. TOWNSEND: Mrs. Townsend.

THE COURT: Townsend. I have suspected right along that
your name would be Townsend and not Townshed, and
I'm sorry but that's the way it crept into the
list somewhere. Are you free and available to
35 serve as a juror, Mrs. Townsend, if you -

Jury Selection

MRS. TOWNSEND: Yes.

5 THE COURT: So, Mrs. Townsend, would you sit back in the
back row for a moment and we'll look into Mr.
Morissey.

THOMAS MORISSEY duly sworn.

10 MR. FURLOTTE: Mr. Morissey, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused?

A. Yes, I have.

15 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio and
T.V. or from friends?

A. Media and friends.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

20 A. Partly.

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. No.

25 MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
the trial to strong pressure from family members
or friends to support some particular verdict?

A. No.

30 MR. FURLOTTE: Would you be capable of resisting - I'm
sorry, notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
35 evidence you have heard in the court room and on

Jury Selection

the explanation of law given to the jury by the
presiding judge?

5 A. Yes.

THE COURT: Any questions, Mr. Allman?

MR. ALLMAN: No, My Lord.

THE COURT: So the triers have heard the answers.

10 (TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict, Mr. Ross, of the triers?

MR. ROSS: The challenge was not well taken.

THE COURT: So you are eligible, Mr. Morissey, or you
will be sworn as a juror unless you're otherwise
15 challenged. Would you stand up there for a
moment, please?

MR. FURLOTTE; The defence wishes to challenge Mr.
Morissey peremptorily.

THE COURT: So you're excused. Thank you. And Mrs.
20 Townsend?

BARBARA TOWNSEND duly sworn.

MR. FURLOTTE: Mrs. Townsend, have you at any time in
the past two years formed a tentative opinion as
25 to the guilt or innocence of the accused in
respect of any or all of the offences with which
he is charged?

A. I have.

MR. FURLOTTE: Has your information concerning the
30 accused and the deaths with which he is charged
come largely through the newspaper, radio and
T.V., or from friends?

A. Newspaper, radio and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
35 Miramichi"?

A. Yes, I have.

5 MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. No.

10 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

15 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

20 A. I doubt if I could.

MR. FURLOTTE: Pardon?

A. I doubt if I could.

MR. FURLOTTE: You doubt if you could.

25 THE COURT: Mr. Allman, any questions? No? Well, you've
heard, gentlemen, Mrs. Townsend express doubt as
to whether she could act objectively or not.
Would you please retire and bring in your answer?

(TRIALS DELIBERATE AND RETURN.)

30 THE COURT: And Mr. Ross, the verdict of the triers?

MR. ROSS: The challenge was well taken.

THE COURT: The challenge is well taken so you're
excused, Mrs. Townsend.

Jury Selection

CLERK; Carolyn Brewer
Frank Montgomery
5 James Labillois
James Gilchrist

10 THE COURT: Well, I will put to you persons the same
questions. Are you aware of any reasons that
you should be disclosing to the Court as to why
you should be disqualified from serving,
acquaintanceship with the parties or victims or
anyone connected with the case, or do you have any
15 applications you want to make for exemption on the
ground of financial hardship or otherwise? Mrs.
Brewer?

MRS. BREWER: Well, I have a 4-year-old son and I have a
job that I have to go to every day and if I don't
go, then I don't get paid and I would lose quite a
bit of income.

20 THE COURT: Well, the twenty-five-dollar pittance that
the government pays jurors isn't very much, and as
a matter of fact, it represents less than the
minimum wage on an hourly basis. They shouldn't
be thinking of decreasing it, they should be
25 thinking of increasing it, and you would suffer a
hardship if you served so you are excused on that
ground. You're entitled to be excused and you are
excused. Thank you very much. And Mr.
Montgomery?

30 MR. MONTGOMERY: Yes, sir, I'm employed by the University
of New Brunswick in the security and traffic
section and my department is not staffed to handle
a lengthy absence of this nature and on those
grounds I ask to be excused.

35 THE COURT: Well, would they pay you if -

MR. MONTGOMERY: Yes, sir.

THE COURT: They would pay you?

5 MR. MONTGOMERY: Yes, sir.

THE COURT: But it would work a -

MR. MONTGOMERY: It would be some difficulty for my
department, sir. I'm in charge of the traffic
section of the university.

10 THE COURT: Well, I'd say your case is sort of a marginal
one but I guess perhaps we would treat that as a
hardship case for your department, so you are
excused. Thank you.

MR. MONTGOMERY: Thank you, sir.

15 THE COURT: And Mr. Labillois?

MR. LABILLOIS: Yes, I don't think I'd have a job left if
I was here for ten weeks.

THE COURT: Well, that's hardship, isn't it?

MR. LABILLOIS: Yes.

20 THE COURT: You're working for wages or salary?

MR. LABILLOIS: Wages.

THE COURT: And you wouldn't be paid if you were serving
on the jury?

MR. LABILLOIS: No.

25 THE COURT: Thank you very much. You're excused on the
ground of hardship, and Mr. Gilchrist?

MR. GILCHRIST: I'm self-employed as a contractor.

THE COURT: Self-employed contractor?

MR. GILCHRIST: Yes.

30 THE COURT: And your business would fall apart, would it?

MR. GILCHRIST: Housing business, yes.

THE COURT: Housing business, you build houses, do you?

MR. GILCHRIST: Yes.

THE COURT: Well, you're excused, then. How many
35 employees do you have?

MR. GILCHRIST: Four.

THE COURT: Four? They can't carry on by themselves?

5 MR. GILCHRIST: They don't do the business part.

THE COURT: No. All right, you're excused on the ground
of financial hardship. Thank you.

MR. FURLOTTE: My Lord, Mr. Legere would request a short
recess.

10 THE COURT: Yes, well, we'll delay calling - this is just
for a few minutes?

MR. FURLOTTE: Yes.

(BRIEF RECESS - COURT RESUMES. ACCUSED IN DOCK.)

15 THE COURT: Four more names?

CLERK: Bertha Cronkhite

Kevin Connors

Paul Campbell

Richard York

20 THE COURT: Well, I would ask you persons to declare any
reasons that you know of that should be disclosed
to the Court as to why, through relationship to
victims, accused, or any party connected with the
lawsuit that you should disclose, and also if you
25 have individual - or if you have reasons for
application for exemption perhaps you would state
them now. Mrs. Cronkhite, are you able to serve
if selected as a juror?

MRS. CRONKHITE: Yes.

30 THE COURT: You are, thank you, and Mr. Connors, are you
able to serve?

MR. CONNORS: Yes, sir, I have a hearing problem. I use
a hearing aid and I'm not picking up all the
conversation that's going on.

35 THE COURT: Well, perhaps we should excuse you. You

Jury Selection

5 don't mind if we do excuse you? You might have
difficulty in the other court room, possibly. It
is a small court room, the jurors sit very close
to where the witnesses sit, but sometimes with
noise from ventilators and that sort of thing you
can get other noises, so if you do have a problem
I think the safer thing would be to excuse you.
10 Thank you very much, then, you're excused on that
ground. And Mr. Campbell?

MR. CAMPBELL: Yes, I have something I'd like you to
consider. As the President of 252 Wing of the
Royal Canadian Air Force Association I have been
15 a delegate to the 51st Convention at Colorado
Springs for the week of October 8-12.

THE COURT: Oh, they will be having another convention
in another 25 years. Why don't you go then?

MR. CAMPBELL: That's true. That's true.

20 THE COURT: Maybe we should take a vote on it whether we
let Mr. Campbell go to the convention in Colorado,
did you say?

MR. CAMPBELL: Colorado Springs.

THE COURT: That's an awful place in September.

25 MR. CAMPBELL: Beautiful, they tell me.

THE COURT: Well, you better go to your convention, I
guess. Thank you very much.

MR. CAMPBELL: Thank you.

THE COURT: I'm sure you would have been prepared to
30 serve had it been otherwise. And Mr. York, any
conventions or -

MR. YORK: No, sir.

THE COURT: You're able to serve if selected?

MR. YORK: Yes, sir.

35 THE COURT: Thank you very much. Would you mind just

Jury Selection

sitting around, Mr. York, at the back there, and we'll swear Mrs. Cronkhite.

5

BERTHA CRONKHITE duly sworn.

MR. FURLOTTE: Mrs. Cronkhite, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of any or all of the murders of which he is charged?

10

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he's charged come largely through the newspaper, radio and T.V. or from friends?

15

A. All but from friends.

MR. FURLOTTE: All but from friends?

A. Yes.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

20

A. Yes, I have.

MR. FURLOTTE: Has it affected your opinion as to the accused's guilt or innocence?

25

A. Yes, I believe it has.

MR. FURLOTTE: And how has it affected your opinion?

A. It reinforced what I read in the paper and seen on television.

MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

30

A. Not at all.

MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt

35

Jury Selection

5 or innocence, would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. No, I don't believe I could.

10 THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No.

THE COURT: The triers have heard the answer given to the
last question, particularly. Would you please
retire and bring out a verdict?

15

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict, Mr. Ross, of the triers is?

MR. ROSS: The challenge was well taken.

20 THE COURT: The challenge is well taken, so you are
excused, Mrs. Cronkhite.

MRS. CRONKHITE: Thank you very much.

RICHARD YORK duly sworn.

25 MR. FURLOTTE: Mr. York, have you at any time in the past
two years formed a tentative opinion as to the
guilt or innocence of the accused in respect of
any or all of the murders with which he is
charged?

A. Yes.

30 MR. FURLOTTE: Has your information concerning the
accused and the deaths of which he is charged
come largely through the newspaper, radio, T.V.,
or from friends?

A. All of the above.

35 MR. FURLOTTE: Have you read the book, "Terror on the

Jury Selection

Miramichi"?

A. No.

5 MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

A. No, sir.

10 MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence, would you be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on the
15 evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

A. No, sir, I don't think I could.

THE COURT: Mr. Allman, any questions?

20 MR. ALLMAN: No, no questions.

THE COURT: The triers have heard the answer. Would you please retire?

(TRIERS DELIBERATE AND RETURN.)

25 MR. ROSS: The challenge was well taken.

THE COURT: The challenge is well taken, so you're excused, Mr. York. Thank you very much. Now, four more, please?

CLERK: Joanne Webb

30 Vivian McKay

Joyce Greer

Lewis Boudreau

THE COURT: May I ask you, Mr. Boudreau and the ladies, if any of you have any reason why - which would
35 prevent you from acting objectively as jurors in

Jury Selection

5 this trial because of relationship to any party
or the like, or do you have individual reasons
why you feel you should be exempted from serving?
Mrs. Webb, are you free to act if selected?

MRS. WEBB: My husband works for the media.

10 THE COURT: Why don't you shoot him? It's what we all
feel like doing sometimes to the media. I'm
sorry, did you say - he works for the media and
you felt that on that account -

MRS. WEBB: Yes, I think that I'd probably have informa-
tion and things that -

THE COURT: Yes. Is he with a newspaper or -

15 MRS. WEBB: Well, he works as a technician.

THE COURT: You would feel a little uncomfortable in
that situation?

MRS. WEBB: Yes, I would.

THE COURT: You live where?

20 MRS. WEBB: Fredericton.

THE COURT: In Fredericton, yes. Well, I think perhaps
we should take that as a reason to excuse Mrs.
Webb. Thank you very much. And Ms. McKay, are
you free to act if you're selected? You are?
25 Thank you. And Ms. Greer, are you free to act if
you're selected?

MS. GREER: Yes.

THE COURT: And Mr. Boudreau, are you free to act?

30 MR. BOUDREAU: I've got a small business and I have to
look after it so -

THE COURT: What sort of a business do you have?

MR. BOUDREAU: Siding contractor. I've got different
men on the job and -

35 THE COURT: But it's your own business? I mean you're
the manager and the operator of the business?

Jury Selection

MR. BOUDREAU: Sales manager and everything else.

THE COURT: Well, you better stay about your business and
5 try to make a living.

MR. BOUDREAU: Yes.

THE COURT: O.K., you're excused on the ground of
financial hardship, thank you. Now, we'll try
these two ladies. Ms. Greer, if you wouldn't mind
10 sitting down for a moment?

VIVIAN MCKAY duly sworn.

MR. FURLOTTE: Miss McKay, have you at any time in the
past two years formed a tentative opinion as to
15 the guilt or innocence of the accused in respect
of any or all of the murders of which he is
charged?

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
20 accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
or from friends?

A. Newspaper, radio and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
25 Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
30 friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding you may have in the past
formed an opinion as to the accused's guilt or
innocence would you be able as a juror to come to
35 an objective decision on the issues free from bias

Jury Selection

5 and prejudice and based solely on the evidence you
have heard in the court room and the explanation
of the law given to the jury by the presiding
judge?

A. Yes, I feel I could.

THE COURT: Mr. Allman, any questions?

MR. ALLMAN: No questions.

10 THE COURT: The triers have heard the witness say that
she believes she could act objectively but would
you go out, please, and determine whether you
feel she could in fact.

15 (TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross, is?

MR. ROSS: The challenge was not well taken.

20 THE COURT: The challenge is not well taken, so you will
be sworn as a juror, Miss McKay, unless you're
challenged otherwise. Would you mind standing
there, please, in front of the jury box?

MR. FURLOTTE: Defence wishes to challenge Miss McKay
peremptorily.

25 THE COURT: So you are challenged. Thank you, Miss
McKay.

JOYCE GREER duly sworn.

MR. FURLOTTE: My Lord, I have it that I only have five
peremptory challenges left, would that be correct?

30 THE COURT: Yes, that's my tally. You've exercised
fifteen already.

MR. FURLOTTE: Yes, O.K. Mrs. Greer, have you at any
time in the past two years formed a tentative
opinion as to the guilt or innocence of the
35 accused in respect of any or all of the murders

of which he is charged?

A. No.

5 MR. FURLOTTE: Your information concerning the accused
and the offences with which he is charged - have
you received any of that information from the
media, newspaper, radio, or friends?

A. Yes.

10 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. Yes.

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

15 A. No.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

20 A. No.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have heard in the court room and on the explana-
25 tion of the law given to the jury by the presiding
judge?

A. Yes.

THE COURT: Mr. Allman, any questions?

MR. ALLMAN: Certainly not, My Lord.

30 THE COURT: You have heard the answer given particularly
to the last question and first question. Would
you retire, please?

(TRIERS DELIBERATE AND RETURN.)

35 THE COURT: And the verdict of the triers, Mr. Ross, is?

Jury Selection

MR. ROSS: The challenge was not well taken.

THE COURT: The challenge is not well taken, so you will
5 be sworn in as a juror unless you're challenged
otherwise. Would you mind standing there for a
moment, please, Mrs. Greer?

MR. FURLOTTE: Defence wishes to challenge Mrs. Greer
peremptorily.

10 THE COURT: And four more names, please?

CLERK: Joyce Ingalls
Andrew Brewer
Claudette DeWitt
Paul Basha

15 THE COURT: I would ask you ladies and gentlemen to
declare any reasons that you may know of that
we don't know why you should not serve, or if
you have individual reasons for applying for
exemption now is the time to assert them.
20 Perhaps I could go through in order. Mrs.
Ingalls, are you prepared and available and
ready and competent to act as a juror if you're
selected?

MRS. INGALLS: Yes, I am.

25 THE COURT: You are, and Mr. Brewer, how about you?

MR. BREWER: No, sir. Besides financial hardship, like,
I won't be compensated from work. I recently took
a position, I run a newspaper press, and I have
three trainees under me, none of which are capable
30 of running it, so needless to say the business
would falter.

THE COURT: Yes, this is your own business, is it?

MR. BREWER: No, it isn't, no.

THE COURT: Oh, it isn't, but you're working for -

35 MR. BREWER: No, it's Global Printing.

Jury Selection

MR. ROSS: The challenge was not well taken.

THE COURT: The challenge is not well taken, so you will
5 be sworn in as a juror unless you're challenged
otherwise. Would you mind standing there for a
moment, please, Mrs. Greer?

MR. FURLOTTE: Defence wishes to challenge Mrs. Greer
peremptorily.

10 THE COURT: And four more names, please?

CLERK: Joyce Ingalls
Andrew Brewer
Claudette DeWitt
Paul Basha

15 THE COURT: I would ask you ladies and gentlemen to
declare any reasons that you may know of that
we don't know why you should not serve, or if
you have individual reasons for applying for
exemption now is the time to assert them.
20 Perhaps I could go through in order. Mrs.
Ingalls, are you prepared and available and
ready and competent to act as a juror if you're
selected?

MRS. INGALLS: Yes, I am.

25 THE COURT: You are, and Mr. Brewer, how about you?

MR. BREWER: No, sir. Besides financial hardship, like,
I won't be compensated from work. I recently took
a position, I run a newspaper press, and I have
three trainees under me, none of which are capable
30 of running it, so needless to say the business
would falter.

THE COURT: Yes, this is your own business, is it?

MR. BREWER: No, it isn't, no.

THE COURT: Oh, it isn't, but you're working for -

35 MR. BREWER: No, it's Global Printing.

THE COURT: Global Printing, right. Well, your income
would be cut off, in any event?

5 MR. BREWER: For one thing, yes, plus the business would
suffer at the same time.

THE COURT: Yes, well, that's a double-barreled reason.
You're excused, financial hardship. Thank you.
And Mrs. DeWitt?

10 MRS. DEWITT: I have a full time job and I have two
children eight and five. They're in day care but
if they get sick they have to stay home, so that
would be my reason for not -

THE COURT: Yes, and your full time job, it's not a job
15 with the provincial government or something?

MRS. DEWITT: It is with the provincial government.

THE COURT: Oh, but you would be paid anyway?

MRS. DEWITT: Oh, yes, I would be paid. The only thing
is if my children are sick. They both go to
20 school but if they get sick I have to stay home
and I couldn't come if they were sick.

THE COURT: Where do your children go to school? They're
in public school in - where do you live,
Fredericton?

25 MRS. DEWITT: In Fredericton.

THE COURT: And they don't come home at noon hour, I
suppose?

MRS. DEWITT: No, they don't.

THE COURT: What are the arrangements about looking after
30 them?

MRS. DEWITT: Well, they're at a day care but, you see,
if they're sick they can't be taken to day care,
that's the only -

THE COURT: No. Well, I think we'd have to say that you
35 are responsible for looking after children under

Jury Selection

fourteen and would qualify for exemption on that ground, so we will excuse you, then, Mrs. DeWitt.
5 Thank you very much. And Mr. Basha, what about you? You're available and free to act as a juror if selected?

MR. BASHA: Yes.

10 THE COURT: Thank you. Would you mind sitting just in the back row there for a moment?

JOYCE INGALLS duly sworn.

15 MR. FURLOTTE: Mrs. Ingalls, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused with respect to any or all of the murders with which he is charged?

A. Yes, I have.

20 MR. FURLOTTE: Has your information concerning the accused and the deaths with which he is charged come largely through the newspaper, radio, T.V., or from friends?

A. All of them.

25 MR. FURLOTTE: All of them? Have you read the book, "Terror on the Miramichi"?

A. No, I haven't.

30 MR. FURLOTTE: If you were selected as a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

A. No.

35 MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence would you be able as a juror to come to an objective decision on the issues free from

Jury Selection

5 bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes.

MR. ALLMAN: No questions.

THE COURT: No. I'm sorry, your last answer was yes?

10 A. Yes.

THE COURT: Would the triers then please retire?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

15 MR. ROSS: The challenge was not well taken.

THE COURT: The challenge is not well taken, so you, Mrs.

Ingalls, will be sworn as a juror unless you're
otherwise objected to. Would you please stand
over there for a moment?

20 MR. FURLOTTE: Defence wishes to challenge Mrs. Ingalls
peremptorily.

PAUL BASHA duly sworn.

25 MR. FURLOTTE: Mr. Basha, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders of which he is
charged?

A. Yes.

30 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
or from friends?

A. Media.

35 MR. FURLOTTE: Have you read the book, "Terror on the

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Miramichi"?

A. No.

5 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subjected throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

10 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
15 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes.

MR. ALLMAN: No questions.

20 THE COURT: Triers, please, would you -

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

MR. ROSS: The challenge was not well taken.

25 THE COURT: So you will, Mr. Basha, be sworn as a juror
unless you're otherwise challenged. Would you
stand there, please, for a moment to see what the
outcome is?

MR. FURLOTTE: Defence wishes to challenge Mr. Basha
30 peremptorily.

THE COURT: So you're challenged peremptorily and you
won't be serving on the jury. Thank you very
much, Mr. Basha. Just for the record, before we
adjourn I make that 18 peremptory challenges that
35 have been exercised on behalf of the accused.

Jury Selection

Does that tally with your -

MR. FURLOTTE: Yes, two left.

5 THE COURT: Two left, and does that tally with the
Crown's case?

MR. ALLMAN: Correct, My Lord.

10 THE COURT: We will now recess, I suppose for probably -
let's say half-past one, that's 50 minutes from
now, or let's say an hour, 20 minutes to two we'll
resume. There is a lunch provided by the canteen,
I believe, for everyone. I don't know what that
crash of thunder is, whether that's -

SHERIFF: It's raining out.

15 THE COURT: It's raining out so you won't want to go very
far from the building, probably, so we'll start
again at half-past one or 20 to two, whenever
is convenient. It's normal once jurors are
selected to keep them segregated at least through
20 lunch hour and while you're here, and I would ask
you - I'm not going to give you gentlemen elabor-
ate instructions at this time but I would ask you
if you wouldn't mind using the jury room at this
point and Mr. Sears will see that lunch is brought
25 to you there and so on. That's not working a
particular hardship on you, I gather. So if the
jurors wouldn't mind, perhaps, leaving first?

30 There's one thing I'm overlooking. There's
no reason, of course, to keep those persons who
have been excused or challenged or otherwise.
There's no point requiring them to come back again
so I would release and give you permission to
return to your homes or your work or whatever, to
leave the court house, anyway, to those persons
35 who have been excused.

Jury Selection

I could run very quickly through the names
here but I'm not sure that I have the names
5 spelled correctly.

Mr. Thomas Broadhead was one.

Juror Miner is excused.

Juror Scott who was challenged peremptorily.

Mr. Folkins was excused.

10 Mrs. Gilmore was excused.

Mr. Stevens was excused.

Miss Dore, excused.

Mr. Brideau is not excused.

Miss Pothier was challenged peremptorily.

15 Mr. Morten was excused because of a hearing
problem.

Witness Jamieson was excused.

Drummond, excused.

Mr. Ross is not excused.

20 Juror McGinnis was excused.

Mrs. Flack was excused with a child under 14.

Miss Whittie was challenged peremptorily and
is free to go.

Mr. Thomas was excused.

25 Mr. Jones was excused.

Mrs. Ferris was challenged peremptorily.

Miss Larocque was challenged peremptorily, is
free to go.

The juror MacPherson is free to go.

30 Mrs. VanWart was challenged peremptorily and
is free to go.

The juror MacFarlane was excused.

Miss Johnston was challenged peremptorily and
is free to go.

35 Mr. Groves was excused.

Jury Selection

Mr. Allen was excused.

Mr. Kerton was excused.

5 Juror Hughes was excused.

Palmer, excused because of a hearing problem.

Mr. Morissey was challenged peremptorily,
would be free to go.

Mrs. Townsend is excused.

10 Mr. Brewer, excused.

The juror Montgomery is excused.

Mr. Labillois was excused on the ground of
financial hardship.

15 Mr. Gilchrist was excused on the ground of
financial hardship.

Mrs. Cronkhite was excused.

Mr. Connors was excused with a hearing
problem.

20 Mr. Campbell was excused so he could go down
and holiday in Colorado.

Juror York was excused, Mr. York.

Mrs. Webb was excused.

Mrs. McKay, who was challenged peremptorily.

25 Mrs. Greer was challenged peremptorily and is
free to go.

Mr. Boudreau was excused.

Mrs. Ingalls was challenged peremptorily.

Mr. Brewer was excused for hardship.

Mrs. DeWitt was excused just now.

30 Mr. Basha was challenged peremptorily.

35 So all of those persons are free to leave and
not come back for the trial. I won't have an
opportunity again, of course, to thank you for
attending, and I think it's an honourable thing to
present oneself for jury service. Most of those

Jury Selection

persons there were certainly prepared to serve on
a jury if required or if they hadn't been
5 prevented through financial hardship or otherwise,
so you've done your duty as citizens and I thank
those persons at this point.

If any of those persons want to stay and have
their lunch before they go, that's quite
10 permissible, of course, so we will go on at half-
past one or 20 to two, in an hour. We'll go on
with the resumption of the selection of the jury.

(LUNCH RECESS - COURT RESUMED AT 1:45 p.m.)

15

(ACCUSED IN DOCK.)

THE COURT: We will have another four persons brought up,
please.

CLERK: Leslie Sebastien

20

Roger Levesque

Colleen Crawford

Sheldon Jones

THE COURT: I would give you persons an opportunity to
declare any reasons that you know of that you
25 should disqualify yourselves from service,
relationship or anything of that nature, or do
any of you have any applications you wish to make
on the ground of financial hardship or otherwise?
Perhaps I'll go through. Mr. Sebastien, are you
30 content to serve if selected?

MR. SEBASTIEN: I wouldn't have any problem but I'm
concerned about my hearing. I moved from the
back to the middle and a bit better but still
from the third row I had problem to hear. I have
35 hearing aid but -

Jury Selection

THE COURT: What's a young man like you having hearing
problems for? Well, you find that you have had
5 difficulty here in this court room or in this
room?

MR. SEBASTIEN: Out there sitting in the third row. I
don't know, but it's -

THE COURT: Well, you wouldn't feel offended, then, if we
10 were to excuse you on the ground of ill hearing?

MR. SEBASTIEN: No, sir, that is my concern.

THE COURT: Well, thank you very much for being prepared
to serve anyway, and I will excuse you on the
ground of the hearing problem. Thank you.

15 MR. SEBASTIEN: Thank you very much.

THE COURT: Mr. Levesque, you're prepared to serve if
selected as a juror?

MR. LEVESQUE: I guess so.

THE COURT: But I mean you know of no -

20 MR. LEVESQUE: I have no ground to -

THE COURT: To ask for exemption?

MR. LEVESQUE: No.

THE COURT: I mean nothing is going to arise in the next
ten weeks that you would have to beg off for?

25 I mean there's no provision for getting out of it
once you're in it, short of death or pregnancy.
You're not going to get pregnant?

MR. LEVESQUE: One never knows. I guess career-wise it
would be difficult but I don't really have any
30 ground to refuse.

THE COURT: No, but career-wise, do you mean - would you
suffer financial -

MR. LEVESQUE: No.

THE COURT: I'm not trying to encourage you to apply
35 but - well, in other words you would be prepared

Jury Selection

to serve if selected. Thank you. And Miss
Crawford, what about you? Are you prepared to
5 serve if selected as a juror?

MISS CRAWFORD: Yes.

THE COURT: You are, and Mr. Jones?

MR. JONES: I broke my ankle the 8th of June and I have
to go to therapy to keep it - see if I can get a
10 little work, eh?

THE COURT: We could appoint you a trier here and you
could walk back and forth across the stage. That
would be great physiotherapy for it. Well, you're
committed to physiotherapy?

MR. JONES: Yes, I'm supposed to be there today but I
15 guess Thursday -

THE COURT: Well, that's probably going to continue for a
little while yet, I gather, is it?

MR. JONES: Yes, he said two more weeks, or three,
20 anyway.

THE COURT: Well, we'll excuse you on the medical grounds
then. Thank you very much. So Miss Crawford,
would you mind sitting down, please, for a
moment, and Mr. Levesque?

25

(ROGER LEVESQUE duly sworn.)

MR. FURLOTTE: Now, Mr. Levesque, have you at any time in
the past two years formed a tentative opinion as
to the guilt or innocence of the accused in
30 respect of any or all of the murders of which he
is charged?

A. Yes, I have, sir.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
35 come largely through the newspaper, radio, T.V.,

Jury Selection

or from friends?

A. Combinations of all of the above.

5 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I have not.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
10 trial to strong pressure from family members or
friends to support some particular verdict?

A. Probably so.

MR. FURLOTTE: If so would you be capable of resisting
that pressure and acting solely in accordance with
15 your own conscience?

A. I really don't know.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
20 to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

25 A. It would be somewhat difficult.

THE COURT: Mr. Allman, have you any questions?

MR. ALLMAN: No.

THE COURT: The triers have heard the answers here. Mr.
Levesque has cast some doubt, perhaps, on his
30 ability to decide the matter objectively, but
would you people please retire and come to your
decision?

(TRIERS DELIBERATE AND RETURN.)

35 THE COURT: And Mr. Ross, the verdict of the triers?

Jury Selection

MR. ROSS: The challenge was well taken.

THE COURT: The challenge is well taken so you are
5 excused, Mr. Levesque. Thank you very much.
And now Mrs. Crawford.

COLLEEN CRAWFORD duly sworn.

MR. FURLOTTE: Mrs. Crawford, have you at any time in the
10 past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders of which he is
charged?

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
15 accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
or friends?

A. Mostly the newspaper and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
20 Miramichi"?

A. Portions of it.

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. I would say it has.

MR. FURLOTTE: And how as it affected your opinion?

A. Do I have to answer that?

THE COURT: Well, I don't want you to say whether it
compelled you to think he was guilty or that he
30 was innocent but did it add weight to any opinion
you might have had before or did it so pollute
your mind that you wouldn't - what we're getting
down to here, did it make a strong enough
impression on you that you couldn't overcome the
35 opinion that you formed as a result?

Jury Selection

A. I really don't know how to answer that. I tried
to read the book and I couldn't. Because of the
5 things that were told that happened in there
I couldn't believe another person could do to
another human being so I just put the book down.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
10 the trial to strong pressures from family members
or friends to support some particular verdict?

A. No, I would not.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
15 or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
20 the presiding judge?

A. I feel I could.

THE COURT: Any questions, Mr. Allman?

MR. ALLMAN: No, My Lord.

THE COURT: Would the triers then please retire and come
25 up with your verdict?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

MR. ROSS: The challenge was not well taken.

THE COURT: So Mrs. Crawford, you will be sworn as a
30 juror unless you are otherwise challenged. Would
you please stand there for a moment?

MR. FURLOTTE: Defence wishes to challenge Mrs. Crawford
peremptorily.

THE COURT: So you're challenged peremptorily, Mrs.
35

Jury Selection

Crawford, and thank you very much. Could we have four other persons, please?

5 CLERK: Nicholas Muzzerolle
Carolyn McKay
Catherine MacPhail
Frances Michaud

10 THE COURT: May I ask you first if you're aware of any reasons which you should disclose to the Court which would invalidate your serving as a juror here, relationship with someone or something else we don't know about, or do you individually have any applications to make for exemption on any
15 ground or other? Perhaps I could deal with you each in turn. Mr. Muzzerolle?

MR. MUZZEROLLE: I really - you know, I'm from down that part of the country.

THE COURT: You're really what?

20 MR. MUZZEROLLE: Right now my home from down that way.

THE COURT: From down on the Miramichi?

MR. MUZZEROLLE: Yes, and I moved but for 61, 62 years I'm living up in Nackawic but -

25 THE COURT: You've been living in Nackawic more recently, yes, but I mean apart from that do you feel your connection with the Miramichi would -

MR. MUZZEROLLE: Yes, I do, because my people still live there.

THE COURT: Your people still live there now?

30 MR. MUZZEROLLE: Yes.

THE COURT: And you feel that you would prefer to be -

MR. MUZZEROLLE: I've been going from one -

THE COURT: Yes, but you feel that you would prefer not to serve on the jury on that account?

35 MR. MUZZEROLLE: Well, I would, yes, I would.

Jury Selection

THE COURT: Well, we'll excuse you, then, Mr. Muzzerolle.
Thank you very much for coming. And Mrs. McKay,
5 are you prepared to serve if you're selected as a
juror?

MRS. McKAY: No, I have a sick mother-in-law at home that
I have to take care of.

THE COURT: You're her sole care, are you?

10 MRS. McKAY: Well, I'm the one that's doing it, yes.

THE COURT: You're the one that's doing it?

MRS. McKAY: Yes, the others come back and forth
sometimes but I'm the one that has the most
responsibility.

15 THE COURT: Where do you live?

MRS. McKAY: Millville.

THE COURT: And she lives with you or near you?

MRS. McKAY: Near me.

THE COURT: And does she have anyone else with her?

20 MRS. McKAY: No, I stayed with her last night. She
suffered a stroke on Friday.

THE COURT: On this last Friday?

MRS. McKAY: Yes.

THE COURT: Well, there is provision, of course. Where
25 you have the care of an elderly person or an ill
person there is provision for exemption and I
think we'll grant that in your case.

MRS. McKAY: Thank you.

THE COURT: Thank you very much, Mrs. McKay, and Mrs.
30 MacPhail, is it?

MISS MacPHAIL: Miss MacPhail.

THE COURT: Are you prepared to serve if selected as a
juror, Miss MacPhail?

MISS MacPHAIL: My employers have refused to give me a
35 leave of absence from my job.

Jury Selection

THE COURT: They what?

MISS MacPHAIL: Refused to give me a leave.

5 THE COURT: Oh, they refused to give you a leave, yes.

Who do you work for?

MISS MacPHAIL: I work for an engineering firm in
Fredericton.

10 THE COURT: And this means that you wouldn't draw any pay
if you had to serve?

MISS MacPHAIL: No.

THE COURT: What capacity do you work with them?

MISS MacPHAIL: Secretary.

15 THE COURT: So it would involve financial hardship in
your case so we'll excuse you on that ground.

Thank you very much for coming. And Mrs. Michaud,
are you prepared to serve if selected as a juror?

20 MRS. MICHAUD: Yes, I have family living in Newcastle and
Chatham Head and quite close to them, and also I
knew Father Smith quite well and I don't know if
I could be unbiassed to serve or not.

25 THE COURT: We don't want to exclude you just arbitrarily
from serving on the jury if you would wish to
serve, but I wonder if in the circumstances
perhaps we couldn't excuse you.

MRS. MICHAUD: Thank you.

THE COURT: Thank you very much, and four other persons?

CLERK: Malcolm Fox
Alice Flower
30 Paul Richard
Angela King

35 THE COURT: And I will address you persons and ask if you
know of any reasons which you should disclose to
the Court to suggest that you are incompetent or
should disqualify yourself as jurors, or

alternatively, do any of you have grounds for
applying for exemption. Mr. Fox, perhaps we could
5 start with you.

MR. FOX: My job mainly.

THE COURT: Your job, yes. What do you -

MR. FOX: Marketing superintendent of a pulp and paper -

THE COURT: And what happens if you serve on a jury for
10 ten weeks? Do they pay you or -

MR. FOX: Yes, they do.

THE COURT: But what happens to the mill, it goes right
on operating?

MR. FOX: It's a stable company, it will continue on.

THE COURT: You think it will carry on? Well, I suppose
15 can you really say that there would be very much
financial hardship to yourself?

MR. FOX: Not really.

THE COURT: Could we say probably that you would be
20 prepared to serve as a juror if selected?

MR. FOX: You could say that, yes.

THE COURT: All right, and Mrs. Flower, are you - would
you be prepared to serve as a juror, Mrs.
Flower?

MRS. FLOWER: I have a hearing problem and I'd be afraid
25 I wouldn't catch -

THE COURT: Wouldn't be able to pick it up?

MRS. FLOWER: No, I wouldn't, no.

THE COURT: Have you had some difficulty here in the
30 court room?

MRS. FLOWER: Yes, I have.

THE COURT: You're lucky, probably. Well, you would feel
uncomfortable with this problem sitting through a
long trial?

MRS. FLOWER: Yes.
35

Jury Selection

THE COURT: I think we'll excuse you for medical reasons.

Thank you very much. And Mr. Richard?

5 MR. RICHARD: Yes, I was born in Chatham, raised in
Newcastle, my parents still reside there. I feel
that's slanted my views, perhaps.

THE COURT: You feel that probably because of those
residence considerations that you are -

10 MR. RICHARD: Yes, during the time of the accused's
freedom they had a break in their house as well.
Another party was convicted but it caused quite a
bit of grief within the family so -

THE COURT: Could we agree, then, that perhaps Mr.
15 Richard should be excused? We will excuse you,
then, Mr. Richard, thank you. And Mrs. King,
are you prepared to serve if selected as a juror?

MRS. KING: No, sir, I have two small children at home
and they'd need to be cared for.

20 THE COURT: Do you look after them all the time yourself?

MRS. KING: Yes.

THE COURT: And how old are they?

MRS. KING: Five and six months.

THE COURT: Well, you're automatically entitled to
25 exemption. Thank you very much. Could we then
have a determination on Mr. Fox?

MALCOLM FOX duly sworn.

MR. FURLOTTE: Mr. Fox, have you at any time in the past
30 two years formed a tentative opinion as to the
guilt or innocence of the accused in relation to
any or all of the murders with which he is
charged?

A. Yes, I have.

35 MR. FURLOTTE: Has your information concerning the

Jury Selection

- accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
5 or from friends?
- A. Through the media.
- MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?
- A. No, I have not.
- 10 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?
- A. No.
- 15 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
20 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?
- A. Yes, I would.
- THE COURT: Any questions, Mr. Allman?
- 25 MR. ALLMAN: No, My Lord.
- THE COURT: So the triers have heard the answers. Will
you please retire, gentlemen?
- (TRIERs DELIBERATE AND RETURN.)
- 30 THE COURT: Your verdict, Mr. Ross, on Mr. Fox is?
- MR. ROSS: The challenge was not well taken.
- THE COURT: The challenge is not well taken, so Mr. Fox,
you will be sworn as a juror unless there are
other challenges. Would you please stand over
35 there for a moment? Just at this point may I just

Jury Selection

confirm that my tally suggests that you have one
peremptory challenge left. Crown has four.

5 MR. FURLOTTE: One peremptory challenge left, and then
there was none. Defence wishes to challenge Mr.
Fox peremptorily.

THE COURT: So you're challenged, Mr. Fox.

CLERK: Glen Doucet
10 Harry Tretiak
Donna Williams
Joan Duffield

THE COURT: Again I would ask any of you to disclose any
reasons that you may be aware of why you shouldn't
15 serve, if such reasons exist, and alternatively,
do any of you have applications to make on the
ground that you should be exempt under the Jury
Act? Perhaps I could go through each in turn.
Mr. Doucet, are you prepared to serve as a juror
20 if selected?

MR. DOUCET: No, I'm not, Your Honour. I work for the
Department of Transportation in Fredericton and I'm
in charge of an annual project which has a
deadline of October 1st, and I gather information
25 from all the incorporated municipalities in the
province and if I don't produce the information
by October 1st they don't get their additional
grant from the Department of Municipal Affairs
for the next fiscal year.

30 THE COURT: Well, I suppose you would be paid just the
same by the provincial government but it would
have an impact on others in your department?

MR. DOUCET: Not in my department, on the municipalities
in the province.

35 THE COURT: On the municipalities. Well, I think we

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could take it that Mr. Doucet's absence from his
work would create a hardship on someone or other
5 and - quite a few people, probably, so we'll
excuse you, Mr. Doucet. Thank you very much.
And Mr. Tretiak, are you prepared to serve if
selected?

MR. TRETIAK: Yes, sir.

10 THE COURT: And Miss Williams, are you prepared to serve
if selected as a juror?

MISS WILLIAMS: Yes.

THE COURT: You are, and Mrs. Duffield, are you prepared
to serve if selected as a juror?

15 MRS. DUFFIELD: Yes.

THE COURT: You are, so Miss Williams and Mrs. Duffield,
would you please sit down in the back row there
just for a moment, and Mr. Tretiak, you'll be
sworn.

20

HARRY TRETIAK duly sworn.

MR. FURLOTTE: Mr. Tretiak, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
25 of any or all of the murders with which he is
charged?

A. Yes, sir.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
30 come largely through the newspaper, radio, T.V.,
or from friends?

A. The media.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

35 A. No, sir.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
5 the trial to strong pressure from family members
or friends to support some particular verdict?

A. No, sir.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
10 or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
15 the presiding judge?

A. Yes, sir.

THE COURT: No questions, Mr. Allman?

MR. ALLMAN: No.

THE COURT: Would the triers then please - this is the
20 case of the triers trying the tried.

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the decision of the triers, Mr. Ross, is?

MR. ROSS: The challenge was not well taken.

THE COURT: So, Mr. Tretiak, you will be sworn as a juror
25 unless there are challenges or you're stood aside
for other reasons, so please stand up there for a
moment.

MR. ALLMAN: My Lord, we don't wish to challenge Mr.
30 Tretiak but we would ask that he stand aside.

DONNA WILLIAMS duly sworn.

MR. FURLOTTE: Miss Williams, have you at any time in the
past two years formed a tentative opinion as to
35 the guilt or innocence of the accused in respect

Jury Selection

of any or all of the murders with which he is charged?

5 A. Yes, I have.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he is charged come largely through the newspaper, radio, T.V., or from friends?

10 A. T.V., radio.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

15

A. No.

MR. FURLOTTE: Notwithstanding you may have in the past formed an opinion as to the accused's guilt or innocence would you be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on the evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

20

A. No, I couldn't.

MR. FURLOTTE: You couldn't what, give a -

A. No, well, like I said, my mind's made up so -

30

MR. FURLOTTE: Your mind's made up.

THE COURT: Well, would the triers please retire or you could go behind that curtain, I suppose. All right.

35

(TRIERS DELIBERATE AND RETURN.)

Jury Selection

THE COURT: And the verdict, Mr. Ross, is?

MR. ROSS: The challenge was well taken.

5 THE COURT: The challenge is well taken so you're excused
on the ground that you are not indifferent. Thank
you.

JOAN DUFFIELD duly sworn.

10 MR. FURLOTTE: Mrs. Duffield, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders with which he is
charged?

15 A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
from friends?

20 A. Yes, all.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

25 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

30 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
35 the explanation of the law given to the jury by

Jury Selection

the presiding judge?

A. No, I wouldn't.

5 THE COURT: Again would the triers please determine?

(TRIER'S DELIBERATE AND RETURN.)

THE COURT: And the verdict, Mr. Ross, of the triers is?

MR. ROSS: The challenge was well taken.

10 THE COURT: The challenge is well taken so you are
excused, Mrs. Duffield, on the ground of not being
indifferent, and I might say, Mr. Pugh, in the
next group is the name of Miss White. Yesterday
afternoon through the Sheriff's office I was
15 advised that she had been scheduled, I think last
Thursday, to enter hospital today for an operation
of some kind and so she was excused yesterday
afternoon on that account, so her name should come
out, so four others.

20 CLERK: Toney Howe
Nancy Durling
Georgina Thibodeau
Susan Perrin

THE COURT: May I ask you, Mr. Howe, if you know of any
25 reason why you should declare ineligibility for
serving as a juror on the ground that you're
related to anyone, any party to the case or
anything, or alternatively I will ask each of you
individuals if you have any grounds for applying
30 for an exemption. Mr. Howe, are you prepared to
serve as a juror if selected?

MR. HOWE: No, I just started a new job three weeks ago
and I've got three children and a wife to
support.

35 THE COURT: So if you don't work you don't get paid?

Jury Selection

MR. HOWE: No.

THE COURT: You're not working for the provincial govern-
5 ment?

MR. HOWE: No.

THE COURT: The provincial government does of course,
even where people are serving on juries, continue
pay as a general practice, but you work for a
10 private employer and you're not going to eat.
Well, we'll excuse you on the ground of hardship.

MR. HOWE: Thank you.

THE COURT: And Mrs. Durling?

MRS. DURLING: Yes, I'm currently on UIC and I'm informed
15 that I cannot collect it if I serve on a jury.

THE COURT: Well, that is the ruling that the unemploy-
ment insurance people make, that you cannot -
unless you're available to go to work and on call
then you can't draw unemployment insurance. I
20 guess the unemployment insurance scheme is not
something that's supposed to subsidize the
criminal justice system anyway, so you're excused
on the ground of - and Mrs. Thibodeau, are you
prepared to serve on the jury if selected?

MRS. THIBODEAU: Yes.

THE COURT: You are, and Miss Perrin?

MISS PERRIN: No, I'm sorry, Your Honour. I have two
children, one seven and one three. The one that's
seven years old needs some extra care.

THE COURT: So you've got your hands full without getting
30 involved in jury trials, so you're excused, then,
Miss Perrin, on the ground of having children
under the age of 14.

GEORGINA THIBODEAU duly sworn.

MR. FURLOTTE: Mrs. Thibodeau, have you at any time in
5 the past two years formed a tentative opinion as
to the guilt or innocence of the accused in
respect of any or all of the murders with which
he's charged?

A. No.

10 MR. FURLOTTE: Have you received any information
concerning the accused and the deaths with which
he's charged through media, newspaper, radio,
T.V., or friends?

A. T.V. and newspaper.

15 MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
20 the trial to strong pressure from family members
or friends to support some particular verdict?

A. No.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
25 and prejudice and based solely on the evidence you
have heard in the court room and the explanation
of the law given the jury by the presiding judge?

A. Yes.~

THE COURT: Any questions, Mr. Allman?

30 MR. ALLMAN: No.

THE COURT: Would the triers then please retire again?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

35 MR. ROSS: The challenge is not well taken.

Jury Selection

THE COURT: So, Mrs. Thibodeau, you will be sworn as a juror unless you're stood aside or challenged for some other reason. Would you stand up there, please, for a moment, give counsel an opportunity to - Mr. Furlotte, I guess you're out of peremptory -

MR. FURLOTTE: I'm finished, My Lord.

10 MR. ALLMAN: We are content with this juror.

THE COURT: You're content, so would you go in and sit in the chair next to Mr. Ross there, Mrs. Thibodeau? You are selected a juror. We won't have you sworn as a juror just yet. When we have four jurors we'll have four persons sworn in. Now, this does change the complexion of the trier's panel. Mr. Brideau is dropped at this stage and Mr. Ross and Mrs. Thibodeau will act as the triers for the next person challenged, you being the last two jurors selected, you see. Mrs. Thibodeau, you've heard the instructions that I've given to the triers about their duty. I've pointed out that under the Canadian Charter of Rights a person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal. In other words, the jurors that we select here today must be capable of being independent, acting independently and impartially, and that is the criterion.

30 MRS. THIBODEAU: One thing, Your Honour, I don't drive, I've got no car and I live in Minto. How would I get to -

THE COURT: Well, how did you get here today?

35 MRS. THIBODEAU: A friend.

Jury Selection

- THE COURT: Well, if you served on the jury it would entail your travelling back and forth every day from Minto to the Burton Court House. You would be paid mileage by the Department of the Attorney General, or the Solicitor General, to cover your fee, but if you don't drive yourself, you haven't a car - Sheriff, you have no answer to this?
- 5
- SHERIFF: Is there a bus that travels down there?
- 10
- MRS. THIBODEAU: There is a bus that take passengers to work but most of the time it's full, you've got to reserve a seat.
- SHERIFF: We could reserve a seat for you, probably.
- 15
- What time does it leave in the morning?
- MRS. THIBODEAU: Eight o'clock, I think, and it goes to Fredericton.
- SHERIFF: What time does it arrive in Fredericton, around nine?
- 20
- MRS. THIBODEAU: Oh, I don't know.
- SHERIFF: We'd certainly have to look into that, My Lord, to determine that.
- MR. ALLMAN: I'm going to make a suggestion, My Lord, we could stand this lady aside and then if we have to come back -
- 25
- THE COURT: I think perhaps that might be the safer thing to do. It would pose difficulties not only for everybody but -
- MRS. THIBODEAU: If it was only for a couple of days it would be all right but six weeks would be -
- 30
- THE COURT: The Crown suggest that you be stood aside and not be sworn as a juror right at this stage, and if it's necessary to come back to you perhaps we can consider you the second time around. Is that agreeable with you?
- 35

Jury Selection

MRS. THIBODEAU: Yes, it is.

THE COURT: So if you wouldn't mind, then, going back to
5 your seat, so Mr. Brideau, you're reinstated as a
trier. Another four names, please?

CLERK: John White
Jennifer Doherty
Linda Riley
10 Richard Crawford

THE COURT: Now, I'll ask you persons if you know of any
reason that you should declare as to why you
should disqualify yourself through relationship or
other reason from serving as a juror, or if no
15 such reason exists to your knowledge are there
grounds on which any one of you would wish to
apply for exemption. Perhaps I could ask each of
you in turn that question. Mr. White, are you
prepared to act as a juror if you are selected?

20 MR. WHITE: Yes.

THE COURT: You are, and Miss Doherty?

MISS DOHERTY: I'm a full time student at the University
of New Brunswick. This is my last year.

THE COURT: And you don't want to work all night if you
25 sit in court all day?

MISS DOHERTY: No.

THE COURT: And you couldn't take two months or more out
of your school year?

MISS DOHERTY: I don't think I could take that many night
30 classes.

THE COURT: Yes. I think one would find that sitting in
a trial like this is a pretty full time job and
I don't think you're going to want to go to very
many night classes. You may emerge an expert in
35 deoxyribonucleic acid, do you know what that is?

Jury Selection

MISS DOHERTY: No.

THE COURT: I think we'll excuse you on the ground of
5 financial hardship. Thank you. And Mrs. Riley,
are you prepared to serve as a juror if you're
selected?

MRS. RILEY: Yes, I am.

THE COURT: You are, and Mr. Crawford, are you prepared
10 to serve as a juror if you're selected?

MR. CRAWFORD: Well, I drive truck, sir, and if I don't
drive I don't get paid so -

THE COURT: If you don't get paid you don't eat?

MR. CRAWFORD: Right on.

THE COURT: Then your wife beats you?
15

MR. CRAWFORD: You're right, she does anyway.

THE COURT: We'll excuse you on the ground of financial
hardship. Thank you. Now, Mrs. Riley, if you
wouldn't mind sitting down there for a moment
20 we'll see about Mr. White.

JOHN WHITE duly sworn.

MR. FURLOTTE: Mr. White, have you at any time in the
past two years formed a tentative opinion as to
25 the guilt or innocence of the accused in respect
of any or all of the murders with which he is
charged?

A. Yes, sir, I have.

MR. FURLOTTE: And has your information concerning the
accused and the deaths with which he is charged
30 come largely through the newspaper, radio, T.V.,
or friends?

A. From both.

MR. FURLOTTE: Have you read the book, "Terror on the
35 Miramichi"?

Jury Selection

A. No.

MR. FURLOTTE: If you were selected a juror in this case
5 is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
10 past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
15 the explanation of the law given to the jury by
the presiding judge?

A. No, I don't believe I would.

THE COURT: Any questions, Mr. Allman?

MR. ALLMAN: No, My Lord.

20 THE COURT: So would the triers please retire again?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict, Mr. Ross?

MR. ROSS: The challenge is well taken.

25 THE COURT: Challenge is well taken so you're excused on
the ground of not being indifferent, Mr. White.
Thank you very much.

LINDA RILEY duly sworn.

30 MR. FURLOTTE: Mrs. Riley, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of the murders with which he is charged?

A. Yes, I believe I have, sir.

35 MR. FURLOTTE: Has your information concerning the

Jury Selection

5 accused and the deaths with which he is charged
come largely through newspaper, radio and T.V.,
or from friends?

A. Mostly through newspaper and media.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't, sir.

10 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No, sir.

15 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
20 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes, I think so.

THE COURT: Any questions, Mr. Allman?

25 MR. ALLMAN: No, My Lord.

THE COURT: Would the triers please retire?

(TRIEERS DELIBERATE AND RETURN.)

THE COURT: And your verdict, Mr. Ross, on behalf of the
30 triers is?

MR. ROSS: The challenge is not well taken.

THE COURT: So, Mrs. Riley, you will be sworn in as a
juror unless you're stood aside or unless
something happens for some other reason. Would
35 you stand out there for a moment?

Jury Selection

MR. ALLMAN: Crown is content with this juror.

THE COURT: So will you take your place on the jury

5 panel? You will be sworn in as a juror, Mrs.
Riley. Well, now, Mr. Brideau, you're off again
as a trier, and Mrs. Riley, you along with Mr.
Ross now will act as the triers for the next
challenge for cause that is made for the next
10 person called up. You've heard the instructions
that I've given to the triers before and you know
what the function of the triers is?

(MRS. RILEY nods head.)

And you know that our purpose is to obtain what is
15 required under the Charter of Rights, an indepen-
dent and impartial tribunal, so all our jurors
like yourselves must be impartial, so could we
have four more persons, please?

20 (LINDA RILEY duly sworn as trier.)

CLERK; Gary Sinclair
Eugene Belyea
Carlotta Flowers
Michael McInnes

25 THE COURT: And I will put the same question to you,
gentlemen, and to you, Mrs. Flowers. Are you
aware of any reason that you should disclose as to
why you might be disqualified from being a juror,
for instance through relationship to any person
30 connected to these matters or other similar
reason, or do you individually have any grounds
for application for exemption under the Jury Act?
Mr. Sinclair, what is your position?

MR. SINCLAIR: I'm on a leave of absence from my
35 employer, Your Honour, and I have an investment

Jury Selection

property that I'm working on. I'm doing the
contracting work, contracting the trades myself.
5 I started that last week. We've done some
foundation work. The total project is about
\$25,000.00 to me. I talked to the people last
night and if I had to go hire them to contract
it out, add another \$5,000.00 onto it. It will
10 be finished in about three weeks.

THE COURT: Well, it's a matter of some urgency, I mean
the completion of it, and it's going to cost you
in your estimate \$5,000.00?

MR. SINCLAIR: Five thousand dollars.

15 THE COURT: I think we'll excuse you on the ground of
financial hardship. Thank you very much. And
Mr. Belyea?

MR. BELYEA: Financial hardship, Your Honour.

THE COURT: What is your hardship, or how would it arise?

20 MR. BELYEA: Well, if I had to be on a jury I wouldn't
have no house to live in or a car to drive, I
don't think. I couldn't afford to pay for them.

THE COURT: Yes, but I mean how are you employed?

MR. BELYEA: Hartt Shoes in Fredericton. I don't get
25 paid.

THE COURT: You don't get paid if you're not there.
Well, that's hardship, I'd say, so you're
excused on that ground. And Mrs. Flowers, are
you prepared to serve as a juror if selected?

30 MRS. FLOWERS: No, sir, financial hardship.

THE COURT: And how would that arise in your case?

MRS. FLOWERS: Well, I work and I don't get paid if I'm
not there.

THE COURT: You have a steady job in Fredericton?

35 MRS. FLOWERS: Yes.

Jury Selection

THE COURT: And you wouldn't be paid so you would be out
your income?

5 MRS. FLOWERS: Yes.

THE COURT: Well, you're excused on the ground of
hardship. And Mr. McInnes, are you prepared to
serve as a juror if selected?

MR. McINNES: I'll lose my job if I'm selected.

10 THE COURT: You're working now?

MR. McINNES: Yes.

THE COURT: What type of company or who do you work
for?

MR. McINNES: I'm working for the military here.

15 THE COURT: You work for the military base?

MR. McINNES: I work in the Stores but I'm not in the
union, I'm not protected. If I have to serve
they'll lay me off.

THE COURT: They'll lay you off if you're not there?

20 MR. McINNES: Right.

THE COURT: And then you'd have no income?

MR. McINNES: No unemployment or anything.

THE COURT: Well, that's hardship. Thank you, you're
excused. And four more, please.

25 CLERK; Geraldine Kelly
Allen McIntyre
James McKay
Bert DeVink

THE COURT: I would ask you, Miss Kelly and gentlemen, if
30 you know of any reason why you should disqualify
yourselves or otherwise. Do you have reason to
believe that you should be exempt from serving on
the jury? Miss Kelly, perhaps we could start with
you. Are you content to serve as a juror if
35 selected?

Jury Selection

MISS KELLY: Yes.

THE COURT: And Mr. McIntyre, how about you?

5 MR. McINTYRE: I'd like to disqualify myself, sir, I'm
Vice-President of Capital Region Crimestoppers
and I will be President in September and since we
had a lot of stress concerning the events that
happened -

10 THE COURT: So you feel because of your connection with
the Crimestopper program -

MR. McINTYRE: - with the R.C.M.P. and the City Police
that I should disqualify myself.

15 THE COURT: Well, you very possibly have quite a close
connection with the police on that account and
perhaps shouldn't serve on the jury. Thank you
for saying so. You're excused. And Mr. McKay?

MR. MCKAY: I'm out of the province the week of the 16th.
My wife's away the first week of October and when
20 she's away I have to be home at noon hour. My
kids will be home at five o'clock. Both travel
quite a bit and we have young children.

THE COURT: You mean for your children?

MR. MCKAY: Yes.

25 THE COURT: Are you employed otherwise?

MR. MCKAY: I'm employed by the Province. My wife has
her own business.

30 THE COURT: Yes, but does the - well, is she away - you
don't make it sound as though there's going to
be a great deal of conflict, perhaps.

MR. MCKAY: Well, somebody has to be there at noon hour,
Your Honour, and by five o'clock.

THE COURT: If your wife is away, you mean?

MR. MCKAY: Right. She's definitely away the first week
35 of October and -

Jury Selection

THE COURT: Well, we'll excuse you on the ground that you
have children under 14. These are small children,
5 I take it?

MR. MCKAY: Yes, one nine and one seven tomorrow.

THE COURT: Well, we'll put it on the basis of the
children, then. We'll excuse you. And Mr.
DeVink, are you prepared to serve on the jury if
10 selected?

MR. DEVINK: Yes, I am.

THE COURT: So Mr. DeVink, would you mind just sitting in
the back row there for a moment and we will try
Miss Kelly.

15

GERALDINE KELLY duly sworn.

THE COURT: I have pointed out that the last two jurors
selected would be the triers here in this case,
so I'd ask you to both pay attention, please, to
20 the answers.

MR. FURLOTTE: Miss Kelly, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in relation
to any or all of the murders with which he is
25 charged?

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio, T.V.,
30 or from friends?

A. Newspaper.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No.

35 MR. FURLOTTE: If you were selected a juror in this case

Jury Selection

is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

5 A. No.

MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence would you be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on the evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

10 A. No.

THE COURT: Do I understand, you say that you couldn't decide it objectively?

A. Right.

THE COURT: You're not just saying this to get out of serving on the jury?

20 A. No.

THE COURT: I mean you feel that you couldn't really act objectively?

A. No.

THE COURT: Would the triers then take a minute to come to a decision?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And who speaks for you? Mr. Ross, you're still the spokesperson?

30 MR. ROSS: The challenge is well taken.

THE COURT: The challenge is well taken, so you're excused, Miss Kelly.

BERT DeVINK duly sworn.

MR. FURLOTTE: Mr. DeVink, have you at any time in the
5 past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all of the murders which which he is
charged?

A. Yes, I have.

10 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media or from friends?

A. Mostly the media.

MR. FURLOTTE: Mostly where?

15 A. The media.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case
20 is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No, I wouldn't.

MR. FURLOTTE: Notwithstanding that you may have in the
25 past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
30 the explanation of the law given to the jury by
the presiding judge?

A. Yes, I could.

THE COURT: Any questions, Mr. Allman?

MR. ALLMAN: No.

35 THE COURT: So would the two triers please retire?

(TRIERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

5 MR. ROSS: The challenge was not well taken.

THE COURT: So Mr. DeVink, you will be sworn as a juror
unless other things intervene. Will you please
stand over there for a moment?

10 MR. ALLMAN; My Lord, we don't wish to challenge this
juror but we would ask that he be stood aside.

THE COURT: You're stood aside, Mr. DeVink, for the
moment.

CLERK: Ronald Furlong

Joyce Langlois

15 Joseph Murch

Ernest Campbell

20 THE COURT: I would ask Mrs. Langlois and you gentlemen
if you have any - if there are any reasons you
should disclose to us that we're not aware of as
to why you shouldn't serve as jurors, if any such
reasons exist, and alternatively, do any of you
have applications to make for exemption under the
Jury Act or otherwise? Mr. Furlong, are you
content to act as a juror if selected?

25 MR. FURLONG: No, I have financial hardship.

THE COURT: What is your situation?

30 MR. FURLONG: Where I work I'm the only one there. I'm
a photographer, I take pictures and sell the
portraits, and if I was away for ten weeks I would
be replaced. They would have to rehire and there
would be no job for me.

THE COURT: Where do you live, in Fredericton?

MR. FURLONG: In Fredericton, yes.

35 THE COURT: Well, that sounds like a reasonable excuse
and we'll excuse you, thank you, and Mrs.

Jury Selection

Langlois, would you be prepared to serve if selected as a juror?

5 MRS. LANGLOIS: Yes.

THE COURT: You would be prepared, and Mr. Murch, what about you?

MR. MURCH: I would prefer not to.

10 THE COURT: Well, we don't always have our - what do they call them, druthers, in these things, do we? Why do you say that you would prefer not to?

MR. MURCH: Well, I don't know. I live quite a ways away.

THE COURT: You live in Prince William?

15 MR. MURCH: Harvey Station.

THE COURT: Harvey Station. Well, you've got a fairly long - you're just a young fellow, though?

MR. MURCH: I could find lots of excuses not to serve but I'll leave it laying the way it is.

20 THE COURT: You think let it go?

MR. MURCH: Yes.

THE COURT: All right, and Mr. Campbell, you're prepared to serve if selected as a juror?

MR. CAMPBELL: Yes, sir.

25 THE COURT: Well, Mr. Campbell, if you and Mr. Murch would sit down there for a moment we'll have -

JOYCE LANGLOIS duly sworn.

30 MR. FURLOTTE: Mrs. Langlois, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect of any or all of the murders with which he is charged?

A. I have.

35 MR. FURLOTTE: Has your information concerning the

Jury Selection

accused and the deaths with which he is charged
come largely through newspaper, radio and T.V., or
5 from friends?

A. Yes, all of them.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. Parts.

10 MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. Not really, it was too gruesome.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
15 trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
20 or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and the
explanation of the law given to the jury by the
25 presiding judge?

A. No.

THE COURT: And when you say that you wouldn't you mean
that your opinion is so firm in your mind that
you couldn't shake it out now?

30 A. That's right. No, I wouldn't change my mind.

THE COURT: Would the two triers please come up with an
answer?

(TRIERs DELIBERATE AND RETURN.)

35 THE COURT: And the decision of the triers, Mr. Ross, is?

Jury Selection

MR. ROSS: The challenge was well taken.

THE COURT: And so therefore you are found to be not
5 indifferent, Mrs. Langlois, and you're excused.

JOSEPH MURCH duly sworn.

MR. FURLOTTE: My Lord, before I challenge for cause I
notice - at least I believe Mr. Murch has a
10 hearing aid, and maybe you would like to
inquire?

THE COURT: I hadn't noticed myself. Do you have a
hearing problem?

MR. MURCH: Not too big a one. I just put it in for
15 today. I haven't wore it for six months.

THE COURT: Could you follow things in a court room
if you sat in a court room?

MR. MURCH: Oh, fairly good. I would say I could.

THE COURT: Good, Mr. Furlotte?

MR. FURLOTTE: For a man who wants to get out of jury
20 duty you're quite honest, Mr. Murch.

THE COURT: I don't think he wants to get out.

MR. MURCH: I'm a good friend of the Sheriff's here
so he knows where I am if he needs me.

THE COURT: You're not very choosy about your friends.

MR. FURLOTTE: Mr. Murch, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused with
respect -

30 A. I would say I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media or from friends?

A. No, I would say not.

35 MR. FURLOTTE: Maybe you could clarify. The information

Jury Selection

5 you have in relation to the accused and the
 deaths of which he is charged have come largely
 through the newspaper, radio and T.V.?

A. Yes.

MR. FURLOTTE: Have you read the book, "Terror on the
 Miramichi"?

A. Yes.

10 MR. FURLOTTE: Has it affected your opinion as to the
 accused's guilt or innocence?

A. I can't answer that, I don't know.

MR. FURLOTTE: If you were selected a juror in this case
 is it likely you would be subject throughout the
15 trial to strong pressure from family members or
 friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
 past formed an opinion as to the accused's guilt
20 or innocence would you be able as a juror to come
 to an objective decision on the issues free from
 bias and prejudice and based solely on the
 evidence you have heard in the court room and on
 the explanation of the law given to the jury by
25 the presiding judge?

A. I wouldn't be able to answer that. I'd have to
 question it very seriously.

MR. FURLOTTE: It would be questionable?

A. Yes.

30 THE COURT: Well, I take it that what you're saying, Mr.
 Murch, is that your opinions may be so strongly
 lodged in your mind that you would find it very
 difficult to set those opinions aside?

A. Right, I would say that.

35 THE COURT: All right.

(TRIEERS DELIBERATE AND RETURN.)

THE COURT: And the verdict of the triers, Mr. Ross?

5 MR. ROSS: The challenge is well taken.

THE COURT: The challenge is well taken, so you're found,
Mr. Murch, not to be indifferent, so you're
excused.

MR. MURCH: Thank you.

10

ERNEST CAMPBELL duly sworn.

MR. FURLOTTE: Mr. Campbell, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused?

15 A. Yes.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio and
T.V., or from friends?

20 A. All.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No.

MR. FURLOTTE: If you were selected a juror in this case
25 is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
30 past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
35 the explanation of the law given to the jury by

Jury Selection

the presiding judge?

A. Yes.

5 THE COURT: No questions, Mr. Allman?

MR. ALLMAN: No questions.

THE COURT: So would the triers again, please, retire?

(TRIERs DELIBERATE AND RETURN.)

10 THE COURT: And your verdict, Mr. Ross?

MR. ROSS: The challenge was not well taken.

THE COURT: So Mr. Campbell, you will be sworn as a juror subject to whatever counsel do. Would you stand there for a moment, please?

15 MR. ALLMAN: We are content with this juror.

THE COURT: So, Mr. Pugh, could we have these four jurors sworn in, then, as jurors in the case?

20 Leon Brideau)
 Irason Ross) Sworn as Jurors.
 Linda Riley)
 Ernest Campbell)

THE COURT: So now Mr. Ross is at least out of the job
 25 of trier and Mrs. Riley and Mr. Campbell, the two of you act now as the triers to determine whether challenges are well taken or not. Mrs. Riley, you have heard the explanations I have given earlier. Are you familiar with the duties of trier - Mr.
 30 Campbell, I'm sorry.

MR. CAMPBELL: Yes, sir.

THE COURT: You're familiar with your duties. You know that under the Charter of Rights the accused is entitled to an independent and impartial jury to
 35 try him and that is our purpose here today, to find impartial jurors like yourselves, so could we have four more names, please? I think the next name was that of Mr. Dickinson, was it not? He

Jury Selection

was released yesterday, wasn't he?

CLERK: Yes, My Lord, and there's a letter from Mr.
5 Kowalski.

(ERNEST CAMPBELL duly sworn as trier.)

THE COURT: There is a letter from Mr. Kowalski but he's
still here, I gather, and could we have four
10 including Mr. Kowalski?

CLERK: Gary Kowalski
Anthony Hachey
Joyce Gemmell
Donald Saunders

15 THE COURT: I would ask all of you persons if you know of
any particular reasons why you should - which you
should acknowledge now before you are sworn as
jurors which would prevent you from acting as
jurors, for instance relationship to any parties
20 connected with these matters, or alternatively, do
you have reason to apply for exemptions from
service as jurors? Mr. Kowalski, you did file a
letter and I must apologize to you because I had
intended this morning - I didn't have the letter,
25 the Clerk had it, but I intended to take that up
earlier. You're employed in -

MR. KOWALSKI: In Fredericton.

THE COURT: In Fredericton, and you would lose your job
if you were to serve for that length of time?

30 MR. KOWALSKI: Yes.

THE COURT: So it would create undue financial hardship
on you?

MR. KOWALSKI: Yes, it would, Your Honour.

THE COURT: Well, you're excused then. I hope I haven't
35 cost you a half a day's pay already, and Mr.

Jury Selection

Hachey, are you prepared to serve as a juror if you are selected?

5 MR. HACHEY: Yes, Your Honour.

THE COURT: And Mrs. Gemmell, are you prepared to serve if you are selected as a juror?

MRS. GEMMELL: I'm a full time university student.

10 THE COURT: You're a full time university student, are you, and that would work - you wouldn't get more out of a two-month trial than you would out of your six months at university? Well, it would mean that you would lose your year, presumably, or lose a great deal of time. Where do you go, to U.N.B. or -

15 MRS. GEMMELL: U.N.B., yes.

THE COURT: Well, we will excuse you on the ground of financial hardship, then, and Mr. Saunders, are you prepared to serve if selected as a juror?

20 MR. SAUNDERS: I will serve if I have to but I'm very prejudiced.

THE COURT: You will serve if you have to but you are very prejudiced, and may I ask you, does the prejudice, do you feel, extend to being unable to fairly assess the matter?

25 MR. SAUNDERS: That's correct, sir.

THE COURT: Could we agree between counsel that - you say you're very prejudiced, I'm assuming your prejudice runs in a certain direction, and inasmuch as the defence doesn't have another peremptory challenge could we agree between counsel that this juror should be excused?

30 MR. ALLMAN: I see no reason to go through another challenge for cause when we know what the result is going to be.

35

Jury Selection

THE COURT: Yes, so you're excused and that will save
some time.

5

ANTHONY HACHEY duly sworn.

MR. FURLOTTE: Mr. Hachey, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
of any or all the murders with which he is
charged?

10

A. No, I have not.

MR. FURLOTTE: Have you had any information concerning
the accused and the deaths with which he is
charged through the newspaper, radio, T.V., or
from friends?

15

A. T.V. and newspapers.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

20

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

25

A. No.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have heard in the court room and on the explana-
tion of the law given to the jury by the presiding
judge?

30

A. Yes, I would.

THE COURT: Would the two triers, then, please retire?

35

(TRIERS DELIBERATE AND RETURN.)

Jury Selection

THE COURT: And Mrs. Riley, what is the decision?

MRS. RILEY: The challenge was not well taken.

5 THE COURT: The challenge is not well taken, so Mr.
Hachey, you will be sworn as a juror unless there
is another reason you're stood aside or something.
Will you stand there for a moment and we'll see
what counsel have to say.

10 MR. ALLMAN: Crown is content with this juror.

THE COURT: So would you mind just sitting there in that
chair, Mr. Hachey? We'll swear you later but
we'll wait until we get another three persons
before we swear you. Now, we need four more.

15 CLERK; Anne Bridges
Fred Farrell
Stephen Aubin
Gail Ring

20 THE COURT: Mr. Hachey, you will now act as a trier with
Mr. Campbell, and so Mrs. Riley, you're off the
hook here as a trier.

(ANTHONY HACHEY sworn as trier.)

25 THE COURT: I would ask you two ladies and two gentlemen
if you know of any reason that you should declare
why you should disqualify yourselves, relationship
to some interested party or other reason like
that, or even if you have formed such strong
30 biasses or prejudices in your mind before now
perhaps you should declare that at this stage, or
alternatively, do any of you have any applications
to make for exemption under the Jury Act. Perhaps
I could ask you, Mrs. Bridges, are you content to
35 serve as a juror if you are selected?

Jury Selection

MRS. BRIDGES: I would serve but I have strong prejudices.

5 THE COURT: You have strong prejudices, and do you feel that you could overcome those prejudices if you swear on the Bible not to?

MRS. BRIDGES: No, I don't. I don't feel I can change my prejudices.

10 THE COURT: Shall we then release or excuse Mrs. Bridges? You're excused, then, Mrs. Bridges. Thank you. Mr. Farrell, are you prepared to serve if you're selected as a juror?

MR. FARRELL: I do have somewhat of a close connection. My father-in-law is a lifelong friend of one of the victims.

THE COURT: Well, you're getting a little distant there, aren't you? Your father-in-law friendly, but I mean does this mean that your father-in-law might be putting pressure on you if you were a juror to -

MR. FARRELL: I think it would be somewhat difficult to -

THE COURT: To avoid some pressures there. I'm not suggesting that you would necessarily cave in to it but it would put you perhaps in an embarrassing position. Where do you reside?

MR. FARRELL: Fredericton.

THE COURT: In Fredericton, yes. Your father-in-law resides -

30 MR. FARRELL: - in Grand Falls.

THE COURT: In Grand Falls, yes. Well, I am inclined to say let us stand aside Mr. Farrell and - or not stand aside, I mean excuse Mr. Farrell. So you're excused, Mr. Farrell. And Mr. Aubin, are you prepared to serve if you're selected, Mr. Aubin?

35

Jury Selection

MR. AUBIN: Well, I drive a truck for a living and I had
to work last night to catch up. I can't see me
5 taking a whole lot of time off.

THE COURT: Well, you were only here eight hours
yesterday so you wouldn't have to work -

MR. AUBIN: I had to go to Belledune last night, though.

THE COURT: To Belledune and back again last night?

10 MR. AUBIN: Yes, sir.

THE COURT: Well, you can't keep that up for ten weeks.

MR. AUBIN; No.

THE COURT: Where do you live, Mr. Aubin?

MR. AUBIN: In Fredericton.

15 THE COURT: Have you your own business trucking?

MR. AUBIN: No, I drive for an outfit. They'll put
somebody else on if I don't keep -

THE COURT: And then you're out?

MR. AUBIN: I'm out.

20 THE COURT: We'll excuse you on the ground of financial
hardship, thank you, and Mrs. Ring, are you
prepared to serve if you're selected?

MRS. RING: I'm on unemployment insurance.

THE COURT: You're on unemployment insurance, so you're
25 going to lose that if you go on the jury?

MRS. RING: Yes.

THE COURT: Well, we'll excuse you, then, on the ground
of financial hardship, and the next person was Mr.
Holland. We dealt with his case this morning, he
30 was selling his farm and we excused him on that
account, he had to move and so on, so could we
have four more names, please, starting with Mr.
Lockhart?

SHERIFF: Mr. Lockhart was excused yesterday, My Lord.
35 One of the triers yesterday.

Jury Selection

THE COURT: Oh, that's right, yes, James Lockhart, so
starting with Mr. Arsenault, I guess.

5 CLERK; Leonard Arsenault
Sherry Sarchfield
Louis Richard
Patricia Wilson

10 THE COURT: And I would ask you if there are any reasons
that you should disclose to us why you couldn't
serve as a juror if selected, and I would ask you
to disclose those reasons and also do any of you
have grounds for being excused under the Jury Act?
Mr. Arsenault?

15 MR. ARSENAULT: I don't have any reasons.

THE COURT: You have no reasons so you're prepared to
serve if selected as a juror?

MR. ARSENAULT: Yes.

THE COURT: And Mrs. Sarchfield?

20 MRS. SARCHFIELD: Yes, I have an 18-month-old son and it
would be too hard -

THE COURT: He can't look after himself yet?

MRS. SARCHFIELD: Not yet. I'm hoping but -

25 THE COURT: Perhaps not even his pants. Well, you're
excused, then, on the ground of having - you have
to look after your child, do you?

MRS. SARCHFIELD: Well, I work full time but I just find
that if I had to travel every day there would be
too much pressure.

30 THE COURT: But if you work full time what's going to
happen to your job?

MRS. SARCHFIELD: Oh, I work for the provincial govern-
ment.

35 THE COURT: You'd be paid anyway but it would put quite a
burden on you looking after your child, wouldn't

Jury Selection

it, so you're excused on the ground of the child,
and Mr. Richard, are you prepared to serve if
5 you're selected?

MR. RICHARD: Well, if I don't work I don't get paid.

THE COURT: And you'd prefer to work?

MR. RICHARD: Yes, well, ten weeks would be too long.

THE COURT: Too long, yes, and are you employed full time
10 or -

MR. RICHARD: Yes.

THE COURT: What sort of business are you in?

MR. RICHARD: I'm a bricklayer.

THE COURT: So you're on wages, I gather, and you're not
15 going to get paid unless you do work?

MR. RICHARD: That's right, sir.

THE COURT: Well, we'll excuse you on the ground of
financial hardship. Thank you very much, Mr.
Richard. Mrs. Wilson, what is your position?
20 Are you prepared to serve?

MRS. WILSON: Yes.

THE COURT: You are prepared to serve as a juror. Now,
would you find a seat at the back there somewhere
in that back row just for a moment and Mr.
25 Arsenault, we will swear you.

LEONARD ARSENAULT duly sworn.

THE COURT: Just before we start here, Mr. Hachey, you
were sworn in as a trier. Did I ask you this,
30 I'm not sure, but are you familiar with the
duties of trier? You and Mr. Campbell will be
acting as the triers now. The purpose here is to
ensure that any juror selected is impartial and
would be part of an impartial jury and therefore
35 you're to determine whether Mr. Arsenault here in

Jury Selection

5 this case could objectively sit as a juror and
decide on the basis of what he hears in the court
and not be subjected to some bias or prejudice or
some opinion that has been unshakeably formed in
his mind already. I will point out to you as I've
pointed out to other triers that merely to have
entertained a tentative opinion or any sort of
10 opinion as to guilt or innocence before now
doesn't necessarily disqualify a juror because
just about everybody probably has had some
opinion or other in a case like this or any
similar case, but the criterion is is one able to
15 put out of mind any notions that one has had
beforehand, any preconceived notions, and
determine the issues objectively on the basis of
the evidence heard in court and the explanation of
the law given in court, so you understand these
20 duties?

MR. HACHEY nods head.

THE COURT: Mr. Furlotte?

25 MR. FURLOTTE: Mr. Arsenault, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused?

A. Yes, I have.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which is charged come
30 largely through newspaper, radio and T.V., or
from friends?

A. All those sources.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

35 A. Yes, I have.

Jury Selection

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

5 A. It has confirmed my conclusions.

MR. FURLOTTE: If you were selected as a juror in this
case is it likely you would be subject throughout
the trial to strong pressure from family members
or friends to support some particular verdict?

10 A. I don't believe so.

MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
15 bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. No, I could not.

20 THE COURT: The triers, then, are required here please
to -

(TRIALS DELIBERATE AND RETURN.)

THE COURT: And Mr. Campbell, you're speaking for the
25 triers? How do you find?

MR. CAMPBELL: We find the challenge well accepted.

THE COURT: The challenge is well taken?

MR. CAMPBELL: Is well taken.

THE COURT: Yes, and so you're excused, Mr. Arsenault,
30 on the ground that you are not indifferent as
between the Queen and the accused.

PATRICIA WILSON duly sworn.

MR. FURLOTTE: Mrs. Wilson, have you at any time in the
35 past two years formed a tentative opinion as to

Jury Selection

5 the guilt or innocence of the accused in respect
of any or all of the murders with which he is
charged?

A. Yes.

10 MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the newspaper, radio and T.V.
or from friends?

A. Newspaper and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No, sir.

15 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

20 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
25 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes, sir.

THE COURT: Any questions, Mr. Allman?

30 MR. ALLMAN: No, My Lord.

THE COURT: Would the two triers then please go out and
return with your verdict?

(TRIERS DELIBERATE AND RETURN.)

35 THE COURT: Mr. Campbell, you're going to speak for the

Jury Selection

triers and what is your finding?

A. We find the challenge is not well accepted.

5 THE COURT: Not well taken, in other words the -
MR. CAMPBELL; We're for her.

THE COURT: You're for her, that's one way of putting it.
There used to be an old magistrate in Fredericton
who used to say, "You get the short end of the
10 stick", so Mrs. Wilson, you're going to be a juror
unless you are otherwise dealt with here. Would
you mind standing over there for a moment?

MR. ALLMAN: We're content with this juror.

THE COURT: Yes. Mrs. Wilson, may I just ask you this?
15 You live in Stanley, I believe, or in the Stanley
area?

MRS. WILSON: No, I live in Fredericton now.

THE COURT: I was going to ask about transportation, if
that's a problem, but it isn't, so we will go on
20 with four - let me see, where are we getting to?

MR. FURLOTTE: My Lord, I would request a recess at this
time.

THE COURT: A recess?

MR. FURLOTTE: Yes.

25 THE COURT: What are the feelings of the rest of the jury
panel? I don't think we're going to be able to
finish this afternoon and I think we're going to
have to require you to come back tomorrow morning,
probably, regardless of how much we push it
30 tonight. I don't want to push it unduly. Could
we do this, could we have a - we've got what, six
members selected now, we have six members to go.
Could we have, say, a 15-minute recess now, it's
quarter to four, and then go on for another half-
35 hour or so after that and try to get through a

Jury Selection

few more if we can? One gentleman with his hand up here.

5 MEMBER OF JURY PANEL: How many more people is there to go through yet?

SHERIFF: Thirty-one.

10 THE COURT: There are 31 more people here who have to be called forward to be sworn if they're all used up. It may be that six are selected before then, but I think it would be difficult to do it this afternoon, really. Let's take a 15-minute recess now, then, and then we'll come back and work for another half-hour anyway. Take the jurors out
15 first, please.

(BRIEF RECESS - RESUMED AT 4:10 p.m.)

20 THE COURT: Now we should have Mrs. Wilson sworn as a trier because you are one of the two jurors last selected so you and Mr. Hachey will be the triers from here on.

PATRICIA WILSON sworn as trier.

25 THE COURT: And Mrs. Wilson, you're familiar with the duties of a trier, you've heard me explain it here on different occasions, the purpose being to decide upon impartial jurors and that's what we're trying to get here like the rest of you are, so
30 could we have another four persons brought up, please? The second next name was Anne Coburn. Was she not excused?

SHERIFF: Anne Coburn, I believe she was.

35 THE COURT: Miss Coburn, she was one of two people I dealt with last night. Miss Coburn, I believe, is

Jury Selection

pregnant and she was excused, she wasn't feeling
well and so on, so commencing with Mr. Bragdon, I
5 think it is.

CLERK: Stephen Bragdon
Deanna Phillips
Marybelle Murrant
Linda Ingraham

10 THE COURT: And I'll ask you people to disclose, of
course, when I speak to you in a minute here
individually, if there are any reasons that you're
aware of that you should state which might
disqualify yourselves from serving as a juror;
15 relationship to any of the parties, victims, so
on, or do any of you have grounds for applying for
discharge or release as jurors. Mr. Bragdon, are
you prepared to serve as a juror if you're -

MR. BRAGDON: No.

20 THE COURT: What is your situation?

MR. BRAGDON: I'd like to go back to work.

THE COURT: Where do you work?

MR. BRAGDON: Nackawic.

THE COURT: You work at Nackawic in the mill or -

25 MR. BRAGDON: Government garage.

THE COURT: But are you paid by the government regardless
whether you're there or not if you're on the jury?

MR. BRAGDON: No, I don't think so. I don't know.

THE COURT: They're not going to fire you, are they?

30 MR. BRAGDON: We've just got seven weeks of work.

THE COURT: Oh, have you, you've just got seven weeks
more to go. You work for the Department of Trans-
portation, do you?

MR. BRAGDON: Yes.

35 THE COURT: Right. Well, we'll take that as a financial

Jury Selection

matter and we'll release you on that account,
and Miss Phillips, you're prepared to serve as a
5 juror if selected?

MISS PHILLIPS: No, I can't be away from my position.
I'm a bookkeeper and no one else can - where I
work they can't -

THE COURT: No one else can figure out your numbers?
10 Where do you work, Fredericton?

MISS PHILLIPS: Yes, it's a catering service.

THE COURT: And are you paid a weekly wage or how -

MISS PHILLIPS: An hourly.

THE COURT: An hourly wage, and if you're not there you
15 don't get paid?

MISS PHILLIPS: No, and I can't do it at night because I
have a child. I'm a single parent as well.

THE COURT: Single parent as well. Where does your child
stay in the daytime?

MISS PHILLIPS: With a babysitter.

THE COURT: Do you live here?

MISS PHILLIPS: Fredericton.

THE COURT: Well, that would operate as a financial
hardship, I'm sure, in your case so you're
25 excused. Mrs. Murrant, are you prepared to serve
as a juror if selected?

MRS. MURRANT: I'm sorry, Your Honour, I'm the same
thing, financial hardship. I work as a
secretary and when I'm not there I don't get paid,
30 just like I haven't got paid yesterday.

THE COURT: You lost your pay yesterday?

MRS. MURRANT: Yes.

THE COURT: Blame that on the government, I guess, or me
or somebody, I don't know. Well, you lose your
35 pay or you lose your income if you're not working,

Jury Selection

so you're excused on the ground of financial
hardship, and Miss Ingraham?

5 MISS INGRAHAM: Financial hardship as well, sir. I'll
lose my pay if I'm not working.

THE COURT: Where do you work?

MISS INGRAHAM: In Woodstock.

THE COURT: Where do you live?

10 MISS INGRAHAM: Skiff Lake, it's just below Woodstock.

THE COURT: And you have a steady job in Woodstock?

MISS INGRAHAM: Yes, sir.

THE COURT: And you're paid weekly or what?

MISS INGRAHAM: Paid by the hour.

15 THE COURT: And if you're not working, no income?

MISS INGRAHAM: No.

THE COURT: Well, are there other wage earners in your
family or -

MISS INGRAHAM: I'm it.

20 THE COURT: You're it, are you? Do you have a family as
well or -

MISS INGRAHAM: I'm single, I live by myself.

THE COURT: Well, you're excused on the ground of
financial hardship.

25 CLERK: Sandra Palmer

Tim Maillet

Phyllis Atkinson

Janet Farrer

THE COURT: May I ask you persons whether there are any
30 reasons why you should disqualify yourself from
acting as a juror if that's pertinent, and also do
you have any reasons to apply for exemption from
jury service or to be excused from jury service
on the ground of loss of earnings or whatever.

35 Perhaps I could go through you. You're Mrs.

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Falmer?

5 MRS. PALMER: Yes, my daughter goes into hospital the
15th of September for an operation and I've got
to keep her kids.

THE COURT: You're looking after her children, are you?

MRS. PALMER: Yes, and there's no other way anyone else -

THE COURT: - can do it?

10 MRS. PALMER: Yes, but I've got to go down to Summerside
to do it.

THE COURT: You have to what?

MRS. PALMER: Go to Summerside, P.E.I.

THE COURT: Oh, you're going to Summerside?

15 MRS. PALMER: Yes.

THE COURT: And when do you go there?

MRS. PALMER: I go the 14th.

THE COURT: On the 14th. Well, this is your daughter,
you say?

20 MRS. PALMER: Yes.

THE COURT: Well, you have children under the age of 14,
then, to look after.

MRS. PALMER: Yes.

THE COURT: All right, you're excused on that ground.

25 Mr. Maillet, you're prepared to serve if selected?

MR. MAILLET: For financial reasons I don't think I
could.

THE COURT: And what's your situation with regard to
financing?

30 MR. MAILLET: I work with Canada Post and I don't think
they're going to be working that much later so I
would have to stay home with the children while my
wife goes to work.

THE COURT: Well, none of us are going to have very much
35 sympathy for Canada Post, you know, so if we

Jury Selection

excuse you it's going to be despite that, I think,
but the situation again, you work for Canada Post
5 in the Fredericton area, do you?

MR. MAILLET: Yes, I do.

THE COURT: I don't mean what I say about Canada Post,
but your wife works as well?

MR. MAILLET: No, she doesn't.

10 THE COURT: Oh, she doesn't work, but if you're on strike
or your people are on strike or closed up you're
not getting any income, is that the situation?

MR. MAILLET: No income at all.

15 THE COURT: And so then your wife has to work and you
have to look after the children? What children
have you got, did you say?

MR. MAILLET: I have three children.

20 THE COURT: Three children. Well, I think probably that
sufficiently establishes the financial hardship
aspect of it. If Canada Post weren't on strike,
or the employees weren't on strike, you would be
paid, presumably, would you?

MR. MAILLET: Yes, sir. The federal government pays
under the collective agreement.

25 THE COURT: So it's the strike that messes the thing up
at the present time? Well, it's not very
foreseeable what's going to happen there. There
may not even be a Canada Post Corporation left
when it's over.

30 MR. MAILLET: You could be right.

THE COURT: You're excused, then, on the ground of
financial hardship in the circumstances.

Mrs. Atkinson, are you prepared to serve?

35 MRS. ATKINSON: I'm afraid I couldn't. I've got a
hearing problem. I've had a hard time to hear

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5 anything for the last two days. I've had to have
my neighbours fill me in and it seems to get worse
under stress. You know, I'm very nervous anyway
and when I get into a stressful situation it gets
pretty bad so I don't think I could really stand
that number of days.

10 THE COURT: Well, we'll excuse you for the medical reason
of hearing. And Miss Farrer, you look to me as
though you'd be prepared to serve if you were
selected.

15 MISS FARRER: I would really love to but unfortunately I
can't. I don't get paid if I don't work. I'm a
pre-school teacher and they need me and my
husband is going to be out of work on Friday.
This is the second company he's worked for that's
gone into receivership.

THE COURT: So you're carrying the ball?

20 MISS FARRER: Yes.

THE COURT: For a while anyway?

MISS FARRER: Yes, unfortunately.

25 THE COURT: Well, thank you very much. I think that
establishes financial hardship in your case.
We'll see you again.

CLERK: Nyla Hanson
Keith Huglin
Kevin Cronkhite
Walter Brooks

30 THE COURT: Well, you persons have heard what I have said
to those who have been called up earlier, and if
there are any reasons that you have why you should
not serve as a juror I would ask you to disclose
those to the Court so that you may consider
35 whether you should serve or not, and of course

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5 apart from that you may have or may not have reasons why you should be excused for some of the reasons set out in the Jury Act. Perhaps I could go through them. Mrs. Hanson, is it -

MS. CRAWFORD: Actually, no. I don't know where they came up with that name. No, actually it's Crawford but -

10 THE COURT: Oh, your name is Crawford, not Hanson?

MS. CRAWFORD: Yes. I am the person they're talking about.

THE COURT: But you're the person that they're talking about?

15 MS. CRAWFORD: It's a long personal story.

THE COURT: Well, we won't go into it, but I mean you're the person who showed on the voters list under the name Hanson at one time, some four years ago. Counsel are satisfied that this is the person?

20 MR. ALLMAN: Perfectly.

THE COURT: So you're prepared to serve if you're selected for the jury, Miss Hanson? Is it Mrs. or Miss?

MS. CRAWFORD: Well, that's kind of complicated, too.

25 THE COURT: Look, I don't want to get into your - we don't want to know your whole - pardon?

MS. CRAWFORD: Ms. will work.

THE COURT: Ms. will work. O.K., we'll call you, then, Ms. N. Crawford, not Hanson, and you're prepared to serve if you're selected for the jury. Now, Mr. Huglin, what about you, are you prepared to serve?

30 MR. HUGLIN: No.

THE COURT: And what is your problem?

35 MR. HUGLIN: Well, I'm living at home with my mother and

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she's not feeling well and she has medical
problems and I stay home most of the time to look
5 after her.

THE COURT: You look after her, yes. Where does she
live?

MR. HUGLIN: Barker's Point.

THE COURT: In Barker's Point, and you have the responsi-
10 bility of caring for her?

MR. HUGLIN: Yes.

THE COURT: Are there other members of the household?

MR. HUGLIN: No, just her and I live in the house. My
sister lives in Marysville but I'm still looking
15 after her.

THE COURT: Well, I think we would take that as you have
the care of an older person. She's ill, you say?

MR. HUGLIN: Yes, well, she just got a replacement for
her hip there and she has glaucoma and high blood
20 pressure -

THE COURT: Well, we'll excuse you on the ground of
having the responsibility for caring for an older
person, so you can go back. And Mr. Cronkhite,
what is your situation?

25 MR. CRONKHITE: Well, give me a hundred bucks a day and I
would.

THE COURT: Not for less than a hundred dollars?

MR. CRONKHITE: No.

THE COURT: You mean to say you make that much?

30 MR. CRONKHITE: Yes.

THE COURT: Where do you work?

MR. CRONKHITE: I work at an asphalt plant.

THE COURT: And you're not going to get paid if you're
not there, and in Fredericton, did you say?

35 MR. CRONKHITE: I work in Stanley right now. Work all

Jury Selection

over.

THE COURT: All over, yes. Where do you live, where do
5 you come from?

MR. CRONKHITE: From Nackawic.

THE COURT: But it's going to work a financial hardship
on you if you have to spend ten days, so we'll
excuse you on the ground of hardship, and Mr.
10 Brooks, you look as though you would like to sit
on this jury.

MR. BROOKS: Sure, I would like to, but I can't.

THE COURT: You can't do it?

MR. BROOKS: No, I just started work two weeks ago and I
15 don't think they would hold my job for ten weeks.

THE COURT: For ten weeks they wouldn't, no. Where are
you employed, Mr. Brooks?

MR. BROOKS: St. Mary's Band.

THE COURT: And do you live in Fredericton, in the St.
20 Mary's Reserve there, do you?

MR. BROOKS: Yes.

THE COURT: And your job wouldn't be held for you?

MR. BROOKS: I don't think so.

THE COURT: All right. Well, we'll release you on the
25 ground of financial hardship. Now we will try
Ms. Crawford.

NYLA CRAWFORD duly sworn.

THE COURT: The triers know who they are and you have
30 both been instructed? Yes, Mrs. Wilson and Mr.
Hachey.

MR. FURLOTTE: Ms. Crawford, have you at any time in the
past two years formed a tentative opinion as to
the guilt or innocence of the accused in respect
35 of any or all of the murders for which he is

Jury Selection

charged?

A. Sometimes.

5 MR. FURLOTTE: Sometimes?

A. Sometimes.

MR. FURLOTTE: Has your information concerning the
accused and the deaths with which he is charged
come largely through the media, newspaper, radio
10 and T.V., or from friends?

A. Media.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. I skimmed through it while I was passing it from
15 my friend to my father but not enough to -

MR. FURLOTTE: Has it affected your opinion as to the
accused's guilt or innocence?

A. I didn't look at it enough to form an opinion.

MR. FURLOTTE: If you were selected as a juror in this
20 case is it likely you would be subject throughout
the trial to strong pressure from family members
and friends to support some particular verdict?

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the
25 past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
evidence you have heard in the court room and on
30 the explanation of the law given to the jury by
the presiding judge?

A. Yes, sir.

THE COURT: Mr. Allman, have you any questions to ask of
this witness?

35 MR. ALLMAN: No.

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THE COURT: Well, would the two triers - you've heard the answers given by the prospective juror.

5

(TRIEERS DELIBERATE AND RETURN.)

THE COURT: And Mr. Hachey, how do the triers find this witness?

MR. HACHEY: The challenge well not taken.

10 THE COURT: Challenge not well taken?

MR. HACHEY: Yes, right.

THE COURT: So you, then, Ms. Crawford, will be a juror unless otherwise dealt with here. Would you mind standing over there for a moment to see what counsel do with you?

15

MR. ALLMAN: The Crown is content with this juror.

THE COURT: So you are a juror, then, in the case. May I ask you, Ms. Crawford, you live in Lower Hainesville or you did at one time, anyway, did you not?

20 MS. CRAWFORD: Yes.

THE COURT: And you drive your own car?

MS. CRAWFORD: Oh, yes.

THE COURT: Yes. There's no problem with transportation?

MS. CRAWFORD: No, sir.

25 THE COURT: Now four more persons?

CLERK: Michael Wall
Stella Ross
John Brigham
Myrna Currie

30 THE COURT: And may I say to you four persons as well that if you know of any reason why you shouldn't that we may not be aware of here you are under the duty to disclose those reasons, relationship to any party or anything of that nature, or any
35 reason you would have to be impartial or biased,

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or alternatively, do you have any reasons for applying for exemption under the Jury Act.

5 Perhaps I could deal with each of you in turn.

Mr. Wall, are you prepared to act as a juror?

MR. WALL: No, my father is a police officer and I feel I just won't be able to be honest and - I don't know, it would be difficult.

10 THE COURT: Yes. Well, you feel you should disqualify yourself on that account?

MR. WALL: Yes.

THE COURT: Well, I think that is perhaps a satisfactory reason, so you're excused on that account, Mr.

15 Wall. And Mrs. Ross, are you prepared to act as a juror if you are selected?

MRS. ROSS: Yes.

THE COURT: You are, and Mr. Brigham, are you prepared to act?

20 MR. BRIGHAM: I'm sorry, financially I couldn't.

THE COURT: You couldn't do it financially, no. Could you elaborate just a little on your problem?

MR. BRIGHAM: I'm a commission sales person and no money coming in, I need to work.

25 THE COURT: You're going to starve to death by Christmas?

MR. BRIGHAM: Yes, at least.

THE COURT: Where do you live, Mr. Brigham?

MR. BRIGHAM: I live in Fredericton.

THE COURT: We will excuse you on the ground of financial hardship, which is understandable, and Mrs. Currie, are you prepared to act if you're selected, Mrs. Currie?

30

MRS. CURRIE: I don't think I can.

THE COURT: And your reason?

35 MRS. CURRIE: If I don't work I don't get paid.

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THE COURT: And do you live in Fredericton?

MRS. CURRIE: Outside of Fredericton.

5 THE COURT: What do you work at? I don't mean the
particular job, but what type of thing?

MRS. CURRIE: Hourly wages on a farm.

THE COURT: On a farm?

MRS. CURRIE: Well, yes, classified as a farm.

10 THE COURT: But your job would evaporate or at least -

MRS. CURRIE: I would think so. If I'm not there for
ten weeks, yes, it would.

THE COURT: So you would suffer a financial hardship,
then, I think one could say.

15 MRS. CURRIE: Yes, I would.

THE COURT: So we'll excuse you on that ground. Now,
could we try Mrs. Ross?

STELLA ROSS duly sworn.

20

THE COURT: Ms. Crawford, you and Mrs. Wilson are the two
triers in this case.

NYLA CRAWFORD sworn as trier.

25 THE COURT: And Ms. Crawford, you understand the duties
of the triers? It's your function and Mrs.
Wilson's to determine whether this witness is
indifferent, which means unbiassed or unpreju-
diced, and is fit to serve as a juror, so Mr.
30 Furlotte, would you pose the questions, please?

MR. FURLOTTE: Mrs. Ross, have you at any time in the
last two years formed a tentative opinion as to
the guilt or innocence of the accused -

A. Yes.

35 MR. FURLOTTE: Has your information concerning the

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accused and the deaths with which he is charged
come largely through newspaper, radio and T.V.,
5 or from friends?

A. Radio and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

A. No.

10 MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

A. No.

15 MR. FURLOTTE: Notwithstanding that you may have in the
past formed an opinion as to the accused's guilt
or innocence would you be able as a juror to come
to an objective decision on the issues free from
bias and prejudice and based solely on the
20 evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. Yes.

THE COURT: Any questions, Mr. Allman?

25 MR. ALLMAN: No, My Lord.

THE COURT: So would the two triers then please retire
and -

(TRIERS DELIBERATE AND RETURN.)

30 THE COURT: And Mrs. Wilson, you're speaking for the
triers?

MRS. WILSON: Yes.

THE COURT: And how do you find?

MRS. WILSON: Challenge not well taken.

35 THE COURT: So Mrs. Ross, you're going to be a juror

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unless otherwise dealt with. Would you stand over there for just a moment, please?

5 MR. ALLMAN: We're content with this juror.

THE COURT: All right, would you sit in, then, please, beside - well, now, four more names, please. How many jurors have we got now? We don't want to get too many.

10 CLERK: Four more, My Lord.

THE COURT: Might have a double panel. Well, there are eight selected so far, aren't there? Yes.

CLERK: Paul DeWolfe

Michael Reiger

15 Letitia Lancaster

Mary Ellen Holleran

THE COURT: Could we have Mrs. Ross sworn as a trier now first?

20 STELLA ROSS sworn as trier.

THE COURT: Now I'm going to ask you four persons if there are any reasons that you should disclose or would be disclosing as to why you wouldn't be fit and proper impartial jurors to act in this case if you are selected. I do invite you to disclose any reasons that you may have or any reason why you would have a particular prejudice or something through relationship or otherwise, or individually do you have any reason why you would wish to seek an exemption from jury service? Mr. DeWolfe, perhaps we could start with you.

30 MR. DEWOLFE: Yes, well, you see, my wife, she's in a deep depression and after we talked it over about the jury selection and everything and she's quite
35 hyped up about it and - well, she's been talked to

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5 by the psychiatrist and stuff and I have to be
with her, and if I'm not with her I'm afraid, you
know, she may have a nervous breakdown.

THE COURT: You mean you have to be with her -

10 MR. DeWOLFE: Well, it's been a build-up of things over
the summer. We've had problems at home - well,
not related directly to her and I but to other
situations, and this would be an added thing on
her mind, you see, and she just couldn't handle
it.

THE COURT: How many people are there at home, in your
home?

15 MR. DeWOLFE: Just her and I.

THE COURT: Just the two of you?

MR. DeWOLFE: And we live in the country so there's no
one right around to -

THE COURT: What do you do for a living or what do you -

20 MR. DeWOLFE: Well, I'm on welfare, to tell you the
truth.

THE COURT: Well, you really feel your wife's health
would suffer unduly if you were to serve on the
jury?

25 MR. DeWOLFE: Yes, I do.

THE COURT: Well, you've convinced me that that would
be the situation so you're excused on that
ground. Thank you. Mr. Reiger, I think the
Sheriff or someone mentioned your case to me
30 before. You work for a tire company or something?
I'm sorry, I should have perhaps dealt with you
here before. You work for Goodyear Tire or
somebody and you work for wages and you would lose
your job or lose your income if you -

35 MR. REIGER: If I'm not there I'm not producing, I don't

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get any money.

THE COURT: You're not earning any money, and you have
5 steady employment with them, do you?

MR. REIGER: Yes.

THE COURT: This is in Fredericton? You work in
Fredericton, do you, live in Fredericton?

MR. REIGER: Yes.

10 THE COURT: So you would suffer undue hardship financially?

MR. REIGER: Twenty-five dollars a day doesn't pay the
mortgage.

THE COURT: All right, go back and work on the mortgage.

15 MR. REIGER: Thank you.

THE COURT: And Mrs. Lancaster, are you prepared to serve
on the jury if you are selected?

MRS. LANCASTER: Yes.

20 THE COURT: You are prepared to serve, and Mrs. Holleran,
are you prepared to serve if you're selected to
the jury?

MRS. HOLLERAN: Yes.

THE COURT: You are prepared to serve. Well, Mrs.
Holleran, would you sit down back there, please,
25 and Mrs. Lancaster, you hold on for just a minute.
Now, the two triers here are Mrs. Ross and Ms.
Crawford. Mrs. Ross, you haven't acted as a trier
before, have you?

MRS. ROSS: No.

30 THE COURT: But you understand the principles, you're to
determine whether this potential juror is fit to
be a juror in that she is unbiassed and unprejudiced
and can decide the issues objectively, so
will you listen, please, to the questions that are
35 put to her?

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LETITIA LANCASTER duly sworn.

MR. FURLOTTE: Mrs. Lancaster, have you at any time in
5 the past two years formed a tentative opinion as
to the guilt or innocence of the accused?

A. No, I haven't, sir. I know a very little bit
about the case, I've been out of the country.
I've been away most of the time.

10 MR. FURLOTTE: I take it you haven't heard that much
information concerning the accused and the deaths
in the media?

A. No, I don't, I haven't - very little.

MR. FURLOTTE: Have you read the book, "Terror on the
15 Miramichi"?

A. No.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
20 friends to support some particular verdict?

A. Absolutely not.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
25 have heard in the court room and on the explana-
tion of the law given to the jury by the presiding
judge?

A. Yes, sir.

THE COURT: Mr. Allman, any questions?

30 MR. ALLMAN: No.

THE COURT: Well, would the two triers, then, retire and
determine whether you feel this witness is on the
basis of her answers a proper juror.

35 (TRIERS DELIBERATE AND RETURN.)

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THE COURT: And who is going to speak for the triers?

5 You are, Ms. Crawford? How do you find, how do
the triers find?

MS. CRAWFORD: Challenge is not well met.

THE COURT: Challenge is not well taken, so Mrs.

10 Lancaster, you will be a juror unless for some
good reason you're discarded. Will you stand
there just for a moment?

MR. ALLMAN: We're content with this juror.

THE COURT: So will you take a seat back there, Mrs.

15 Lancaster? Now could we have Mrs. Lancaster
sworn as a trier, please?

LETITIA LANCASTER sworn as trier.

MARY ELLEN HOLLERAN duly sworn.

20 MR. ALLMAN: My Lord, before Mr. Furlotte starts asking
questions it occurs to me we're now up to nine
jurors and I believe we've only sworn four of
them as jurors. Am I wrong about that? I could
well be.

25 THE COURT: I think you're quite right, actually. We
should perhaps have sworn another four, but that
is not crucial.

MR. ALLMAN: No, I just mention it.

30 THE COURT: I'm glad you do remind me of it, though,
because as soon as we've dealt with this case,
then we will swear at least some of those, the
second group of four. I'm sorry, I overlooked
that earlier, but it doesn't make any difference.
Just before you start, Mr. Furlotte, may I
instruct you, Mrs. Lancaster? You're acting as a
35 trier here for the first time, along with Mrs.

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Ross, and you understand your function as a trier, you and Mrs. Ross are to determine whether this potential juror here, Mrs. Holleran, is sufficiently unbiassed - not sufficiently, but totally unbiassed and totally unprejudiced and therefore able to serve as a juror, and you will have to consider that on the basis of the answers that she gives to the questions she's asked by counsel, and you do appreciate the importance of obtaining unprejudiced, unbiassed jurors here.

Mr. Furlotte:

MR. FURLOTTE: Mrs. Holleran, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused?

A. Yes.

MR. FURLOTTE: Has your information concerning the accused and the deaths with which he is charged come largely through newspaper, radio and T.V.?

A. Yes, T.V. and the papers.

MR. FURLOTTE: Any from friends?

A. Some.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

A. No, I haven't.

MR. FURLOTTE: If you were selected a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

A. No, I wouldn't.

MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence would you be able as a juror to come to an objective decision on the issues free from

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5 bias and prejudice and based solely on the
evidence you have heard in the court room and on
the explanation of the law given to the jury by
the presiding judge?

A. I'll do my best. Couldn't say.

10 THE COURT: Well, I take from your last answer, Mrs.
Holleran, that when you say you'll do your best
that you feel that you could act in an objective
fashion and without any bias or prejudice and put
out any preconceived notions you might have formed
along the way? Am I correct in that assessment?

A. Yes.

15 THE COURT: Do you have any questions?

MR. ALLMAN: No, My Lord.

THE COURT: So would the two triers, then, please retire
briefly and come back with their answer?

20 (TRIERS DELIBERATE AND RETURN.)

THE COURT: And who will speak for the triers? Mrs.
Lancaster?

MRS. LANCASTER: We do not challenge her.

25 THE COURT: No, you feel that the challenge isn't well
taken?

MRS. LANCASTER: That's right.

30 THE COURT: So, Mrs. Holleran, you will be a juror unless
you're objected to in some way or other here, and
would you stand there for a moment, please, till
they have a look at you? Sort of like buying -
oh, I shouldn't say that, I guess - buying produce
at a market or something, isn't it? I don't mean
it quite that way.

MR. ALLMAN: We are content with this juror.

35 THE COURT: You're content, so Mrs. Holleran, you are

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then a juror and would you go back and take your
 place beside Mrs. Lancaster? We are going to
 5 swear the second batch of four jurors here now but
 could we swear in Mrs. Holleran as a trier for the
 next jurors?

MARY ELLEN HOLLERAN sworn as trier.

10 THE COURT: This would be Mr. Hachey and Mrs. Wilson and
 Ms. Crawford and Mrs. Ross.

Anthony Hachey)
 Patricia Wilson) Sworn as Jurors.
 Nyla Crawford)
 15 Stella Ross)

THE COURT: That still leaves two. We will swear the
 other two as jurors when we've completed the
 20 selection of the jury. Now, could we have four
 more - well, I suppose two more we need at a
 time. Well, let's call four persons up.

CLERK: David Martin
 Carl Caverhill
 25 Theresa Smith
 William Porter

THE COURT: And I would instruct you people that you
 should disclose to the Court any reasons that you
 may be aware of that we don't know about why you
 30 shouldn't serve as a juror, if any such reasons
 exist, through relationship or interest in the
 case or bias that would prevent you from making
 up your minds freely and objectively, and I would
 also ask you if there are grounds upon which any
 35 of you should be exempted from jury service under
 the Jury Act. Perhaps Mr. Martin, we might deal
 with your case first.

MR. MARTIN: Yes, I have a financial hardship

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consideration, I run a small business.

THE COURT: And you operate that in Fredericton or in the
5 Fredericton area?

MR. MARTIN: Yes.

THE COURT: And it's your own business, is it?

MR. MARTIN: Yes.

THE COURT: How many employees do you have?

10 MR. MARTIN: Two others besides myself.

THE COURT: Two other employees, and what would happen if
you took ten weeks off, or eight weeks or -

MR. MARTIN: It would close.

THE COURT: It would close and you would be out of
15 business, would you?

MR. MARTIN: Yes.

THE COURT: Well, it would seem to me that that would
work a hardship on you, so you are excused on that
ground. Thank you. And Mr. Caverhill, are you
20 prepared to serve as a juror if selected?

MR. CAVERHILL: Well, not for that length of time I'm
not because I have back problems. I have to
have surgery on my back and if I sit too long it
bothers me.

25 THE COURT: Well, I can tell you that if you have to sit
in court day after day sometimes it does odd
things to your back.

MR. CAVERHILL: I'm kind of crippled up, though.

THE COURT: Are you? I noticed you walked a little
30 lamely when you came up.

MR. CAVERHILL: The longer I sit, I don't know, it seems
to bother me, or if I stand too long.

THE COURT: Did you ever try a good drink of scotch?

MR. CAVERHILL: I've tried several of those.

35 THE COURT: Now go home and have one tonight. Well, you

feel that you couldn't really sit through the -
MR. CAVERHILL: If it was only three or four days I'd
5 try but -
THE COURT: You might do it for three or four days but -
well, by Christmas we'd have you bent over worse
than Santa Claus. We'll excuse you on the ground
of health reasons. Thank you very much. And Mrs.
10 Smith, are you prepared to serve if you're
selected as a juror?
MRS. SMITH: No.
THE COURT: And what is your reason?
MRS. SMITH: I'm babysitting.
15 THE COURT: And who do you babysit for?
MRS. SMITH: My grandchildren.
THE COURT: Your grandchildren, and what responsibilities
do you have toward them? Where do you live?
MRS. SMITH: In Minto.
20 THE COURT: In Minto, and you can't - who is it, your
daughter's children, or your son's?
MRS. SMITH: My son's children.
THE COURT: And what, his parents work, do they?
MRS. SMITH: They both work, yes.
25 THE COURT: They work so you look after them in the
daytime?
MRS. SMITH; Yes.
THE COURT: All the time?
MRS. SMITH: Yes.
30 THE COURT: And how old are they?
MRS. SMITH: One's three, and eleven.
THE COURT: You must have served your time around on that
business once, didn't you? Going through it
again? Well, you have the care of children under
35 14 so we'll excuse you from serving.

Jury Selection

MRS. SMITH: Thank you.

THE COURT: And Mr. Porter, are you prepared to serve as
5 a juror if selected?

MR. PORTER: Yes.

THE COURT: Then could we have Mr. Porter sworn? You
know of no reasons why you should be disqualified
otherwise?

10 MR. PORTER: No.

(WILLIAM PORTER duly sworn.)

MR. FURLOTTE: Mr. Porter, have you at any time in the
past two years formed a tentative opinion as to
15 the guilt or innocence of the accused?

A. No.

MR. FURLOTTE: Do you have any information concerning the
accused or the deaths of which he is charged
through newspaper, radio, T.V., or friends?

20 A. No, sir. No.

MR. FURLOTTE: Nothing?

A. No.

MR. FURLOTTE: Have you read the book, "Terror on the
Miramichi"?

25 A. No.

MR. FURLOTTE: If you were selected a juror in this case
is it likely you would be subject throughout the
trial to strong pressure from family members or
friends to support some particular verdict?

30 A. No.

MR. FURLOTTE: Would you be able as a juror to come to an
objective decision on the issues free from bias
and prejudice and based solely on the evidence you
have heard in the court room and on the explana-
35 tion of the law given to the jury by the presiding

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judge?

A. Yes.

5 THE COURT: Mr. Allman, do you have any questions?

MR. ALLMAN: No.

THE COURT: So let me see, the two triers are Mrs.
Holleran and Mrs. Lancaster.

10 (TRIERS DELIBERATE AND RETURN.)

THE COURT: And Mrs. Holleran, you'll speak for the
triers? How do you find?

MRS. HOLLERAN: We find the challenge is not well taken.

15 THE COURT: The challenge is not well taken, so Mr.
Porter, then, will be a juror unless exception is
taken otherwise. Would you just stand over there,
Mr. Porter, for a minute to let these lawyers have
a look at you?

MR. ALLMAN: We're content with this juror.

20 THE COURT: So, Mr. Porter, would you sit down, please,
in the back row. Now one more juror is required
to complete the jury. Mr. Porter, you will act
along with Mrs. Holleran now as a trier in
determining whether the next juror called should
25 be permitted to sit as a juror or not, and you
have heard my explanation on what your duties are
as a trier and the responsibilities you have and
how the purpose is to select unbiassed, unpreju-
diced jurors who can objectively determine the
30 issues here.

WILLIAM PORTER sworn as trier.

THE COURT: We only require one juror. I wonder if
perhaps we couldn't call four persons forward and
35 it would streamline the approach a little.

Jury Selection

CLERK: Rodney Cunningham - Absent

Jeff Moorcraft

5 Leonard Price

Grant Keleher

THE COURT: Is anyone here aware of whether Mr.

Cunningham - he was here yesterday, certainly.

10 Anyone know where he might be now? We don't want
to - Mr. Cunningham would be the next person
selected as a juror and if he has absented himself
without reason it puts him in a rather difficult
position as far as contempt of court is concerned.
You have heard nothing from him, Sheriff?

15 SHERIFF: No.

THE COURT: He's not one of those persons who might have
spoken to you?

SHERIFF: No, My Lord.

20 THE COURT: Well, we'll have to treat him as absent and
we'll go on to the next person, and that is Mr.
Moorcraft and Mr. Price and Mr. Keleher, so I'll
ask you gentlemen collectively, we may only have
to consider one of you to round out the jury, but
if you have any particular reason why you should
25 not serve on this jury, please let me know so that
we can consider whether you should be disquali-
fied on that account or not, or alternatively, is
there any reason why you first, Mr. Moorcraft,
should be excused on the ground of - are you
30 prepared to serve on the jury if selected?

MR. MOORCRAFT: Yes, I am.

35 THE COURT: You are prepared to serve, so Mr. Price and
Mr. Keleher, we haven't got seats for you people,
would you just go down and sit over here in the
front row in the midsection there for the time

Jury Selection

being, and would you swear Mr. Moorcraft as a witness?

5

JEFF MOORCRAFT duly sworn.

MR. FURLOTTE: Mr. Moorcraft, have you at any time in the past two years formed a tentative opinion as to the guilt or innocence of the accused in respect to any of these offences?

10

A. Yes, I have.

MR. FURLOTTE: And does your information concerning the accused and the deaths with which he is charged come largely through the media, newspaper, radio and T.V.?

15

A. Mostly newspaper and T.V.

MR. FURLOTTE: Have you read the book, "Terror on the Miramichi"?

A. No, sir.

MR. FURLOTTE: If you were selected a juror in this case is it likely you would be subject throughout the trial to strong pressure from family members or friends to support some particular verdict?

20

A. No.

MR. FURLOTTE: Notwithstanding that you may have in the past formed an opinion as to the accused's guilt or innocence would you be able as a juror to come to an objective decision on the issues free from bias and prejudice and based solely on the evidence you have heard in the court room and on the explanation of the law given to the jury by the presiding judge?

30

A. Yes, I would.

THE COURT: The two triers have heard the answers given. Would you retire, please?

35

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(TRIERS DELIBERATE AND RETURN.)

THE COURT: And Mrs. Holleran, you're speaking for the
 5 triers. How do you find the challenge, well taken
 or not taken?

MRS. HOLLERAN: Challenge not well taken.

THE COURT: Not well taken, so you're satisfied that Mr.
 Porter would be eligible to serve?

10 MR. MOORCRAFT: Moorcraft.

THE COURT: Oh, Moorcraft, I'm sorry. What did I call
 you that time?

MR. MOORCRAFT: Porter.

THE COURT: I get a little groggy, you know, after two
 15 o'clock in the afternoon. We all get a little
 tired, I guess, after a while. Well, Mr.
 Moorcraft, you will be serving on the jury unless
 you're objected to in some way. Will you stand up
 there for a moment, please, till the counsel have
 20 a look at you?

MR. ALLMAN: We are content with this juror.

THE COURT: Could we have the last three persons -

CLERK: The last four, My Lord?

THE COURT: The last four altogether, yes.

25

Letitia Lancaster)	
Mary Ellen Holleran)	Sworn as Jurors.
William Porter)	
Jeff Moorcraft)	

30

THE COURT: We have now selected a complete jury and the
 next step would be to thank those others on the
 jury panel. I think we were down to within about
 six toward the end plus a few who had been stood
 35 aside and who would have been recalled, but before
 I release those others on the jury panel and tell
 you to go home I want to put this question to all
 the members of the jury. You have been sworn in

Jury Selection

now and you do constitute the jury in this case,
but before I release these other people who might
5 provide a substitute for you, no one here, I hope,
is going to turn around tomorrow or next week and
say, I'm sorry, my daughter, my son, or whatever,
is going to get married and I can't serve as a
juror. You're all content to serve as a juror for
10 the foreseeable period of the jury?

As I have explained to you before, there is
provision in the case of illness or some serious
matter to reduce the number or to excuse jurors,
but in a long trial that type of situation must be
15 reserved for something really important, so I do
put my confidence in the ability of all of you to
continue on and serve, and none of you know of any
health problem that would prevent you from serving
for a period of some weeks?

20 Well, then, what happens now, Mr. Fugh?

CLERK: I'll just check to see if they've been sworn, My
Lord?

THE COURT: Yes, you check and see if they have been
sworn.

25 CLERK: Members of the jury, please answer to your names
when called and if you have been sworn, answer
"Sworn". If you have not been sworn, answer, "Not
Sworn".

Leon Brideau - Sworn

30 Irason Ross - Sworn

Linda Riley - Sworn

Ernest Campbell - Sworn

Anthony Hachey - Sworn

Patricia Wilson - Sworn

35 Nyla Crawford - Sworn

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Stella Ross - Sworn

Letitia Lancaster - Sworn

5 Mary Ellen Holleran - Sworn

William Porter - Sworn

Jeff Moorcraft - Sworn

CLERK: Twelve jurors have been sworn, My Lord.

10 THE COURT: Is there any other formality to be gone
through before I release the other jurors?

CLERK: No, My Lord.

15 THE COURT: No, and counsel aren't aware of any problem
at this stage? Well, I say to the rest of the
jury panel, those who have been excused this
afternoon or otherwise challenged or rejected or
stood aside or what-have-you and also to those few
who haven't even yet been called forward to be
considered, I want to thank you for coming and for
doing your job as citizens and offering to serve.
20 I realize that many of those who have been excused
would have been quite prepared - had it not been
for the financial hardship aspect or from some
other angle of having to look after children or
elderly persons or something, you would have been
quite prepared to carry out your obligations as
25 citizens and to serve on the jury if necessary.

Sheriff, you have the particulars as far as
mileage is concerned or whatever you require from
all of those persons?

30 SHERIFF: I might check and ensure that everybody has
turned in their mileage sheet.

THE COURT: The Sheriff asks that everyone, all those on
the jury panel, turn in to you, Sheriff - if they
haven't already turned in your mileage sheet, make
35 sure you turn it in to the Sheriff before you

Jury Selection

5 leave this afternoon. You are now excused and
you're not required to come back and I do have
some other words I want to address to the jury
here. You're free to remain if you want to hear
what we have to say. The trial goes on this
afternoon briefly. I'll give you a chance to
leave now.

10

(SHORT BREAK.)

THE COURT: Well, we will continue here just very briefly
what we have to do this afternoon, and that is
normally at this stage of the trial, once the jury
15 has been selected and all have been sworn in, the
judge addresses some introductory or explanatory
remarks to the jury as to what their duties are
and so on. I'm not going to try to do that at
this time this afternoon, I will make some very
abbreviated remarks to you here. Had we finished
20 earlier in the day I think we would have had a
short recess and then I would have asked that you
be taken down in the van or in your own cars or
whatever to the Burton Court House where we will
be sitting and familiarize yourself with the
25 setting there and I would direct my explanatory
remarks to you down there, and I still propose to
do it there, not today though, but tomorrow.

My remarks at this time are simply going to
30 be this, that we are adjourning this afternoon the
trial until 9:30 tomorrow morning at the Burton
Court House, but I am not requiring you, the jury
members, to show up there until 1:30 tomorrow
afternoon, and I am explicitly instructing you to
35 stay away from the Burton Court House until after

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one o'clock, say, or after quarter past one,
because we will be dealing with other matters
5 where the jurors are not permitted to be present.
Normally we would ask you to assemble there and
then lock you up while we considered other matters
but we don't want you sitting there all morning
unnecessarily, so would you please come to the
10 Burton Court House tomorrow afternoon sometime
between quarter to one and one o'clock. You all
probably have your own transportation at this
point and perhaps you could use your own transpor-
tation at least for tomorrow.

15 One of the things that I will want to
consider with you tomorrow, perhaps, is whether
you want to assemble at Fredericton, say, or some
of you assemble at Fredericton and leave your cars
there and drive down in a van or come together
20 rather than drive down on your own. We'll have to
work something like that out. There's no
necessity for that except that you might prefer to
assemble somewhere else rather than at the Burton
Court House, but we'll be discussing that
25 tomorrow.

The main things I want to say to you today is
that you have been selected as the jurors in this
trial and the responsibility you carry as jurors
is a very heavy one. You are made judges for the
30 purpose of this trial and you have taken an oath
and you're obliged to live up to that oath, and of
course how you conduct yourselves during the trial
is of importance to the administration of justice.

There's one thing I will caution you about at
35 this point and that is even though you're jurors

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your spouses and your family members and so on are going to want to know all about it and want to know probably whether the accused is guilty or innocent straightaway tonight or some darned thing. Please don't discuss the matter any more than you have to with your family members. Certainly don't let them be trying to tell you anything about the case. You are the people who are going to hear the evidence in the case and no one else knows anything about it, and if anyone tries to tell you anything about the case - I'm going to be elaborating on this a little tomorrow but I'll be telling you to tell them to go take a jump in the lake because they don't know anything about it - or in the river, we'll put it that way, so please don't discuss the matter with anyone.

When you show up tomorrow afternoon the Sheriff's office will have someone posted in the yard of the Burton Court House to show you where to go to park your cars and he'll also have an escort or someone to show you how to get to the jury room, and it will be through one of the back entrances there and I would ask you to go directly to the jury room in the court house, it's on the main floor upstairs, and I'd ask you to go directly there when you assemble. Then in due course you will be brought into the court room and I will be making more elaborate remarks and giving you more detailed instructions on your responsibilities.

It is most important that you not discuss the case with strangers. You may find people who are trying to engage you in conversation about the

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case. I'm not talking about the newspaper media
or anybody else, God knows who might try to engage
5 you, but if people do that, remember you don't
know who you're talking to and it may be somebody
who's trying for some reason or other to frustrate
the whole trial, and it could be that if you
discuss the matter with the wrong people it may
10 mean that everything goes back to square one, and
I don't think I have to remind you that this is a
trial into which the authorities presumably have
put or will be putting or are putting an awful lot
of money and it's a very expensive process to
15 carry on a trial of this length with the number of
witnesses there are, and even on the cost of this
trial to date, so please don't frustrate it
because if you do something that's out of the way
and that frustrates the whole trial you or I or
20 someone are going to have an awful lot of egg on
our face and we're going to look like awful asses,
so please take your duties most seriously.

There's nothing else that counsel feel I
should instruct the jury in at this point?

25 Right now we'll have the accused taken from
the court room, then. Mr. Sears here is the
constable, along with the Sheriff's officers, who
will be in charge of you, and I'm going to ask
that you be taken to the jury room. You're free
30 to separate at night. We'll keep you locked up at
lunch hour and you'll be having lunch together.

SHERIFF: My Lord, do the jury all know where the Burton
Court House is? Some shake their heads, no.

THE COURT: I'm going to leave it to Mr. Sears to
35 describe to you in the jury room where the Burton

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Court House is. I don't want to have anything more to say with the accused absent here myself.

5 Now we will recess. We will adjourn until tomorrow morning at 9:30 at the Burton Court House, and the purpose then will be or the idea will be to resolve into a voir dire at that point and counsel have already discussed with me in
10 chambers some of the points they want to deal with. Is that agreeable with counsel, what we're doing?

MR. FURLOTTE: Yes.

MR. ALLMAN: Yes.

15 THE COURT: We should be able to finish up in the morning, or at least our initial matters, and hopefully - well, certainly I will be instructing the jury initially tomorrow afternoon. We'll see where we go from there.

20

(COURT ADJOURNS TO 9:30, AUGUST 28, 1991.)

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35