

IN THE COURT OF QUEEN'S BRNCH 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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Proceedings of September 25 & 26, 1991

Dolores Brewer,  
Court Reporter.

1 (Accused present in prisoner's dock.)

MR. FURLOTTE: My Lord before the jury comes back Mr.

Legere would like me to put on record, again, that  
he strongly objects to the presence of Mr. Kearney  
5 in this courtroom, especially at this table. He  
has asked me to do this because as time goes on he  
seems to be becoming more upset with the idea of  
Mr. Kearney representing him. I believe there is  
case law that says you cannot force a solicitor upon  
10 an accused person. Now, you may be able to appoint  
Mr. Kearney as an attendant - assistant to the court  
but you cannot assign him as an assistant to Mr.  
Legere or to myself as Mr. Legere's counsel.

I am afraid that if the Court does not dispense  
15 with the services of Mr. Kearney that Mr. Legere is  
going to become more incensed and he's going to react  
in front of the jury which is going to be very  
detrimental to himself, but he's at the position  
where he doesn't care whatsoever if you throw him  
20 out of the courtroom. He is hell bound and determined  
that he does not want Mr. Kearney assisting me or  
assisting the Court.

There is nothing Mr. Kearney can do for the  
court. The court is well staffed as it is. I have  
25 been instructed not to discuss this case with Mr.  
Kearney or take instructions for him. Mr. Legere  
feels that with Mr. Kearney sitting here it is a dis-  
service to his defence; it makes him look bad in front  
of the jury; and if the Court is not going to dispense  
30 with Mr. Kearney totally then Mr. Legere does not  
want him sitting at the defence counsel. Have him  
sit up with the Clerk or something. But I would put

1 the position myself, My Lord, that if for some  
reason you feel that it would be beneficial to the  
defence and to the Court to have somebody appointed  
to assist the Court and myself then appoint somebody  
5 else other than Mr. Kearney.

If the Court does not adhere to Mr. Legere's  
wishes I am afraid -- I mean it's not a threat  
by Mr. Legere to get rid of Mr. Kearney that he's  
going to act up and voice his concerns in front of  
10 the Court and the jury but --

THE COURT: How else could I take it other than as a  
threat?

MR. FURLOTTE: It's an act of desperation, I guess, on Mr.  
Legere's part. He feels it's totally unfair to have  
15 the appearance of Mr. Kearney as representing him  
when he does not approve of Mr. Kearney as a solicitor  
and, unfortunately, our clients do not understand  
the legal process and at times they act themselves  
out of desperation because they do not trust our  
20 judicial system. We as officers of the court trust  
our judicial system and we abide by it but this trial  
is for the Accused and I think for the appearance of  
justice, the appearance of giving Mr. Legere a fair  
trial, that Mr. Kearney should be let go and some-  
25 body else appointed in his place or nobody else  
appointed in his place. Mr. Legere's position is that  
we are much better off without the services of Mr.  
Kearney.

30 THE COURT: Well, Mr. Furlotte, you say the trial is for  
the Accused. That isn't quite correct, is it? The  
trial isn't for the Accused; the trial is for our

1 society, for our social system, and if an accused in  
a particular case has a misperception or misconception  
of what a trial is all about well so be it. The  
justice system or the court system isn't going to be  
5 changed just to accommodate an accused.

Now, I have made it clear earlier - I hope I  
made it clear, that Mr. Kearney is in no way  
representing the Accused and he is in no way assisting  
defence counsel. I have made that clear before,  
10 surely, and I have said that if defence counsel want  
to call on Mr. Kearney for assistance based on his  
experience they're free to do it, but if defence  
counsel doesn't want to do it or if the accused  
doesn't want to do it that's quite all right.

15 MR. LEGERE: What do you want him there for?

THE COURT: The --

MR. FURLOTTE: Well have him sit with the crown prosecutors  
then.

20 MR. LEGERE: Yes, sit him over there.

THE COURT: Well, you trade places Mr. Furlotte. Do you  
want to trade places with Mr. Kearney there then?

MR. FURLOTTE: No, I don't want Mr. Kearney -- Mr.  
Legere does not want Mr. Kearney at defence table  
whatsoever.

25 THE COURT: I don't care where Mr. Legere wants Mr. Kearney  
or where he doesn't want him.

MR. FURLOTTE: Well I think you've made that obvious My  
Lord.

30 THE COURT: I'll think about this through the morning and  
if I can find a better place to put Mr. Kearney than  
there, whether by shifting places with yourself --

1           Why couldn't you --     Could you shift places with  
          him?

MR. LEGERE:   What are youse, old buddies or something?  
          What's going on here anyway?

5   MR. FURLOTTE:   Well, I don't see what shifting places with  
          Mr. Kearney how that's going to help the situation.

THE COURT:   Is he annoying Mr. Legere by sitting where he  
          is?

MR. LEGERE:   Jesus Christ, I asked you in July for a lawyer  
10           and you weren't that horny about getting me a lawyer.

MR. FURLOTTE:   He is annoying Mr. Legere by him just sitting  
          at the same table as the defence.

MR. LEGERE:   I had him for 10 days; he never did one tap of  
          work, and I told you that plainly here.   He never did  
15           one tap of work and I asked him to come and see me  
          and he didn't have the balls to come and see me so  
          let him get somewhere else.   Let him go down town and  
          play with somebody.   He's as useless as tits on a  
          bull.

20   MR. FURLOTTE:   I think I already mentioned to this Court  
          that it was my opinion - I recommended to Mr. Legere  
          at the beginning that he not retain the services of  
          Mr. Kearney because of the high publicity he has re-  
          ceived on criminal charges against him which maybe  
25           half the jury or all the jury presume Mr. Kearney is  
          guilty, I don't know, but that's one reason why the  
          Stay of Proceedings was given against him.

THE COURT:   Well, Mr. Furlotte, I want to remind you of  
30           this.   That when we sat here the day after - the  
          court sat the first day after the jury selection and  
          the question was brought up in court here, in a voir  
          dire, without the jury present, that was the morning

1 the jury were left home, and the question was brought  
up here as to whether Mr. Kearney - I think it was  
then that you suggested that Mr. Kearney would be  
acting or might be acting for the accused and I said  
5 let's discuss this in chambers. I said I didn't  
think it was a proper thing. The crown then had  
reservations about whether they should object to Mr.  
Kearney acting because there might have been a con-  
flict of interest. He had been employed by the  
10 Attorney-General as a crown prosecutor when the  
investigation took place in this case. I said I  
would go into this matter in chambers. I didn't  
think it was a proper thing to do in open court. And  
we went to chambers, and I got the impression from  
15 you that you were most happy to have Mr. Kearney with  
you. That you said nothing about you were opposed to  
it. You led me to believe that you were most happy  
to have Mr. Kearney here. A few days later, or after  
Mr. Legere objected --

20 MR. LEGERE: 10 days.

THE COURT: You said in court here that you had opposed it  
from the start; that the idea of engaging Mr. Kearney  
was Mr. Legere's. You said someone had got to Mr.  
Legere, I think was the way, and had planted the idea  
25 in his head, and he had been appointed. Well that  
came to me as a great surprise because there was no  
suggestion. Now the other counsel were present, all  
counsel were present when we had that very brief  
meeting in chambers. As I reviewed this earlier in  
30 a voir dire, I said then that I would have - I asked  
you if you would bring Mr. Kearney down that afternoon

1           and I would examine him in front of all counsel as  
to whether there was a conflict of interest, and I  
did that. He came down.

MR. FURLOTTE: I didn't feel it was proper for me to  
5           advise you that I objected to Mr. Legere having the  
services of Mr. Kearney.

THE COURT: Well, this is all by the way.

MR. FURLOTTE: But I --

THE COURT: This is all by the way.

10          MR. FURLOTTE: -- can assure you before we met in your  
chambers the crown knew my position, Mr. Kearney  
knew my position, and Mr. Legere knew my position  
against having Mr. Kearney represent Mr. Legere.  
Now Mr. Legere was in a desperate situation. He  
15          had lost Michael Ryan as co-counsel; we couldn't get  
anybody to take Mr. Ryan's place because nobody could  
drop their work load immediately; and Mr. Kearney was  
the only available solicitor that could begin work  
immediately on the case. So Mr. Legere --

20          THE COURT: This is --

MR. FURLOTTE: -- out of desperation --

THE COURT: This is all by the --

MR. FURLOTTE: -- hired Mr. Kearney.

25          THE COURT: This is all by the way at this point.

MR. FURLOTTE: Oh, it's by the way but it's --

THE COURT: Do you have something --

MR. ALLMAN: Well I just wanted to add one thing to the  
record. I believe we said both in chambers and then  
30          later for the record what the crown's position was.  
We didn't want Mr. Kearney added to the defence  
counsel's scheme of things because we felt there was

1 a possible perception - given that he had been a  
crown prosecutor formerly, there might be some possible  
perception he's bias.

5 Obviously I'm not totally privy to what goes on  
between Mr. Kearney and Mr. Furlotte and Mr. Legere  
at the stage we're talking about at the beginning of  
this trial but I do recall that the crown's position  
was that it's not we that wanted Mr. Kearney.

10 MR. LEGERE: Then what are you doing running in and out of  
the washroom at the restaurant with him while I had  
him hired, and I have a witness to prove it. That's  
when I got rid of him. It's not his past or what  
he's charged for. That has no bearing on it. I  
15 don't trust him, and I don't trust you.

THE COURT: We will have the jury in now. We will go on.  
I have made it clear that Mr. Kearney is not acting  
for the accused in any way in this trial. We will  
go on. I will consider later this morning or at  
20 recess or something - I will decide on whether a  
change in seating arrangements might facilitate the  
trial, and I will deal with this matter later in a  
voir dire.

Would you bring the jury in, please.

25 (Jury called, all present.)

THE COURT: Mr. Allman you have another witness.

MR. ALLMAN: Yes, My Lord, Malcolm Wilkinson.

MALCOLM WILKINSON, called as a witness, being duly  
sworn, testified as follows:

30 DIRECT EXAMINATION BY MR. ALLMAN:

Q. What is your name, please?

A. My name is Malcolm Joseph Wilkinson.



- 1 Q. What city do you live in?
- A. I live in Saint John, New Brunswick.
- Q. And what's your occupation?
- A. I'm a petroleum inspector.
- 5 Q. Were you a petroleum inspector on the 16th of November, 1989?
- A. That's correct.
- Q. And in conjunction or in connection with your work as a petroleum inspector did you have to go somewhere?
- 10 A. Yes, I had to be in Bathurst to do a vessel.
- Q. So you went to Bathurst from where?
- A. From Saint John.
- Q. And that route takes you through what other town or city?
- 15 A. Takes you through Moncton and Chatham.
- Q. From Chatham you go over which bridge?
- A. The big concrete one.
- Q. The big bridge. Approximately what time would it have been when you arrived in Bathurst?
- 20 A. Arrived in Bathurst approximately 8 P.M.
- Q. And when you got to Bathurst what was the first thing you did?
- A. I went to the Bathurst Mill where I was expecting the vessel to arrive.
- 25 Q. Mr. Wilkinson you have got quite a deep low voice. Would you speak up good and loud, and also that microphone doesn't - you don't need to lean right into it. Okay. So you got to Bathurst about 8 o'clock?
- 30 A. That's correct.

- 1 Q. And went to the mill?  
A. Yes.
- Q. Because you were expecting to meet a vessel there?  
A. That's correct.
- 5 Q. Was the vessel there when you arrived?  
A. No, the vessel was delayed.
- Q. Approximately what time did the vessel arrive?  
A. It was after 10 o'clock. I checked in the hotel around 9:45.
- 10 Q. What did you do between 8 o'clock and 9:45 when you checked into the motel?  
A. I just sat on the dock waiting for the vessel.
- Q. So 9:30 or 9:45 or something you got tired of waiting and checked in?  
A. That's correct.
- 15 Q. What motel was it that you went to check in at?  
A. Keddys.
- Q. When you were there in November was there snow on the ground?  
A. No, there wasn't.
- 20 Q. I am going to show you three photographs and ask you if you have seen photographs like these before and if you can recognize the location we're talking about. These are P-69(9), (10) and (11). Do you recognize those locations?  
A. Yes. That's the aerial view of Keddys Hotel.
- 25 Q. And is that the motel you were talking about when you checked in at 9:45?  
A. That is correct.
- 30 Q. When you left the dock and you went to Keddys what means of transportation were you using?

- 1 A. I drive a little Ford pick-up truck.
- Q. And where did you park in Keddys when you got there?
- A. On photograph S-10, the location approximately where  
that --
- 5 Q. Where did you park your car?
- A. I parked my vehicle around the back in the alcove.
- Q. If you look at this it's shaped like a 'U'?
- A. That's correct.
- Q. And the area you were indicating to me is in between  
10 the two wings of the central 'U'?
- A. That is correct.
- Q. I'll just show the judge where you were pointing, and  
the jury. He was pointing generally, My Lord, in  
that area between the two wings.
- 15 THE COURT: What photograph is that you are looking at?  
Oh yes, 10. You were referring to 10, weren't you?
- A. That's 11.
- THE COURT: Oh, I'm sorry.
- MR. ALLMAN: Which one is the best one to look at to decide  
20 where you parked?
- A. S-11.
- Q. If we look at S-11 right in the middle of the picture  
there are two cars in that central area.
- A. That's correct.
- 25 Q. Whereabouts in relation to those cars would you have  
parked? As best you can remember.
- A. Oh probably in between slightly towards the east side  
of the building.
- 30 MR. ALLMAN: Does Your Lordship have the location?
- THE COURT: Yes.
- MR. ALLMAN: I am pointing, Members of the Jury, indicating  
he parked between those two cars perhaps slightly to

1 the east and somewhere in that area. After you had  
parked there what's the next thing you are going to  
do?

A. I had to get out my vehicle to walk around to check  
5 in. The entrance is on the front.

Q. Okay. So if we look at S-9 can you, as it were,  
trace the route that you would have taken from your  
vehicle enroute to going in to check in?

A. Okay, on S-9 I would have parked approximately here.  
10 I had to walk around to the front of the building.  
There was construction going on back here.

Q. Looking at S-9 you indicated that you would have  
walked from your vehicle up the picture -

A. Yes.

15 Q. -- around the --

A. East side of the building.

Q. Around the wing of the building that's on the left as  
you look at the picture.

A. That's correct.

20 Q. And the intention is to continue on down that wing to  
the front entrance which everybody can see on there.

A. That's correct.

Q. I got that right. As you made that trip did anything  
attract your attention?

25 A. Yeah, I can't recall if it was exactly raining out,  
it was definitely damp out, it rained coming up from  
Chatham, and the vehicle parked where S-10 is  
approximately the location where the circle is, the  
30 vehicle circled, the window was down.

Q. I will just show the judge and the jury. Does Your  
Lordship have the location referred to?

THE COURT: Yes.

- 1 MR. ALLMAN: He's indicating the vehicle circled in the  
picture S-10. It's the middle one of those three  
cars at the end?
- A. That is correct.
- 5 Q. What you call the east wing.
- A. Yes.
- Q. And what about that vehicle attracted your attention?
- A. Well, the window was down and as I walked past I  
thought I was going to - trying to be a nice person,  
10 I was going to close the window.
- Q. Which window are we talking about?
- A. That's the driver's window.
- Q. Okay.
- A. When I got closer to the vehicle I noticed the  
15 steering column was apart so I went to the reception  
and informed the person on the reception area that  
it appeared to be a vehicle broken into in the parking  
lot.
- 20 Q. I am showing you P-70 and in particular photograph  
number 6. If you look at the window on photograph  
6 how does its condition compare with the way the  
window was in the car you have been talking about?
- A. That's the - exactly as I found it and I informed  
the --
- 25 Q. If you also look in picture number 6 you can see the  
area in the middle of the steering wheel.
- A. Yes.
- Q. How does that look compared with what you saw that  
evening?
- 30 A. That's how I saw it that evening.

- 1 Q. And the car that's depicted generally in pictures 1,  
2, 3 and 4, how does that look compared to the car you  
have been telling us about?
- A. That looks exactly as I found it.
- 5 Q. As a result of your observations what did you proceed  
to do?
- A. I went to the front desk of the hotel and reported  
that there appears to be a vehicle broken into. The  
person on the front desk asked me to go with an  
10 employee and point out which vehicle it was.
- Q. Did you do that?
- A. Yes, I did.
- Q. And do you know who the employee was that you went  
back with?
- 15 A. He's sitting in there but I don't know his name.
- Q. When you and the employee went back after you had  
reported this what happened at that time?
- A. Well, I opened the car door not realizing it was  
20 anything to do with this case because it was the  
same evening as it was -- I didn't know nothing  
about the case until the next morning.
- Q. At that time did you have any information about this  
vehicle?
- A. None whatsoever.
- 25 Q. Any information about who owned the vehicle?
- A. None whatsoever.
- Q. Any information about what, if anything, might have  
happened to the person who owned this vehicle?
- 30 A. No.
- Q. So you had gone back with the employee and you  
indicated you opened which door?

- 1 A. I opened the driver's door.
- Q. And then what happened?
- A. We tried to find out who the vehicle belonged to, if  
5 it was a patron of the hotel. We lowered the visor,  
a photograph and an envelope fell down.
- Q. What, if anything -- You were looking for some  
indication of whose vehicle it was?
- A. Yes.
- Q. Did you find any indication of any kind when you  
10 lowered the visor?
- A. When the visor dropped an envelope fell down and on  
the envelope it said 'J. Smith, Chatham Head, New  
Brunswick'.
- 15 Q. Did you make any other observations about - first of  
all about the general condition from a point of view  
of tidiness or untidiness of the inside of the  
vehicle and, again, perhaps if you want to refer to  
photograph 6.
- 20 A. The vehicle was in more of a state like mine is at  
the moment.
- Q. Well, I think we know what that means but it doesn't  
actually tell us.
- A. Well, it was a used vehicle. Like a used vehicle.
- 25 Q. Did you make any other observations about the exterior  
or any other parts of the vehicle?
- A. Yes. I and the employee from Keddys walked around  
the vehicle to get the license plate number and we  
noticed the broken side window on the passenger side,  
30 the door.
- Q. Broken window.
- A. Yes, on photograph number 5.

- 1 Q. That's held that way?
- A. Yes.
- Q. So how does photograph 5 compare with what you saw that evening?
- 5 A. That's exactly how I saw it too.
- Q. If you look at photograph number 6 you can see an object in the middle of the front seat somewhere between the passenger's and the driver's seat. Do you know what that object is?
- 10 A. Just a hat. That's all I can -- It's a hat.
- Q. Was that there when you looked in?
- A. Yes, it was.
- Q. If you look to its left in photograph 6, and you can also see it in photograph 8, do you know what that
- 15 object is?
- A. Perhaps an umbrella.
- Q. Do you know if that was there when you were looking in there?
- A. Yes.
- 20 Q. You had gone out there I believe for the purpose of - among other things you said getting the number?
- A. That's correct.
- Q. Did you do that?
- A. Yes, we did.
- 25 Q. How did you do that?
- A. We went to the rear of the vehicle, got the license plate and returned to the reception desk.
- Q. And I presume reported what you had found to the
- 30 girl at the desk?
- A. That is correct.



- 1 Q. When you were at the vehicle either the first time when you walked by it or the second time when you went back with the employee of Keddys did you see any other people anywhere near the vehicle?
- 5 A. Not around the vehicle. There was another guest checking into the hotel.
- Q. Okay. I don't want to get into conversations; I just want to know if you saw anybody at or near the vehicle.
- 10 A. No, I did not.
- Q. I gather that you had - you had gone that night you said up from Saint John to Bathurst. Is that a trip that you take periodically during the year?
- A. Yeah, I may take the trip maybe 10 times a year.
- 15 Q. For how many years have you been taking that trip?
- A. 12.
- Q. Would you normally take the route you took that night, in other words up from Chatham to Bathurst?
- A. That is correct.
- 20 Q. As a law-abiding driver how long would you normally expect to take to get from Chatham to Bathurst?
- A. Oh, 50 minutes to an hour.
- Q. 50 minutes to an hour. That's on the premise that I said a moment ago that you were a law-abiding driver.
- 25 A. That's correct.
- THE COURT: 80 miles an hour.
- A. 80 kilometers an hour, sir.
- MR. ALLMAN: What sort of road is it from Newcastle - I should say Chatham to Bathurst in terms of quality of
- 30 road?
- A. 90% of it is dual highway.

- 1 Q. Is --  
A. Highway.
- Q. Is the surface good?  
A. The surface is good, yes.
- 5 Q. Can you tell us anything about the trip up from Bathurst to Newcastle?  
A. Approximately 7 o'clock coming out of Chatham on my way up to Bathurst on the single lane section of the highway I was behind a vehicle, blue - what I thought  
10 at the time was an LTD. I assume it was an LTD now after looking back on it. He was behind a tractor trailer attempting to overtake. When the tractor trailer give him room it just eased back in again, never did overtake. This kept on for approximately  
15 5 - 6 miles.
- Q. The vehicle that you are talking about, the blue - did you say blue?  
A. Yes.
- 20 Q. The blue vehicle you saw coming out of Chatham, as you sit there now are you able to offer any comment upon that vehicle related to the vehicle you found in the parking lot at Bathurst?  
A. At the time I thought it was the same vehicle but  
25 looking back on it now I couldn't actually be sure.
- Q. What sort of vehicle when you saw it on the highway did you think that vehicle was?  
A. I would say it might be an LTD now looking back on things.
- 30 Q. The vehicle that you saw at the Bathurst Keddys, if we look at the picture number 5, what does it say on there?  
A. Royale. Oldsmobile.

1 Q. Did the vehicle that you saw on the highway - can you  
tell us anything about its rate of progress?

A. It was in no great hurry to get down the highway.

Q. You told us that when you found the vehicle at  
5 Bathurst that you didn't have any information. Did  
you later on get some information?

A. The following morning I heard it on the news.

Q. The envelope that you said dropped down from the sun  
visor that said 'J. Smith, Chatham Head, N.B.' on it,  
10 what sort of envelope was it?

A. It was a business length envelope. Long one.

Q. As opposed to what?

A. Normal letter envelope. More of a business envelope.

MR. ALLMAN: Thank you.

15 THE COURT: Cross-examination Mr. Furlotte?

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. Mr. Wilkinson when you were driving from Chatham to  
Bathurst where approximately did you first notice a  
20 vehicle on the highway that you think may have been  
the same vehicle?

A. I don't know the exact location. It's where the dual  
highway --

MR. ALLMAN: I don't think he did -- I'm sorry to  
25 interrupt but I don't think he did --

MR. FURLOTTE: I'm sorry.

MR. ALLMAN: I thought he didn't say he thought it was  
the same vehicle.

MR. FURLOTTE: That at one time you thought was the same  
30 vehicle.

A. Where the single lane highway joins up to the two  
lane. I don't know exact location. Maybe 10 miles  
out of Chatham.

- 1 Q. And that would have been around 7:15?  
A. More 7 o'clock - 5 after 7.  
Q. I believe you said that you had left Chatham around  
7 o'clock.  
5 A. Yes. Coming across the bridge would have been  
approximately 7 o'clock.  
Q. So by the time you first met that vehicle I believe  
you thought it was around 7:15.  
A. Yeah, 7:10 - 7:15.  
10 Q. Now, to get this straight, one time you thought when  
you were behind it that it was an LTD?  
A. That's correct.  
Q. And then once you saw the car in Bathurst then at  
that time you thought it was the same car that you  
15 saw in the parking lot at Keddys that was broken into  
as the one that you saw on the highway between  
Chatham and --  
A. The only thing that made me think of an LTD was the  
20 taillights. The tail configurations is approximately  
the same on the Oldsmobile and the LTD.  
Q. All right. And when you looked at the vehicle in the  
parking lot at Keddys and you were right up on the  
vehicle and you looked in, you at that time thought  
25 it was a Buick product.  
A. That's correct.  
Q. So even though you were looking in the car you still  
didn't realize it was an Oldsmobile?  
A. No, that's correct. I didn't realize it was an  
30 Oldsmobile until we went back to get the guy from  
the Hotel.

- 1 Q. Now when you gave the statements to the police you told them that you thought it was the same vehicle at Keddys that you saw on the highway?
- A. Yes, I did.
- 5 Q. And now you come to court and you are saying you are looking back now and you don't think it was the same vehicle. Why not?
- A. I really don't know. It's just so long ago. I travel quite a bit. One vehicle looks the same on the high-  
10 way. I would -- I really don't know.
- Q. That vehicle that you saw on the highway appeared to be in a hurry did you say?
- A. No, it did not.
- Q. It didn't seem to be in a hurry?
- 15 A. It seemed to want to overtake the tractor trailer in front but when the tractor trailer in front give him room to pass he never did. He was kind of swerving like maybe a drunk driver.
- Q. Now, you mentioned that you didn't hear anything about  
20 the Smith incident until the next morning on the radio.
- A. Next morning on the radio.
- Q. And on the radio you heard a report that the police were looking for two people?
- 25 A. That's correct.
- Q. And because you heard about the Smith incident, the report that police were looking for two people, you again contacted the police and advised them what you saw on the highway?
- 30 A. That's the reason I mentioned the highway.

- 1 Q. When you saw the vehicle on the highway what did you observe for people in the vehicle?
- A. I noticed two people in the vehicle. A male --
- Q. Can you describe them?
- 5 A. No, not really. A middle aged male and I thought it was maybe an elderly female on the passenger side.
- Q. Maybe a what?
- A. An elderly female on the passenger.
- Q. An elderly female.
- 10 A. Yes. Haggard looking person.
- THE COURT: Sorry, a what?
- A. Haggard. I'm sorry, I speak funny.
- THE COURT: You speak funny. Where do you come from?
- A. England.
- 15 THE COURT: Oh, that's not funny.
- A. Well, people say it is.
- MR. FURLOTTE: Would you describe the car that you saw on the highway which you at one time thought may have been the same one parked at Keddys? Would you
- 20 describe how you observed it attempting to pass a tractor trailer?
- A. I was behind the blue vehicle. The tractor trailer was in front.
- Q. What color was the vehicle that you were behind?
- 25 A. The tractor trailer? White.
- Q. You.
- A. I was behind the blue vehicle which was in front of the tractor trailer.
- Q. And he was attempting to pass the tractor trailer?
- 30 A. Yes.

- 1 Q. Did he signal, the tractor trailer, to pass?  
A. Yes, he flashed his lights.
- Q. Flashed his lights. And did it appear as if the car  
5 had lots of time to pass and overtake the tractor  
trailer?  
A. Yes, it did.
- Q. But he did not or what?  
A. No. It looked like he attempted to overtake and just  
kept pulling in again behind the tractor trailer.
- 10 Q. Did the driver appear drunk or nervous?  
A. I would say he was drinking.
- Q. Now, the person in the driver's seat, do you recall  
what description you gave the police?  
A. Not word for word. Elderly lady like. Actually, wher  
15 I saw the photographs - the sketches in the newspaper  
that's what brought recollection of the vehicle on  
the highway.
- Q. Sketches in the newspaper?  
A. Yes.
- 20 Q. I show you P-54. Is that the sketch?  
A. That's the sketch that was in the newspaper, yes.
- Q. And this is a sketch that would have looked like the  
passenger?  
A. I thought so, yes. I only saw the --
- 25 Q. Which now you say is a female. Which now you think  
the passenger was a female.  
A. Elderly female.
- Q. Elderly.  
A. I only saw side on.
- 30 Q. But at the time you thought the passenger was this  
person?  
A. That's correct.

- 1 Q. And the driver would have been a --  
A. Middle-aged man.  
Q. Middle-aged man. Heavy set?  
A. Yes, I would say heavy set.
- 5 Q. Clean shaven?  
A. I don't recall.  
Q. I show you your statement of November 19, 1989. You  
state where he finally passed a tractor trailer, as  
well as yourself. You overtook the car and looked  
10 inside and saw what?  
A. A heavy set person driving. He was clean shaven and  
there was a person in the passenger seat. This  
person was slightly built, about 150 pounds.
- Q. Soaking wet.  
15 A. Soaking wet.  
Q. Just by the build?  
A. Yes.  
Q. And you mentioned then that you thought it may have  
been a woman, is that right?  
20 A. Yes, sir.  
Q. Now, I believe that the person also in this state-  
ment - do you recall the description you gave to the  
police as to the person you saw in the passenger seat?  
A. I'm sorry, could you say that again, please?  
25 Q. Do you recall the description you gave about the  
person you saw in the passenger seat?  
A. I just stated that already.  
Q. No, this person here.  
30 A. Yes, I thought that was an elderly lady sitting in the  
passenger seat.



- 1 Q. The person had large pointy features?  
A. Yes.  
Q. So you passed that car?  
A. I passed that car.  
5 Q. And looked inside.  
A. Correct. Just glanced over as I overtook it.  
Q. Pardon?  
A. Just glancing by as I overtook it.  
Q. And that car didn't pass you again?  
10 A. Not that I recall, no.  
Q. And you got in Bathurst at 8 o'clock?  
A. Yes, that's correct.  
Q. Do you recall how far it is from Chatham to Bathurst?  
A. I think it's approximately 80 kilometers.  
15 Q. 80 Kilometers?  
A. Approximately.  
Q. How long does it take you to drive from Chatham to  
Bathurst?  
A. Approximately an hour.  
20 Q. Just one last question to verify things. At the  
time that you reported and gave a statement to the  
police you were convinced that the vehicle you saw  
in the Bathurst parking lot that was broken into was  
25 the same vehicle which you passed on the highway that  
you have been describing?  
A. I believe so, yes.  
MR. FURLOTTE: That's all the questions My Lord.  
THE COURT: Reexamination.

30

1           REDIRECT EXAMINATION BY MR. ALLMAN:

Q.       And sitting there today what is your opinion about  
          the two vehicles, the vehicle you saw in Bathurst  
          and the vehicle you saw on the highway?

5       A.       I believe they are two different vehicles at this  
          time.

Q.       I'm sorry?

A.       I believe they are two different vehicles.

Q.       And with regard --       I interrupted you or I inter-  
10       rupted Mr. Furlotte, I'm not sure if the jury heard  
          this, when you gave the statement to the police with  
          regards to the occupants of the vehicle on the high-  
          way what sex did you say you believed the passenger  
          to be?

15       A.       Female.

MR. ALLMAN: Thank you. I have no other questions.

THE COURT: Thank you very much Mr. Wilkinson. And another  
          witness.

20       MICHEL GAUTHIER, called as a witness, having been  
          duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ALLMAN:

Q.       What's your name, please?

A.       Michel Gauthier.

25       Q.       What town or city do you live in Mr. Gauthier?

A.       Bathurst, New Brunswick.

Q.       On the 16th of November, 1989 where were you employed?

A.       I was employed at Keddys Motel.

Q.       In what capacity?

30       A.       Sorry, what do you mean?

- 1 Q. What job?
- A. What job? I was a cook then.
- Q. If you look at the pictures that are in front of you,  
P-69(9), (10) and (11), do you recognize that  
5 location?
- A. Yes.
- Q. I just want to ask you one thing before we get into  
anything else very much. If you also look at the  
pictures in P-70, particularly numbers 18 and 19,  
10 you can see in 18 and 19 in the middle of the picture  
what appears to be a wooden construction area.
- A. Yes.
- Q. Can you see that same area also in P-69, number 11?
- A. Yes.
- 15 Q. Are there any differences between the condition of  
that wooden area on 18 and 19 from its condition on  
the aerial photograph?
- A. Yes, there is a difference.
- Q. What's the difference?
- 20 A. There's kind of plastic over it.
- Q. Plastic over it in which picture?
- A. In that one there.
- Q. Which is P-69, number 11.
- A. Yes.
- 25 Q. Did you continue working at Bathurst after the 16th  
of November at Keddys?
- A. A week after.
- Q. On the 16th of November did anything happen that you  
can tell the court about?
- 30 A. I was - it was around 9:30 I finished working.

- 1 Q. That's in the evening?
- A. At night there. And I was going home and I go in the hall and there's a man came to me - customer came and told me there was a car broken into. We thought it
- 5 was a car broken into in the yard. So I went outside with him and I checked the car.
- Q. Who did you go outside with?
- A. Mr. Wilkinson.
- Q. That's the previous witness?
- 10 A. Yes.
- Q. And you say you checked a car?
- A. Yes.
- Q. Again, if you look at the photographs - the aerial photographs, whichever one suits you though I think
- 15 probably S-10 is as good as any, whereabouts was this car that you and Mr. Wilkinson went to check?
- A. Where your circle there.
- Q. My Lord he's pointing to the circled area. I am going to show you some photographs from P-70 now.
- 20 If you look at pictures 1, 2, 3 and 4 they are pictures of the outside of a car. How does that car compare with the one that you and Mr. Wilkinson checked?
- A. Same car.
- 25 Q. When you went to the car with Mr. Wilkinson which, if any, door did you approach?
- A. I opened the passenger's -- I came in by the driver's door and after that I unlocked the passenger door and I checked the car.
- 30 Q. So tell me that again, I didn't get it. You went to which door first?

- 1 A. To the driver's door and after that I unlocked the passenger door from the inside and I went on the other side and I checked the other side of the door.
- Q. What was the condition of the driver's side door?
- 5 A. Driver's side the only thing I noticed was the window on the side was broken and inside of the car the wheel --
- Q. Let's take it slowly, one thing at a time. When you-- If you look at picture number 6 on the booklet P-70
- 10 how does that - you can see that's the driver's side window. How does the window there compare with the way you found the window?
- A. It was the same thing.
- Q. If you look at the central area of the steering
- 15 column how does that compare to the way the steering column was when you looked in?
- A. Same thing.
- Q. When you look at picture 5 that appears to be a rear window panel?
- 20 A. Yes.
- Q. How does that compare with the condition of that window when you looked at the car you've been talking about?
- A. Same thing was broken.
- 25 Q. Did you take any precautions while you were doing the various things you did to this car?
- A. Yes. I took my sleeve of my shirt and I put it down completely over my hand like this.
- 30 Q. Why were you doing that?
- A. Because I didn't want my fingerprints on the car.

- 1 Q. Was there anything in the ignition?
- A. No.
- Q. What impression did you have as to what had occurred to this car?
- 5 A. About 5 - 10 minutes before I went out and all that I was hearing on the radio that --
- Q. No, sorry, we don't want to hear what you heard on the radio. There's a rule against it.
- THE COURT: Well, you heard something.
- 10 MR. ALLMAN: You heard something on the radio.
- A. Like I heard something on the radio and I went at the car and that's how I found the - matched two and two together.
- Q. Did you do anything when you were at the vehicle with  
15 a view to finding out whose it was?
- A. Yes. I checked in the glove compartment if there were --
- Q. Did you find anything in the glove compartment?
- A. No.
- 20 Q. Did you make any further checks?
- A. I went on the - I don't know how you say that there in --
- THE COURT: Visor.
- 25 A. In the visor, and there was a letter with the name of Mr. Smith on it.
- MR. ALLMAN: Do you remember if it had any address on it?
- A. Chatham, New Brunswick.
- Q. What did you do with the envelope?
- 30 A. I put it right back where it was.
- Q. Taking any precautions at that time?
- A. Yes.

- 1 Q. Same ones or different?  
A. Same ones.
- Q. Apart from what you have described already did you  
find anything else in the vehicle that related to  
5 who it's owned by?  
A. I found a hat and umbrella.
- Q. Hat and an umbrella, okay. What sort of hat was it?  
A. I call it an old pépères hat.
- Q. A what?  
10 A. An old pépère hat.  
Q. An old pépère hat.  
A. Yes.
- Q. What is an old pépère? An old man?  
A. Old man.
- 15 Q. If you look at picture 6 can you see anything there  
that you are talking about at this time?  
A. Yes, the hat and the umbrella.
- Q. And I think you can also see them in picture 8 and  
20 picture 10?  
A. Yes.
- Q. The condition that the car was in, generally speaking,  
the front seat you can see in 6, 7, 8, 9 and 10, how  
does that compare with the situation you saw when you  
25 looked in?  
A. That's how. It was dirty.
- Q. Dirty?  
A. Dirty.
- Q. I guess you can't see it on any of the photographs  
30 but you might just be able to see a little bit of it  
on 8, do you know if the vehicle had a rearview mirror?  
A. Yes.

- 1 Q. Did you touch that at all?  
A. No.
- Q. What did you do with the envelope that said the name  
and the address on it?
- 5 A. I put it right back where it was.
- Q. And after you had made these inquiries, performed  
these activities, where did you go next?
- A. We took the license plate and I went back in and that  
when we called the cops.
- 10 Q. Did you yourself call the police or did you make an  
arrangement to have somebody else do it?
- A. I made an arrangement with the front desk to call them
- Q. Did the police in fact arrive?
- A. Yes.
- 15 Q. How long afterwards?
- A. About 5 - 10 minutes after.
- Q. At the time that you and Mr. Wilkinson went to check  
the vehicle out did you see, I'm not talking about  
hearing or being told anything, did you see anybody
- 20 in the immediate vicinity of the vehicle?
- A. No.
- Q. You indicated that you touched the envelope?
- A. Yes.
- Q. With the name on it?
- 25 A. Yes.
- Q. But you put it back where it came from?
- A. Yes.
- Q. Did you take anything from the vehicle?
- 30 A. No.
- MR. ALLMAN: Thank you, I have no further questions.
- MR. FURLOTTE: I have no questions.
- THE COURT: Thank you very much Mr. Gauthier, that's all.



1 MR. SLEETH: My Lord I call Constable Walter Lavigne.

CONSTABLE WALTER LAVIGNE, called as a witness,  
having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

5

Q. Would you please state your full name and your  
occupation for the court, witness?

A. My name is Walter Lavigne. I am employed as a police  
officer for the City of Bathurst, County of  
10 Gloucester, Province of New Brunswick.

10

Q. And for how long have you been employed a police  
officer by that City, sir?

A. For approximately 12 years.

Q. And do you know the witness who testified just before  
15 you, Mr. Gauthier?

15

A. Yes.

Q. You had occasion to meet him I understand.

A. Yes.

20

Q. Would you please tell the jurors the circumstances  
under which you came to meet that person who just  
testified beginning with the date and the place.

25

A. On the 16th of November, 1989 at approximately 9:52  
P.M. I received a call from the dispatcher to go to  
the Keddys Motor Inn in the parking lot concerning  
25 theft from a vehicle. On arrival on the scene I  
spoke to Mr. Gauthier, Michel Gauthier, in the parking  
lot which directed me to the vehicle and also - to  
the vehicle that was supposed to have been theft from  
the vehicle, and could not locate the owner of this  
30 vehicle at the time. So I proceeded to the vehicle.  
I checked around the vehicle. I noticed there was a  
side window, passenger side, small window, that was

1           smashed, and I also noticed that the steering wheel  
            column was partially taken apart, and also the horn  
            part. I proceeded to look for a name in the vehicle  
            at the time. I opened the passenger side door. I  
5           went into the glove compartment. I later obtained a  
            name from an envelope with the name J. Smith on it.  
            I suddenly realized that this vehicle was not an  
            ordinary theft from a vehicle but a stolen vehicle in  
            the Chatham area. Immediately afterwards I looked at  
10           the plate number of the vehicle, AKW 479 N.B., and I  
            notified the Sergeant in charge and I informed him  
            of the situation. In turn, the R.C.M.P. was notified.

Q.       How long after you made these observations did you  
            remain at the scene?

15       A.       I stayed at the scene until the R.C.M.P. and the  
            Sergeant in charge arrived.

Q.       This would have been how long have you contacted your  
            own headquarters that the R.C.M.P. arrived?

20       A.       As soon as I found the name of the person who owned  
            the vehicle.

Q.       All right, that's when you contacted your headquarters?

A.       Yes.

Q.       How long after your contacting your headquarters  
            then was it until the R.C.M.P. arrived?

25       A.       Approximately 5 minutes - 10 minutes.

Q.       And once they had arrived you remained on the scene  
            for how long?

A.       I stayed until they arrived.

30       Q.       And during that time were you keeping the vehicle  
            in your view?

A.       Yes.

- 1 Q. Once they had arrived what did you then do? Once  
the R.C.M.P. had arrived.
- A. I let the R.C.M.P. take over the charge of the scene.
- 5 Q. Okay, you let them take over the charge of the scene  
but how long did you personally stay there after the  
R.C.M.P. arrived?
- A. At the vehicle I stayed until they arrived approxi-  
mately 10 minutes.
- Q. After they arrived.
- 10 A. After they arrived I left.
- Q. Okay, thank you. Now, if you would, please, you have  
a series of photographs in front of you. There are  
three large aerial ones. The one furthest to you on  
your right-hand side, okay, that is P-69 and it is  
15 S-11 in the upper right-hand corner. Would you just  
take a look at that and could you just indicate to  
the jurors, please, where this vehicle was that you  
have been referring to?
- A. It was parked at approximately where the circle is.
- 20 Q. Would you lift that up, please, and show the jurors  
where you are talking about. Now, would you show  
His Lordship as well.
- THE COURT: Yes, I've got it.
- 25 MR. SLEETH: Do you remember what the weather was like that  
night?
- A. It was cold and raining.
- Q. And raining?
- A. Yes.
- 30 Q. Now, I would ask you there's a blue booklet that's  
in front of you which is P-70 and I would ask you  
to open that booklet and I would ask you in particula.

1 to look at photographs - to start with by looking  
at photographs 1 through 4. Is that the vehicle you  
have been referring to?

A. Yes, it looks similar to the vehicle that I referred  
5 to.

Q. I would ask you then to look at photograph number 5  
in the photo booklet. What condition was the windows  
of the vehicle that you examined?

A. The window was smashed, broken.

10 Q. Which window are you referring to?

A. Picture number 5. That would be the smaller window  
on the passenger side.

Q. Front or back?

A. The back.

15 Q. Now, I would ask you also, if you would, please, to  
look at photographs 7 and 8. The vehicle that you  
examined that night what condition was its steering  
column in and the steering wheel?

A. It was approximately the same condition --

20 Q. Which means?

A. -- that vehicle was in as in the pictures.

Q. Okay, what condition was it in, please?

A. The column and the horn part was partially taken off.

25 MR. SLEETH: Thank you very much.

THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. Constable Lavigne aside from the search in the glove  
compartment for ownership of the vehicle did you do  
30 any other searches of the car?

A. I obtained a name. I am not sure if I obtained it  
from the glove compartment or from the sun visor.

- 1 Q. Did you search say the back seat?  
A. No, I did not.  
Q. Or front of the car or anything like that?  
A. Once I obtained the name I did not go any further  
5 than that.

MR. FURLOTTE: I have no further questions.

THE COURT: Reexamination?

MR. SLEETH: No, My Lord.

- THE COURT: Thank you very much Constable. I bet you are  
10 glad you are not in the Chatham Police Department.  
You know why I'm - the uniform.

A. Yes.

MR. SLEETH: I would call Leonard Doucet, please.

- 15 LEONARD DOUCET, called as a witness, having been duly  
sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

- Q. Mr. Doucet would you please tell the jurors your full  
name and your occupation?  
20 A. Full name is Leonard Doucet. I am a general con-  
tractor, insurance investigator for the insurance  
companies.  
Q. And Mr. Doucet how long have you been involved in the  
contracting business - construction business?  
25 A. About 35 years.  
Q. And in what area have you been doing this type of  
work?  
A. In the Bathurst area.  
Q. Bathurst area. Bathurst, New Brunswick.  
30 A. Right.

- 1 Q. Mr. Doucet I am placing before you a plastic bag  
with a jacket in it that was marked 'DDD' earlier  
identified by various witnesses. I just want you  
to take a moment and take a look at that. You can  
5 lift it up if you wish or just look at it. Do you  
recognize that, sir?
- A. I cannot recognize the coat but it looks similar to a  
coat that has been picked up on the construction site.
- Q. Okay, you say the --
- 10 A. On November the 17th.
- Q. You say a coat that was picked up on a construction  
site. You are talking about a construction site  
where, sir?
- A. I was presently foreman for Keddys construction in  
15 Bathurst.
- Q. And this construction site was where?
- A. In Bathurst.
- Q. And it was what building?
- A. It was in the pool area that we were at the time.
- 20 Q. Of what building? What's the name of the building  
you were working on?
- A. The Keddys Hotel.
- Q. And you had been working there for how long?
- A. I had started there the first of February of the  
25 same year.
- Q. What year, please?
- A. 1989.
- Q. I am placing before you a photograph. It is P-69,  
30 specifically S-11 in the upper right-hand corner.  
Now, do you recognize the building that is shown in  
that photograph?

- 1 A. Yes, I do.
- Q. And that is what building, please?
- A. That is the Keddys Hotel in Bathurst.
- Q. And you were doing some work there you say?
- 5 A. Right.
- Q. Could you indicate to the jurors, please, where you were doing this work?
- A. It was in this section here.
- Q. Okay. Could you just lift the photograph so these  
10 people over here to your right can see where you were pointing at. All right. And you were doing what type of work in that particular area?
- A. This longer section here, the pool area, and this  
15 section here pointing right by the car is the sitting room for the pool area.
- Q. Okay, let's turn that again so that the jurors can see where you are referring to. The pool area being a longer section can you point at it, please, with  
20 your finger?
- A. That is the pool area.
- Q. All right, and you said one near a car which was a sitting area?
- A. The sitting section, here, yes, sitting room.
- Q. Okay. And there was a particular day when you made  
25 observations at that location as I recall.
- A. Yes, the 17th of November we moved --
- Q. All right, you just then take it at your own pace. On the 17th of November you went to that site, to  
30 that location.
- A. Right.
- Q. To do work. At around what time did you arrive there?

- 1 A. Around 10 o'clock, shortly after our break.
- Q. You and you said our break, you are talking about yourself and who else?
- A. Well I had brought in a crew of men to clean up the
- 5 area. I was in charge of finishing of that area. As you can see it was only barricaded and to continue the construction we started to clean approximately around 10 o'clock.
- Q. How many men did you have with you?
- 10 A. I had 6 or 7 men with me.
- Q. So you got there around what time again?
- A. Shortly after 10.
- Q. And when you arrived there at that time what was the weather like that day? If you remember.
- 15 A. I don't quite remember it.
- Q. Once you arrived there certain things happened.
- A. Well, we proceeded on cleaning the area. It took us a little while to get to the back part.
- Q. Why was that?
- 20 A. Well because there was a lot of plywood and two by fours and building material in the way. We were cleaning to get our construction underway. And I was towards the back of that section. I was brought
- 25 to the attention of a coat and a pair of boots being left there unattended, abandoned there.
- Q. When you say there where do you mean?
- A. Inside this building which is now the sitting room for the pool area.
- 30 Q. Okay, could you just hold that up, please, and turn the photograph so the jurors can see where you are indicating. Okay. Found inside there by whom?



- 1 A. By me.
- Q. And this coat and boots, what condition were they in? Start with the coat.
- A. They appeared to be wet. My attention was brought  
5 mostly to the boots. The coat, as I have reported to Constable O'Neil, I cannot really recognize the coat. I know there was a coat there but I'm not sure that this is that coat. The boots had something that was different. There was plastic liners  
10 inside of the boots.
- Q. Plastic liners, bags, or what?
- A. Yes, it looked like bread liners. Bread plastic covers.
- Q. Bread liners - bread bags?
- 15 A. Well the covers of a loaf of bread.
- Q. Bread bags?
- A. Yes, bread bags.
- Q. Inside the boots you said?
- A. Inside the boots.
- 20 Q. This may get a little tricky for us, 'EEE', do you recognize those?
- A. They appear to be the boots. Seems to be the boots that I saw. They were like that.
- Q. All right. You mentioned the boots, the observation  
25 you made of them; was there anything in particular you recall about the jacket that you especially noted about it physically that you could observe with your eyes, your nose, one of your senses?
- 30 A. When the jacket was picked up by Constable O'Neil who was the first one that came on the site after I called in the Bathurst Police there was a strong smell on the jacket.

- 1 Q. Smell of what, please?
- A. Smell of smoke.
- Q. Now you said earlier you are a fire investigator as well.
- 5 A. Yes.
- Q. I refer you now to a booklet, a blue photo booklet, it is marked on the front in evidence as P-70 and I would ask you to look in particular at photographs 19 and 20. Now earlier you were talking about construction that you were performing. Do you recognize that area that is shown in those two photos?
- 10 A. Yes.
- Q. And you earlier referred to an area which was the sitting room, I believe, for a pool?
- 15 A. Right.
- Q. Are you able to indicate that, if it's shown, on photos 19 and 20?
- A. It is shown on both.
- Q. Could you please then just turn the booklet in a fashion that the jurors can see and would you point out with your finger where this --
- 20 A. This area here now is part of the sitting room.
- Q. Okay. You are pointing that out on photograph number 20.
- 25 A. Number 20 on the bottom. And number 19 you can see the same with the roof on it.
- Q. Angle it just a little bit more. I'm not sure that all the jurors saw it. We'll start with 19, that's the top one.
- 30 A. You can see the roof of that sitting room now. This is the pool area. And that is the bottom part of this area here shown on 19.

1 Q. It may be that at the very end of the jury they didn't see all of that. Could you point out the area on 20, in particular, where they were? That's the bottom photograph.

5 A. This is the bottom part here. That part of the sitting room.

Q. And are you able to indicate to the jurors where those boots were located by you?

A. Where my finger is pointing.

10 Q. In the corner.

THE COURT: Which corner, again? Witness, show me which corner.

MR. SLEETH: Would you indicate to His Lordship which corner you are referring to?

15 A. It would be here, sir.

Q. Perhaps you might just make a small 'x' on photograph number 20 the corner that you observed on P-70, photo number 20.

20 THE COURT: That's the boots? The boots were found?

A. The boots and the coat.

MR. SLEETH: How long after you discovered these items, the jacket and the boots, was it until this Mr. O'Neil arrived?

25 A. Mr. O'Neil arrived around quarter to one or 12:30. It was during dinner hour.

Q. Did you keep the boots and jacket in your sight through the time?

30 A. It was not always in my sight but I had left some of my men there to make sure that nobody touched them or disturbed them.

1 Q. And when Constable - this is Constable O'Neil you are referring to?

A. Right.

Q. And when he arrived these were the same jacket and  
5 boots he removed as you had seen earlier?

A. Yes.

MR. SLEETH: Thank you.

CROSS-EXAMINATION BY MR. FURLOTTE:

10 Q. Mr. Doucet what I get from your evidence is that you can't really identify the jacket as being the same jacket?

A. I don't remember the color of the jacket at all, no. There was a jacket but I don't remember the color.

15 Q. While they look similar you can't identify them as being the same boots either?

A. The boots are like the boots I seen.

Q. They are like them?

A. Yes.

20 Q. But you can't say they are the ones you seen?

A. I have no markings on them.

Q. Now, where you found a pair of boots and a jacket, do you know if there was any boots or jackets in that area where somebody could have come in and changed  
25 his boots and jacket for another pair of boots and jacket?

A. No, sir. We had a change room.

Q. You had a change room.

A. Well yes, it was downstairs, and we had rubber boots  
30 for anyone that had to use rubber boots where it was wet to work for, and raincoats, and I couldn't see anybody leaving --

- 1 Q. That place wasn't broken into, was it?
- A. No.
- Q. The change room?
- A. No.
- 5 Q. There was nothing that you know of that was missing out of the change room?
- A. No.

MR. FURLOTTE: I have no further questions.

THE COURT: Reexamination?

- 10 MR. SLEETH: No redirect My Lord. I would ask that the witness be excused.

THE COURT: Yes, thank you Mr. Doucet.

MR. SLEETH: Call Constable O'Neil.

- 15 CONSTABLE STEVEN O'NEIL, called as a witness, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

- Q. Would you please state your full name and your occupation?
- 20 A. Steven Duncan O'Neil. I'm a police constable in and for the City of Bathurst in the County of Gloucester, Province of New Brunswick.
- Q. And for how long have you been employed by them as a peace officer?
- 25 A. For the last 12 years.
- Q. Do you know the previous witness, Mr. Leonard Doucet?
- A. Yes, I do.
- Q. He related to us certain involvements that he referred to a Mr. O'Neil, a Constable O'Neil. You are
- 30 the same person that he was referring to?
- A. I am.

1 Q. And you, as I understand it, had an involvement with him. Would you relate to these jurors and to this court your involvement with the preceding witness beginning with the date and place, please.

5 A. It was the 17th of November, 1989, approximately 12:46 P.M. I received a dispatch from the police dispatcher to proceed to the Keddys Motel on Main Street in Bathurst and there to locate the complainant Mr. Leonard Doucet, with reference to found clothing.  
10 I arrived at the hotel. It took a short while to locate him on the construction site and then he led me to a construction area on the south side, hollow square, of the Keddys Motor Inn and there he showed me a pair of boots and a coat.

15 Q. I am going to ask you if you would, please, to pick up the aerial photograph on your right-hand side which is P-69, S-11, in the upper right-hand side, and would you indicate to the jurors the area where this construction site is that you are referring to  
20 and which Mr. Doucet directed you to.

A. Yes. It's inside the hollow square, a wooden portion with plastic sides and plastic roof and there's a half ton truck right in front of it. It was in a construction area.

25 Q. Now, if you would also then pick up the photo booklet in front of you, or next pick that up, the photo booklet being P-70, and if you would then, please, turn to photographs 19 and 20. Starting with photograph 19 do you recognize the area that is shown  
30 there?

A. Yes, photograph 19 is the same area that I just pointed out on exhibit S-11.

- 1 Q. Okay, and photograph 20.
- A. 20 is the area where I was shown the coat and the boots by Mr. Doucet.
- Q. Now, on that one that you have which is 20, photograph number 20 of P-70, there is a marking there.
- 5 A. Yes.
- Q. Do you recognize that as being the area where the boots and the jacket --
- A. Yes, in the general area. It was in the corner.
- 10 Q. I am going to start with 'DDD'.
- A. That's a black and red jacket. It appears to me to be the same one that I picked up.
- Q. Take your time.
- A. Same type as I picked up. I did not at the time make any identification marks or whatever on it. I wasn't
- 15 sure what significance it had with anything and, however, I didn't want to contaminate it or change its originality in any way.
- Q. Once you had seized a jacket, however, which you say was similar to that, what did you do with it once you had seized it?
- 20 A. Well, I picked it up. I noticed that it was quite heavy and wet and it had a really overpowering reek of wood smoke. I pointed this out to Mr. Doucet. He had a sniff at it and he agreed.
- 25 Q. Okay. Once you had taken that particular thing into your possession how long did you keep it, where did you put it, and what did you do with it?
- A. I laid that aside. I took the boots. I noticed that
- 30 they were wet. They also had plastic bag inserts inside them.

1 Q. By plastic bag inserts you mean what?

A. Looked to me like possibly a bread bag. I only saw  
the tops of them sticking out of the boots. I took  
the boots and I tied them by the laces without  
5 touching the boots proper whatsoever. Those I  
noticed to be wet and quite heavy as well.

Q. I am showing you now 'EEE', triple 'E'. Do you  
recognize those?

A. They appear to be the same type of boot. Quite rough  
10 shape. There were laces in the boots that I seized.  
Again, I made no identifying marks on them so I  
wouldn't change the originality of them, but they  
were a Greb boot. Both of the items I took back to  
my police car with me. I put them each in a separate  
15 plastic bag, the boots in one and the coat in another.  
I went directly up to Vanier Boulevard where the  
R.C.M.P. Detachment is in Bathurst and when I did get  
a chance to talk to the Ident people, it was Corporal  
Robitaille, he had been busy prior to seeing me, I  
20 then turned those objects over directly to him.

Q. Do you remember Corporal Robitaille's first name?

A. Corporal. No, I don't. I think it's Denis.

MR. SLEETH: All right, thank you.

THE COURT: Cross-examination.

25

MR. FURLOTTE: I have no questions.

THE COURT: Thank you very much Constable O'Neil. You are  
excused.

30

MR. ALLMAN: It appears to me, My Lord, it's two minutes to  
11 and we're getting into a slightly different area  
after this.

THE COURT: All right, we'll have a recess now. (Jury out.)

(RECESS - 11 - 11:35 A.M.)



1 (Accused present in prisoner's dock.)

(Jury called, all present.)

THE COURT: Now, we will go on with the next witness but  
first I would like to say just a brief word to the  
5 members of the jury about a small administrative  
change we have made in the setup of the courtroom  
here.

I have had a discussion with counsel during the  
recess about the propriety of Mr. Kearney, who is not  
10 a defence counsel, sitting at the defence table, and  
I feel that it would be better if he weren't sitting  
there. One of the problems in the courtroom here is  
that with this small courtroom there isn't much space  
to move people about from one place to the other. So  
15 I have instructed Mr. Kearney that for the duration  
of the -- This is no reflection on him in any  
way, but until further instructions are given he will  
seat himself in the public gallery solely because  
there isn't room up here, and he will have the  
20 facilities to make notes and so on. And that is why  
you see Mr. Furlotte alone and not Mr. Kearney sitting  
as well with him at the defence table. Mr. Kearney's  
role continues as it has been. His function is that  
of amicus curiae. I am not going to bother to ex-  
25 plain that any more than I did already. His status  
is the same as other counsel. He is not required to  
gown because it would be inappropriate if he is  
seated back there to be in gown - in court clothes.  
30 He is, of course, required if he absents himself, he  
will get permission of the Court like other counsel  
to do that before he does absent himself.

1           So I just explain that to you. No earth-shattering matter I guess, but I thought you might wonder about it.

          Now, you have another witness Mr. Allman.

5 MR. ALLMAN: Yes, My Lord, Sergeant Gerry Gaudet.

SERGEANT GERRY GAUDET, called as a witness, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ALLMAN:

10 Q.       What is your name?

A.       My name is Joseph Gerald Gaudet. I am a member of the R.C.M.P. I have been so employed since the 9th of August, 1972. I am presently stationed in Bathurst General Investigation Section and I have been there since October of 1986.

15 Q.       I am going to show you, Sergeant Gaudet, a photo line-up that's been marked 'UU' for identification. at the moment. Can you look at that and tell us anything about it, please?

20 A.       Yes, this is the photo line-up that I received from Corporal Godin of the Ident Section in Bathurst on the 24th of November, 1989 at fifteen fifty-four hundred hours which is 3:54 P.M. I have got my initials, time and date on it. I kept this photo line-up in my possession until the 27th where I turned it over to Corporal Godin at approximately 2 P.M. in the afternoon.

25 Q.       Does it appear to you to be in the same condition as when you saw it on the - what day was it? - on the 24th?

30 A.       On the 24th of November.

- 1 Q. In the same condition?  
A. Yes.  
Q. Except for some court markings.  
A. Except there is some more writing on it in the back.
- 5 Q. And for what purpose did you receive that from Corporal Godin?  
A. The purpose of receiving this was to go and show this photo line-up to Mr. Michael Murty.  
Q. And did you in fact do that?  
10 A. Yes.  
Q. When did you do that?  
A. It was shortly after sixteen hundred hours or 4 P.M. on the 24th I went to the Bathurst train station where I met Mr. Michael Murty.
- 15 Q. Is Mr. Murty in court now?  
A. Yes, he is.  
MR. ALLMAN: My Lord I am going to ask that this item be entered as an exhibit. I believe its continuity is proven up and its relevance is now apparent.
- 20 THE COURT: That will be exhibit number P-72.  
(Clerk marks photo line-up exhibit P-72.)  
MR. ALLMAN: I am showing you what was 'UU' and is now P-72 about which you testified a moment ago and you indicated that was a photo line-up and you took that  
25 to show to Mr. Murty at the Via Rail Station in Bathurst.  
A. Yes, I did.  
Q. To your knowledge who are the people depicted on those 8 photographs, or certainly any one of them?  
30 A. Number 6 is Allan Legere. Number 5 is Corporal Charlebois. Number --

- 1 Q. Well, I'm only really concerned with the one.  
Corporal Godin has already discussed the others.  
And you took that line-up in that shape as it now  
is and showed it to this gentleman, Mr. Murty?
- 5 A. Yes, I did.
- Q. Can you tell us what, if any, information did you  
give to Mr. Murty about the identity of any of those  
people before he said anything?
- A. None whatsoever.
- 10 Q. Tell us what took place then between you and Mr.  
Murty.
- A. I showed the photo line-up to Mr. Murty and I asked  
him if he recognized any of the persons on the photo  
line-up.
- 15 Q. And what was Mr. Murty's reply to that question?
- A. He looked at the photo line-up and he pointed at  
number 6 and he indicated that that person was  
familiar to him. I asked him as to the reason why  
that person would be familiar to him and he indicated  
20 to me that that person looked like the person that was  
late for the train not last Thursday but the Thursday  
before which would have been on the 16th of November,  
1989.
- 25 Q. Just to make this clear, at that stage did Mr. Murty  
have any information to your knowledge as to who  
number 6 was?
- A. No, he did not. Following my conversation with him  
he asked me who number 6 was and at that time I told  
30 him that it was Allan Legere.
- Q. That is following the conversation you have already  
testified to?
- A. That's just before I left following my conversation  
with him.

1 Q. At that time did you get any statement or description  
from Mr. Murty as to the - a statement describing the  
person whom he had seen on this occasion we have been  
talking about?

5 A. No, I did not at that time. He was working so he  
preferred that I come back later on which I did. As  
a matter of fact he came to my office on the 27th.

Q. And at that time you obtained a description from him?

A. I obtained a statement from him, a description of the  
10 individual.

MR. ALLMAN: Thank you.

THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLLOTTE:

15 Q. Now, you say you received this on November 24th?

A. Yes, I did.

Q. At what time?

A. At approximately 15:54 which is 3:54 P.M.

Q. And where were you when you received it?

20 A. In my office in Bathurst, New Brunswick.

Q. And you received it from?

A. Corporal Godin.

Q. On November 24th?

A. Yes.

25 Q. And what time did you meet with Mr. Murty?

A. It was shortly after 4 P.M. - sixteen hundred hours.

Q. And you took a statement from Mr. Murty when?

A. On the 27th of November, 1989.

Q. November or December?

30 A. November.

- 1 Q. What is the usual procedure when you show a photo  
line-up to a witness?
- A. Well, I don't know if there is any usual procedure.  
Usually the procedure that I follow is I go to the  
5 witness and I show the photo line-up to the individual  
and ask him if he recognizes anyone on the photo  
line-up.
- Q. Did Mr. Murty know that Allan Legere had been  
captured that day?
- 10 A. I assume he would have.
- Q. You would also assume that Mr. Murty was expecting  
to see Allan Legere's picture.
- MR. ALLMAN: I don't think we should get into what this  
witness would assume. We might get into what he  
15 knows.
- MR. FURLOTTE: Do you know whether or not Mr. Murty ex-  
pected to see Allan Legere's picture in the photo  
line-up?
- A. No, I don't know.
- 20 Q. What is the purpose of showing a witness a photo  
line-up rather than just going and showing him say  
the photograph number 6 of Allan Legere? Why bother  
with all the other pictures?
- A. It would be a more objective way of identifying an  
25 individual if you show only a line-up of photographs  
of persons that have similar characteristics so this  
way he would not be influenced in any way to choose  
or know who that person was.
- 30 Q. Would that same principle hold true for any objects  
that you are trying to get an individual to identify?
- A. In some situations, yes.

1 Q. So likely then when you are showing an object or a picture of an object to a witness for identification as photo line-ups you could be showing that person pictures of similar objects?

5 A. If they are available.

Q. Is that because the person that you are showing the objects or pictures to is likely expecting that you want them to identify the one picture or the one object that you are showing them?

10 A. I'm sorry, I don't understand the question. Would you rephrase it, please?

Q. If you were only going to show a witness one picture say here of Allan Legere or a picture of an object that you wanted identification, the reason you show them a bunch of them is because they are likely expecting you, if you only show them one, they are likely expecting you -- I'm sorry, I'll get around it. It is likely expected that you want them to identify that one object for you. That's the reason you are showing it to them.

15  
20  
A. Well perhaps it's the purpose also in some circumstances that that's what you want to do is for that person to identify a specific object so that's why you would show him either it be a vehicle or any item. That's the purpose of it and to the reason as to how he would identify it.

25  
30 Q. So if you went there and you showed Mr. Murty, for example, just the picture of Allan Legere as number six, he would be expecting that you wanted him to identify that as the person that he saw if you just show him the one picture.

1 A. I don't know. I can't answer that.

MR. ALLMAN: Sorry to object. I don't think it's  
appropriate to ask what somebody else would be  
thinking. He can ask what would be in this officer's  
5 mind, why this officer would be doing this. I don't  
think he can ask one person what's in another  
person's mind.

THE COURT: Well, the witness has said he doesn't know.

MR. ALLMAN: I guess that is --

10 MR. FURLOTTE: But it is generally accepted as police  
practice that to show a witness a single picture,  
a single object, a single person, that it is  
generally accepted that that is not the proper  
procedure, isn't that right?

15 A. In some circumstances we do it with one picture and  
in other circumstances when the times permit, other  
circumstances fits, we show them a photo line-up.

Q. Is it true that it's not a proper procedure to take  
a witness into a police station and just show the  
20 witness the Accused for identification?

A. I have never done it myself.

THE COURT: Oh I think the witness has - he's answered  
that, surely, Mr. Furlotte. He says in some cases  
it's proper to do it one way and in other cases  
25 proper to do it the other way.

MR. FURLOTTE: Do you know if any statements were taken  
from Mr. Murty before November 24th?

A. I'm not aware.

30 Q. And you are sure it was on November 24th that you  
showed that to Mr. Murty and not November 25th?

A. November 24th.



1 Q. That's the same day Mr. Legere had been captured?

A. Yes.

MR. FURLOTTE: I have no further questions.

THE COURT: Reexamination?

5 MR. ALLMAN: No.

THE COURT: Thank you very much Sergeant Gaudet. I guess  
you are not subject to recall so you are excused.

MR. ALLMAN: I'll call Michael Murty.

10 MICHAEL MURTY, called as a witness, having been  
duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ALLMAN:

Q. What's your name, please?

A. Michael Murty.

15 Q. What town or city do you live in Mr. Murty?

A. In Bathurst, New Brunswick.

Q. Did you live in Bathurst -- how long have you lived  
in Bathurst?

A. Since about 1984.

20 Q. What were you employed as in Bathurst on the 16th of  
November, 1989?

A. I was employed as a ticket agent for Via Rail Canada.

Q. At the Bathurst --

A. The Bathurst station.

25 Q. -- station?

A. Right.

Q. Do you know Keddys in Bathurst?

A. Yes, I do.

30 Q. How long would it take to drive from the Via Rail  
Station to Keddys would you think?

A. Less than 5 minutes. There's a traffic light. Like  
depending on the traffic light and the traffic.

- 1 Q. What about walking?
- A. Walking? I would say roughly 10 minutes.
- Q. Do you remember - you were working I think you said  
5 on the 16th of November at that station. What exactly  
were you doing?
- A. I was selling tickets and working the baggage.
- Q. Were you the only person selling tickets that evening?
- A. No, I wasn't.
- Q. Who else was working with you?
- 10 A. It was Claude Hache.
- Q. And I am sure the jury have all been at railway  
stations but can you just describe a little bit the  
setup where you and Mr. Hache are and where your  
customers are?
- 15 A. Okay. The ticket counter goes across maybe roughly  
from here to that wall over there. 12 feet or so  
roughly, approximately, and then there are two  
openings, the two ticket counters, one for each  
20 ticket agent. I was at one and Mr. Hache was at the  
other one.
- Q. How close are the two ticket agents when they are  
at their counters?
- A. Roughly 3 - 4 feet apart I would say.
- 25 Q. What's in front of you when you are sitting at your  
counter? Right in front of you.
- A. The ticket counter is in front of me.
- Q. Is there any obstruction between you and your  
customers?
- 30 A. Yes, there is, the ticket counter is.
- Q. The ticket counter is. Is there any grille or glass  
or anything of that kind?
- A. No, there is not.

- 1 Q. The customer then is on the other side of the counter?
- A. That's right.
- Q. In what sort of an area?
- A. Well, there are two openings. Like the counter is  
5 like roughly 4½ feet high and the openings like are  
lower and there's an opening where the customer comes  
to purchase the ticket.
- Q. Do you recall selling a ticket that evening that may  
have some connection with this case?
- 10 A. Yes, I do.
- Q. Tell us about it in your own words, please.
- A. A gentleman walked into the station. First of all  
he went over to Mr. Hache to purchase a ticket from  
him and Mr. Hache said that he was just closing his  
15 cash and he said would you mind going over to the  
next counter please.
- Q. You could hear that, could you?
- A. Yes.
- Q. Okay. So did this - did you say gentleman or an  
20 individual?
- A. Gentleman.
- Q. It was a man then?
- A. Yes, right.
- Q. Did he comply with Mr. Hache's orders?
- 25 A. Yes, he did, yes.
- Q. So who would he come to after Hache?
- A. He stepped over to me. To myself.
- Q. Okay, tell us what happened.
- 30 A. He didn't stand directly in front of the wicket  
counter. He kind of stood like little sideways, like  
the side of it, and he asked me for a day-nighter  
which is a type of seat that you purchase on the

- 1 train to Montreal.
- Q. The way he stood when you and he were dealing together could you just explain that again to the jury so they have got it quite clear how he stood?
- 5 A. Well usually people when they come to the counter to buy a ticket they stand right in front of the wicket or directly in front of the wicket. He stood kind of like to the side. I couldn't get - you know.
- Q. Did that attract your attention in any way?
- 10 A. Well, just that I kind of suspected that he was maybe hiding something or whatever, you know.
- Q. And he ordered what from you?
- A. He asked for a day-nighter. It's a type of seat you can purchase on the train to Montreal.
- 15 Q. He ordered a day-nighter seat on the train to Montreal. Was there a train going to Montreal that night?
- A. Yes, sir, there was.
- Q. At what time?
- 20 A. 8:28 P.M.
- Q. In point of fact did that train depart that night?
- A. Yes, it did. It departed on time.
- Q. It departed on time.
- A. Right.
- 25 Q. How did he pay for the ticket that he bought?
- A. He paid cash.
- Q. At any time did his position change? You told us that he was dealing with you sideways or sort of sideways on. Did he change that position ever?
- 30 A. Yes, he did. When he went to pay for the ticket. I had his ticket out and he went to pay for the ticket, he stepped in front of the counter and he handed me the money.

- 1 Q. Did you get any impression from the time you dealt with him as to his emotional state or his mental state?
- A. I noticed him to be in kind of a hurry because he  
5 like walked over to the counter right away and he picks up his ticket and he walked - he left right away. He left immediately.
- Q. When he left where did he go?
- A. He went outdoors. Outside.
- 10 Q. Outside what?
- A. Outside the station.
- Q. As opposed to what else could he have done?
- A. He could have sat around on one of the benches and waited for the train. Had a pop or something, what-  
15 ever.
- Q. And this particular individual didn't do that?
- A. No, he did not.
- Q. According to your observations of him he went where?
- A. He went outdoors. Outside.
- 20 Q. Did you see him again after that?
- A. No, I did not.
- Q. About how long would you and he have been engaged together in the transaction over the ticket?
- A. Roughly just a minute or so.
- 25 Q. What's the lighting like in this area where you and, more particularly, where the person you are dealing with are standing?
- A. It's similar to here. There are florescent lights. It's quite good, yes.
- 30 Q. Do you know what time it was when you sold this ticket to this individual?

- 1 A. It was roughly around 7:45 P.M.
- Q. What are you relying upon for that statement?
- A. Well, I got a copy of the accounting coupon of the tickets that I sell from head office in Montreal and
- 5 that was the time that was -- The time actually was 19:47. 7:47 hours.
- Q. How many tickets did you sell to Montreal that night?
- A. I only sold 14 tickets.
- Q. The one that we are talking about in all the tickets
- 10 that you sold where would that come in?
- A. I believe I only sold two more after that.
- Q. Were they to Montreal also? Or do you remember?
- A. I'm not sure but I'm sure they were for I believe two seniors from Caraguet or someone that took the train.
- 15 Q. Senior? What's a senior, sir?
- A. Senior citizens.
- Q. Okay. Would the gentleman with whom you were dealing at 7:45 or 7:47 was he a senior?
- A. No, he was not.
- 20 Q. Did he ask for a senior ticket?
- A. No, he did not.
- Q. Can you give us a description of the individual who bought the day-nighter ticket to Montreal?
- A. He was roughly five feet eight -- five feet ten, I'm
- 25 sorry, six feet, somewhere around there. I would say maybe somewhere around 170 pounds or so.
- Q. Any idea of his age?
- A. Probably in the forties. Somewhere in the forties.
- 30 Q. What language did he speak?
- A. He spoke English.
- Q. Was there anything unusual in the way he spoke English?

- 1 A. No, there was not, no.
- Q. Did you make any observations at all as to what he was wearing?
- A. I believe it was a coat but I'm not sure what.
- 5 Q. I take it you wouldn't be able to see the lower part?
- A. No, I didn't, no.
- Q. Did you subsequently to this incident come in contact with the police?
- A. Before today?
- 10 Q. No, after the incident did you meet with a police officer?
- A. Yes, I met with Sergeant Gaudet.
- Q. That's the previous witness?
- A. Yes, right.
- 15 Q. And you met with him where?
- A. At the Via Rail train station in Bathurst.
- Q. Do you remember the date on that?
- A. I believe it was the 24th. About a week later from when I sold the ticket.
- 20 Q. And on that occasion did he show you anything?
- A. He showed me a photo line-up, yes.
- Q. I am showing you now P-72. Can you tell me anything about that photo line-up as it compares to the photo line-up that was shown to you by Sergeant Gaudet?
- 25 A. It looks to be the very same one.
- Q. And on that occasion when he showed you that photo line-up what was your response to it?
- A. I had picked out number six. I said that he looked familiar to me.
- 30 Q. He looked what?
- A. Familiar to me. That I had seen him before in the past.

- 1 Q. And when did you believe that you had seen him before?
- A. I believe that that ticket that I had sold on November  
the 16th on that train to Montreal that this is the  
individual that I sold it to.
- 5 Q. When you went to -- Well, you didn't go. When he  
came to meet you and he showed you that line-up had  
you seen any photographs of an individual either  
shown to you by the police or in the media resembling  
the photograph number 6 in P-72?
- 10 A. No, I did not.
- Q. Sitting there in court today are you able to make any  
comment upon anyone in this room as it relates to the  
individual you saw on the 16th of November and the  
photograph number 6?
- 15 A. In my mind I would say it looks like the accused.  
MR. LEGERE: Bullshit.
- Q. Which person? Which person is the accused? Where  
is he sitting?
- A. Mr. Legere sitting over in the prisoner's box.
- Q. What's he wearing as opposed to anybody else?
- 20 A. He's wearing a short-sleeved shirt. Neck is open.
- Q. Has the appearance changed in any way since the day  
back in Bathurst?
- A. Yes. Yes. He seemed to have -- his hair was longer.  
Perhaps he's maybe gained some weight.
- 25 Q. But apart from that what do you say?
- A. I would say it looks like the picture I seen.
- Q. Did you make any observations about the hands of the  
individual who was receiving a ticket from you and  
giving you money for that ticket?
- 30 A. Yes, I did.



1 Q. What was that observation?

A. I noticed when he handed me the money that his hands were awfully dirty.

5 Q. Are you able to say - and if not just say so - what the nature of the dirt or the substance on his hands was?

A. No, I can't say for sure.

Q. I think you said just a moment ago talking about the hair that it was longer. Longer when than --

10 A. Longer now.

Q. Longer now than then. What about the color of the hair?

A. It seemed to be, what I can remember, maybe black and grey - with grey hairs.

15 MR. ALLMAN: Thank you Mr. Murty.

THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

20 Q. When you say this person you saw had black and grey hairs was that then?

A. That was then, yes.

Q. What color does Mr. Legere's hair appear to be today? Same color?

A. Pretty well the same color, yes.

25 Q. Still appears to be black to you?

A. Yes, with some grey.

Q. With some grey. You mentioned a person you saw on that day and the person you see in court today appears to be the same person.

30 A. Right.

1 Q. But as far as for photo number 6 this appears to be  
the same person you saw, you claim to have seen on  
November 16th, this photograph resembles the person  
you saw?

5 A. That's right.

Q. And the person you saw on November 16th resembles  
Mr. Legere?

A. Well, not totally. Like I say, his hair was longer  
now. He seemed to have gained weight. It's not --

10 Q. But you can still identify it as being the same  
person? That's what you have done today.

A. Yes.

Q. Now, you say that you never saw this particular  
picture in the newspaper before --

15 MR. ALLMAN: He didn't say that My Lord.

MR. FURLOTTE: Did I understand you to say that you never  
saw this particular picture or a similar picture as  
to what Mr. Legere looks like here in the media be-  
fore you were shown the photo line-up?

20 A. I don't know if I said it before or not but I can  
tell you now I did not see it before, no.

Q. You did not see it before?

A. No.

25 Q. Had you seen any pictures at all of Mr. Legere in  
the newspaper or in the media before you were shown  
the photo line-up?

A. Yes, I did.

Q. Mr. Legere's picture had been flashed in the news-  
papers and television almost daily.

30 A. That's right.

- 1 Q. And you are able to identify Mr. Legere today as  
resembling photo number 6. So when you saw photo  
number 6 in the photo line-up, again, you should  
have been able to see the similarities and recognize  
5 that as being Mr. Legere.
- A. Not really, no.
- Q. Not really.
- A. No.
- Q. So you are telling me that when you looked at that  
10 picture you didn't know it was Mr. Legere?
- A. No, I didn't know.
- Q. But yet you can come in court today and say that that  
picture looks like Mr. Legere?
- A. Yes, sir.
- 15 Q. And yet the way Mr. Legere looks today had you not  
seen pictures of him in the newspaper before you were  
shown the photo line-up?
- A. The pictures that I see in newspapers he had a big  
beard, he had longer hair. It didn't look like that  
20 one I seen at all. It did not.
- Q. You never saw any pictures of him in the newspaper  
or media without his beard?
- A. No.
- 25 Q. Did you know who you were expected to find in that  
photo? You knew Mr. Legere had been captured that  
day.
- A. Yes.
- Q. Before you were shown this photo?
- A. Yes.
- 30 Q. And you were expecting to see Mr. Legere's picture  
in this photo line-up?
- A. No, I was not.

- 1 Q. You were not?  
A. No.
- Q. Did you know why you were being showed the photo line-up?
- 5 A. Yes. I heard on the news that all along that they were saying that Mr. Legere had an accomplice and I heard that he was captured that morning. I thought the R.C.M.P. were looking for his accomplice.
- Q. Looking for his accomplice.
- 10 A. That's why they showed me that line-up. I did not know I was picking out Mr. Legere.
- Q. You thought maybe it was an accomplice that Mr. Legere was allegedly to have?
- A. That's right. That's right.
- 15 Q. Now, you say that you observed this individual for just 1 to 2 minutes?
- A. That's right.
- Q. While you were selling him the ticket?
- A. That's right.
- 20 Q. And during that 1 to 2 minutes while it took for you to prepare the ticket you wouldn't be actually looking at this individual all during that time?
- A. No.
- Q. You would be punching the ticket out of the computer.
- 25 A. That's right.
- Q. And this individual left right away after you gave him the ticket.
- A. That's right.
- 30 Q. And the description you gave that the person was roughly five foot ten to six feet?
- A. That's right.

- 1 Q. Around 170 pounds.  
A. Yes.  
Q. And you believe he was wearing a coat?  
A. Yes, he was wearing a coat.
- 5 Q. Was he wearing a hat?  
A. I'm not sure.  
Q. You are not sure if he was wearing a hat?  
A. No. I don't believe he was but I'm not 100 percent sure.
- 10 Q. Clean shaven?  
A. No, he had a little bit of a growth of beard. Not a long beard.  
Q. What about a mustache?  
A. No.
- 15 Q. Didn't have a mustache?  
A. No.  
Q. So out of the pictures in this photo line-up you could eliminate the people who had a mustache, would that be it?  
A. Yes.
- 20 Q. How many people have mustaches?  
A. Two.  
Q. So out of 8 pictures you are now reducing it to picking a person out of 6?  
A. Right.
- 25 Q. Do you recall what color the jacket would have been?  
A. No, I do not.  
Q. You are not even sure if he had a jacket on, are you?  
A. Yes, I'm sure he had a jacket on. I'm not sure what  
30 color.

- 1 Q. You don't recall the color?  
A. No.
- Q. You don't recall whether he had a hat on or not.  
A. I don't believe he did but I'm not a hundred percent  
5 sure.
- Q. Do you recall whether or not he was wearing glasses?  
A. No, he was not.
- Q. Now, you saw him walk out the door?  
A. Yes.
- 10 Q. And to be able to judge him - would you judge him  
as being five ten to six feet from seeing him walk  
out the door?  
A. No. From when I was dealing with him when I was  
looking at him face to face. Roughly my height.
- 15 Q. And how tall are you?  
A. Five ten.
- Q. Now, when you saw him walking out the door you could  
see the full view?  
A. Yes.
- 20 Q. What was he wearing for pants?  
A. I didn't look. I don't know.
- Q. What was he wearing on his feet?  
A. I don't know. I didn't look.
- 25 Q. So you can't recall the color of his jacket; you  
can't recall the type of pants; you can't recall what  
he had on his feet.  
A. No.
- Q. You don't know whether or not he had a hat but you  
30 can identify all the facial features.  
A. Yes.

1 Q. Had you talked to the police before November 24th?

A. No, I don't believe I did.

Q. How did they know to come to you with the photo line-  
up then? That you were working that evening on

5 November 16th.

A. I have no idea.

Q. So on November 16th or November 17th the police never  
approached you to find out if you sold a ticket to  
someone who looked like Allan Legere?

10 A. The City Police in Bathurst did, yes.

Q. The City Police in Bathurst did.

A. Right. That's right.

Q. Did you give the City Police from Bathurst a state-  
ment?

15 A. No, I did not.

Q. So you knew that the police were interested in some-  
body who may have gotten on the train November 16th?

A. Yes.

20 Q. So when you were shown the photo line-up you  
automatically assumed that this must be an individual  
that they want you to identify who got on the train  
November 16th.

A. I really wasn't sure what they were looking for at  
all.

25 MR. LEGERE: Apples!

MR. FURLOTTE: How many people do you usually serve selling  
tickets there through a week or through --

A. That varies. Some days are busy, other days are  
quiet. It varies.

30 Q. So you didn't have a clue what they were looking for;  
that they were looking for Mr. Legere, is that right?

A. That's right.

1 Q. You didn't know that they were attempting to get you  
to identify somebody who got on the train November  
16th.

A. No.

5 Q. So therefore as far as you're concerned they could  
have been showing you a photo line-up of somebody who  
you may have sold a ticket to anywhere in the past  
three months?

A. No, not that far back.

10 Q. Not that far back.

A. No.

Q. How did you know it wasn't that far back?

A. Because like I was just telling you, the City Police  
in Bathurst did interview me - or did bring me down  
15 to the station that same night on the 16th and they  
wanted to look through my tickets, and I mentioned  
at the time that I sold this ticket to that particular  
individual and they said did it look like Allan  
Legere. I said not to me I don't think it was Allan  
20 Legere.

Q. Okay. So you didn't give a written statement to the  
police?

A. No.

25 Q. But you gave an oral statement to the police.

A. Well, it's a statement I guess.

Q. And at the time it was brought to your attention  
immediately, the same date, November 16th.

A. Right.

30 Q. So just a few hours after you sold the ticket it was  
brought to your attention. You remembered selling  
a ticket to an individual to Montreal and at that  
time you said no it was not Allan Legere, is that  
right?



- 1 A. That's right.
- Q. That's what you told the police?
- A. That's right.
- Q. But in court today you say that number 6 is the  
5 person you sold the ticket to and number 6 also looks  
like Allan Legere. So why is it you couldn't  
recognize it as being Allan Legere on November 16th  
but then on November 24th you can recognize it as  
being Allan Legere?
- 10 A. Well, like I say, I saw in the papers every day  
where there were some pictures of Allan Legere with  
this big beard and long hair and I was expecting him  
to look like it there, but when I seen that  
resemblance of that picture there to Mr. Legere over  
15 there it looks like the same person to me.
- Q. But you stated in court that you can see the  
resemblance of this man here in number 6 to that man  
sitting over there in the docket. You can see the  
strong resemblance today but you couldn't see the  
20 strong resemblance on November 16th.
- A. I said I didn't think it was Legere.
- Q. No, you didn't. As a matter of fact you told them  
that it wasn't Legere. It's not even that it didn't  
25 come to your mind. Your mind processed the possi-  
bility and you rejected it, is that right?
- A. I said I didn't think it was Allan Legere, right.
- THE COURT: Well Mr. Furlotte he has given his explanation.  
However, reexamination?
- 30 MR. ALLMAN: My Lord, I'm going to ask on redirect.

1           REDIRECT EXAMINATION BY MR. ALLMAN:

Q.    What on November 16th did you think Allan Legere  
looked like?

A.    I thought he would look like the pictures I had been  
5       seeing in the newspapers all along with this long  
beard - you know, with a beard and long - like long  
curly hair. I didn't think that that was --

Q.    When you said that the person at the station didn't  
10       look like Allan Legere what were you comparing him  
with?

MR. FURLOTTE: My Lord the crown covered all this on  
direct examination, the identification of Allan  
Legere. He's just covering the same thing he covered  
in direct examination.

15       THE COURT: Well, the question of the beard and so on came  
out on cross-examination.

MR. FURLOTTE: The question of identity come out and the  
identifying characteristics and comparison with the  
photo line-up to Mr. Legere today that all came out  
20       in direct examination.

THE COURT: Well, what is your further question you want  
to ask?

MR. ALLMAN: The reference to the Bathurst Police and what  
25       he said to the Bathurst Police came up from Mr.  
Furlotte. I am exploring that.

THE COURT: All right, go ahead.

MR. ALLMAN: I believe I asked you when you talked to the  
Bathurst Police what you believed Mr. Legere looked  
30       like.

A.    I believed he looked like what I had been seeing in  
the newspapers, the long beard and the curly hair.

1           These are mainly.

Q.       Mr. Furlotte asked you about the time when the  
gentleman walked out of the - out after he bought the  
ticket and he asked you if you could say anything  
5       about his pants or what he was wearing on his feet.  
How long does it take a person to walk from your  
wicket out? In other words how long did you see his  
pants and feet?

A.       Well, it's just like maybe from here to the back door  
10       is about the length of the station. He just walked  
out and I didn't look --

Q.       This door?

A.       No, the back door back there, roughly, that would  
have been to the station.

15       MR. ALLMAN: Thank you.

THE COURT: Thank you very much Mr. Murty. That's all  
for you.

Is your next witness very long Mr. Allman?

20       MR. ALLMAN: I would like to stop now My Lord. There is  
a matter we want to discuss just briefly.

THE COURT: So we will send the jury off to lunch.

(Jury excused.)

25       MR. ALLMAN: My Lord the matter I would like to raise is a  
matter Mr. Walsh has already raised before. During  
the course of examining that witness I heard Mr.  
Legere observe at one point "Bullshit", I think it  
was, and another point "Apples". The effect of this  
upon the witness on the witness box may be intimidatir  
30       The effect of this upon witnesses that we have in the  
back of the hall may be - and the rest of the court-  
room may be intimidating. The effect of this upon

1 the jury we have no way of assessing. None of the  
effects are desirable. Mr. Legere has been warned  
by Your Lordship on a number of previous occasions  
about the impropriety of doing this. I don't know  
5 what action Your Lordship feels appropriate but I  
wanted to bring that to Your Lordship's attention  
just in case you hadn't heard the comments though I  
think they were loud enough for anybody to hear.

THE COURT: Well, I heard 'ha-ha', I heard 'apples' and I  
10 heard 'oh shit' I think it was. I don't think it was  
bullshit, it was oh shit. But no, if that sort of -  
I don't think witnesses are going to be intimidated  
by that, really, although I can appreciate there  
might be some intimidation.

15 MR. LEGERE: Nah.

THE COURT: The same as there was on that comment. And,  
of course, if these comments continue I will have  
to, as I pointed out earlier in the voir dire, I will  
20 have to point out to the jury that when it comes time  
for me to charge the jury I will be directing them  
that they're entitled to observe the conduct of the  
accused in the courtroom and to take into consideration  
the remarks that he makes. You know there was one  
25 witness testifying earlier and the crown couldn't  
elicit from that witness certain information it wanted  
to and the accused spoke up and provided the very  
information that the crown were trying to obtain.

MR. LEGERE: That was (inaudible.)

30 THE COURT: And he filled in the gap for him. Now, perhaps  
he's helping his own case when he does that. I'm  
talking about where he lived between 1975 and 1977  
which is a very crucial bit of evidence because the

1 two yellow pins on this map just about coincided the  
place where the dog went over one gap in the bank and  
the fence in the bank and where the basement of the  
old house existed or -- I can't recall the details  
5 of it, but that was filled in. So but I am going to  
have to point this out to the jury and I don't want  
to have to do that. I will be when I charge the jury.  
I will be telling them this. But if these remarks  
continue -- Now mind you there are other alternativ  
10 open to me but I don't want to take drastic steps in  
this trial if I can avoid it.

MR. LEGERE: Why hide where I lived?

THE COURT: Well, we will recess now until 2 o'clock.

(NOON RECESS - 12:25 - 2 P.M.)

15 COURT RESUMES. (Accused present.)

MR. ALLMAN: My Lord just before we go on there's one  
matter Mr. Furlotte asked me to indicate. Your  
Lordship may remember on the witness list - or an  
earlier witness list we had a lady named Romaine Roy.  
20 That witness is not on the final witness list, the  
one that you probably now have before you. We ad-  
vised Mr. Furlotte, I'm not sure when but a while  
ago, that we were taking Romaine Roy off the witness  
list. The reason why is because the police informed  
25 us that apparently she is suffering from symptoms of  
along the lines of Alzheimers - at least this is what  
her daughter tells the police. In those circumstances  
we didn't feel it was appropriate to keep her on. We  
advised Mr. Furlotte of that. Now what he wants to  
30 do, if anything, about that I don't know, but he  
wanted me to indicate why that was.

1 THE COURT: Well, does this cause any problem with you Mr.  
Furlotte?

MR. LEGERE: No, I know the woman. I know the woman. It  
doesn't matter.

5 MR. FURLOTTE: The only problem it would create and, as Mr.  
Legere has stated, he knows the woman and he probably  
doesn't doubt the credibility as to why she can't be  
called any more.

10 THE COURT: What about you Mr. Furlotte? Do you want the  
woman brought here?

MR. FURLOTTE: It's just that there was particular things  
in her statement that I thought would be helpful to  
the defence in that she stated that she had called  
the rectory office and --

15 THE COURT: Did you want her brought here?

MR. FURLOTTE: Well, I don't know if she would be in  
condition to even cross-examine to give any answers.

20 MR. ALLMAN: I haven't spoken to her myself but I think  
that is the problem as I understand it.

THE COURT: Where does she live Mr. Allman?

MR. ALLMAN: In the Newcastle area.

THE COURT: What was generally the nature? Well, I don't  
want to get into that. You know Mr. Furlotte what.

25 MR. ALLMAN: If he wishes to consider his position and let  
us know what he wants to do.

THE COURT: Yes, well take it under consideration.

MR. ALLMAN: I'm just putting on the record what the  
situation is.

30 THE COURT: Mr. Furlotte you keep in touch with Mr. Allman  
about it. I mean when we get down to the bottom of  
the witness list I don't want it brought up then that  
oh I want to hear from so and so.

1 MR. FURLOTTE: Maybe I can find out what I want to find  
out from the crown and I'll take it from there.

THE COURT: Well, you people discuss it together and next  
week we can get it settled. Just while we're --

5 Well, I was going to discuss this perhaps in front  
of the jury. I did indicate last week that we might  
take Friday off. We were making quite good progress  
and we continue to do. What are -- I am going to  
leave it up to the jury actually. If they say they  
10 want to come back on Friday and, you know, finish  
the matter up I'll take that into consideration, but  
just in their absence can I have any views of counsel  
as to what -- My thought was it would give you a  
chance, Mr. Furlotte, to --

15 MR. FURLOTTE: I would appreciate Friday off. It gives me  
an extra day to try and deal with some of this  
evidence and possible witnesses.

THE COURT: Well that was my main purpose, really, in doing  
it, to accommodate you. Do the crown have any  
20 particular thoughts on it? It doesn't mess up your  
scheduling for tomorrow. I'm sure you want to know  
in advance but --

MR. ALLMAN: Provided we know today what the situation is  
it won't mess us up.

25 (Discussion re Friday sitting.)

THE COURT: Now, there is nothing else to discuss now. Can  
we have the jury back.

(Jury called, all present.)

30 THE COURT: Now, you have another witness Mr. Sleeth?

MR. SLEETH: Call Constable Proulx My Lord.

1           CONSTABLE MARC PROULX, called as a witness, having  
been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

- Q.     Constable Proulx would you please state your full  
5           name and your occupation for the jurors, please?
- A.     I am Marc William David Proulx, a member of the Royal  
Canadian Mounted Police since November 28th, 1978.
- Q.     And your present division that you work with with the  
R.C.M.P.?
- 10    A.     I am with the General Investigation Section in  
Moncton. I have been so since February 1st, 1989 and  
I am still there to this day.
- Q.     I have just placed in your hands exhibit P-72,  
15           identified by other witnesses, a photo identification  
line-up. Do you recognize that?
- A.     Yes, I do.
- Q.     And have you had particular involvement with that  
particular line-up at some time?
- 20    A.     Yes. On the 27th of November, 1989 at 20 minutes  
after 3 o'clock in the afternoon I received this  
photo line-up from Corporal Ron Godin about halfway  
on the Bathurst highway between Bathurst and Newcastl  
I had possession of this photo line-up until the 18th  
25           of December, 1989 at 9:28 in the morning at which  
time I passed it over to Sergeant Poissonier.
- Q.     And have you seen it since that time?
- A.     I just seen it a few minutes ago there at lunch time.
- Q.     Is it in the same condition as it was when you first  
30           saw it?
- A.     Yes, it is.



1 Q. And the purpose for which that was turned over to you  
at the time you first related was in order that you  
do what?

5 A. To show this photo line-up to certain individuals in  
the Montreal, Riviere-du-Loup and Levis of Province  
of Quebec to see if they could recognize any of the  
individuals, any at all, in this photo line-up.

Q. And you were in those particular areas at what time,  
sir, Riviere-du-Loup, Montreal, Levis?

10 A. On the 27th of November, 1989 I departed and I went  
to Quebec area. I stopped in Riviere-du-Loup then I  
went to Montreal. I came back to Levis on my way  
back and I was back to New Brunswick on the 1st of  
December, 1989.

15 Q. I am going to call to your attention a number of  
names. Do you recognize the name Denis Lemelin?

A. Yes, I do.

Q. And in relation to that exhibit presently before you,  
P-72?

20 A. Yes. Mr. Lemelin I believe is a detective at the  
time with the Levis Police Force in Quebec. He was  
shown this particular photo line-up and automatically  
recognized an individual on this, the picture number  
6.

25 Q. I would ask you then if you recognize the names of  
Roslyn Antoine and Adelaide Escaleria?

30 A. Yes, I do. Both these ladies are maid - room  
attendants, I guess, at the Queen Elizabeth Hotel in  
Montreal and they were so employed during that period  
of time that I went to Montreal, and they both without  
a doubt pointed to picture, again, number 6 in this  
photo line-up here and identified this individual as

1 well there as one of the tenants that occupied a  
room.

Q. And the name Michael Lazimi?

A. Yes. Mr. Lazimi is another - maybe just a - he  
5 prepares glasses. Not an optician or an ophthal-  
mologist but he prepares glasses. He also was shown  
this photo line-up and he also identified the picture  
number 6. He works for Greiche and Scaff glass  
factory in Montreal. There's different outlets and  
10 that particular one where he works he identified this  
picture number 6 as one of the customers he had sold  
glasses to.

MR. SLEETH: I have no further questions of this witness  
on this point, My Lord. We will be recalling him.  
15 His next one, as a matter of fact, will be number  
169 on the list.

THE COURT: This witness was earlier on the list.

MR. SLEETH: Yes he was My Lord.

THE COURT: And he wasn't called at that time.

20 MR. SLEETH: No, there was an agreement about certain  
aspects that he would have otherwise dealt with.

THE COURT: And Mr. Furlotte was to have an opportunity to  
cross-examine in respect of a knapsack. So if you  
25 cross-examine Mr. Furlotte do you intend to cross-  
examine on the knapsack now?

MR. FURLOTTE: No, My Lord, it was just continuity of the  
knapsack and I believe the knapsack has been put into  
evidence.

30 THE COURT: Is that finished as far as the knapsack is  
concerned? And are you going to cross-examine on the  
line-up?

MR. FURLOTTE: I have no questions on this issue.

1 THE COURT: So that finishes you for now Constable Proulx.  
You shouldn't discuss this aspect of your testimony  
with anyone until all your testimony is finished.  
You are subject to recall shortly I believe. Thank  
5 you.

MR. SLEETH: My Lord the next three crown witnesses, Regis  
Cote, Denis Lemelin and Mr. Lemieux will all be  
testifying in French. They are all from the province  
of Quebec. They have expressed a wish to be able to  
10 testify in French. I have two interpreters present.  
They have expressed to be sworn together as  
interpreters. I would call them.

THE COURT: Yes, but you are only using one interpreter for  
each.

15 MR. SLEETH: One at a time, My Lord, but it's very difficult  
business sometimes for interpreting for any great  
length of time so they are prepared to spell one  
another off.

20 THE COURT: Are the interpreters court interpreters  
recognized as such?

MR. SLEETH: Yes, they have served in that fashion already  
My Lord I believe, before the court.

THE COURT: In this case? No.

25 MR. SLEETH: Not yet in this case, no, but they have served  
as interpreters in the past, My Lord, for our court.

THE COURT: Is Mr. Furlotte aware of the identity of the  
interpreters? Are you satisfied, Mr. Furlotte, that  
they are competent?

30 MR. FURLOTTE: I don't recognize them by name. Bring them  
up as an interpreter and --

- 1 MR. SLEETH: I know that they have acted in our courts  
before My Lord as interpreters, and have been  
accepted as such.
- THE COURT: Yes, but I mean I'm not aware, is there an  
5 official - are there official interpreters under our  
system?
- MR. SLEETH: They do have that, yes My Lord.
- THE COURT: Well, let's bring them up to be sworn and --
- MR. SLEETH: They are not getting into any highly technical  
10 areas, My Lord, that would afford any difficulty I  
don't believe for them.
- THE COURT: This is English into French and French into  
English?
- MR. SLEETH: Well, it being an English trial the witnesses  
15 will be testifying in French but I will address them  
in English.
- THE COURT: Yes, but they are going to have to translate  
your question in English into French and their --
- MR. SLEETH: Yes, My Lord, and answer back into English.
- 20 THE COURT: Well, let's bring the two ladies forward.  
May I just ask your identities first before you are  
sworn.
- DENISE ANDREWS: Denise Andrews.
- THE COURT: You are Denise Andrews and where do you reside  
25 Miss Andrews?
- MS. ANDREWS: I reside in Boiestown.
- THE COURT: And --
- MS. LAJOIE: Patricia Lajoie, Grand Falls.
- THE COURT: And have you both acted as interpreters?  
30 MS. ANDREWS: Yes, we're certified court interpreters.
- THE COURT: You are certified court interpreters. Under  
the New Brunswick system. You know more about it  
than I do. I don't know who are certified and who

1           aren't. Mr. Furlotte are you satisfied that these  
          ladies, if they are certified court reporters, that  
          they --

MR. FURLOTTE: Oh, I can take their word for it. It seems  
5           to me in any other court appearance they had to swear  
          under oath that they were and that they were going to  
          transcribe it --

THE COURT: Oh they have to take the oath but I wanted to  
          be satisfied that the -- If they have an official  
10           status, as they say they have, I don't even have to  
          inquire into this but --

MR. FURLOTTE: Oh, I have no reason to -- I'll accept  
          them as appropriate court interpreters.

THE COURT: All right, so we will swear them both together.  
15

---

DENISE ANDREWS and PATRICIA LAJOIE duly sworn  
as Interpreters.

---

20           THE COURT: Okay, and who is going to act as the first  
          one?

MR. SLEETH: Miss Andrews My Lord.

THE COURT: And your next witness Mr. Sleeth?

25           MR. SLEETH: Constable Regis Cote.

30

1 CONSTABLE RÉGIS CÔTÉ,  
 having been called as a  
 witness, having been duly  
 sworn, testified through  
 5 Interpreter as follows:  
 (Denise Andrews)

DIRECT-EXAMINATION BY  
MR. SLEETH:

Q. Constable, would  
 you please tell  
 10 the Court your full  
 name and occupation?  
 I. Régis Côté, peace  
 officer, and a  
 15 member of the  
 Royal Canadian  
 Mounted Police.  
 Q. How long have you  
 been a member?  
 20 I. Twelve and a half  
 years.  
 Q. Where are you pre-  
 25 sently stationed?  
 I. At the Mirabel  
 airport.  
 Q. I would ask you to  
 go back in your mind  
 30 to 1989, the fall of  
 1989. Where were you  
 stationed then?

CONSTABLE RÉGIS CÔTÉ,  
 ayant été appelé comme  
 témoin, ayant été dûment  
 assermenté, a témoigné avec  
 l'aide d'une interprète,  
 comme suit: (Denise Andrews)

INTERROGATOIRE PAR ME  
SLEETH:

I. Gendarme, voulez-vous  
 donner votre nom au  
 complet et votre occu-  
 pation pour la cour?  
 R. Régis Côté, agent de la  
 paix et membre de la  
 Gendarmerie Royale du  
 Canada.  
 I. Pour combien de temps--  
 depuis combien de temps  
 est-ce que vous êtes  
 membre?  
 R. Douze ans et demie.  
 I. Où êtes-vous présente-  
 ment cantonné?  
 R. L'aéroport de Mirabel.  
 I. Je vous demanderais de  
 retourner dans votre  
 tête à 1989, à l'automne  
 de 1989. Où étiez-vous  
 cantonné à ce moment-là?

- 1 I. I was at the Rivière-  
du-Loup detachment, in  
the Province of Quebec.
- Q. And what were your  
5 duties there at that  
time?
- I. I was then--my duties  
were as an investi-  
gator.
- 10 Q. I direct you speci-  
fically to the 17th  
of November 1989.  
Were you on duty on  
that day?
- 15 I. Effectively.
- Q. Could you then relate  
to these jurors your  
involvement with this  
case?
- 20 Can you describe to  
the jurors your in-  
volvement with the  
matter now before the  
Court?
- 25 I. Certainly.
- Q. Please do so.
- R. On November 17th 1989,  
I accompanied two other  
30 members who were also  
of the Rivière-du-Loup  
detachment, also of
- R. Au détachement de  
Rivière-du-Loup, dans  
la province de Québec.
- I. Quelles étaient vos  
fonctions à ce moment-  
là?
- R. J'exerçais les fonctions  
d'enquêteur.
- I. Je vous dirige spéci-  
fiquement au 17 novembre  
1989. Est-ce que vous  
étiez en devoir cette  
journée-là?
- R. Effectivement.
- I. Pouvez-vous alors  
relater au jurés--
- Pouvez-vous décrire aux  
jurés votre implication  
avec la matière qui est  
présentement devant la  
cour?
- R. Certainement.
- Le 17 novembre 89, j'ai  
accompagné deux autres  
membres de la G. R. C.  
également du détachement  
de Rivière-du-Loup--

- 1 the R. C. M. P.
- Q. Who were they? I. Qui étaient-ils?
- I. Richard Paul, corporal, R. Richard Paul, caporal,  
as well as Constable ainsi que le gendarme  
5 François Gallant. François Gallant.
- Q. And we are talking I. We're speaking of what  
of what time? time?  
- Oh, sorry!
- 10 Nous parlons de quelle  
heure?
- I. It was around midnight. R. Il s'agit de--aux  
alentours de--vers les  
minuit le soir.
- Q. The three of you went I. Tous les trois, vous  
15 to where? êtes allés où?
- I. I accompanied Corporal R. J'ai accompagné le  
Paul to get on board caporal Paul pour monter  
a train; the train was à bord du train; le  
coming from New Brunswick train était en provenance  
20 and stopped at the du Nouveau-Brunswick, il  
train station in s'est arrêté à la gare  
Rivière-du-Loup. de Rivière-du-Loup.
- Q. Do you know where the I. Savez-vous où ce train-  
25 train was going, that là se dirigeait?  
particular train?
- I. Yes, effectively, the R. Oui, effectivement, le  
train was to have train devait arrêter  
a stop over at the également à Lévis et la  
Lévis train station destination finale  
30 and its final destination était Montréal.  
was for Montreal.



- 1 Q. And you got aboard  
that train around  
what time?
- I. It was around 2:25  
5 a.m. on the morning  
of November 17th '89.  
On the 17th, then the  
train stopped in  
Rivière-du-Loup, no  
10 passengers got off  
the train at Rivière-  
du-Loup.  
I then accompanied the  
Corporal Richard Paul  
15 to get on board the  
train at that point.  
We were both dressed  
in civilian clothing  
on board the train.  
20 The Constable François  
Gallant then had to go  
Lévis in a Police car.
- Q. What was the reason  
25 that you went to and  
boarded that train?
- I. The reason was the  
30 following: It was  
to assist the New  
Brunswick R. C. M. P.
- I. Alors vous êtes embarqué  
à bord de ce train à  
quelle heure?
- R. Aux environs de 2h25 le  
matin du 17 novembre 89.  
Le 17, à ce moment-là,  
le train a arrêté à  
Rivière-du-Loup, aucun  
passager du train a  
descendu du train à  
Rivière-du-Loup.  
J'ai accompagné le  
Caporal Richard Paul à  
bord du train à ce  
moment-là. Nous étions  
tous les deux en civil  
à bord du train.  
Le gendarme François  
Gallant, lui, devait se  
rendre à Lévis en  
voiture de police.
- I. Quelle était la raison  
pour laquelle vous vous  
êtes rendus à et que  
vous avez embarqué sur  
ce train?
- R. La raison était la  
suivante: C'était pour  
assister la G. R. C. du  
Nouveau-Brunswick--  
«To locate a suspect on

1 the train. The suspect  
was named: Allan Legere  
and he was--»

MR. SLEETH: Excusez!

5 It's fine by me, and  
I am sure, by all the  
jurors, but we are  
getting mixed up here.

THE COURT:

10 Well, I gather it's  
a case of your feeling,  
feeling more comfortable  
in French in your  
testimony, right?

15 WITNESS:

Yes.

THE COURT:

Good. So, we will  
continue on with questions  
20 in English and translated.

MR. SLEETH:

Q. You're now boarding  
the train--you went  
to the train for the  
25 purpose of assisting  
the R. C. M. P.  
Continue from there, if  
you would, please?

I. The first purpose was  
30 to identify a passenger  
with the name of  
Allan Legere

I. Et alors vous êtes  
embarqués sur le train  
et vous êtes allés là  
pour le but d'assister  
la G. R. C. du Nouveau-  
Brunswick, alors con-  
tinuez de ce point-ci?  
R. Le but premier était  
d'identifier un passager  
qui portait le nom de  
Allan Legere, «fitting»

- 1 which would fit the description of a suspect who we were looking for. remplissant les--la description d'un suspect recherché.
- 5 Q. What sort of description do you remember as being the one given to you? I. Quelle sorte de description est-ce que vous vous souvenez qui vous a été donnée?
- 10 I. I recall a general description which had been given to me by Corporal Paul himself, that evening in question. R. Je me souviens d'une description générale de --qui m'a été fournie par le Caporal Paul, le soir même.
- 15 Q. What sort of person were you looking for then? I. Quel genre de personne est-ce que vous recherchiez alors?
- 20 I. A white male, a «fortyish» or in his forties, which would weigh around 200 pounds, dark hair, possibility that he would be wearing a beard or a mustache or other. The individual was considered dangerous. R. Un mâle d'une quarantaine d'années, un mâle blanc, pesant aux alentours de 200 livres, les cheveux foncés, possibilité qu'il porte- qu'il portait une barbe ou moustache ou autre. L'individu était considéré dangereux.
- 25 I. A white male, a «fortyish» or in his forties, which would weigh around 200 pounds, dark hair, possibility that he would be wearing a beard or a mustache or other. The individual was considered dangerous.
- 30 Q. As a result of this you boarded the train and would you then relate I. En ce qui résultait de ceci, vous avez embarqué sur le train et voulez-

1           what happened aboard                   vous nous dire qu'est-ce  
          the train and what                   qui est arrivé et  
          you did?                               qu'est-ce que vous avez  
  fait après ça?

5    I. We conducted a verifica-       R. Certainement. Des  
          tion on board between           vérifications ont été  
          Rivière-du-Loup and           effectuées entre le  
          Lévis. This verifica-           trajet de Rivière-du-  
          tion consisted of           Loup à Lévis. Cette  
10       walking around on the           vérification consistait  
          cars in order to possibly       de se promener dans les  
          identify exactly where        wagons afin d'identifier  
          this individual might        possiblement le  
          be located on board           suspect, l'endroit  
15       this train without           exact où il se trouvait  
          putting him under           à bord du train sans  
          arrest at that                l'arrêter au moment de--  
          particular time.               à ce moment-là.  
  Lorsque le train devait  
20       When the train was           s'arrêter à Lévis,  
          due to stop in Lévis,        d'autres policiers de  
          other policemen from        la Sûreté Municipale de  
          the Lévis City Police        Lévis devaient nous  
          were supposed to           porter assistance, avec  
25       assist us, and also           également l'assistance  
          with the assistance        de la Sûreté du Québec,  
          of Sûreté du Québec,       afin que chaque  
          in order for each           passager soit vérifié  
          passenger to be               et que le train soit  
30       verified or checked           fouillé au complet.  
          and that the train             
          would be searched

- 1 Q. The train got to Lévis  
around what time?
- I. Around 4:45 approxima-  
tely.
- 5 Q. Upon arriving at Lévis,  
what persons got on  
board the train, if you  
remember?
- 10 I. Only the Lévis City  
Police--members of  
the Lévis City Police,  
and I believe perhaps  
certain members of la  
15 Sûreté du Québec.
- Q. Do you remember any  
members of the Lévis  
Police in particular?
- 20 I. There was the officer,  
Denis Lemelin, and I  
believe their functions  
were detectives for the  
25 Lévis City Police.  
I remember these two  
specifically, more so  
they were accompanying  
30 Corporal Paul.
- I. Le train est arrivé à  
Lévis vers quelle heure?
- R. Aux alentours de 4h45  
environ.
- I. Lorsque vous êtes  
arrivés à Lévis,  
quelles personnes ont  
embarqué sur le train,  
vous souvenez-vous?
- R. Seulement des policiers  
de la Sûreté Municipale  
de Lévis, et je crois  
certains membres de la  
Sûreté du Québec.
- I. Est-ce que vous vous  
souvenez des membres de  
la police de Lévis--la  
Sûreté Municipale de  
Lévis en particulier?
- R. Oui, y avait l'agent  
Denis Lemelin, et  
l'autre agent, je crois  
que leurs fonctions  
étaient détectives ou  
quelques choses de même  
pour la Sûreté Municipal  
de Lévis.  
Je me souviens surtout  
de ces deux-là, car ils  
accompagnaient le

1 I mostly accompanied Caporal Paul. J'ai  
Mr. Denis Lemelin. surtout accompagné le--  
He was dressed in M. Denis Lemelin.  
civilian clothing, Celui-ci était en civil,  
5 and we checked et nous avons vérifié  
passengers which were les passagers qui se  
in one and a half trouvaient dans environ  
cars approximately. un wagon et demie.  
Each passenger que  
10 we checked were done nous avons effectué a  
in a systematic way. été fait de façon  
systematique.

Q. You mean what when R. Un banc--  
you describe that? I. Que voulez-vous dire?  
15 I. One seat at a time. R. Un banc à la fois.  
Q. Continue, please. I. Continuez, s'il vous  
plaît.

I. The suspects were R. Les suspects ont été  
checked in order to vérifiés afin de  
20 find the one that identifier positivement  
would fit or match celui qu'il rencontrait  
the characteristics les détails fournis.  
that we--had been Un caractéristique  
supplied to us. additionnel qui nous  
25 One characteristic avait été fourni était  
which had been supplied essentiel était de  
and which was essential vérifier le bras droit  
was to verify the du suspect. Sur l'avant  
30 right arm of the bras du suspect était  
suspect. On the forearm sensé y avoir un tatou.  
of the suspect there

1 was supposed to be a  
tattoo.

Q. All right. So you  
are conducting your  
5 inquiries, yourself  
and Mr. Lemelin.  
Would you take it up  
from there, please.

I. The passengers which  
10 we checked--the  
passengers that we  
did check did not  
meet necessarily all  
the characteristics  
15 of the suspect which  
we were searching for.  
Most passengers were  
from the New Brunswick  
area from the northeast  
20 sector of the Province.  
I remember clearly  
checking a passenger  
which would answer to  
the name of: FERNAND  
25 SAVOIE, the address  
was of: Buctouche,  
New Brunswick.

Q. Why do you particularly  
30 remember that name?

I. Alors vous avez fait  
vos--votre enquête,  
vous-même et M. Lemelin.  
Continuez de ce point,  
s'il vous plaît.

R. Les passagers que nous  
avons vérifiés ne  
rencontraient pas  
nécessairement tous les  
facteurs du suspect  
recherché.  
La plupart des passagers  
étaient de la région du  
Nouveau-Brunswick, de  
la section nord-est de  
la province.  
Je me souviens claire-  
ment avoir vérifié un  
passager répondant au  
nom de: FERNAND SAVOIE,  
et l'adresse était de:  
Bouctouche, au Nouveau-  
Brunswick.

I. Pourquoi est-ce que vous  
vous souvenez de ce  
nom--là particulier--  
particulièrement?

- 1 I. Because this identification had been supplied to me by Mr. Lemelin, I remember clearly the name of Fernand Savoie as well as the address --the address which was on the paper, of Buctouche, New Brunswick.
- 5
- 10
- 15
- 20
- 25
- 30
- I. Because I am originally from New Brunswick, when I am vacationing in the Province, I go at times in the area of Moncton, New Brunswick, and Buctouche says something to me.
- Q. Why?
- I. That it is close to Moncton compared to the other areas that had been supplied to
- R. Parce que cette identification-là m'a été fournie par M. Lemelin, et je me souviens clairement du nom de Fernand Savoie ainsi que l'adresse sur le papier, qui était de Bouctouche, au Nouveau-Brunswick.
- I. Pourquoi est-ce que vous vous souvenez spécifiquement de ce nom et de cette adresse?
- R. Parce que moi, je suis originaire du Nouveau-Brunswick, et lorsque j'ai--lorsque je descends en vacances dans la province, je me rends parfois dans la région de Moncton, au Nouveau-Brunswick, et l'endroit de Bouctouche me dit quelque chose.
- I. Pourquoi?
- R. Que c'est tout près de Moncton à comparer aux autres endroits qui nous ont été fournis à bord



- 1 us on the train. du train.
- Q. By other passengers? R. Par les autres passagers
- I. Yes, by other oui.  
passengers.
- 5 Q. You said that this I. Vous dites que cette  
information was information vous a été  
passed to you by agent fournie par l'agent  
Lemelin. Lemelin.
- I. Yes. R. Oui.
- 10 Q. Did you see where he I. Est-ce que vous avez vu  
got it from? d'où, lui, a obtenu ça?
- I. From the passenger R. De--du passager à bord  
aboard the train. du train.
- Q. Do you remember the I. Vous souvenez-vous du  
15 passenger aboard that passager qui était à  
train? bord du train?
- I. No. R. Non.

MR. SLEETH:

20 Thank you very much.

That's the last question

on Direct, My Lord.

THE COURT:

Thank you.

- Now, Cross-Examination.

25 CROSS-EXAMINATION BY  
MR. WELDON FURLOTTE:

CONTRE-INTERROGATOIRE PAR  
ME WELDON FURLOTTE:

- Q. In the general I. Dans la description  
description you were générale que vous avez  
given of Mr. Leger, été donnée de M. Léger,  
30 you were given that on vous a été dit qu'il  
he would weigh about pesait aux alentours

- 1 200 pounds? de 200 livres?
- I. Around, approximately. R. Aux environs, à peu près
- Q. And what height were I. Quelle grandeur est-ce  
you given? vous avez été donnée?
- 5 I. A height of approxi- R. Grandeur, approximative-  
mately 5'11 or 5'10. ment de 5 pieds et 11,  
5 pieds et 10.
- Q. The individual that I. L'individu qui avait la  
had the I.D. of carte d'identité de  
10 Fernand Savoie, Fernand Savoie, même si  
although you could vous n'avez pas pu  
not recognize him from l'identifier de la  
the photo I.D.--from parade de photos--la  
the photo lineup, did parade d'identités sur  
15 you get a look at him photos, est-ce que vous  
at all? avez pu le voir du tout?
- I. You mean the R. Il s'agit du--de  
individual? l'individu là?
- Q. The individual, yes? I. L'individu, oui?
- 20 I. I don't recall the R. Je ne me souviens pas  
face of the suspect de--du visage du suspect  
who supplied us with qui nous a fourni la  
that I.D. carte d'identité.
- Q. Were you able to tell I. Est-ce que vous étiez  
25 how tall he was? capable de dire comment  
grand il était?
- I. No. R. Non.
- Q. Were the lights on I. Est-ce que les lumières  
in the train at that étaient allumées sur le  
30 time of the morning? train à ce temps--à ce  
moment-là à cette heure

- 1 du matin?
- I. At the time of the verifications, certain lights were on.
- R. Au moment des vérifications, certaines lumières étaient allumées.
- 5 Q. Just the night lights so people could sleep?
- I. Seulement les veilleuses alors--pour que les gens puissent dormir?
- I. Certain lights were on; and there was
- R. Certaines lumières étaient allumées; il y
- 10 also a policeman who had a flashlight.
- avait aussi un policier qui avait une lampe de poche.
- MR. FURLOTTE:
- No further questions.
- 15 THE COURT:
- Re-Examination?
- MR. SLEETH:
- No, My Lord.
- 20 LA COUR:
- Merci, Monsieur.
- MR. SLEETH:
- I would ask that the witness be excused, My Lord.
- 25 LA COUR:
- C'est tout, oui.
- ME SLEETH:
- Déetective Denis Lemelin
- 30 DETECTIVE DENIS LEMELIN, DÉTECTIVE DENIS LEMELIN,
- having been called as a witness, having been duly
- ayant été appelé comme témoin, ayant été dûment

- 1 sworn, testified through assermenté, a témoigné avec  
 Interpreter as follows: l'aide d'une interprète,  
 (P. Lajoie) comme suit: (P. Lajoie)
- DIRECT-EXAMINATION BY INTERROGATOIRE PAR  
MR. GRAHAM SLEETH: ME GRAHAM SLEETH:
- 5 Q. Would you also, please, I. Témoin, voulez-vous  
 witness, state your indiquer votre nom au  
 full name and your complet ainsi que votre  
 occupation for the adresse et votre--  
 10 court?
- ME SLEETH:  
 Votre--
- I. Pardon, votre occupa-  
 tion, pour la cour?
- 15 I. My name is Denis R. Denis Lemelin, sergent  
 Lemelin, I am a détective, Sûreté  
 sargeant detective, Municipale de Lévis.  
 Municipal Police  
 Force of Lévis.
- 20 Q. How long have you I. Ça fait combien  
 been working with d'années que vous  
 the Lévis Police travaillez avec la  
 Force? Sûreté Municipale de  
 Lévis?
- 25 I. Thirty-one and a R. Trente et un ans et  
 half years. demie.
- Q. How long have you I. Ça fait combien  
 been with the d'années que vous êtes  
 Investigative avec la section des  
 30 Section? Enquêtes?
- I. Fourteen years. R. Quatorze ans.
- Q. Where is Lévis in I. Où se trouve Lévis par

- 1 relation to Quebec City? rapport à la Ville de Québec?
- I. It is separated by «Le fleuve Saint-Laurent», just facing Lévis. R. Juste en face de Québec. C'est séparé par le fleuve Saint-Laurent.
- 5 Q. You heard the testimony a moment ago, from Régis Côté? I. Vous avez entendu le témoignage y a quelques moments, celui de Régis Côté?
- 10 I. Yes, I did. R. C'est bien ça, oui.
- Q. He referred to an agent Lemelin. I. Il a mentionné un agent qui se--Lemelin.
- I. And it is I. R. C'est bien moi.
- 15 Q. All right. Could you then, please, tell us the circumstances which brought you on board the train in Lévis? I. Pourriez-vous me décrire les circonstances qui vous apportaient à bord du train à Lévis?
- 20 I. In the night of the 17th of November 1989, I was called by my police chief to go to the train station in Lévis. R. Le--dans la nuit du 17 novembre 1989, j'ai été appelé par le--mon directeur de police afin de me rendre à la gare de train à Lévis.
- 25 Q. You went there and you got there around what time? I. Vous êtes allé à cet endroit, vous êtes arrivé à quel temps, à quelle heure?
- 30 I. It was about 4:20, or R. Vers les 4h20, 4h15,

- 1 4:15, or maybe 4h30, à peu près.  
4:30.
- Q. Okay. You--how many I. Combien êtes-vous--  
of you went? combien de personnes  
sont allées?
- 5 I. There were several R. Y avait plusieurs  
police officers: policiers: y en avait  
there were some from de la Sûreté Municipale  
the Lévis Municipal de Lévis, de la ville  
10 Police, and some from d'à côté, de Lauzon,  
the--the next town, ainsi de la Sûreté du  
the City of Lauzon, Québec.  
and also members of  
La Sûreté du Québec.
- 15 Q. About how many police I. Combien d'agents de la  
officers in all? paix approximativement,  
en tout?
- R. Twenty or so. R. Une vingtaine.
- Q. Okay. Please continue. I. Voulez-vous continuer,  
20 s'il vous plaît?
- I. The train arrived at R. Le train est arrivé en  
the train station gare vers les 4h45.  
about 4:45. Accompagné de l'agent  
Accompanied by officer Régis Côté, je suis  
25 Régis Côté, I went on monté à bord d'un train  
board--I boarded the --du train pour vérifier  
train to check out des individus.  
certain individuals.
- 30 Q. Was there a particular I. Est-ce qu'il y avait un  
individual you were individu en particulier  
looking for? que vous cherchiez?

- 1 I. Yes. We were directed to check individuals, among which, a certain individual about 40  
5 years old, and his name was: ALLAN LEGERE.
- Q. Do you have a further description that you recall of the person  
10 you were to look for?
- I. Yes. It was a white male, about 190 pounds, approximately 5'10.  
15
- Q. Okay. So?
- I. We checked out the first car, and  
20 evidently there were women and children that we didn't have to check. With--  
25 about the middle of the second car, I checked out this individual just like we had done with the other people that we  
30 had verified prior to this, I asked him in
- R. Oui. Ça nous avait été demandé de vérifier des individus, entre autres un individu d'une quarantaine d'années, du nom: d'ALLAN LEGERE
- I. Est-ce qu'il y a une autre description que vous pouvez vous souvenir au sujet de la personne que vous deviez chercher
- R. Oui. Il s'agissait d'un homme de race blanche, 190 livres à peu près, 5'10 approximativement.
- I. Alors?
- R. Nous avons vérifié un premier wagon, y avait évidemment des femmes et des enfants qu'on n'a pas eu à vérifier. Vers la moitié du deuxième wagon, j'ai vérifié un individu comme les autres auparavant qu'on avait vérifié je lui ai demandé en français, de s'identifier. Il m'a donné une réponse

1 French, to identify en anglais.  
himself. He gave me  
an answer in the  
English language.

5 So then I asked officer J'ai alors demandé à  
Régis Côté to come next l'agent Régis Côté de  
to me and to speak to venir près de moi et de  
the individual to ask s'adresser à l'individu  
him to remove his coat, pour lui demander  
10 and the individual d'enlever son «coat», ce  
did this. que l'individu fit.  
So then Mr. Côté asked Par la suite, M. Côté  
him to roll up his lui a demandé de  
right shirt sleeve, relever sa manche de  
15 and he also did that. chemise droite, ce qu'il  
So then I observed fit également.  
that according to what Nous avons--j'ai alors  
we had been asked-- constaté que précédemment  
what we had been qu'est-ce qui nous  
20 directed about certain avait été demandé comme  
features or character- certaines caractéristi-  
istics, that one of ques, exactement, c'est  
the things that we qu'à l'effet, qu'il y  
were supposed to check avait un tatouage sur  
25 out was that he had le bras droit et  
a tattoo on the right c'était une chose à  
arm, and that was one vérifier le plus--le  
of the most certain plus, comment dirais-je,  
30 facts that we were la plus certaine là.  
supposed to look for. Et comme cet individu  
And since that n'avait pas de tatouage



- 1 individual did not au bras droit, nous  
have a tattoo on the avons quitté les lieux.  
right arm, we left.
- I would like to make-- Je voudrais préciser
- 5 I want to be very qu'à ce moment-là il y  
clear that there was avait avec nous, le  
with us at that time détective Gérard Lemieu.  
Detective Gérard mon directeur de police  
Lemieux, my police François Magier, car il  
10 chief, François est à mentionner qu'à  
Magier, it was ce moment-là nous  
mentioned that at that terminions nos vérifica  
time that we were tions et eux arrivaient  
ending our checks--
- 15 we had completed our  
checks and they were-- I. Eux arrivaient?  
they were arriving. R. Arrivaient.
- Q. The individual whose I. L'individu dont vous  
arm you examined, was avez examiné le bras,  
20 there a question made est-ce qu'il y a eu une  
by any of you for his demande de la part de  
identification? une des personnes, de  
vous autres, pour son  
identification?
- 25 I. Yes. Officer Régis R. Oui. L'agent Régis  
Côté asked him in Côté lui a demandé en  
English for his anglais ses papiers  
identification papers, d'identité, ce qu'il fit  
and he did so.
- 30 Q. Who is he who did so? I. Ce qu'il fit, c'est qui.  
I. The individual that R. C'est l'individu nous

- 1 is showing us his montrant ses papiers  
identification papers. d'identité.
- Q. Do you remember the I. Est-ce que vous vous  
name on those identi- souvenez du nom qui se  
5 fication papers? trouvait sur les papiers  
d'identification?
- I. No, I do not recall R. Non, je me souviens pas  
the name, but I do know du nom, mais je sais que  
that it was a french c'est un nom français.  
10 name.
- Q. And you were present I. Puis vous étiez présent  
at the time? là à ce moment-là?
- I. I was present, I took R. J'étais présent, je l'a  
that paper in my hand pris dans mes mains, le  
15 and I handed it over papier et je l'ai remis  
to either Régis Côté à Régis Côté ou Gérard  
or Gérard Lemieux. Lemieux.
- Q. Gérard Lemieux is who? I. Who is--Qui est Gérard  
Lemieux?
- 20 I. At that time in question, R. C'est un--c'était un  
he was an investigator enquêteur de la Sûreté  
with the Municipal-- Municipale de Lévis à  
with Lévis Municipal l'époque.  
Police.
- 25 Q. Detective Lemelin, I I. Détective Lemelin, j'ai  
place before you placé devant vous la  
Exhibit P-72. Are you pièce à conviction P-72  
able to see on that Est-ce que vous pouvez  
P-72 the individual observer sur cette pièce  
30 who was on that train? l'individu qui se trouve  
sur le train?

- 1 I. Yes, he is number 6. R. Oui, c'est le numéro 6.
- Q. This is the individual I. C'est l'individu dont  
whose arm you checked? vous avez vérifié le  
bras?
- 5 I. Exactly. R. Exactement.
- Q. And whose identifica- I. Dont--et c'est M. Côté  
tion papers Mr. Côté qui a reçu les papiers  
received? d'identification--ces  
papiers d'identificatio
- 10 I. From that individual, R. De cet individu-là, oui  
yes.
- Q. With yourself and I. Dans la présence--en la  
Mr. Lemieux present? présence de vous-même  
et de M. Lemieux?
- 15 I. That's correct. R. C'est bien ça.
- Q. Would you please I. Voulez-vous ramasser  
indicate on P-72 la pièce à conviction  
and show the jurors P-72 et la montrer aux  
Number 6? jurés, montrer le numér
- 20 I. Number 6. R. «Number 6».
- MR. SLEETH:  
Thank you. Merci.
- THE COURT:  
25 Cross-Examination,  
Mr. Furlotte, please?
- CROSS-EXAMINATION BY CONTRE-INTERROGATOIRE PAR  
MR. WELDON FURLOTTE: ME WELDON FURLOTTE:
- Q. What was the date I. Quelle journée vous a-t  
30 that you were showed on montré la parade  
the photo lineup? d'identités en photogra-  
phie?

1 R. Jeudi, le 30 novembre,  
treize jours après notre  
opération, à 16h20,  
dans l'après-midi. Je  
5 termine à 4h00, et j'ai  
demeuré plus longtemps  
pour rencontrer M. Marc  
--son nom m'échappe.

INTERPRÈTE:

10 Excusez!

THE COURT:

Whoa, whoa, whoa.

MR. FURLOTTE:

15 You can tell him to  
slow down, a few  
moment.

INTERPRETER:

20 It was Thursday, the  
30th of November,  
thirteen days after  
the operation, and  
it was at 4:20 in  
the afternoon; and  
I work till 4:00  
25 o'clock, but I remained  
at the office to be  
able to meet with  
Marc someone, and I  
forgot his name, I  
30 believe.

At this point in time,

R. Le nom de famille

- 1 I just drew a blank, m'échappe pour l'instant  
I do know that he is a j'ai un blanc de mémoire  
member of the Police c'est un agent de la  
Force. G. R. C.
- 5 MR. SLEETH:  
The R. C. M. P.
- MR. FURLOTTE:
- Q. Now, before you were I. Avant qu'on vous montre  
showed the photo la parade d'identités  
10 lineup on November en photographies en date  
30th, were you du 30 novembre, est-ce  
advised a couple of qu'on vous aurait avisé  
days before November une couple de jours avant  
30th that Mr. Legere le 30 novembre que  
15 was definitely on M. Legere était défini-  
the train that you tivement sur le train  
searched? que vous avez fouillé?
- I. Yes, I was advised. R. Oui, on m'a avisé.
- Q. After Mr. Legere was I. Après que M. Legere fut  
20 arrested on November mis en arrestation en  
24th, did you see date du 24 novembre,  
pictures of Mr. est-ce que vous avez vu  
Legere in the News? des photos de M. Legere  
dans les Nouvelles?
- 25 I. Yes, I did. R. Oui, je l'ai vu.
- Q. When you saw pictures I. Lorsque vous avez vu des  
of Mr. Legere in the photos de M. Legere dans  
News, why didn't you les journaux, pourquoi  
30 call the R.C.M.P. in n'avez-vous pas appelé  
Moncton or Newcastle les membres de la G.R.C.  
and advised them that de Moncton ou Newcastle

- 1 you saw Mr. Legere on  
the train?
- I. I saw Mr. Allan Legere's  
5 picture in the  
newspaper dated 27th  
of November, that was  
on a Monday, and when  
I arrived at work,  
10 my chief advised me  
that the R.C.M.P. had  
contacted him to tell  
him that Allan Legere  
had been arrested  
15 and that they would  
come to meet with us.
- Q. When you identified  
Allan Legere as Number  
20 6 as the person you  
saw on the train, you  
had already seen that  
picture in the news  
media, not this  
25 particular picture,  
but one similar to it?
- I. Indeed yes, exactly.
- Q. So it was easy for  
30 you to identify  
Number 6 as Allan  
Legere?
- pour leur aviser que  
vous aviez M. Legere  
à bord du train?
- R. J'ai vu dans le journal  
du 27 novembre la photo  
de M. Allan Legere, il  
s'agit d'un lundi, et  
lorsque je suis arrivé  
à mon travail, mon  
directeur m'a avisé  
que la G. R. C. avait  
communiqué avec lui  
pour lui dire que Allan  
Legere avait été arrêté  
et qu'ils viendraient  
nous rencontrer.
- I. Lorsque vous avez iden-  
tifié Allan Legere  
comme étant le numéro 6  
comme étant la personne  
que vous avez vue sur  
le train, vous aviez  
déjà vu cette photo-là  
dans les journaux, pas  
cette photo-là justemen  
mais une photo semblabl
- R. Exact, oui.
- I. Alors ce fut facile pou  
vous d'identifier le  
numéro 6 comme étant  
Allan Legere?

- 1 I. I had already  
identified him in the  
newspaper when I had  
seen him a few days  
5 before.
- Q. What was the lighting  
like on the train  
when you spoke to  
the different passen-  
10 gers?
- I. It was a bit dark,  
however, you could  
however see the  
faces, you could--  
15 we could see the  
faces all right
- Q. What was this indi-  
vidual wearing?
- I. He was wearing a  
20 short coat, to the  
waist, it was dark  
in colour, he was  
wearing a shirt, and  
I cannot recall the  
25 colour, but it was  
a long sleeves shirt.
- Q. Was this individual  
sock feet?
- 30 INTERPRETER:  
I am sorry, Sir?
- Q. Was this individual
- R. Je l'avais déjà  
identifié dans le  
journal lorsque je  
l'avais vu quelques  
jours auparavant.
- I. Lorsque vous avez parlé  
aux différents passagers  
sur le train, comment  
était l'éclairage à  
l'intérieur du train?
- R. C'était sombre un peu,  
par contre, on voyait  
bien les visages quand  
même, des personnes.
- I. Que portait cet indivi-  
du?
- R. Il avait un «ski coat»  
à la ceinture, de  
couleur foncée, et une  
chemise dont je me  
souviens pas de la  
couleur, à manches  
longues.

1 sock feet?

I. Est-ce que ce monsieur-  
là était en semelles  
de bas?

I. I never saw his feet.

R. Je ne lui ai pas vu les  
pieds.

5

MR. FURLOTTE:

No further questions.

THE COURT:

Re-Examination, Mr. Sleeth?

10 MR. SLEETH:

No, My Lord, I have no  
questions on Re-Direct.

LA COUR:

Merci, Monsieur, c'est  
tout.

15

MR. SLEETH:

I would ask that the  
witness be excused,  
My Lord.

20

LA COUR:

Oui.

MR. SLEETH:

Thank you, My Lord.

ME SLEETH:

Vous êtes maintenant  
excusé.

25

THE COURT:

What--how long is  
your next--well  
another witness, I  
guess.

30



1 MR. SLEETH:

I would think--it  
shouldn't be any  
longer than the  
5 previous one,  
My Lord.

THE COURT:

That's all right.  
Go ahead!

10 MR. SLEETH:

Constable Lemieux!

CONSTABLE GÉRARD LEMIEUX,  
having been called as a  
witness, having been duly  
15 sworn, testified through  
Interpreter, Denise  
Andrews, as follows:

DIRECT-EXAMINATION BY  
MR. GRAHAM SLEETH:

20 Q. Detective, would you  
please give your full  
name and your present  
occupation to the  
Court?

25 I. Gérard Lemieux--

30 I. --I am retired, I am  
an ex member of the

CONSTABLE GÉRARD LEMIEUX,  
ayant été appelé comme  
témoin, ayant été dûment  
assermenté, a témoigné avec  
15 l'aide de l'interprète  
Denise Andrews, comme suit:

INTERROGATOIRE PAR  
ME GRAHAM SLEETH:

I. Détective, voulez-vous  
donner votre nom au  
complet et votre occupa-  
tion du présent pour la  
cour?

R. Gérard Lemieux, rentier,  
ex-détective, Sûreté  
Municipale, Lévis.

I. Qu'est-ce que vous avez  
dit après ça?

R. Rentier.

1 Municipal--Lévis  
Municipal Police.

Q. How long were you on the  
Lévis Police Force for,  
5 Mr. Lemieux?

I. 35 years.

Q. You were present in  
the Court today and  
10 heard the testimony  
from Régis Côté and  
Detective Lemelin?

I. Yes.

15 Q. And in particular,  
Detective Lemelin  
referred to a man  
named Lemieux, you  
are that same person?  
20

I. Yes.

Q. Okay. Would you  
then, please, relate  
25 to these jurors your  
involvement on that  
train?

I. November 17th 1989, at  
twelve thirty at night,  
30 I was re-called to work,  
it was a request from  
the Chief of Police

I. Pour combien de temps  
est-ce que vous avez été  
employé avec la Force  
Municipale de Lévis?

R. 35 ans.

I. Vous étiez présent en  
cour aujourd'hui, vous  
avez entendu le témoi-  
gnage du gendarme Côté  
ainsi que du détective  
Lemelin?

R. Oui.

I. Et en particulier, le  
détective Lemelin a fait  
référence à un nom  
comme étant détective  
Lemieux, c'est vous-  
même cette personne-là?

R. Oui.

I. Voulez-vous relater  
votre implication aux  
jurés sur ce train?

R. Le 17 novembre 1989, à  
minuit trente, j'ai été  
rappelé au travail pour  
--à la demande du  
directeur de la--du

- 1 from the Lévis Municipal Service Municipal de  
Force. Lévis, pour--
- Q. You were to do what? I. Vous étiez pour faire  
quoi?
- 5 I. To go on the train-- R. Pour aller sur le train  
board the train de Moncton/Montréal  
Moncton/Montreal pour un individu du nom  
to seek an individual d'Allan Legere, qui éta.  
by the name of Allan recherché par la  
10 Legere, who was Gendarmerie Royale du  
wanted by the New Nouveau-Brunswick, pour  
Brunswick R.C.M.P., évacion.  
for escape.
- Q. And where were you to I. Où deviez-vous monter  
15 board this train? à bord ce train?
- I. The train station is R. Sur le train--la gare  
at the bottom of the se trouve au pied de la  
street in Lévis-- ville de Lévis, à la  
20 traverse--
- ME SLEETH:  
À la traverse.
- I. Oh! where you cross R. À la traverse, oui,  
over to Lévis. de Lévis, Lévis, Québec
- 25 The train arrived Le train est arrivé  
forty minutes late. quarante minutes tard.  
It had two locomotives Il avait deux engins  
and nine cars. I et neuf wagons. J'ai  
boarded the train monté à bord du train  
30 between the third and entre le troisième et le  
fourth car, I was quatrième wagon,  
accompanied by accompagné du Sergent

1 Corporal Richard Paul, Richard Paul--Caporal  
I conducted a verifi- Richard Paul, j'ai  
cation of the first vérifié les deux  
two cars to the front premiers wagons à  
5 being the third and l'avant soit le troisièm  
the second cars. As et le deuxième wagons.  
these verifications Comme ces vérifications  
were turned up nega- ont été négatives, nous  
tive, we then pro- nous sommes rendus sur  
10 ceeded to the rear les wagons arrières  
cars to join our rejoindre nos confrères  
co-workers be it de travail soit l'agent  
Detective Lemelin, --le détective Lemelin,  
Régis Côté, and Régis Côté, et l'agent  
15 officer Gallant, Gallant, qui eux autres,  
whom--which had come étaient rentrés à  
on board the train l'arrière du train,  
from the rear. Les deux premiers que  
The first two which j'ai rencontrés, c'est  
20 I met up with was l'agent Côté et Lemelin,  
Officer Côté and nous sommes passés  
Lemelin, we went droit dans le wagon  
straight through pour se rendre à  
the car to go to l'arrière, et nous  
25 the rear; so we sommes revenus sur nos  
then we backtracked pas ayant rejoint les  
to go back to the deux agents qui  
other two officers, vérifiaient l'arrière  
which were conducting du train, les derniers  
30 a verification of the véhicules, les derniers  
rear cars. As we wagons. En revenant

1       backtracked, we came                   sur nos pas, nous nous  
      upon Detective Lemelin               sommes rendus au  
      as well as Constable               détective Lemelin et  
      Côté. Detective                   l'agent Régis Côté.  
5       Lemelin was addressing           Le détective Lemelin  
      an individual, he               s'adressait à un  
      seemed to be sleepy           individu qui semblait  
      did not seem to               endormi ou n'ayant--ne  
      understand what               semblait pas comprendre  
10      Detective Lemelin               ce que le détective  
      was saying to him.           Lemelin lui demandait.  
      It's at that time           C'est à ce moment-là  
      that Detective               que le détective Lemelin  
      Lemelin asked               a demandé à l'agent  
15      Constable Côté to           Régis Côté de s'adresse  
      speak to the indi-           à l'individu en anglais  
      vidual in English           pour lui demander sa  
      in order to ask him           carte d'identification  
      for an identifica-           et relever--enlever son  
20      tion paper and to           «coat» et relever la  
      remove his coat           manche de sa chemise  
      and to roll up his           pour l'identification  
      sleeve for a positive           positive de l'individu  
      identification of the       dont nous avons eu la  
25      individual, the only       description--la seule  
      positive description       description positive,  
      had been of a tattoo       des tatouages sur le  
      on the right forearm       bras droit soit une  
      or the right arm           étoile et une tête  
30      be it a star and           d'aigle sur l'avant-  
      an eagle on the           bras et dans le haut du

1 forearm, and a complete eagle on the upper arm. As the arm was negative, there was no tattoo, 5 we verified or we checked his I.D. papers, which he had given to Detective Lemelin. This individual gave me 10 a car registration with the name--bearing the name: FERNAND SAVOIE. As this last individual had not been identified 15 with the tattoos, I gave the registration to Constable Régis Côté, and this last gave the registration 20 to the individual in question. And as the search on the train had been terminated, we then removed 25 ourselves for the train to be able to continue on its journey.

Q. Why do you particularly remember the name: 30 Fernand Savoie?

I. Pourquoi vous souvenez-vous du nom: Fernand Savoie en particulier?

1 I. During the search,  
 after having addressed  
 several people on the  
 train, in French,  
 5 he is the only one  
 which gave us--or  
 that we had a problem  
 to identify, because  
 addressing the people  
 10 in question in French.

R. Parce que lors de la  
 fouille, après m'être  
 adressé à plusieurs  
 personnes sur le train,  
 en français, c'est le  
 seul que j'ai eu--nous  
 avons eu de la misère  
 à faire identifier,  
 c'est parce que c'est  
 en s'adressant aux  
 personnes en question  
 en français.

Q. Now this part, perhaps  
 if you could repeat  
 15 your answer?

I. Pouvez-vous répéter  
 votre réponse?

I. The people that we  
 checked first  
 previously, I had  
 spoken French, I had  
 20 no problems, but  
 towards this indivi-  
 dual, we did have a  
 problem and we had  
 to have it translated  
 25 into English for him  
 to be able to perform.

R. Lorsque--aux personnes  
 avant que nous avons  
 vérifiées, je me suis  
 adressé en français, je  
 n'ai pas eu aucune  
 difficulté, mais à cet  
 individu-là, nous avons  
 eu de la difficulté, il  
 a fallu se faire inter-  
 prêter en anglais pour  
 qu'il puisse exécuter.

Q. He spoke no French?

I. Il ne parlait pas  
 français?

I. He did not speak  
 30 French.

R. Il ne parlait pas  
 français.

MR. SLEETH:

Thank you.

1 THE COURT:

Cross-Examination,  
Mr. Furlotte.

5 CROSS-EXAMINATION BY  
MR. WELDON FURLOTTE:

CONTRE-INTERROGATOIRE PAR  
ME WELDON FURLOTTE:

Q. Constable Lemieux,  
what date did you  
view the photo  
lineup?

I. Gendarme Lemieux, à  
quelle date est-ce que  
vous avez visionné la  
parade d'identités sur  
photos?

10 I. If I recall correctly,  
it was November 30th.

R. C'est le, si je me  
souviens bien, c'est le  
30 novembre.

Q. Did you view it at  
15 the same time as any  
other police officers?

I. Est-ce que vous y avez  
regardé en même temps  
que d'autres agents de  
police?

I. I was accompanied by  
Detective Lemelin.

R. J'étais accompagné du  
détective Lemelin.

20 Q. By who?

I. Par qui?

I. I was accompanied by  
Detective Lemelin.

R. J'étais accompagné du  
détective Lemelin.

Q. Was Detective Lemelin  
present when you viewed  
25 the photo lineup?

I. Est-ce que le détective  
Lemelin était présent  
lorsque vous avez  
visionné la parade  
d'identités sur photos?

I. Yes.

R. Oui.

Q. And before you viewed  
30 the photo lineup, you  
and Detective Lemelin

I. Avant de voir la parade  
d'identités sur photos,  
est-ce que vous et



- 1 discussed the possi- détective Lemelin avez  
bility of identifying discuté la possibilité  
Mr. Legere in the d'identifier M. Allan  
photo lineup? Legere sur ces photos?
- 5 I. No. R. Non.
- Q. Did you see Mr. Legere's I. Est-ce que vous avez vu  
picture in the news- des photos de M. Allan  
paper or on television Legere sur des journaux  
after he was arrested? ou à la télévision  
10 après son arrestation?
- I. No. R. Non.
- Q. What was the lighting I. Comment était l'éclair-  
on like on the train rage sur le train cette  
that evening? soirée-là?
- 15 I. It was-- R. C'était dans la pénombr  
- Only the night - Les lumières de nuit  
lights. seulement.
- Q. Only the night lights. I. Alors lorsque seulement  
So when only the les veilleuses sont  
20 night lights are on, allumées, c'est très  
it's very dark --c'est très foncé  
inside the couches, dans les--  
is it not?
- 25 I. These are lights on R. Oui. C'est les lumière  
the side of the sur les côtés des bancs  
train which are on qui sont allumées et no  
and not the dome dans le dôme du train.  
lights.
- 30 Q. But it is dark inside I. Mais il fait quand même  
the couch so that noir en-dedans du wagon  
people can sleep, is pour que les gens



- 1 Q. And how far back were  
you standing? Were  
you behind them?
- 5 I. I was leaning against  
the back of the seat  
of the individual.
- 10 Q. Back of the seat  
against the individual.  
So you would have been  
been looking at the  
15 back of this indi-  
vidual?
- I. I was sort of on the  
side, because the  
backseat, there were  
20 two people sleeping  
there.
- Q. Was this individual  
in a single seat or  
was it like a double  
25 seat which turned  
around for people to  
face one another?
- I. It was a double seat.
- 30 Q. And how many people  
were sitting in the  
double seat?
- I. Comment éloigné est-ce  
que vous étiez? Est-ce  
que vous étiez derrière  
eux?
- R. J'étais--le dos du banc  
--le dos du banc, j'éta  
accoté sur le dos du  
banc de l'individu, où  
l'individu était assis,  
à l'arrière.
- I. Alors vous regardiez au  
dos de cet individu?
- R. J'étais de biais, parce  
que le banc arrière,  
y avait deux passagers  
de couchés.
- I. Cet individu, est-ce  
qu'il était dans un  
siège simple ou est-ce  
qu'il était dans un  
siège double où est-ce  
qu'ils sont tournés pou  
se faire face?
- R. Un siège double.
- I. Combien de personnes  
étaient siégées dans ce  
chaises doubles?

- 1 I. There was one individual sitting next to Allan Legere or the individual that we did  
5 check.
- Q. Had these two individuals been sleeping when you came up to them for identification?  
10
- I. When I arrived, they seemed to be coming to slowly.
- Q. So I understand  
15 Constable Côté had to talk to this individual because this individual could only speak English?  
20
- I. The individual did not seem to understand what Detective Lemelin was asking him in French.  
25 It's at that time that Detective Lemelin asked Cst. Côté to address himself to the individual in English.
- Q. How well could you  
30 see when the individual showed what,
- R. Il y avait un individu assis près de Allan Legere ou l'individu en question qu'on a vérifié.
- I. Est-ce que ces individus là étaient endormis lorsque vous êtes arrivé pour en faire une vérification?
- R. Moi, quand je suis arrivé, ils semblaient se réveiller tranquillement.
- I. Alors je comprends que le gendarme Côté a dû s'adresser à cet individu, parce que l'individu parlait seulement en anglais?
- R. L'individu ne semblait pas comprendre ce que le détective Lemelin lui demandait en français. C'est à ce moment que détective Lemelin a demandé à l'agent Côté de s'adresser à l'individu en anglais.
- I. Combien--comment bien est-ce que vous pouviez voir lorsque l'individu

- 1 his right arm for a montré son bras droit  
tattoos? pour la vérification du  
tatou?
- I. The individual stood, R. Parce que l'individu  
5 leaning--as he was s'est levé, accoté sur  
leaning on the seat, le banc, il s'est viré  
and turned sideways le bras de côté.  
to show his arm.
- Q. So he kind of stood I. Alors il s'est mis  
10 up to show his arm? debout pour montrer son  
bras?
- I. Not directly standing, R. Pas directement debout,  
but more sort of étiré sur le côté.  
stretched out on the  
15 side.
- Q. And how much of his I. Combien de son bras  
arm could you see? est-ce que vous pouviez  
voir?
- I. Up close to the shoulder. R. Jusque dans le--près de  
20 l'épaule.
- Q. Up close to the shoulder. I. Jusqu'à peu près là?  
Up to about here?
- I. Yes. R. Oui.
- Q. On the right arm? I. Sur le bras droit?
- 25 I. On the right arm. R. Sur le bras droit.
- Q. And you couldn't see I. Vous ne pouviez pas voir  
any tattoos? de tatouage?
- I. No. R. Non.
- 30 MR. FURLOTTE:  
Could you go and have  
a look at Mr. Legere's

1 right arm?

THE COURT:

Oh, that's not  
necessary!

5 MR. FURLOTTE:

Okay. Mr. Legere,  
would you stand up  
and show your right  
arm?

10 The shirt up to the  
shoulder, what do you  
see on his right arm?

I. Que voyez-vous sur son  
bras droit avec sa  
chemise relevée jusqu'à  
l'épaule?

I. It seems--it appears  
15 to be an eagle.

R. Il semble y avoir un  
aigle.

Q. An eagle. A full eagle?

I. Un aigle au complet?

I. Yes.

R. Oui.

Q. Which you were given  
a description to look  
20 for?

I. Que vous avez été donné  
une description de  
rechercher pour.

I. A complete eagle on  
the right arm.

R. Un aigle, un aigle  
complet sur le bras  
droit.

Q. A complete eagle. And  
25 that is a complete  
eagle that you see on  
Mr. Legere's upper arm?

I. Et ceci est un aigle  
complet que vous voyez  
sur son bras--

R. Oui.

I. Yes.

I. --son bras droit?

R. Oui.

Q. Is there any reason why

I. Est-ce qu'il y aurait

1 you couldn't have une raison pourquoi  
seen that eagle on vous n'auriez pas vu ce  
this individual aigle sur son bras ce  
that evening? soir-là?

5 I. I didn't see it. R. Je ne l'ai pas vu.

Q. Because it wasn't I. Parce que ce n'était  
there, is that pas là, est-ce que c'es  
right? bien ça?

I. I didn't see it. R. Moi, je ne l'ai pas vu.

10 MR. FURLOTTE:

No further questions.

THE COURT:

Re-Examination?

15 RE-DIRECT BY MR. GRAHAM  
SLEETH:

RE-INTERROGATOIRE PAR ME  
GRAHAM SLEETH:

Q. The individual who I. La personne qui était  
was with the person, avec la personne qui--  
the suspect, whose dont--de qui vous avez  
identity papers you pris les papiers  
20 took, was it--was d'identité, est-ce que  
that a male person? c'était un homme?

I. It was a male. R. C'était un homme.

MR. SLEETH:

Thank you, that's all

25 on Re-Direct.

THE COURT:

That's all, thank  
you.

LA COUR:

Merci Monsieur, c'est  
tout.

MR. SLEETH:

30 I would ask that this  
witness be excused, My  
Lord, as well?

1 THE COURT:

Yes.

ME SLEETH:

Merci.

5 THE COURT:

We will have a recess  
now.

There is--just before  
the recess, the last--

10 the exhibit with the  
photo lineup hasn't  
been shown to the jury  
or at least they haven't  
had a chance to examine

15 it, it was only marked  
for identification  
earlier. I don't think  
it's necessary for them

20 to take it to the jury  
room, but would you,  
Mr. Pugh, hold that up,  
just walk in front of the  
jury and hold it up so  
25 they have a chance to  
see it?

You will at some subsequent  
time, jury members, have  
an opportunity to examine  
it more fully if it's  
30 relevant.

As a matter of fact, if



1           counsel have no objection,  
          can they take it to the  
          jury room?  
          Counsel have no objection  
5           to their taking it to the  
          jury room?  
          - Well, take it along then,  
          give it to the -- one of the  
          members and don't soil it or  
10           harm it in any way, it's  
          one of the exhibits.

(RECESS - 3:25 P.M.)

COURT RESUMES. (Accused present. Jury called, all present

THE COURT: Now, another witness.

15       MR. SLEETH: Recall Constable Marc Proulx. My Lord I have  
          an item here I would like to have marked for identifi-  
          cation at this time, "FFF" I do believe. "EEE" was  
          the last, a set of Greb boots.

20       THE COURT: All right, "FFF".

(Clerk marks hotel registration card "FFF" for  
Identification.)

MR. SLEETH: Thank you very much.

25       CONSTABLE MARC PROULX, recalled, having been  
          previously sworn, testified as follows

DIRECT EXAMINATION BY MR. SLEETH:

30       Q. Constable Proulx I am placing before you "FFF" for  
          identification. Are you able to identify that,  
          please?  
          A. Yes, I can. This is an item that I have received on  
          the 7th of December, 1989. It was in my possession  
          until the 29th of January, 1991 but in that time

1 frame it was in and out of my possession at different times but there's always been marks about it. This is what you would refer as a - not an invoice but a receipt slip from a hotel.

5 Q. Would you look at it carefully, please? When did it first come into your possession?

A. The 7th of December, 1989.

Q. And from whom did you receive it, please?

A. From the -- Another name problem. George Urquhart  
10 the Chief Security at the Queen Elizabeth Hotel.  
Sorry about that.

Q. And that's a registration card or an invoice or what?

A. Well, I believe they call it an invoice. I think  
15 it's the registration card to when someone goes and checks into a motel they fill that out.

Q. And you received it on what date again, please?

A. 7th of December, 1989.

Q. Once you had that did you turn it over to anybody else after that?

20 A. Yes, I did.

Q. To whom, please?

A. On the 14th of December, 1989 I turned it over to  
Corporal Leo Roy of the Moncton Ident Section and on  
25 the 15th of December, 1989 I received it back from Corporal Leo Roy and on the 29th of January, 1991 I turned this particular exhibit over to Constable Laurent Houle of the Newcastle Detachment who was the exhibit custodian.

30 Q. And you next saw it?

A. I just did.

1 MR. SLEETH: And yet another item, My Lord, in a plastic  
bag, actually a small plastic bag and contents in a  
larger plastic bag, "GGG" I believe.

THE COURT: Yes.

5 (Clerk marks bag and contents "GGG" for Identification)

MR. SLEETH: I am now placing before you "GGG" for  
identification. Do you recognize the objects there?

A. Yes, I do. The bag bears my signature. This is  
what I would refer as two small diamonds seized on  
10 the 7th of December, 1989.

Q. From where, please?

A. From -- it's from a Morley Thompson and he works for  
Mercury National. It's referred to commonly called  
a pawn shop, and actually I purchased this item back  
15 from him, and it has been in my possession since the  
7th of December, 1989 until the 29th of January, 1991  
where, there again, it was turned over to Constable  
Laurent Houle at 1:30 in the afternoon of the 29th.

Q. When was the next time that you saw it?

A. Well, I just did. In between there was other people  
had it in between there.

Q. But not yourself?

A. Not myself.

25 MR. SLEETH: A plastic bag and contents My Lord, what  
appears to be a chain-like object, gold in color.

THE COURT: "HHH".

(Clerk marks chain in plastic bag "HHH" for I.D.)

MR. SLEETH: "HHH" for identification, do you recognize it?

30 A. Yes, I do. This is another item purchased on the 7th  
of December, 1989.

1 Q. By whom?

A. Purchased by myself from Morley Thompson of Mercury National on St. Catherines Street in Montreal, Quebec, and it has been in my possession from the  
5 7th of December, 1989 to the 29th of January, 1991 at 1:30 in the afternoon where I passed it to Constable Houle. It's just a 20 inch they call it box link chain. There, again, that item has been passed to other people in between these dates.

10 MR. SLEETH: Another plastic bag and contents, appears to be a form of costume jewelry My Lord.

THE COURT: "III".

(Clerk marks bag and contents "III" for I.D.)

MR. SLEETH: "III" Constable Proulx.

15 A. This is -- There, again, that was seized or purchased by myself on the 7th of December, 1989 from Morley Thompson of the Mercury National company in Montreal, Quebec, and it has been in my possession from the 7th of December, 1989 until the 29th of  
20 January, 1991 at 1:30 where it was passed to Constable Houle. It's an Egyptian Nefrititi and it's in gold.

THE COURT: What was it? Costume -- Nefrititi costume jewelry?

A. It's referred to as an Egyptian charm Nefrititi.

25 THE COURT: Was he the king or the queen - Nefrititi?

A. That's a queen.

THE COURT: She was the queen.

A. That's a she.

30 MR. SLEETH: And you came into possession of that when and from where did you get it?

1 A. On the 7th of December, 1989 from Morley Thompson of Mercury National.

Q. Mercury National is in what city and what province?

5 A. It's St. Catherines Street in Montreal, Province of Quebec.

MR. SLEETH: Yet another plastic bag and contents My Lord.

THE COURT: "JJJ".

(Clerk marks gold band "JJJ" for Identification.)

MR. SLEETH: Constable, "JJJ"?

10 A. Again, this is what is commonly referred to I believe as a wedding band and it was seized or purchased by myself from Morley Thompson of Mercury National, same company again, on the 7th of December, 1989 and it has been in my possession until the 29th of January,  
15 1991 where I gave it to Constable Houle.

MR. SLEETH: Another plastic bag and contents again, My Lord.

THE COURT: "KKK".

(Clerk marks gold band in bag "KKK" for I.D.)

20 MR. SLEETH: Constable, "KKK"?

A. This is again a - I believe it's referred to as a female wedding band because of the size, seized, again, on the 7th of December, 1989 from Morley Thompson, Mercury National in Montreal, Quebec. Has  
25 been in my possession until the 29th of January, 1991 at 1:30 in the afternoon and passed on to Constable Houle, Newcastle Detachment.

MR. SLEETH: Another plastic bag and contents My Lord.

30 THE COURT: "LLL".

(Clerk marks ring in bag "LLL" for Identification.)

1 MR. SLEETH: "LLL" if you would, please, Constable Proulx?

A. It is a cocktail ring, I believe it's called, a female  
ring, and it was seized on the 7th of December, 1989  
by myself from Morley Thompson of Mercury National in  
5 Montreal. It has been in my possession until the  
29th of January, 1991 at 1:30 in the afternoon where  
I passed it to Constable Houle.

MR. SLEETH: Plastic bag and contents, some sort of ring  
My Lord.

10 THE COURT: "MMM".

(Clerk marks ring in plastic bag "MMM" for I.D.)

MR. SLEETH: Constable, I am placing before you "MMM".

A. That's another item seized on the 7th of December,  
1989 by myself from Morley Thompson, Mercury National  
15 It is, I believe, called a cluster I think. It's a  
ring with a few diamonds on it. And it has been in  
my possession from that date until the 29th of Januar  
1991 where I passed it to Constable Houle.

20 MR. SLEETH: Yet another plastic bag and contents. Some  
sort of ring My Lord.

THE COURT: "NNN".

(Clerk marks ring in bag "NNN" for Identification.)

MR. SLEETH: If you would, please, Constable, "NNN".

25 A. This is another ring. Some sort of a dark colored  
stone on it. It was seized on the 7th of December,  
1989 by myself from Morley Thompson of Mercury  
National and it has been in my possession until the  
29th of January, 1991 at 1:30 in the afternoon when  
it was passed to Constable Houle.

30 MR. SLEETH: Another plastic bag and contents, a ring  
again, My Lord.

1 THE COURT: "OOO".

(Clerk marks ring in plastic bag "OOO" for I.D.)

MR. SLEETH: "OOO" Constable.

5 A. This is another ring with what is referred to as a  
synthetic ruby, red ruby, and it is an item seized  
by myself on the 7th of December, 1989 from Morley  
Thompson of Mercury National and has been in my  
possession until the 29th of January, 1989 when I  
gave it to Constable Houle. They all bear my initials  
10 my signature.

MR. SLEETH: Plastic bag and contents, My Lord, again a  
ring.

THE COURT: "PPP".

(Clerk marks ring in plastic bag "PPP" for I.D.)

15 MR. SLEETH: "PPP" for identification.

A. This is a ring with a purple stone, small purple  
stone. It was seized on the 7th of December, 1989  
by myself from Morley Thompson of Mercury National  
and it has been in my possession until the 29th of  
20 January, 1991 where I gave it to Constable Houle.

MR. SLEETH: Yet another plastic bag with contents, again,  
appearing to be a ring.

THE COURT: "QQQ".

(Clerk marks bag containing ring "QQQ" for I.D.)

25 A. This is a ring with a light green-colored stone on  
it, seized on the 7th of December, 1989 by myself  
from Morley Thompson of Mercury National and it has  
been in my possession since that day until the 29th  
30 of January, 1991 when it was passed to Constable  
Houle, Newcastle Detachment.

- 1 MR. SLEETH: Now, before going any further, Constable,  
all these items were obtained by you from Mercury  
National you said. How did you get ahold of them?
- A. I purchased them.
- 5 Q. How much did you pay for them?
- A. For the two stones and the ten - ten pieces of  
jewelry, rings, Nefrititi, and chains, \$450.00  
Canadian.
- 10 Q. And you have related how you turned them over or how  
they then went into your possession and you turned  
them over to another individual but did they at  
different times come back into your possession?
- A. Yes, they did. In between these two dates yes they  
have come and gone from me.
- 15 Q. And did you keep a record of the dates in which it  
came back into your possession and from whom and to  
whom you would subsequently give them?
- A. Yes, I did. I kept records of the exact time and  
date and exactly who they went and exactly when,  
20 date and time they came back to me.
- Q. And this record was maintained in the form of notes  
which you kept at the time?
- A. It's form of a - refer to them as an exhibit report.  
25 These are yellow sheets there and it's the standard  
form of the R.C.M.P. and basically these jewels were  
locked in my locker at the office and any time any-  
body needed them for whatever the exhibit forms which  
were filled out by me were with the jewels and I  
30 always kept track.
- Q. And about how often would this have been done that  
it would have been turned over to various other  
investigators?



1 A. I believe there's a total of ten or eleven transactions  
but that means the transaction I refer - like I gave  
them to one person, they give them back to me, that's  
two transactions. I believe they went to four or  
5 five different people.

Q. Difficult to memorize all of those I would take it.

A. That is correct, yes.

Q. However, you maintained notes at the time as part of  
your duties?

10 A. Yes, these notes were taken always at the time.

MR. SLEETH: My Lord I would like this witness to be able  
to refer to those notes, the exhibit report which he  
is referring to, in order to link up and maintain the  
continuity of these various objects and the various  
15 transactions that he referred to.

THE COURT: That's reasonable. Were they always all turned  
over together or --

A. No, that is part of the reason why it is difficult to  
20 memorize all these dates. Some of the jewels did not  
go to everybody or all the time.

THE COURT: Do you have any questions Mr. Furlotte about  
the notes?

MR. FURLOTTE: No.

25 THE COURT: Okay.

A. Thank you My Lord.

MR. SLEETH: All right. You acquired, as you said earlier,  
all of these items presently before us as "FFF"  
through and including "QQQ" from a Morley Thompson.  
Now, if you would take it from there. What happened?

30 A. I refer to them exhibit 121 to 132 myself so this may--  
121, what's --

MR. WALSH: That's "FFF" My Lord.

1 A. "FFF", okay. That particular exhibit being the hotel  
registration slip has been in my possession from the  
7th of December and on all these items, on the 14th  
of December, 1989 at 14:45 which is quarter to three  
5 in the afternoon they were handed to Corporal Leo  
Roy of the Moncton Ident Section. He returned all  
these exhibits, including the slips, to me the next  
day, the 15th of December at 11:50 in the morning.

Q. Including what slips?

10 A. The registration slip, exhibit "FFF" referred to.

Q. All these exhibits being --

A. All the ones that I have just introduced here just  
a few minutes ago.

Q. To Leo Roy?

15 A. Leo Roy. They all came back the next day on the  
15th at 11:50 in the morning. Following this we  
will not refer any more to exhibit "FFF" because that  
particular one I never gave out to anybody else after  
that except to Constable Houle on the 29th of January  
20 1991.

Q. As you related earlier?

A. As I related earlier. As for the other ones, all the  
exhibits they were all passed to Corporal Kevin Mole  
of the R.C.M.P. on the 20th of December, 1989 at  
25 8:30 in the morning and they were all returned to me  
by Corporal Mole the next day, the 21st of December,  
1989 at 8:56 in the morning.

Q. You are again now referring to "GGG" through and  
including "QQQ"?

30 A. That is correct.

Q. The jewelry?

A. That's right.

- 1 Q. All right, Mole has returned them.
- A. Following this I handed all the jewels from "GGG" to "QQQ" to Constable Ron Charlebois of the R.C.M.P. on the 3rd of April, 1990 at 8:39 in the morning.
- 5 Following this Constable Charlebois returned every one of these exhibits, "GGG" to "QQQ", on the 6th of April, 1990 at 5 minutes after 4 o'clock in the afternoon.
- Q. And then?
- 10 A. On the 22nd of May, 1990 one exhibit, being a lady's cocktail ring, 13 diamonds, I believe it's with the small cluster, 128 -- I'm sorry, it would be the following one.
- Q. "MMM".
- 15 A. That is the one. That particular exhibit was passed to Constable Greg Laturus of the R.C.M.P. at 8:55 in the morning on the 22nd of May and it was returned to me the next day on the 23rd of May at 10:41 in the morning.
- 20 Q. I am going to place them with "GGG" starting on your left. You now have before you "GGG" through "QQQ", inclusive, arrayed before you.
- A. Thank you. Okay. Exhibit referred to as "GGG", "HHH", "JJJ", "KKK", "MMM", "NNN", "PPP", and "QQQ"
- 25 were then handed to Corporal Ed MacEachern of the Royal Canadian Mounted Police on the 21st of August, 1990 at 12:54, just about 1 o'clock in the afternoon. I received these same exhibits back from Constable
- 30 Laturus on the 27th of September, 1990 at 12:04. Then from that day they were all in my possession until the 29th of January, 1991 at 13:29 which is

1 1:29 in the afternoon when I turned all these  
exhibits from "GGG" to "QQQ" to Constable Houle.

MR. SLEETH: I have another plastic bag with contents, My  
Lord, that appears to be a chart of sorts.

5 (Clerk marks chart "RRR" for Identification.)

MR. SLEETH: I am placing before you "RRR", Constable.

A. This is an eye chart that I seized on the 6th of  
December, 1990 at 15:57 in the afternoon which is  
3:57 from a Mr. Michael Lazimi. The eye chart is  
10 for Mr. Fernand Savoie, R.R. --

Q. Okay, and --

A. And this was seized on I believe it's St. Catherines  
Street in Montreal, province of Quebec.

Q. What sort of business premise or what sort of  
15 premises did you --

A. It's an optician.

Q. And it has remained with you since that time?

A. Yes, it remained with me until the 29th of January,  
20 1991 at 1:29 in the afternoon and in between it has  
always been in my possession. Always had it.

MR. SLEETH: We're all glad to hear that Constable. Yet  
another bag and contents My Lord, a green document  
of some sort.

25 THE COURT: "SSS".

MR. SLEETH: "SSS" I believe now My Lord.

(Clerk marks invoice in bag "SSS" for Identification.)

MR. SLEETH: A plastic envelope or a plastic bag with a  
green paper inside it, "SSS".

30 A. This item, again, was seized by me on the 6th of  
December, 1990 at 3:57 in the afternoon from Mr.  
Michael Lazimi who was a technician for Greiche and  
Scaff. That's an optometrist's office and that is  
I believe on St. Catherines Street in Montreal.

1 It's an invoice. It's a bill.

Q. And it's remained with you since that time?

A. It has remained in my possession until the 29th of  
January, 1991 at 1:30 where I turned it over to  
5 Constable Houle. Nobody else has had it besides  
me.

MR. SLEETH: A plastic bag with a blue book inside.

THE COURT: "TTT".

(Clerk marks blue book "TTT" for Identification.)

10 MR. SLEETH: "TTT".

A. This is a purchase ledger from Morley Thompson of  
Mercury National where all their purchases are  
registered in such books. This is the book con-  
taining buy number 9-3-8.

15 Q. And you obtained that particular --

A. On the 7th of December, 1990 at 10 o'clock in the  
morning. It has been in my possession ever since  
that day until the 29th of January, 1991 at 1:30  
when I passed it to Constable Houle. Nobody else has  
20 had it besides me in that period of time.

Q. And seen by you again only today?

A. Yes.

Q. Just to be sure, I may have gotten a little distracte  
what's "RRR"? You turned that over to some particula  
25 person, the eye chart, or have you had it all along?

A. You mean between Constable Houle and myself?

Q. Yes.

A. I gave it to Constable Houle on the 29th of January,  
30 1991 at 1:30 in the afternoon.

Q. And have you seen it since that time until today?

A. No.

1 THE COURT: I believe you said it had remained with you.

A. I'm sorry, I apologize.

THE COURT: You were in error then, were you?

A. Yes.

5 MR. SLEETH: A plastic bag stapled, My Lord, and contents,  
being a key.

THE COURT: "UUU".

(Clerk marks key in bag "UUU" for Identification.)

10 MR. SLEETH: I am placing before you "UUU" for identifica-  
tion.

A. Yes, this is a key that I received from Constable  
Greg Davis on the 14th of November, 1990 and that  
was in my possession from that date, that was at  
fourteen hundred hours which is 2 o'clock in the  
15 afternoon, until the 29th of January, 1991 where I  
returned it to Constable Davis.

Q. And since that time have you seen it on any other  
occasion until today?

20 A. No. I may have seen it yesterday but I didn't have  
it in my possession. I may have looked at it yester-  
day.

THE COURT: The 14th of November?

A. That is correct.

25 MR. SLEETH: Earlier in your testimony you mentioned a Mr.  
Urquhart at the Queen Elizabeth Hotel. Did you re-  
ceive anything from him?

A. Yes. On the --

30 MR. SLEETH: Two pieces of paper, My Lord, with printing  
and writing on them. I would ask them to be marked.  
They are stapled together as one identification.

THE COURT: "VVV".

(Clerk marks papers stapled together as "VVV" for I.D.)

- 1 MR. SLEETH: I am placing before you two papers which are  
stapled together and which have been marked for  
identification as "VVV".
- A. This is two pages that I received from Mr. George  
5 Urquhart referred earlier as the - in charge of the  
security of the Queen Elizabeth Hotel in Montreal,  
Province of Quebec. These are referred to as --
- Q. They are two papers that you received from him, is  
that correct?
- 10 A. Yes, I received both pieces of paper from him on the  
29th of November, 1989 at about 10:43 or 10:33 in the  
morning. 10:30 in the morning.
- Q. And where have they been since that time?
- A. Since that time they were in the file referred to as  
15 the train search that I had maintained and it bears  
my handwriting plus some yellow marks that I had  
personally done and arrows and marks.
- Q. And was maintained by you then?
- 20 A. Well, it was maintained for a period of time in that  
file by me. I wrote the file. I think the file had  
something like seventy some pages and these were  
pages 36 and 37.
- Q. And you said you maintained that file, and the actual  
25 items that are now before this court as "VVV", those  
two pieces of paper, were they removed from that file  
and given to anybody?
- A. No.
- Q. For safekeeping at any time. They were always with  
30 you then until this day?
- A. Well they have been in the file and the file has been  
in the main ledger there at the office - R.C.M.P.  
Office, G.I.S. in Moncton, New Brunswick. Approxi-

1 mately three weeks to a month ago I discussed this particular item with another member of my Section and pursuant to this day has been in my possession since then.

5 Q. Right. And the item which is "VVV", again, has printed portions and there is some writing on it. Have the printed portions been altered in any way since the time you first obtained it from George Urquhart?

10 A. No. Neither has my handwriting either.

Q. And the writing that's on that at different locations is in whose handwriting?

A. It is my handwriting.

15 Q. I'm not sure about "UUU" which is the hotel key. Can you tell us what you did with that?

A. Yes, on that particular occasion the reason I obtained the key is I was to return to Montreal for a third time. The key itself bears a number or letter "L" and the number 1036, and this was to verify if this could open room 1036 of the Queen Elizabeth Hotel.

20 Q. That's why you made a third trip you say to Montreal?

A. That is correct.

Q. Was the key with you at that time?

25 A. Yes, it was.

Q. And since that time was it always in your possession or turned over to anybody else since that time you made that trip?

30 A. Between the 14th of November, 1990 until the 29th of January, 1991 it has been in my sole possession.

Q. And on the 29th you turned it over to?

A. Constable Greg Davis.



- 1 Q. Have you seen it then since that time or had it in  
your possession since that time?
- A. I have seen it but I didn't have it in my possession.
- Q. You mentioned earlier in your testimony that you had  
5 obtained all this jewelry from Mercury National.
- A. That's correct.
- Q. And that was a pawn shop you said?
- A. A high class pawn shop.
- Q. And how did you come to go to that particular pawn  
10 shop?
- A. Well, on this exhibit "VVV" there is a series of  
phone numbers that originated from room 1036 at the  
Queen Elizabeth Hotel and after visiting these pawn  
shops, I believe myself and another constable went to  
15 six different - they were called pawn shops but they  
were buying gold and exchanging gold basically, or  
fine arts, that's why I said high class pawn shop,  
and we spoke to Mr. Thompson. Subsequent to this I  
received a phone call approximately four or five days  
20 after the first visit in Montreal and I returned and  
met with Mr. Morley Thompson at that time who showed  
me his book, a ledger, I don't remember the exact  
letters but the blue ledger, with the buy number 938,  
25 and that particular buy was all these jewels here.
- Q. You refer to a ledger. I'm showing you "TTT" for  
identification.
- A. That is the one I am referring to. The ledger.
- Q. But what specifically brought you to Morley Thompson's  
30 establishment?
- A. The Montreal City Police have a system in place by  
which every person buying secondhand jewelry has to

1 register them with the Montreal Police Force, and  
this is all put on computer, and the people selling  
jewelry have to supply two pieces of identification,  
and I had left with the certain police officer in  
5 Montreal, his name was Denis Probert, had left him  
names that I was interested in, one of these names  
being Fernand Savoie, and he is the person that  
called me.

Q. And as a result of talking --

10 A. As a result of this call I went to Morley Thompson's,  
Mercury National.

Q. Now, earlier on as well you indicated a printout,  
"VVV", which you received you said from George Urquhart  
a series of phone numbers on that.

15 A. That is correct.

Q. What relationship is there, if any, between that and  
the establishment run by Mr. Thompson?

A. I believe there is two or three calls made to that  
20 particular establishment on these two sheets. At  
least one, but I believe there is more than one.  
There is at least one that was made here at 289-9761.  
That's Mercury National.

Q. And you determined the telephone number of Mercury  
National by using what?

25 A. City Directory of the City of Montreal. Going by  
phone number it gives you a certain name or person or  
a company. That's where we got that from.

Q. When you used "UUU", the key, you actually used it  
30 when you made that third trip to Montreal?

A. Yes.

1 Q. To what effect?

A. Well, it was to verify if that particular key would  
open the door but when I arrived at the Hotel they  
had changed the whole system of keys and they are  
5 now with the system of a - similar to a credit card  
you put in the slot for the card. You put it in and  
it opens the door. There is no more key system at  
the Queen.

MR. SLEETH: Those conclude the questions that I have for  
10 the witness at this time, My Lord. I will wish to  
have him recalled later on this aspect.

THE COURT: Recalled when?

MR. SLEETH: I forget the number. It's quite a bit later  
My Lord. 227 or thereabouts.

15 THE COURT: Considerably further on.

MR. SLEETH: Yes, My Lord.

THE COURT: Do you have any cross-examination of this  
witness at this point Mr. Furlotte?

20 MR. FURLOTTE: My Lord I would request to cross-examine  
this witness tomorrow morning rather than immediately.

THE COURT: Well, I think that is a fair enough request.  
It will mean the witness staying over, presumably.

MR. WALSH: My Lord we have a minor problem. We have a  
25 Corporal Leo Roy who is required to be in Moncton  
tomorrow. It's absolutely imperative that he attend  
court in Moncton tomorrow or there could be serious  
repercussions for a trial that's going on there.  
He's an identification expert. His testimony is only  
30 for the purposes of identifying certain of the items  
that have been marked through Constable Proulx and I  
would ask if we could impose on you and the jury so

1           that we can get Corporal Roy on and off so that he  
          can get to Moncton tomorrow.

THE COURT: Well, I suppose I could tell the jury that they  
          could have Friday off if they sat for another five  
5           minutes here tonight. You are stood aside anyway.  
          You shouldn't discuss this, of course, with anyone.

MR. WALSH: Recall Corporal Leo Roy.

CORPORAL LEO ROY, recalled, having been previously  
10           sworn, testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

Q.       To refresh the jury's memory you are Corporal Leo  
          Roy; you are a member of the R.C.M.P.; you are  
          stationed in Moncton and you are part of the Moncton  
15           Identification Section, is that correct?

A.       That's correct.

Q.       You previously testified in this trial on at least  
          two occasions and they were related to photographs  
          associated with autopsies of various individuals, is  
20           that correct?

A.       Yes, sir, I have.

Q.       With respect to your testimony here, I understand  
          that you came in contact with a number of items that  
          have been marked through Constable Proulx, is that  
25           right?

A.       That's correct.

Q.       A series of these items were jewelry?

A.       Yes, sir.

Q.       And these items have been marked in this particular  
30           hearing "GGG" to "QQQ". Would you look at those,  
          please, and tell the jury whether or not you can  
          identify them. Just want to make sure I have all

1 of the right ones here. I have put before you "GGG"  
to "QQQ". Would you look at them for us and tell us  
whether you can identify them, what, if anything, you  
did with them?

5 A. Yes. Items "GGG" to "QQQ" were received by myself  
from Constable Proulx on the 14th of December, 1989  
at approximately 14:45 hours.

Q. What was your purpose of having them?

10 A. The purpose of having them was to photograph these  
jewelry items, which I did. I photographed each one  
individually and made four copies of each which four  
- four photos of each which I turned over to Constable  
Proulx.

Q. What, if anything, did you do with the jewelry?

15 A. On the 15th of December, 1989 at approximately 11:50  
A.M. I returned all of these to Constable Proulx.

Q. Constable Proulx has testified - you were in court,  
he has testified with respect to the item "FFF" which  
purports to be a registration slip from a hotel.  
20 Would you look at that for us, please, and tell us  
whether or not you can actually identify that item?

A. I remember receiving another item with the jewelry,  
however, I cannot identify it specifically, but all  
items that I received from Constable Proulx on the  
25 14th were returned to Constable Proulx on the 15th.

Q. Did you put any markings on that item?

A. No, I did not.

Q. Did you have to do anything with that when you re-  
30 ceived it?

A. No, I did not.

Q. You had to photograph the jewelry though?

1 A. That's correct.

Q. Did you put your markings on this jewelry?

A. Yes, I did. I retrieved the jewelry from the plastic bags and photographed them and returned them  
5 to the individual plastic bags and sealed them again with my seal.

Q. Would you have an explanation of why you didn't put any markings, if in fact you did receive this item, why you didn't put any markings on it?

10 A. I did not open the bag. I did not tamper with that particular item.

Q. You had nothing to do with it?

A. No.

Q. You didn't have to do anything with it?

15 A. No.

MR. WALSH: I have no further questions My Lord, thank you.

THE COURT: Any cross-examination?

MR. FURLOTTE: I have no questions on this issue. I understand Corporal Roy is being recalled again.  
20

THE COURT: Yes. Well, you are excused Corporal Roy. I know you want to be in Moncton tomorrow.

MR. WALSH: He is being stood aside My Lord.

THE COURT: Yes. Well, I think that finishes everything  
25 for today then. We will stop there. It's almost quarter to five. I think I mentioned last week the possibility that we might, if we continued a steady rate of progress, take this Friday off. It would give counsel an opportunity to get their thoughts in  
30 order and perhaps give jury members a chance to reflect on some of the evidence they have heard.

1           So I think we will. I have discussed this earlier  
in your absence before you were called in earlier  
today with counsel and they feel it would be  
beneficial from their point of view and perhaps will  
5           serve to speed up the whole thing in the long run.  
So we will plan on adjourning tomorrow evening at  
4:30 until next Monday, and then we will have a  
full week of 4½ days next Monday through to Friday  
10          noon. I hope this meets with the approval of the  
jury.

(Further discussion of adjournment.)

(ADJOURNED TO 9:30 A.M. - SEPTEMBER 26, 1991.)

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1 COURT CONVENES - 9:30 A.M., SEPTEMBER 26, 1991

(Accused present. Jury called, all present.)

THE COURT: Another witness Mr. Sleeth.

MR. SLEETH: My Lord when we concluded proceedings yesterday  
5 day Constable Marc Proulx was on the stand. Direct  
examination had been concluded and we were about to  
proceed to cross-examination so I recall Constable  
Proulx.

10 CONSTABLE MARC PROULX, recalled, previously sworn,  
testified as follows:

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. Constable Proulx I understand from your testimony  
yesterday that when you were in Montreal you checked  
15 around at pawn shops to see if somebody may have  
pawned some jewelry?

A. That is correct.

Q. And where the jewelry was eventually located you had  
actually checked that pawn shop maybe a week prior  
20 to that?

A. From the -- I had been at that particular pawn  
shop I believe on the 29th of November, 1989 and the  
jewelry was seized on the 7th of December.

Q. The jewelry was seized when?

25 A. The 7th of December, 1989. So we were 8 - 9 days.

Q. Okay. So you were there on November 29th and you went  
through the records and you couldn't find it, is that  
right?

A. We didn't find it.

30 Q. You didn't find it. So it wasn't there on November  
29th but on December 7th it was there?



1 A. They were also there on November 29th but I failed to  
locate them in the records.

Q. You failed to locate it in the records.

A. That's correct.

5 Q. And I believe this is the ledger book marked "TTT"  
for identification.

A. Yes.

Q. This is the ledger book where the purchase of that  
jewelry was --

10 A. Registered.

Q. -- registered. Would you mind opening it and showing  
me where it was registered?

MR. SLEETH: Excuse me, My Lord, I don't mean to interrupt  
here but if we are going to refer to these items  
15 would it not be more proper that "TTT" now, since we  
are going into the contents of it, be received in  
evidence. It is only marked for identification at  
the moment.

20 THE COURT: Well, I don't know. Do you have any objection  
Mr. Furlotte?

MR. FURLOTTE: I have no objections.

THE COURT: All right, we will mark this as exhibit P-73.  
(Clerk marks ledger exhibit P-73.)

25 A. As I said yesterday it was buy number 938, page 48,  
49, 50 and 51 at the bottom here, and it goes on here  
and it's continued there.

MR. FURLOTTE: Do you recall checking this ledger on  
November 29th?

30 A. No, I don't.

Q. What did you check on November 29th?

- 1 A. Actually I spoke with Mr. Morley Thompson and another  
individual which his name is Bill Wetstone, works with  
Mr. Thompson, and my understanding was at that time  
that Mr. Thompson himself had checked the records and  
5 there was none. I did not check any of his books.
- Q. Okay, you didn't check it yourself?
- A. No.
- Q. Now, was it you that gave evidence that people that are  
pawning jewelry in Quebec or especially Montreal that  
10 they have to show some I.D.?
- A. That is correct.
- Q. Aside from the individuals showing I.D. do they also  
have to - like in New Brunswick when you go to junk  
dealers and you're selling beer bottles or copper or  
15 something you have to sign - the person selling it  
has to put their signature in a book. Is that also  
in Montreal when you are selling jewelry?
- A. I am not aware if it is or not.
- Q. So you don't know?
- 20 A. No, I don't know.
- Q. Did you check to see if it was, to find a signature?
- A. I have looked at their ledger and from my recollection  
I don't think there's any signatures nowhere about it.
- 25 Q. Yesterday you indicated as to who you gave different  
items of jewelry to, police officers for police  
purposes, investigative purposes, and when you re-  
turned it back. I understand those purposes was to  
show the jewelry to possible owners?
- 30 A. That is correct.

1 Q. And did you show any of that jewelry to possible owners yourself?

A. Yes, I did.

5 Q. And how many possible owners would you have showed the jewelry to yourself?

A. Quite a few of them actually. I would say probably a dozen.

10 Q. A dozen. Do you know how many break and enters there were during the summer or fall of 1989 in Newcastle or Chatham area?

15 A. Actually I did a record check of that for the period between the 3rd of May, 1989 until the 24th of November, 1989 pertaining to this break and enters involving jewelry. These people were contacted by me personally from the Miramichi area and these are the people that I showed it to.

20 Q. Okay. And you say you did check the record to see how many there was, break and enters with jewelry involved? How many was there?

25 A. I did not personally check records. I asked secretari of various offices such as Chatham Town Police, Newcastle Town Police and R.C.M.P. Detachment in Newcastle to do the records for me. They passed on some names and phone numbers and dates where items had been stolen, these items being particularly jewelry, and these people were contacted by me.

30 Q. And how many names would you have acquired from your investigation?

A. I believe it's ten to maybe a dozen people. That includes man and wife, husband and wife. Like that's two.

- 1 Q. That's what you checked personally?
- A. Yes, I showed it to these people myself.
- Q. Did you check to see how many break and enters  
5 occurred during the time Mr. Legere had escaped in  
the Chatham/Newcastle area?
- A. No, I did not.
- Q. I believe this is a list of people you had showed  
jewelry to.
- A. Yes, that is correct. Yes.
- 10 Q. And how many is there?
- A. 12.
- Q. 12. And there are no husband and wife teams on this?  
They are all different surnames?
- A. Yes, that is correct.
- 15 Q. So that would basically be 12 different families or  
12 different break and enters?
- A. No, they're not all break and enters because there's  
some people in there that were friends with Linda  
and Donna Daughney who were also showed some of the--  
20 Father Smith's brother is on the list as well as  
Vincent Pineau which -- So the only ones involving  
with break and enters are 6 of them.
- Q. 6 of them. And these were shown on at least the  
25 dates January 3rd, 10th and 18th of 1990?
- A. That is correct.
- Q. The different days that you showed the jewelry? Were  
you in court when Constable Gerard Lemieux testified  
yesterday?
- 30 A. No, I was not. I'm sorry, I was outside.
- Q. He testified that whenever -- I believe you showed  
him the photo line-up?
- A. That is correct.

- 1 Q. I believe he testified that when you showed him the photo line-up that he was with the other police officer, Detective Denis Lemelin.
- A. That's correct.
- 5 Q. You showed them the line-up at the same time?
- A. I'm just trying to recall. I took a statement from Mr. Lemelin; another officer took the statement from Mr. Lemieux; and I am not sure if the photo line-up was shown at the same time. It is possible but I'm
- 10 not --
- Q. Do you know whether or not it's proper to show two witnesses a line-up at the same time?
- A. Depending on the circumstances.
- 15 Q. But generally it's not permissible or it ought not to be done, is that right, to show two witnesses who are going to do identification a line-up at the same time so one doesn't influence the other?
- A. Well, I can't -- Maybe if you asked them to
- 20 consult with themselves maybe, but I couldn't comment on that.
- Q. Isn't there a proper method established by the Police Department for showing photo line-ups to witnesses?
- A. Must be. Or maybe there's --
- 25 Q. Not that you are aware of?
- A. Not that I am aware of, a proper standard one, no.
- Q. Do you know whether or not it's improper to show photographs to a witness in advance to facilitate that witness in selecting the accused out of a live
- 30 line-up for a trial?
- A. Yeah, I wouldn't do that either.

1 Q. That's improper. And do you know if it's improper to show the eye witness a single photograph of the accused?

A. Before a photo line-up?

5 Q. At any time just to show them a single photograph?

A. There, again, depending on the circumstances. I would not do it all the time but --

Q. And it is improper to show photographs to two or more witnesses at the same time?

10 A. I never learned from a book but I have learned it from other members how to conduct a photo line-up.

Q. Or even that it's improper to show photographs to the jury which indicate that the accused has a previous record? I'm not saying that's --

15 THE COURT: Well, this is getting a little far Mr. Furlotte, here.

MR. FURLOTTE: So you don't know what the established R.C.M.P. principles are for showing photo line-ups, do you?

20 A. Well I have a pretty good idea from what I have learned from senior officers but I never learned from a book, no.

Q. You haven't taken a course on it then I assume?

25 A. Not particularly on that, no.

Q. Who advised these police officers that Allan Legere was on the train the night they searched it? Was that you personally?

A. No. I'm sorry, your last question, was it before or after I showed the photo line-up?

30 Q. One of the police officers testified that he was advised before he was shown the photo line-up that

1 Allan Legere had indeed been on the train that they searched.

A. No, that didn't come from me.

Q. That didn't come from you.

5 A. Not before the photo line-up, no.

Q. Did you advise him that the person they were supposed to have identified also had identification of Fernand Savoie? Did you give them that information, that Allan Legere was supposed to have had identification  
10 of Fernand Savoie?

A. If you are referring -- At what point?

Q. When you did the photo line-up.

A. No.

Q. At any time before that or after?

15 A. Possibility that after once -- The photo line-up was the first thing we discussed basically when we got to their office in Levis, but not before the photo line-up I know that for sure.

Q. Not before the photo line-up. But you informed them  
20 after, possibly?

A. I believe so, yes, in discussions.

MR. FURLOTTE: I have no further questions.

THE COURT: Re-examination Mr. Sleeth?

25 MR. SLEETH: Just briefly My Lord.

REDIRECT EXAMINATION BY MR. SLEETH:

Q. During the cross-examination for the first time my  
learned friend referred you to what is now P-73,  
that blue book, and he directed your attention to  
30 pages after you had informed him of the page numbers,  
48, 49, 50 and 51. Do you recall that?

A. Yes.

- 1 Q. And he asked you whether or not it was required that  
there be placed on any of those books or on any  
records at the pawn shops signatures of the persons  
who might be selling goods. On page 48 sale or  
5 transaction number 9-3-8 at the foot of the page, is  
there an indication of who the vendor is, location,  
address, size, etc.?
- A. Yes, there is.
- Q. What does it say?
- 10 A. It says Savoie, Fernand, R.R. 3, Box 194, Kent County,  
New Brunswick, Bouctouche. It has 1948-1-31, 5-11,  
160 pounds, electrician. There's other identification  
Says NB - it says DR LIC. I believe it stands for  
15 driver's license, 59130328, and Datsun SN. I'm not  
sure what that means, Sentra or Stanza or whatever,  
SN. And it says KPS110038625, whatever that is.
- Q. The transaction that immediately precedes that, number  
9-3-7.
- A. Yes.
- 20 Q. Does that have a name and similar identification?
- A. Yes.
- Q. What does it say?
- A. Andre - I think it's DeGesse - DeGear - DeGesse -  
26 781 George Vanier. Date of birth 1970-06-19. It  
says 5 feet 1 inch, 115 pounds. Says clerk. It has  
got a DEGA 7056-190, and it's got a social - what  
appears to be a social insurance number, 2-6-5-1-1-7-  
9-0-3.
- 30 Q. And without going into it in any detail, the remainder  
of the number of transactions 929, 930, 931, 932, 933,  
934, 935, 936, all contain similar things for the  
persons who provided goods?



1 A. Yes. Actually they have got identical things with  
identifications being somewhat different but names,  
address, date of birth and height and profession.

Q. Now, you were also queried about the manner in which  
5 you performed a photo line-up with what I believe  
would have been Detectives Lemelin and Lemieux by  
my learned friend during his cross-examination. What  
would be proper and improper and the like. At the  
end of that photo line-up what sort of identification  
10 did those two men make, if any?

A. Detective Lemieux could not - he said I cannot  
identify anyone in the line-up, but Detective  
Lemelin without a doubt pointed to picture number  
15 six. He had no doubts in his mind that was the  
individual that he had checked on the train.

Q. But no matter how long the meeting or the nature of  
your efforts one simply would not identify, is that  
right?

A. That is correct.

20 MR. SLEETH: Thank you.

THE COURT: Thank you very much Constable. You are being  
recalled I believe.

MR. SLEETH: Yes, he will be, My Lord.

25 THE COURT: You are stood aside.

MR. WALSH: My Lord I recall Constable Laurent Houle.

CONSTABLE LAURENT HOULE, recalled, previously sworn,  
testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

30 Q. To refresh the jury's memory, I don't think it's  
necessary with you Officer, but you are Constable  
Laurent Houle; you're a member of the Royal Canadian

1 Mounted Police; in 1989 you were stationed in  
Newcastle and you are stationed there as well at  
this date, is that correct?

A. That's correct, yes.

5 Q. And one of the duties that you had in relation to this  
particular trial is that you were the exhibit custodia  
for the James Smith homicide, is that correct?

A. That's correct, yes.

10 Q. I show you an item that has been marked triple "F"  
(FFF). Look at it and tell us if you can identify it  
and, if so, under what circumstances you can?

15 A. Yes. I have my initials, date and time on this item,  
and this was turned over to me personally by Constable  
Proulx of the Moncton General Investigation Section  
on the 29th of January, 1991 at 1:29 P.M., and it has  
been in my possession ever since.

Q. Who brought it to court?

A. I did.

20 THE COURT: What was that item?

MR. WALSH: That purports to be a hotel registration form.  
I am going to show you a series of items marked  
triple "G" through to and including triple "Q". Do  
you recognize those items?

25 A. Yes, I do. There, again, this was jewelry that was  
turned over to me by Constable Proulx of the Moncton  
General Investigation Section on the 29th of January,  
1991 at 1:29 P.M.

Q. What, if anything, did you do with those items?

30 A. On the 8th of August, 1991 I turned them over per-  
sonally to Constable Ron Charlebois, Moncton General  
Investigation Section at 10 A.M.

1 Q. And did you have occasion to see those items after that time?

A. Yes, they were returned to me personally by Constable Charlebois on the 9th of August, 1991 at 2:30 P.M.

5 Q. And in whose possession did they remain until the time they were brought to court?

A. Mine.

Q. In fact you brought those items to court with you?

A. That's correct.

10 Q. During the time that they were in your possession did anyone else have access to these items?

A. Just from time to time to see them, yes, but they were in my possession all the time.

Q. You would be present when they were viewed?

15 A. That's correct, yes.

Q. I show you an item that has been marked triple "R".

THE COURT: Those last items, they were the jewelry?

MR. WALSH: That's correct, My Lord. Item marked triple "R", would you look at that for us, please?

20 A. This is an eye chart. I received this from Constable Proulx personally on the 29th of January, 1991 at 1:29 P.M. and it has been in my possession ever since.

Q. And who brought it to court?

25 A. I did.

Q. Did anyone else have access to this item?

A. No.

Q. I show you an item that has been marked triple "S". Would you look at that for me, please, and tell the jury whether you can identify that?

30 A. Yes, this is an invoice, again, which I received from Constable Proulx on the 29th of January, 1991 at 1:29 P.M. and has been in my possession ever since.

- 1 Q. Did anyone else have access to this while it was in  
your possession?
- A. No.
- 5 Q. I show you an item that has been entered on this  
particular trial as exhibit P-73. It purports to be  
a ledger. Would you look at that for us, please, and  
tell the jury whether you can identify it?
- A. P-73, a blue book ledger, this was turned over to me  
by Constable Proulx on the 29th of January, 1991 at  
10 1:29 P.M. and has been in my possession ever since.
- Q. Did anyone else have access to that item while it  
was in your possession?
- A. No.
- Q. Who brought this item to court?
- 15 A. I did.
- Q. Constable Houle did you have occasion to do anything  
in relation to the motor vehicle that was found in  
Bathurst by the R.C.M.P. on the 16th and 17th of  
November?
- 20 A. Yes, I did. On the 6th of December, 1990 I was in-  
structed by Constable Ron Charlebois of the Moncton  
General Investigation Section to - and do inquiries  
as to the ownership of that vehicle.
- 25 Q. And did you in fact make such inquiries?
- A. Yes, I did.
- Q. What, if any, information did you first obtain to  
make the inquiry?
- A. I obtained the plate number of that vehicle.
- 30 Q. What was the plate number of the vehicle that you  
obtained?
- A. AKW 479, New Brunswick.

1 Q. And what was the date of your inquiry? What I am saying is what date were you inquiring as to the date of registration? The effective date.

A. For the 17th of November, 1989.

5 Q. And did you make such inquiries?

A. Yes, I did.

Q. And to whom?

A. On the 6th of December, 1990 shortly after I received the call from Constable Charlebois I contacted the  
10 Department of Transportation, Motor Vehicle Branch, Fredericton, New Brunswick and I made my inquiries with them.

Q. And what information did you give them?

A. The plate number.

15 Q. And as a result of those inquiries did you receive anything?

A. Yes, I did.

Q. What did you receive?

A. A certified document.

20 Q. Do you have it with you?

A. Yes, I have.

Q. I am going to ask to have that entered as an exhibit. Perhaps we'll first identify it. Officer, what - how did you receive that document?

25 A. I received this on the 12th of December, 1990 after I had made my inquiries on the 6th of December, 1990.

Q. Who did you receive it from?

A. The Department of Transportation, Motor Vehicle  
30 Branch, Fredericton, New Brunswick.

Q. And does that relate to the vehicle that you had given the license plate for?

1 A. Yes. This is the certified document. This is  
certification of vehicle ownership.

MR. WALSH: My Lord notice has been given to the Accused  
that we intend to enter this particular document being  
5 a certified - a certification of vehicle ownership  
made under the Department of Transportation Motor  
Vehicle Branch under the hand of the Registrar of  
Motor Vehicles, and I would move to have that entered  
as an exhibit at this time.

10 MR. FURLOTTE: I have no objections.

THE COURT: So that would be P-74.

(Clerk marks certified copy of vehicle ownership  
exhibit #P-74.)

15 THE COURT: Why don't you, rather than show it to the  
jury --

MR. WALSH: I was going to have the officer read the contents  
of it.

THE COURT: That's fine.

20 MR. WALSH: Constable I will show you this document that  
has been marked exhibit P-74. Would you in a loud  
voice, please, so the jury can hear you and everyone  
in the courtroom, would you just read what that  
document tells you?

25 A. Yes. "Certification of Vehicle Ownership." It says  
"I certify that the following vehicle particulars are  
contained on the registration certificate which is  
a record from the Province of New Brunswick and that  
I am the officer having charge and custody of the  
30 said records. '84 Oldsmobile Delta, four door, VIN  
number 1G3AY69Y0E9740482, plate number AKW 479,  
expires 7 January, 1991. I further certify that the

1 following person was the registered owner of the  
above vehicle on the 17th of November, 1989.  
Name: Smith, James; 306 Main Street, Chatham Head,  
Northumberland County, New Brunswick., issued 6th  
5 December, 1990."

Q. Signed by who?

A. The Registrar of Motor Vehicles, Douglas H. Seeley.

MR. WALSH: I have no further questions, My Lord, thank  
you.

10 THE COURT: Cross-examination?

MR. FURLOTTE: I have no questions.

THE COURT: Thank you then Constable.

MR. WALSH: He is being recalled My Lord.

THE COURT: You are back again later.

15 MR. SLEETH: My Lord call George Urquhart.

GEORGE URQUHART, called as a witness, having been  
duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

20 Q. Would you please state your full name for the record  
Mr. Urquhart.

A. My name is George Urquhart.

Q. And your occupation, please?

A. I am the Director of Security at the Queen Elizabeth  
25 Hotel in Montreal.

Q. And for how long have you been Director of Security  
there, sir?

A. For the past 15 years.

Q. Mr. Urquhart I am placing before you a plastic  
30 envelope. It has identification number "FFF". Do  
you recognize the type of document that's shown  
there?

1 A. Yes, sir, it's a standard company document.

Q. And the nature of that particular document?

A. It's a registration slip.

Q. A registration slip used for what - clients?

5 A. When a guest checks into the hotel, sir.

Q. I now place before you "VVV". It's a key of some sort. Do you recognize that type of key?

A. Yes, sir, it's a standard key that was used by our hotel chain and for room 1036.

10 Q. You say it's a standard key that was used by your hotel chain, in that past tense. What do you mean?

A. Well, we are now into electronic door locks, sir.

MR. SLEETH: I have a bag and contents, My Lord, I would like marked for identification at this time.

15 THE COURT: "WWW" I guess is next.

(Clerk marks bag and contents "WWW" for I.D.)

MR. SLEETH: Mr. Urquhart I am now placing before you an exceptionally large bag which is "WWW" for identification. There are a series of different objects contained inside it at the moment. Are you able to

20 identify any one or all of them?

A. I can identify one, sir, it's the pen.

Q. And you can identify that pen as being what? What type of pen, sir?

25 A. As being a pen that's in our hotel rooms.

Q. At the Queen Elizabeth Hotel?

A. At the Queen Elizabeth Hotel.

MR. SLEETH: A plastic bag and contents, My Lord, I would ask be marked for identification at this time.

30 THE COURT: This is another one, is it? "XXX".

(Clerk marks bag and contents "XXX" for I.D.)



- 1 MR. SLEETH: "XXX" Mr. Urquhart.
- A. This is another standard company document, sir.
- Q. What type of standard company document?
- A. It's a printout of a guest room's bill in other words.
- 5 Q. It's a receipt or invoice?
- A. A receipt, yes, sir.
- Q. For the Queen Elizabeth Hotel?
- A. Yes, sir, it is.
- Q. "VVV"?
- 10 A. Another standard company document, sir.
- Q. What is it, please?
- A. It's a printout of all telephone calls that come from guest rooms.
- Q. Do you recognize that particular one that you have in
- 15 your hands right now, "VVV"?
- A. Yes, sir, it's the one that I - or one similar to this that I gave to Constable Proulx.
- Q. Constable Proulx has referred to it earlier. Can you
- 20 tell me the circumstances under which you gave "VVV" to Constable Proulx? What was done?
- A. It was on November 29th, 1989 when Constable Proulx approached - or came to the hotel and approached me and asked me to give him a copy of anything pertaining
- 25 to room 1036.
- Q. What did you do then after you got this request?
- A. I went to the file room and produced these files that you have in the courtroom and gave them to Constable Proulx.
- 30 Q. Now you went to a file room you say. What sort of room is this did you go into?
- A. It's an enclosed area. There's only certain people that are allowed access to it.

- 1 Q. Yourself as Chief of Security?  
A. Yes, sir.
- Q. And in that particular room are maintained what sort of files and what sort of company documents?
- 5 A. They're all files concerning rooms, telephone calls, room billings.
- Q. And why are these files maintained in that room? For what purpose?
- A. For tax purposes, sir. We have to keep them for a  
10 certain amount of time.
- Q. And for other purposes? For billings?
- A. For billing, yes.
- Q. Now, the particular item you have in front of you is a printout of what?
- 15 A. It is a printout of phone calls.
- Q. From what rooms? From all rooms?
- A. From different rooms.
- Q. Showing?
- A. Showing calls from, for instance, 1071, 1036.
- 20 Q. These would be all calls made by, am I correct to understand what you said a moment ago, all calls from the hotel rooms, guest rooms --
- A. Yes, sir.
- Q. -- to outside.
- 25 A. To outside.
- Q. And the original documents, they are kept in that file room?
- A. They were kept in the file room but we have now gone  
30 computerized so those files have since been destroyed.
- Q. I see. But the item which you gave to Constable Proulx earlier related by him and which is "VVV" present in your hand appears to be a photocopy?

1 A. Yes, sir.

Q. It was a photocopy made by whom?

A. By me, sir.

Q. Of the original?

5 A. Of the original.

Q. Since the --

A. Yes, sir.

Q. And this would be a regular business document maintained by the hotel?

10 A. Yes, sir.

MR. SLEETH: My Lord I believe that continuity has been proven up with this item and the witness I believe has explained the nature of this business document kept, and notice was given to my learned friend. I would move that "VVV" be placed in evidence at this time.

15 THE COURT: P-75.

(Clerk marks billing exhibit P-75.)

20 THE COURT: That was "VVV", was it?

MR. SLEETH: "VVV", yes, My Lord. Mr. Urquhart when a Via Rail train comes through --

THE COURT: Just before you get into that, are you going to - rather than show this to the jury are you going to --

25 MR. SLEETH: Other witnesses will be dealing with that more directly, yes, My Lord.

Mr. Urquhart when Via Rail trains coming from Bathurst to Quebec City to Montreal come into Montreal where is the Station?

30 A. It's just directly below the hotel, sir. It's Central Station.

1 Q. So if a stranger to Montreal - a relative stranger to Montreal exited one of those trains which is the first hotel he would run into?

A. Naturally it would be the Queen Elizabeth Hotel, sir.

5 MR. SLEETH: Thank you.

THE COURT: He would go there anyway, wouldn't he?

A. If he wanted the best.

CROSS-EXAMINATION BY MR. FURLOTTE:

10 Q. Mr. Urquhart the registration slip marked "FFF" I believe - yes, marked "FFF" for identification, you are in hotel security?

A. Yes, sir, I am the Director of Security.

Q. You didn't check this person in yourself?

15 A. No, sir.

Q. So this is something you are just identifying as a regular --

A. As a regular hotel document, yes, sir.

20 Q. You cannot be a witness to anything that's on this slip?

A. No, sir.

Q. Except that it's --

A. Except that it's a --

Q. -- the same form of the slip that the hotel uses?

25 A. It is a form from the hotel, sir.

MR. FURLOTTE: I have no further questions.

THE COURT: Re-examination Mr. Sleeth?

MR. SLEETH: No, My Lord. Ask that the witness be excused.

30 THE COURT: Thank you very much Mr. Urquhart, you're excused.

MR. SLEETH: I now call Julie Mallette, My Lord, and I believe Miss Mallette is going to want to testify in

1

French, or she had indicated that at one point.

5

JULIE MALLETTE, having been  
called as a witness, having  
been duly sworn, testified  
through interpreter,  
Patricia Lajoie, as follows:

10

JULIE MALLETTE, ayant été  
appelée comme témoin, ayant  
été dûment assermentée, a  
témoigné avec l'aide de  
l'interprète Patricia Lajoie  
comme suit:

15

DIRECT-EXAMINATION BY  
MR. GRAHAM SLEETH:

INTERROGATOIRE PAR  
ME GRAHAM SLEETH:

20

THE COURT:

I think -- Mr. Sleeth --

MR. SLEETH: Yes, My Lord?

25

30

1 THE COURT:

--is the name misspelled  
on the Indictment?  
Should it not be

5 M-A-I-L-L--

MR. SLEETH:

I have M-A-L-L-E-T-T-E.  
I'll have the witness herself  
spell it for us, My  
10 Lord.

THE COURT:

Well you can ask the  
witness for me.

15 Q. Miss Mallette, would  
you give us your full  
name and spell your  
last name, please?

I. Madame Mallette,  
voulez-vous nous donner  
votre nom au complet  
et épeler votre nom  
de famille, s'il vous  
plaît?

20 I. My name is Julie  
Mallette, M-A-L-L-E-  
T-T-E.

R. Julie Mallette,  
M-A-L-L-E-T-T-E.

Q. And your occupation,  
please?

I. Quelle est votre  
occupation?

25 I. I work as a receptionist  
at Queen Elizabeth  
Hotel.

R. Je travaille comme  
réceptionniste à  
l'hôtel La Reine  
Elizabeth.

30 Q. How long have you been  
doing this type of work?

I. Ça fait combien de  
temps que vous faites  
ce genre de travail?

I. I have been working for

R. Ça fait 3 ans que je

- 1 the same company for travaille pour la même  
3 years, and 2 years compagnie, dont 2 ans  
and two months at the et deux mois à la  
reception. réception.
- 5 Q. Now I am going to pass I. Madame Mallette, je  
to you and place in vais placer devant  
front of you item vous la pièce qui a  
FFF for identification. été cotée FFF pour  
Do you recognize that identification.  
10 paper? Reconnaissez-vous ce  
papier?
- I. Yes. It's a registra- R. Oui. C'est une carte  
tion card used at the de régistration  
Queen Elizabeth Hotel (phonétique) qui est  
15 when the client comes employé à l'hôtel  
in. La Reine Elizabeth à  
l'entrée du client.
- Q. And are you able to I. Est-ce que vous pouvez  
recognize that indivi- reconnaître celui-là?  
20 dual one?
- I. Yes, it is my hand- R. Oui, c'est mon écriture,  
writing and it indicates indiquant mon numéro  
my employee number. d'employé.
- Q. Made out by yourself? I. C'est vous-même qui  
25 l'avez écrit?
- I. Yes, it is my hand- R. Oui, c'est mon  
writing. écriture.
- Q. As a receptionist, I. Comme réceptionniste,  
30 could you describe to pouvez-vous nous  
the jurors what you décrire pour les jurés  
would do when a person ce que vous faites,

- 1 presents themselves (sic) to you to register in your hotel?
- 5 I. We take out a registration card, we take down the information, how many nights the guest expects to be there. If the person does not have credit cards as reference, we ask for two identification papers and payment in advance.
- 10 Q. And would all those things then be noted on your registration card?
- 15 I. Yes.
- 20 Q. And again, the item FFF is in your handwriting completely?
- 25 I. There is no doubt, yes.
- MR. SLEETH:
- 30 My Lord, I would move that FFF be accepted in evidence, received
- vous, lorsqu'une personne va vous trouver pour s'enregistrer à votre hôtel?
- R. On prend une carte de réregistrement (phonétique), on prend les informations, le client, combien de nuits il reste. Si la personne n'a pas de cartes de crédit comme référence, on demande deux pièces d'identification et le paiement à l'avance.
- I. Puis est-ce que toutes ces choses-là seraient notées sur votre carte d'enregistrement?
- R. Oui.
- I. Pis encore une fois, la pièce FFF se trouve dans votre main d'écriture? C'est vous qu'a tout écrit?
- R. Aucun doute, oui.



1 in evidence at this  
time. I believe  
it's been proven up,  
and I would like the  
5 witness to refer to  
its content at this  
point.

THE COURT:

It would be P-76.

10 MR. SLEETH:

Yes, My Lord.

Q. Now, you have before  
you P-76, that is  
Exhibit P-76, and  
15 examining it now,  
what can you tell the  
jurors about the  
registration marked  
on that?

20

I. It indicates the date,  
25 the guest's name, the  
number of the room,  
my employee number,  
the address that the  
guest fills out, and  
30 the hotel procedure,  
the first procedure,  
which is C.B., which  
means cash basis.

I. Devant vous, vous  
allez apercevoir la  
pièce P-76, c'est-à-  
dire pièce à conviction  
P-76. Si vous voulez  
l'examiner, pourriez-  
vous dire au jury  
qu'est-ce que vous  
savez, qu'est-ce qu'il  
y a sur cette pièce  
d'enregistrement?

R. Bon. Ça l'indique la  
date, le nom du client  
le numéro de chambre,  
mon numéro d'employé,  
l'adresse qu'on fait  
remplir du client, et  
une procédure d'hôtel  
initiales C.B., qui  
veut dire «cash basis».

- 1 Q. All right. Again then, P-76, the date that you filled that out, please?
- 5 I. Yes.
- Q. What was that date, please?
- I. 17th of November, for one night only.
- 10 Q. Of what year?
- I. '89.
- Q. And you said earlier you would indicate as well on P-76 the name of the guest?
- 15 I. Yes.
- Q. And the name of the guest indicated on P-76, who registered with--was registered by you?
- 20 I. Mr. F. Savoie.
- Q. Is there an address for this person, and if so, what was it?
- 25 I. Yes. R. R. 3, Bouctouche, New Brunswick.
- I. Alors encore une fois, la pièce 76, la date que vous l'avez remplie--
- R. Oui.
- I. Quelle est cette date, s'il vous plaît?
- R. Le 17 novembre, pour une nuit.
- I. Quelle année?
- R. 89.
- I. Vous avez dit tout à l'heure que vous aviez indiqué sur la pièce 76 le nom du client également?
- R. Oui.
- I. Quel est le nom du client qui est indiqué sur la pièce 76, que vous avez inscrit?
- R. Monsieur F. Savoie.
- I. Est-ce qu'il y a une adresse pour cette personne-là, puis si oui, quelle est l'adresse?
- R. Oui. R. R. 3, Bouctouche, Nouveau-Brunswick.

- 1 Q. A few moments ago, you referred to identification in some circumstances:
- I. Tout à l'heure, vous avez mentionné l'identification dans certaines circonstances
- 5 I. (ANSWER NOT TRANSLATED). R. Oui.
- Q. Which she would require? Q. Puis si que c'était nécessaire?
- I. Yes. R. Oui.
- Q. And on P-76, what is written there? I. Puis sur la pièce P-76 qu'est-ce qui s'y trouve?
- 10 I. Do you mean at the back? R. Vous voulez dire à l'arrière?
- There are two identification cards: one is a driver's licence, and the other one is the number for Allstate card. R. Y a deux cartes d'identification, une «driver's licence», pis l'autre, c'est un numéro d'«Allstate card».
- 15 Q. The driver's licence number on the reverse of P-76? I. Le numéro du permis de conduire est sur l'endos de la pièce-- de la carte d'enregistrement?
- 20 I. Yes. R. Exactement.
- Q. What is it? I. Quel est ce numéro?
- I. I'm sorry, just a second. R. 519--51--attends. Excusez-moi.
- 25 59131328. R. - 59131328
- 30 Q. Is there also--what room number was I. Vous lui avez donné quel numéro de chambre

1 assigned to this  
person?

I. Room 1036.

R. Chambre 1036.

Q. I am placing before  
5 you an item marked  
in identification  
already as UUU.

I. Je place devant vous  
une pièce qui a été  
cotée pour identifica-  
tion UUU.

I. (ANSWER NOT TRANSLATED).

R. Oui.

Q. You recognize what--  
10 you recognize what  
that is?

I. Est-ce que vous  
reconnaissez cette  
chose-là?

I. Yes, it's the former  
key system that we  
used at that time at  
15 the reception.

R. Oui, c'est un ancien  
système de clés qu'on  
utilisait à ce temps-  
là à la réception.

Q. Looking again for a  
moment, if you would,  
please, at P-76, is  
the guest himself  
20 given a number on  
that? If you look  
perhaps to the upper  
right side?

I. Si vous voulez examiner  
la pièce P-76 à  
nouveau, est-ce qu'on  
donne un numéro à--au  
client ou si--peut-être  
si vous regardez le  
côté droit supérieur?

I. I couldn't tell you.  
25 It looks like number  
22. I couldn't tell  
you, because we changed  
the forms of the--or  
30 the registration cards  
that we use for  
registration, and I don't

R. Je pourrais pas vous  
dire; ça l'air du  
numéro 22, mais je ne  
pourrais pas vous dire.  
On a changé de système  
de--de formules de  
cartes d'enregistrement  
pis je me rappelle pas

1 recall what that system c'est quoi que ça veut  
meant. dire ce système-là.

Q. Examining P-76, what I. En examinant la pièce  
was the rate for the P-76, c'était quoi le  
5 room per night? tarif pour un soir?

I. \$130.00. R. \$130.00.

Q. Do you recall anything I. Est-ce que vous vous  
of the customer who souvenez quelque chose  
registered and his du client qui s'est  
10 registration as in inscrit là, qui se  
P-76? retrouve sur la pièce  
P-76?

I. No. R. Non.

MR. SLEETH:

15 Thank you very much,  
thank you.

THE COURT:

Cross-Examination.

MR. FURLOTTE:

20 I have no questions of  
this witness.

LA COUR:

Merci, Mademoiselle.

TÉMOIN:

25 Merci.

30

1 MR. SLEETH: Call Roslyn Antoine.

ROSLYN ANTOINE, called as a witness, having been  
duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. SLEETH:

Q. Would you please state your full name and your  
occupation for the jurors, please?

A. My name is Roslyn Antoine and I work at the Queen  
Elizabeth Hotel as a room attendant.

10 Q. Could you please raise your voice a little bit. We  
all want to be able to hear you. I know you speak  
very softly I have discovered. How long have you  
worked at the Queen Elizabeth Hotel Miss Antoine?

A. 19 years now.

15 Q. And I am going to ask you to go back in your mind to  
the fall of 1989, especially the period around the  
17th of November. Do you remember that time period?

A. Yes, I do.

Q. You were working as a room attendant at that time?

20 A. Yes, I did.

Q. And there were certain things that you were - that you  
did and which you observed during that time period  
which I would like you to relate to these jurors now.  
Start with the day you have in mind and just relate  
25 to the jurors in your own words what you said, what  
you saw and did.

A. Is it pertaining to the room or --

Q. Pardon?

A. To the certain room?

30 Q. Yes. Wherever you wish to start.

A. Okay. I started to work the Monday morning which was  
the 20th. I didn't work on the 17th. The 20th.

- 1 Q. Just take your time now.
- A. Okay, the date I don't really remember, but I went to work the morning and the room 1036 they told me from downstairs there's a check-out but the 'Do not
- 5 Disturb' sign was in the door still. So I phoned downstairs and I told them I said - because when it's a 'do not disturb' we cannot go into the room. They said oh no, go ahead, it's a check-out because the guest who had been there he had been going every day
- 10 checking out and leaving the card in the door.
- Q. Okay, this particular guest was doing this?
- A. Yes.
- Q. Now how often would this guest have done this?
- A. It was over the weekend. He did it over the weekend.
- 15 Q. Okay, and how often would he check in, check out?
- A. He would check out at noon and be back in about two hours again reoccupying the same room.
- Q. What room number was this again, please?
- A. Ten thirty-six.
- 20 Q. Now, do you remember the guest that was there?
- A. Yes. Yes, I do.
- Q. The guest that was there, is he present in this court room today?
- A. Yes, he is.
- 25 Q. Could you please tell us where?
- A. He is sitting in the middle.
- Q. Sitting in the middle where, please?
- A. With the two gentlemen over there with the --
- 30 Q. The uniformed gentlemen, the R.C.M.P.?
- A. Yes. With the glasses.

1 MR. SLEETH: My Lord I would ask that the record show that  
the witness just identified the Accused sitting in the  
prisoner's dock.

5 Now, how long did this person that you have just  
pointed out to us - how long did he stay to your know-  
ledge while you were working as a room attendant at  
room 1036 at the Queen Elizabeth Hotel? How many  
days?

A. Okay, while I was there he was there for three days.

10 Q. All right. I would like you to start then with the  
first day. On that day what did you see of him?

A. I didn't see him before he checked out. He checked  
out; I made the room; then he came back into the room  
after it was finished. I didn't have any kind of  
15 contact with him that day, but I knew he was the same  
guest that checked out and came back which he did the  
two days before the same thing.

Q. Do you remember what that person - if there was any-  
thing special that you noticed about the clothing or  
20 other of that person?

A. No, not that day.

Q. Not that day?

A. No. The next day.

Q. The following day.

25 A. The following day, yes.

Q. What did you notice then?

A. Okay, it was the same thing. He checked out; he left  
the 'Do not Disturb' sign on the door. And I said I  
was going to leave that room for last because maybe  
30 he wouldn't come back. So I went into the room. I  
checked the room. The bathroom was all flooded with



1 water. The toilet has been blocked. And the bed - he  
never slept under the covers. He always slept on top  
of the bedspread, but the bedspread was all wet with  
water, soaking to the mattress, so I had to call  
5 downstairs to get fresh blankets and bedspread which  
I call my supervisor to bring for me. So I stripped  
the bed, I took everything out of the room and I  
went for my lunch, for my break, which is about 2  
o'clock. I came back at 2:30 and I saw the same  
10 gentleman that had checked out before in my cart  
taking out the linens, towels, apparently to wipe up  
the bathroom floor. So I called out to one of the  
girls and I asked well who is that, you know. She  
said it's the same guest that had checked out and came  
15 back again.

MR. FURLOTTE: I would object to hearsay evidence.

MR. SLEETH: If you could just back up a moment. You saw  
this individual?

20 A. Yes.

Q. Moving around.

A. Um-hmm.

Q. Would you just please describe only those things which  
you actually saw him doing and any conversations you  
would have had with him.

25 A. Yes. Okay. So when I came back I called my super-  
visor and I told her there was something funny about  
this guest.

Q. Okay.

30 A. Something strange about him.

1 Q. Okay. Now, after you had said that -- who was your supervisor?

A. Miss Adelaide Escaleira.

Q. Okay. So you mentioned those things and later on -  
5 just continue afterwards.

A. Okay. She brought me the linens.

Q. Who brought you the linens?

A. My supervisor.

Q. Adelaide Escaleira?

10 A. Yes, she brought them for me. And she told me she had --

Q. No, no, just stop there. She brought the linen?

A. Yes.

Q. Now, if you would just continue on. Take your time.  
15 I can see you are very nervous.

A. Okay. But she had a lot of work to do.

THE COURT: I just want to -- You're not nervous? Are you nervous?

20 A. Just a little bit.

THE COURT: You can't -- One of the rules of evidence is you can't tell about any conversation you had with any other person unless the Accused in this case is present. If he's present then you can tell about any conversation you had with him but not with somebody  
25 if he's not there you see. But you can say as a result of the conversation I had with Adelaide Escaleira, whatever her name is, I did so and so. You can do it that way. Okay? Nervousness all over now?

30 MR. SLEETH: Well, we'll keep trying there Miss Antoine. The supervisor you said was Escaleira?

A. Um-hmm.

- 1 Q. That brought linen?
- A. Yes, she did.
- Q. Now, would you just then continue on with the things  
that you saw taking place and the things which you  
5 did, or anything which you may have seen this guest  
doing?
- A. Okay. So she brought the linens and we went into the  
room. Proceeded to make the room because like I told  
her I wasn't comfortable to go into the room by my-  
10 self and if she would accompany me in the room at the  
time. She went about to do whatever she had to do.  
I waited for her in the linen room but the door was  
shut so she thought I must have been in the room. She  
knocked the door, she went in, and I came in after  
15 her and there she was. She was talking to the guest  
at the time.
- Q. Okay, she was talking to the guest, the man you have  
just identified?
- A. Yes, because he was in the room at the time. So he  
20 spoke to me. He asked me like what country I was  
from and I told him I'm from Trinidad, and he said  
he liked black people, he have nothing against them.  
This was a conversation between myself and the guest.
- Q. Okay.
- A. Because he said - he told me that he was - he had a -  
his best friend was a black guy. On his job once  
somebody attack him from behind and that this friend  
took him to the hospital.
- 30 Q. Did he say anything more about the attack? How the  
attack was done.

- 1 A. No. And he asked my supervisor where was she from  
and she said she was from Europe.
- Q. Do you remember anything -- I would ask you again,  
how old -- The individual that was there, did he  
5 have a beard? Was he clean-shaven? How would you  
describe his facial features?
- A. Maybe he had about two days hair on his face. He had  
short hair, light brown at the time.
- Q. Remember anything else about his face? Condition of  
10 the face.
- A. He had a bruise on his cheek, one of his cheeks. I  
don't remember if it was the right or the left one.
- Q. Do you remember if he, like myself, wore glasses or  
otherwise?
- 15 A. No, he wore no glasses.
- Q. I am now placing before you P-72 earlier identified by  
a series of witnesses. Have you seen that before?
- A. Yes, I did.
- Q. And you saw it because it was shown to you by whom,  
20 please?
- A. By yourself and another Constable.
- Q. And do you recognize anybody in that photograph, those  
few photos?
- 25 A. Yes, I do.
- Q. And at the time that it was shown to you by the  
Constable which photograph did you identify?
- A. Number six.
- Q. Would you please hold that up for the jurors to see  
30 and point at number six so they can see which one.
- I am placing before you "UUU" for Identification.  
Do you recognize that type of key?
- A. Yes, I do.

- 1 Q. And it's what type of key?
- A. It's the room key that they used before for the Queen Elizabeth Hotel.
- Q. I see. And that particular key, if you take a look at  
5 it, do you recognize - it has a number?
- A. It's L1036.
- Q. Now, I am going to ask you to come back again in your mind to the clothing that would have been worn by this guest when he was at the hotel. Again, take your  
10 time. What can you tell us about the clothing that he had?
- A. The last time I saw him he was wearing a grey sweater with orange writing, something like that, on him, and he was carrying a ski jacket - like a blue ski jacket,  
15 something like that, and he was wearing construction boots.
- Q. And during the time that he was there those days that he was there what sort of footwear did you see him to be wearing when you did observe him?
- 20 A. Construction boots.
- Q. Now, on the occasion when you say there was water in the room --
- A. Yes.
- 25 Q. Just elaborate a little bit on that, what you saw and what the guest would have said to you, if anything.
- A. Okay. I told him that we will call the plumber, which we did, to clear the toilet, and he insisted that he doesn't want the plumber to come, that we can give him  
30 the plunger and he can do it for himself because he said he was a plumber.

- 1 Q. Now, the boots that you said you saw him wearing  
what condition were they in if you can tell us?
- A. They looked almost new to me.
- Q. During the time that he was there you had how many  
5 conversations with him?
- A. Just that one day.
- Q. And what level of voice and what tone of voice would  
he speak?
- A. He always speak in the same low tone of voice.
- 10 Q. Was it an excitable, a calm, a nervous voice?
- A. Sort of a nervous, yes.
- Q. Now, when you went to the room on those occasions  
when you went to clean up the room was he there on  
different occasions?
- 15 A. No, just that day. Just that one day.
- Q. And when you went to do this work how - what was his  
reaction in terms of your staying there?
- A. Oh, he didn't like -- he hustled us out of the room  
very fast because we asked him if he would like the  
20 room to be vacuumed. He said no he doesn't want be-  
cause he's not fussy.
- Q. Are there televisions in that room?
- A. Yes, there were.
- Q. And did you recognize - did you notice whether or  
25 not this guest watched television?
- A. Yes, a lot, because you can hear it from outside.
- Q. And how often was the guest to your knowledge during  
the time you were working on that floor actually in  
the room?
- 30 A. I only know him in the room to be like when he comes  
back. Never in the morning time.

1 Q. Would he stay in the room a lot though?  
A. Yes, all the time.  
Q. Now, did he also tell you what his name was at any  
stage?

5 A. No, he didn't.

MR. SLEETH: Thank you very much.

THE COURT: Now, cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

10 Q. Miss Antoine this one time that you talked to this  
individual do you know what date or if not the date  
at least what day it was on?

A. I think it was the 20th of November.

Q. The 20th of November.

15 A. 1989, yes.

Q. And for how long a period of time would you have been  
in the room talking to him?

A. Oh, about --

Q. You said he rushed you out.

20 A. Yeah, it's about half an hour because we had to change  
everything in the room.

Q. You were in there about half an hour?

A. Yes.

25 Q. And I notice you mentioned this person had about a  
two days' growth of beard?

A. Yes, he did.

Q. And you mentioned this would have been on the 20th and  
he wasn't wearing glasses?

A. No, he wasn't.

30 Q. And you said he had light brown hair?

A. Yes, at the time.

- 1 Q. With no grey in it?  
A. No, no grey.
- Q. What color do you see Mr. Legere's hair today?  
A. It has some grey and it's a dark color.
- 5 Q. And black color?  
A. Dark color, yes.  
Q. Dark color. But the person you saw had light brown hair with no grey?  
A. No, no grey.
- 10 Q. Do you recall when you were shown the photo line-up?  
A. I don't remember the date.  
Q. Were you advised that you were going to be shown the photo line-up?  
A. No, I was not.
- 15 Q. Were you advised that maybe Mr. Legere probably spent the night or a couple of nights in the hotel before you were questioned by the police?  
A. No.
- 20 Q. Did you ever see two individuals or three individuals in the hotel in that room?  
A. You mean like guests?  
Q. Yes, besides -- You say Mr. Legere was there. Did you ever see anybody else there besides Mr. Legere?  
A. At the time or --
- 25 Q. At that time.  
A. No.  
Q. You mentioned the last time you saw him he was wearing a grey sweater with writing on it?
- 30 A. Yes, something like that, yes.  
Q. What kind of writing?  
A. I don't remember but I know it had writing on front of the --



- 1 Q. Across the chest area?  
A. Yes. It was a sweat shirt.  
Q. Like a sweat shirt type?  
A. Yes.
- 5 Q. And a blue ski jacket I believe you mentioned?  
A. Yes. Darker color.  
Q. And construction boots that looked new?  
A. Almost, yes.
- 10 Q. Almost. Now, you mentioned that -- Do you recall  
in your statement to the police as to your description  
of his features? How you described his features.  
A. At the time? Well, I remember he had a scar on his  
cheek, I don't remember which one.
- 15 Q. A scar on his cheek?  
A. Yes. I don't remember which side was it.
- Q. Okay. Do you recall whether or not he had a round  
face, square face --  
A. Long and --
- 20 Q. Long features?  
A. -- straight.  
Q. Pardon?  
A. Straight face.
- Q. Would you consider it long features?  
25 A. Slim features, yes.
- Q. Long features?  
A. Yes.
- Q. Was this person wearing any jewelry?  
A. No, he wasn't.
- 30 Q. Rings. No chains?  
A. No. I didn't notice, no.

- 1 Q. Nothing.
- A. I didn't notice.
- Q. Did you notice whether the person smoked or not?
- A. No, he didn't smoke. It was a non-smoking floor.
- 5 Q. Now, I notice you were awfully quick to identify Mr. Legere sitting in the box as the one you saw in the room
- A. Um-hmm.
- Q. No problem comparing what Mr. Legere was supposed to have looked like then and what he looks like now?
- 10 A. No, because I don't forget faces.
- Q. You don't forget faces.
- A. No.
- Q. And you have no problem recognizing - comparing this picture to the person sitting in the dock?
- 15 A. No, I do not.
- Q. Without hesitation. There's none?
- A. No.
- Q. So it wouldn't be very easy for this guy to walk around and let on he's not him?
- 20 A. Pardon me?
- Q. It wouldn't be very easy for this person in number six to walk around in public thinking nobody is going to recognize him?
- 25 A. I don't know.
- MR. SLEETH: I would have to object to that My Lord. I don't know what the question even is about. How could she respond?
- THE COURT: It's pretty hard to - she's not an expert in disguises I guess.
- 30 MR. FURLOTTE: As far as you are concerned then, this photo in number six would not be a very good disguise for Mr. Legere?

1 A. Like now?

Q. Yes.

A. I have no idea.

Q. You would have no problem recognizing him?

5 A. No.

MR. FURLOTTE: I have no further questions.

THE COURT: Re-examination Mr. Sleeth?

MR. SLEETH: No redirect My Lord.

THE COURT: Thank you very much Miss Antoine.

10 MR. SLEETH: I would ask that this witness be excused My  
Lord. I now call Adelaide Escaleira, unless you want  
to have a break now My Lord.

THE COURT: I think perhaps we'll have a break now, a short  
break for a few minutes.

15 (RECESS - 11:05 - 11:30 A.M.)

COURT RESUMES. (Accused present.)

MR. SLEETH: My Lord I believe mention may have been made,  
there's another witness on the list, a Mr. Price. I  
20 wanted to cover this in the absence of the jurors.  
The testimony which Mr. Price would have to offer  
relates to an incident involving Mr. Legere that  
occurred while in prison. The testimony just given  
by Miss Antoine relates certain statements made by  
25 the Accused, whom she identified, to the effect that  
he would have been on the receiving end of an attack  
at some time and would have been assisted by a black  
person as a result of that. Mr. Price would be able  
to testify, and I think I can summarize his testimony,  
30 that there was an attack on Mr. Legere in prison and  
that he was subsequent to that attack brought to  
medical attention or help at that time by a black

1           fellow inmate. He would also be able to testify some-  
what as to the knife that was found at the scene.

THE COURT: This happened in prison before his escape?

MR. SLEETH: This was before the escape, yes, My Lord. It  
5           corroborates. The two are actually corroborative, one  
of the other. It was not appropriate, I don't be-  
lieve, to have brought it before the Court until such  
time as the testimony had been received from Roslyn  
Antoine.

10 THE COURT: And Mr. Price was a prisoner do I understand?

MR. SLEETH: He was a Corrections Officer My Lord.

THE COURT: He was a Corrections Officer.

MR. SLEETH: I'll mention it now and we might - the Court  
15           might want to consider it possibly over the lunch  
break and I would then renew the application, My  
Lord, perhaps after the lunch break but I thought I  
would do so now.

THE COURT: Well, let's do that. Mr. Furlotte what  
20           position do you take on this?

MR. FURLOTTE: I can understand the Crown's position, My  
Lord, and, again, I don't think it's any secret to  
the jury Mr. Legere was in prison at one time so I  
can't see it being that damaging to Mr. Legere as  
25           sort of character evidence. I don't think it could  
knock his character down any further than it has  
been, but the question is is it proper. So long, I  
guess, as there is no evidence that comes out of this  
witness that Mr. Legere acted in any violent manner  
30           whenever he was stabbed. I don't know what this  
witness is going to state. I do not believe that this  
witness was an eye witness to the stabbing that Mr.  
Legere received so I'm not sure --

1 THE COURT: This has nothing to do, I gather, with --  
You are not bringing up - in any stabbing?

MR. SLEETH: No, My Lord. All we will be bringing up is  
that this officer proceeded to a gymnasium to respond  
5 to an alleged stabbing, found Mr. Legere there,  
observed Mr. Legere. He was rushed then to medical  
facilities and there was assistance given to him at  
the time by an inmate by the name of Williams who was  
a black person, My Lord.

10 THE COURT: Well, I can see that it would have some perhaps  
marginal benefit to the Crown's case to confirm the  
identity.

MR. SLEETH: Yes, that's the purpose.

15 THE COURT: It confirms or tends to confirm that the person  
that Miss Antoine was speaking to was a person who had  
been in the penitentiary or institution on that  
occasion.

MR. SLEETH: That is one purpose, yes, My Lord. We would  
also be able, en passant, to make reference as well to  
20 the actual knife that was used.

THE COURT: Yes. Well, I would say probably it's -- I  
question whether it's very much important to the  
evidence. I mean you had a very positive statement  
from your last witness that she identified the Accused  
25 and I would think it would be a rather convincing  
statement that she made in that regard. She was very  
positive about it and so on. Whether this really goes  
very far in -- It tends to confirm. I would say  
yes you can call that evidence if you want. It's  
30 nothing that I am going to point to as strong evidence  
in my charge. I might never refer to it.

Well, you are calling first Miss --

1 MR. SLEETH: Adelaide Escaleira would be first My Lord.

THE COURT: If we finish with her before lunch as undoubtedly  
you will, there's no objection calling Mr. Price. Is  
he available now?

5 MR. SLEETH: He would be available, My Lord, but I would  
like, if we can run through, I also have another  
witness, Doctor Raouf Greiche, who is number 178 I  
believe on your list and I would like to have, if  
possible, if time allows, Doctor Greiche done before  
10 the noonhour so he can go back to Montreal. He's  
much needed there. And then possibly call Mr. Price  
as the first witness this afternoon. But that's  
completely up to the Court.

15 THE COURT: Well, I have no objection to your changing your  
order as long as you don't take Mr. Furlotte off base.

MR. FURLOTTE: No, I have no problems with that.

THE COURT: All right, we will have the jury in.

(Jury in. Jury called, all present.)

20 THE COURT: Now, another witness Mr. Sleeth.

MR. SLEETH: The Crown would call Miss Adelaide Escaleira.

ADELAIDE ESCALEIRA, called as a witness, having been  
duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

25 Q. Miss Escaleira would you please state your full name  
for the Court?

A. My name is Adelaide Escaleira.

Q. Would you please spell your last name?

A. E-s-c-a-l-e-i-r-a.

30 Q. And your occupation, please?

A. I am a supervisor for the Housekeeping Department at  
the Queen Elizabeth Hotel in Montreal.

1 THE COURT: That sounds like an Algarve name. Is that from  
the Algarve?

A. Well, sir, I'm from --

THE COURT: Pardon? Are you from the Algarve?

5 A. From the Province of Algarve. Algarve is a province  
in Portugal.

THE COURT: Yes.

A. I am from the north.

THE COURT: The north. Oh. I'm about 200 miles off.

10 A. Yes.

MR. SLEETH: Closer than anybody else has been so far.  
Miss Escaleira you heard the testimony given by  
Roslyn Antoine a few moments ago?

A. Yes, sir.

15 Q. And she referred to a supervisor. You are in fact  
the supervisor she was referring to?

A. Yes, sir.

Q. And you had involvement then, I understand, with a  
guest who was in room 1036 according to her at the  
20 Queen Elizabeth Hotel?

A. Yes, sir.

Q. Can you then relate the involvement you had with this  
particular individual, what you saw, what you heard  
from him?

25 A. Yes. I don't remember the date. It was November.  
Middle to the end of November. Roslyn Antoine she  
came to me, she was very nervous, and she asked me  
if I could help her to do room 1036.

30 Q. As a result of a conversation that you had with the  
preceding witness you went to do what?

- 1 A. I went to help her to do the bed.
- Q. What room number again, please?
- A. 1036.
- Q. And when you arrived at room 1036 you saw what?
- 5 A. Before I entered the room the card was in front of the 1036. I knocked on the door and I opened the door thinking that Roslyn was inside and when I opened the door I met our guest. I presented myself. He asked me if I was the boss. I said 'Here at the
- 10 Queen Elizabeth Hotel we work as a team.'. And Roslyn was not in; she went for a break. And then I stay inside and the guest was talking to me.
- Q. Okay, if I could just interrupt for a moment. This guest to whom you are referring is he in this court-
- 15 room today?
- A. Yes, sir.
- Q. Where is he, please?
- A. He is between the two policemen over there.
- Q. My Lord I would ask that the record show that the
- 20 witness has just identified the Accused, Mr. Allan Legere.
- All right, you continued to have a conversation with this guest.
- 25 A. Yes. He was asking me if I was the boss. I asked him if he was from the United States. He said 'No, I am Canadian and I am from Ottawa.'. And he asked me 'What about you?'. I said I am Canadian but I was born in Europe. And then Roslyn Antoine came in.
- 30 Then came in and we started doing the bed and the guest started asking - talking about I like the king size bed, it is such a huge bed, and he asked us



- 1 girls about me. About my family. I told him that  
my family - how many people living in Canada, how  
many children, and he asked us if you like the  
country. I said yes, I like this country. I'm proud  
5 to be Canadian. I choose this country to be my  
country. And he was always very pleasant.
- Q. In what tone of voice would he be speaking to you in?  
A. Normal. He was not stopping talking but he was  
normal.
- 10 Q. Do you remember if the guest at that time had glasses,  
the man you were speaking with?  
A. No, sir.
- Q. Was he clean-shaven? Had a beard? How did he  
appear?  
15 A. No, he had no beard. He have short hair and no beard.
- Q. And do you remember what sort of clothing this  
individual had?  
A. To me, the way he was dressed, it was like a lumber-  
jack.  
20 Q. Okay. Like a lumberjack. And what sort of footwear?  
What sort of clothes?  
A. Boots.
- Q. During the time that he was there as a guest and you  
would have seen him would he always be wearing this  
25 sort of footwear?  
A. It was the first time I saw him.
- Q. Yes. And you saw him again later?  
A. No.
- 30 Q. Do you recall what sort of luggage, if any, Mr. --  
A. Yes. When I went in my intention, because she was  
so nervous, to see what it was around. He had two

- 1 plastic bags and a short jacket on top of the window sill.
- Q. How often does it happen that people in the guest rooms at the Queen Elizabeth Hotel would be without luggage?
- 5 A. Unless there's a snowstorm sometimes.
- Q. Do you remember anything else about the condition of the room when you went to assist Roslyn?
- A. Yes. When I went in I looked into the bathroom and the floor was - we had some water. The toilet was blocked.
- 10 Q. Were you able to observe also the condition of the bed?
- A. The bed it was stripped already because she showed me the blankets, the sheets and bedspread and the bed part - she left it beside the linen room on the floor.
- 15 Q. How about the mattress and the like? Did you examine that?
- 20 A. The mattress was wet.
- Q. The mattress was wet. I am showing you an item which is "VV" for identification. Do you recognize that type of key?
- A. Yes, sir.
- 25 Q. And that is what type of key, again, please?
- A. This is the key that we used before at the Queen Elizabeth. Now we use cards.
- Q. Okay. There's a number "L" on that, or a letter "L". Does that have a special meaning to you?
- 30 A. Well, this - Mr. Urquhart told me that --

- 1 Q. Okay.
- A. I am not involved on it.
- Q. Okay. You do recognize that as a Queen Elizabeth hotel key however?
- 5 A. Yes, sir.
- Q. Now, do you know Julie Mallette?
- A. Yes.
- Q. I am showing you now P-76 which is a registration card. You will see that is for room 1036.
- 10 A. Yes, sir.
- Q. And do you see the time period that's marked on that? Check-in date.
- A. Departure - arrival - why she writes that. Can you tell me what it is because I'm not familiar with this?
- 15 Q. If you look on the upper right-hand side.
- A. 22. It was arrival 17 of November.
- Q. 17th of November?
- A. Yes.
- Q. I am placing before you P-72.
- 20 A. Yes.
- Q. A series of photographs. Do you recognize that exhibit which is in front of you?
- A. Yes.
- Q. You have seen it before?
- 25 A. Yes, sir.
- Q. And when you saw it before were you able to identify any particular person on P-72?
- A. Yes, number six.
- 30 Q. Number six. Would you please hold P-72 up in order that the jurors may see it so they can see who number 6 is. Point out maybe with your index finger which one is number 6. Thank you very much. Before you

1 made that identification on P-72 had you ever seen  
any picture of the Accused on television or in the  
newspapers anywhere?

A. No, sir.

5 MR. SLEETH: Thank you.

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. Okay. You were able to identify Mr. Legere from  
photograph number six in the photo line-up?

10 A. Yes, sir.

Q. And you had no hesitation in identifying Mr. Legere  
in the box today?

A. Yes, sir.

Q. And how does Mr. Legere - or does Mr. Legere differ in  
15 appearance today than what he appeared on November  
20th, 1989?

A. He gained some weight. He has a moustache and his  
hair is longer.

Q. And his hair is longer?

20 A. Yes.

Q. You mentioned he didn't have a beard at that time?

A. No, sir.

Q. And he wasn't wearing glasses?

A. No, sir.

25 Q. And his hair was a little shorter?

A. It was short.

Q. Short.

A. At the sides.

Q. Short like in that picture, number six here?

30 A. Let me see. About this.

Q. Same color?

A. I didn't look at the color.

- 1 Q. You didn't look at the color?
- A. No. I look at the person and I didn't look at the color of his hair.
- Q. Now, you mentioned he had told you certain things
- 5 that he was - you say he said he was from Ottawa?
- A. Yes.
- Q. Did he say what he was doing there?
- A. He said that he was in town for business with two other guys but he had to stay another night in the
- 10 hotel.
- Q. In town for business with two other guys.
- A. Yes.
- Q. And he had to stay one extra night.
- A. Yes, sir.
- 15 Q. And that was on the 20th of November?
- A. I don't remember the date.
- Q. Mr. Sleeth showed you the hotel registration slip which was dated November 17th.
- A. Yes.
- 20 Q. But it wasn't on that date, was it?
- A. I don't know, sir, which date. I have no idea. I am telling you I don't know the date.
- Q. But it was on the same day that Miss Antoine asked
- 25 you to help her with the bed?
- A. Yes, sir.
- Q. Do you recall what day of the week it may have been?
- A. I have no -- It must be a week day because she doesn't work weekends.
- 30 MR. FURLOTTE: I have no further questions.
- THE COURT: Re-examination Mr. Sleeth?
- MR. SLEETH: No, My Lord, no redirect.

- 1 THE COURT: Thank you very much Miss Escalera.
- MR. SLEETH: I would ask that the witness be excused, My  
Lord, in order that she and the rest of the Queen  
Elizabeth crew can go back home.
- 5 THE COURT: Yes. Have a pleasant trip.
- MR. SLEETH: Call Doctor Raouf Greiche. I should indicate  
My Lord, that the witness has indicated to me that he  
would be testifying in English but he would like an  
interpreter close just in case some particular words  
10 come up.

DOCTOR RAOUF GREICHE, called as a witness, having  
been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

- 15 Q. Would you please state your full name for the court,  
witness?
- A. My name is Raouf Greiche.
- Q. Would you please spell your last name?
- A. G-r-e-i-c-h-e.
- 20 Q. And Mr. Greiche would you raise your voice. All that  
does is record. It doesn't amplify your voice so you  
don't have to lean into it. Lean back and speak good  
and loud. Your occupation is?
- A. Optometrist.
- 25 Q. And there's an outfit in Montreal, Greiche and Scaff,  
are you familiar with that?
- A. Yes.
- Q. How is it you can say you are familiar with that  
particular outfit?
- 30 A. It belongs -- I am a partner.

- 1 Q. How many outlets does it have in Montreal?
- A. In the province of Quebec we have 50 locations.
- Q. Okay. And these outlets dispense what type of thing?
- A. Those are optometrist outlets. Like we examine the
- 5 eyes and we prescribe glasses and deliver glasses.
- Q. You have in fact been doing this for how long?
- A. For 15 years.
- Q. Mr. Greiche I am placing before you an object which
- has been marked in identification as "RRR". Are you
- 10 able to identify that?
- A. Yes. This is a standard form we use for clients
- coming to examine their eyes.
- Q. It's an eye exam chart?
- A. Yes.
- 15 Q. And do you recognize that particular individual eye
- chart and, if so, how?
- A. I recognize my handwriting. Of course the name and
- the address was written by the secretary but the rest
- of the file is in my handwriting.
- 20 Q. The remainder of "RRR" is completed by yourself?
- A. Yes.
- Q. Your secretary operates on your instructions and under
- your control?
- A. Yes.
- 25 MR. SLEETH: My Lord I would ask that "RRR" be marked in
- evidence at this time. It's been identified by the
- witness as having been prepared by himself, one of
- his standard documents used in the business.
- 30 THE COURT: Is it tied in with the Accused in some way?
- MR. SLEETH: It will, My Lord, once he's able to refer to
- the contents.

1 THE COURT: P-77.

(Clerk marks eye chart exhibit P-77.)

MR. SLEETH: Thank you My Lord. Doctor Greiche you now are  
holding P-77 earlier described by you as an eye chart  
5 which was completed by yourself. Can you describe  
the circumstances under which you completed that eye  
chart, made it up, beginning with the date and what  
took place.

A. The date is the 17th of November, '89. Usually what  
10 happens, usually it's when a client presents himself  
to my office if he needs an eye examination my  
secretary takes up a file, information file, and she  
writes it down, his name, his address, all the  
information.

15 Q. On the top of P-77?

A. Yes. And she put it on the side. So when I arrive  
to the office I pick up the file and I call the  
client and I examine his eyes.

20 Q. Okay. So you examined the eyes of an individual on  
what date, again, please?

A. 17-11-89.

Q. Which would be the 17th of November, 1989.

A. The individual was named Fernand Savoie from Bouctouch  
25 New Brunswick.

Q. Is there anything further indicating the identity of  
this person contained on P-77? Anything else?

A. Like occupation, I asked him what kind of work he  
does. He said he's self-employed and then he said  
30 he's a painter, an artist.

Q. An artist?

A. Yes.



- 1 Q. I see. Okay. And then you proceeded to examine the eyes?
- A. Yeah, I proceeded to examine the eyes.
- Q. And as a result of the examining of the eyes of this person --
- 5 A. My diagnosis was he was myopic. Short-sighted.
- Q. And what sort of corrective measures are required for a person who is myopic?
- A. We give him concave lenses which is in his case was
- 10 minus one and a quarter and one.
- Q. Is that unusual? An unusual prescription?
- A. No, it's for - like for people who has - for driving at night and stuff like this.
- Q. At the time that you examined this person were you
- 15 aware of the age of the person? Were you given an age?
- A. Yeah, he give me his date of birth.
- Q. As?
- A. Which was 12th of January, '48.
- 20 Q. Which meant at the time he would have in 1989 --
- A. 41.
- Q. And the condition of his eyes, would that be consistent with that of a person of his age?
- A. Usually people after 40 they start needing reading
- 25 glasses unless they are myopic like his case so they don't need reading glasses. In his case he needed glasses to see far.
- Q. To see distance?
- A. To see distance.
- 30 Q. How well would such a person who needed that type of correction be able to function without his glasses?

- 1 A. He can function pretty well.
- Q. Now, do you recall any details now that you would like to relate to the jurors of the individual who presented himself as Fernand Savoie in terms of
- 5 height and weight and the like?
- A. Yes. To me he looked like a tall individual. He was skinny. Short hair. No beard. No moustache. And he was dressed modestly.
- Q. When you say tall individual about what height?
- 10 A. I don't remember exactly but for me it looked around six feet - five eleven - six.
- Q. Five eleven or six feet. And you said about what weight? What size of frame and weight?
- A. He was big-framed but not too much weight.
- 15 Q. Big frame but not too much weight. Okay. Was there something you wished to add?
- A. No.
- Q. I would ask you to look if you would, please, at "SSS".
- 20 A. Yeah, this is an invoice. Usually after the eye examination if the client needs glasses they fill the invoice which is the invoice.
- Q. Okay, the invoice - what you describe as an invoice that you are holding in your hand which is "SSS", are you able to identify that particular type of invoice? Does it have lettering or a title on it that you are familiar with?
- 25
- A. Well it has the name of the company, Greiche and Scaff.
- 30
- Q. Your company?
- A. Yes.

- 1 Q. That's one of your standard documents?
- A. Yes.
- Q. Those documents, those invoices, would be prepared by whom?
- 5 A. Usually it's the secretary or the manager.
- Q. And they would prepare it after an examination had been performed?
- A. After the examination.
- Q. If you could, please, for a moment, sir, without  
10 going into details on "SSS" which you have been identifying as one of your company documents, is there a link between the - that you can identify?
- A. It's the same prescription. For the name of the same person.
- 15 MR. SLEETH: My Lord I would move that the item which is "SSS" for identification be accepted in evidence at this time, identified by the witness as a standard business document which would have been used by his company.
- 20 THE COURT: P-78 then.  
(Clerk marks invoice exhibit P-78.)
- MR. SLEETH: All right, you now have before you P-78 and I would ask you to compare those two, the prescription  
25 which is P-77 and the invoice. Is there a link between the two?
- A. It's the same prescription.
- Q. Same strength you mean?
- A. Same power.
- 30 Q. And what about the person who was receiving the things that are indicated in the invoice? Compare the two.

- 1 A. It's the same name. Both are in the name of  
Fernand Savoie.
- Q. I would like you to take a moment - you have your  
prescription which is P-77, and I would like you to  
5 take a moment and compare that prescription to one  
which is P-18.
- A. It's the same.
- Q. P-77 and P-18 are the same prescription. Same power.
- A. Same power.
- 10 Q. Would you be able to identify the person that you  
prescribed these glasses to or a person similar to  
him in this room at any location?
- A. To be frank with you I can't identify a hundred per  
cent but I can remember some features.
- 15 Q. You can remember some --
- A. Features.
- Q. Such as?
- A. Like the cheeks. The nose a little bit.
- Q. The cheeks, the nose a bit. Of whom?
- 20 A. Of the person sitting in the middle.
- Q. In between police officers?
- A. Between the two police officers.
- Q. On my right?
- A. Yes.
- 25 MR. SLEETH: My Lord I would ask that the record show that  
the witness is indicating the Accused, Allan Legere.  
And those would be similar to whom?
- A. Because this happened two years ago so my memory is  
not fresh but it's very close to Fernand Savoie.
- 30 Q. When you spoke with the person who identified himself  
as Fernand Savoie in what language did it all take  
place?

- 1 A. In English.
- Q. Now, when this Mr. Savoie under that name presented himself to you describing himself, you said earlier, as a painter, an artist, was there any explanation given to you about why he required glasses?
- 5 A. Yes. Those are standard questions. Usually we ask the person what's his occupation so we can prescribe according to his needs and for him he said he needed them to see far, and when I did my exam I find out that
- 10 he was right, he needed them to see far.
- Q. Okay. And did he indicate at any time why he specifically needed glasses at that moment?
- A. He said he lost his glasses.
- Q. Now, the person who spoke to you what sort of voice did he speak to you in?
- 15 A. A quiet voice. Harsh, a little bit.
- Q. And in how much of a hurry was he, if at all? In how much of a rush was he, if at all?
- A. Well he wanted his glasses immediately.
- 20 MR. SLEETH: I have one last item I would like marked for identification My Lord. A further item I should say. A plastic bag which appears to contain a glass case of some sort.
- 25 THE COURT: "YYY".  
(Clerk marks glass case "YYY" for Identification.)
- THE COURT: Why couldn't you almost give this an exhibit number? What are you going to do?
- MR. SLEETH: I am going to have the witness identify it, yes, My Lord.
- 30 THE COURT: Well why bother giving it a number.
- MR. SLEETH: I'm much happier with speed My Lord. I make a further motion. I don't know if my learned friend

1 has any objection to it.

THE COURT: Well, ask him about the glass case. If I can anticipate what's going to come you can then offer it in evidence.

5 MR. SLEETH: Do you recognize "YYY"?

A. Yes, it's one of our cases.

Q. And you are able to recognize it as one of your cases because it has what written on it?

A. It has our name, the name of the company, Greiche and  
10 Scaff.

THE COURT: I suppose, strictly, it perhaps hasn't been tied in quite yet. You are going to --

MR. SLEETH: It will, My Lord, yes.

THE COURT: Any objection Mr. Furlotte or do you want him  
15 to go through the normal course?

MR. FURLOTTE: I have no objection.

THE COURT: P-79.

(Clerk marks glass case exhibit P-79.)

MR. SLEETH: Witness, a moment ago you examined what is now  
20 P-79 in evidence. When a customer purchases eye glasses from your firm he receives the glasses themselves and what else, if anything?

A. The glasses and the case.

Q. Which would be like the one in P-79?  
25

A. Yes.

MR. SLEETH: Thank you.

THE COURT: Cross-examination?

MR. FURLOTTE: I have no questions.

THE COURT: No cross-examination. Thank you very much then  
30 Doctor, you are excused.

MR. SLEETH: Doctor Creighton Marney, recalled.

1           DOCTOR CREIGHTON MARNEY, recalled, previously sworn,  
testified as follows:

DIRECT EXAMINATION BY MR. SLEETH:

THE COURT: You were sworn earlier, Doctor, and you are  
5           still under oath.

Q.       Doctor Marney you were also qualified earlier as an  
expert. I would also want to start by having you  
refer to P-18 if you would, please. Do you recognize  
that?

10       A.       Yes. This is a prescription in my handwriting that I  
prepared on July the 3rd, '86 to Mr. Legere. Do you  
want the readings?

Q.       If you would, please.

15       A.       The readings are minus 1.25 on the right and on the  
left minus 1.00.

Q.       I am now showing you P-77 introduced moments ago by  
Doctor Greiche.

20       A.       I am not involved with the frame. I am talking about  
lenses only here, and the lenses are identical to my  
findings.

Q.       P-19, that's also one of yours, is it not?

25       A.       This is a prescription I gave to him later, three  
months later than -- This was October 7th, '86, and  
the readings are 1.00 and minus .75.

Q.       And why the difference in the two prescriptions at  
that time?

30       A.       Well, he -- I prescribed glasses in July and in  
October had another appointment with him and he said  
that he thought they were a little strong and some-  
times, as I said before, if patients are more com-  
fortable with a lens not fully corrected so I prescrib  
one unit less in each eye and he seemed to be  
satisfied.

1 Q. At the time you conducted the examination which led  
to P-18 which was the required lens though in your  
expert opinion to improve his vision best?

A. At the time of October 7th when I examined him I  
5 arrived at exactly the same prescription I did on  
July but his visual acuity seemed to be sharper with  
that lens but nevertheless the customer is always  
right and so I reduced the prescription to 1.00 and  
the .75 and made him happy.

10 Q. All right. And then the P-18 as well is the same as  
P-77?

A. That's right.

MR. SLEETH: Thank you very much Doctor.

THE COURT: Cross?

15 MR. FURLOTTE: I have no questions.

THE COURT: Thank you Doctor Marney. I guess that's --  
You are released. You don't require this witness any  
further?

20 MR. SLEETH: No, that's it, My Lord, for this witness. I  
would ask he be excused.

Call Mr. David Price.

DAVID PRICE, called as a witness, having been duly  
sworn, testified as follows:

25 DIRECT EXAMINATION BY MR. SLEETH:

Q. Would you please state your full name and your  
occupation for the jurors, witness?

A. My name is David Price and I am employed with the  
Correctional Services of Canada at Dorchester  
30 Penitentiary as a Unit Manager.



- 1 Q. And for how long have you been employed there?
- A. I have been employed there for 15 years.
- Q. Do you know the accused in this matter, Mr. Allan Legere?
- 5 A. Yes, I do.
- Q. Were you present in the courtroom when there was testimony given earlier by Roslyn Antoine?
- A. Yes, I was.
- Q. At the time that testimony was given was there a  
10 particular link that you made in your mind to something you now wish to testify to before this court?
- A. Yes.
- Q. Please do so, sir, then, beginning with the date and the place.
- 15 A. In relation to the previous witness's statement, on November the 7th, 1986 while working at Dorchester Penitentiary at approximately 9 --
- THE COURT: Excuse me just a minute. The witness is saying  
20 in relation to the statement made but shouldn't the statement be identified so this has some meaning?
- MR. SLEETH: You have a particular statement you have in mind as you say that?
- A. Yes.
- 25 Q. Which was?
- A. Was the witness said that the individual in the room that she had the discussion with, or had conversation with, had stated that he had been attacked while he was employed at a place, something to that effect, an  
30 that a black inmate had come to his aid.
- Q. If you could then, please, continue.

- 1 A. On November the 7th, 1986 at approximately 9 P.M.  
while I was working my shift at Dorchester Penitentiary  
I received information that an inmate had been stabbed  
in the gymnasium. I responded immediately to the  
5 gymnasium where I noted three inmates, one being  
Allan Legere, one inmate - the other two inmates being  
inmates Veniot and Williams.
- Q. What particularly do you remember about Williams?
- A. Williams was a black inmate.
- 10 Q. What was Williams doing in relation to Mr. Legere at  
the time?
- A. He was assisting Mr. Legere.
- Q. To go where?
- A. In the beginning they were in the shower room and they  
15 were holding him up, both inmates Veniot and Williams,  
and approximately 2 or 3 minutes later they proceeded  
to the entrance to the gym and requested clearance to  
get through the gate to go to the hospital - the  
institutional hospital.
- 20 Q. What condition was Mr. Legere in at that time?
- A. Mr. Legere was in - you could tell he was in great dis-  
comfort. He was very pale and there was red on the  
front of his chest which I believed to be blood.
- 25 Q. And did you at that time examine or have anything in  
particular to do with Mr. Legere?
- A. Yes. At that time I had the key to the yard gates  
which would allow access to the area of the - to  
another area of the institution which would eventually  
30 lead to the institutional hospital. Based on the  
incident, there was several inmates that had gathered  
around, so before we could open the gate I had to

1 give instructions to the other inmates to move away  
so that we could safely open the gate and get Mr.  
Legere through. Once that was completed the gate was  
opened and Mr. Veniot and Mr. Williams and Mr. Legere  
5 came through. They were assisting him. They walked  
him to approximately 150 feet to an area called the  
main dome where an officer met them. He opened the  
barrier and I had followed the three inmates and at  
the time the barrier was being opened I noticed that  
10 there was a knife in the back pocket of Allan Legere.

Q. Do you know where that knife came from?

A. No, I have no idea where the knife came from.

Q. Do you know from any source such as Mr. Legere him-  
self what that knife allegedly might have been used  
15 for?

A. The condition - the knife had been fashioned into a  
home-made weapon in so much to say that it was a  
normal bread and butter knife that you would see on  
a setting of a fork, knife and spoon, that type of  
20 knife, and it had been fashioned - it had been ground  
down on both sides into a point. It had been  
sharpened. And in an institution those are usually  
used as weapons.

Q. Do you know where that knife had come from at all  
25 before you found it on Mr. Legere?

A. No, I have no idea.

Q. Were you able to observe any blood on it?

A. No.

Q. Do you know whether it was actually used in any  
30 fashion on Mr. Legere?

A. No.

MR. SLEETH: Thank you very much.

1 THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. Mr. Price you said you noticed a knife in the back  
5 pocket of Mr. Legere.

A. Yes.

Q. And you said you don't know where the knife come from?

A. No.

Q. And you know how that knife - or whether it was used  
10 in any fashion whatsoever?

A. No.

Q. Did you seize that knife from Mr. Legere?

A. Yes, I did.

Q. And was that knife part of an investigation of the  
15 knife that was used to stab Mr. Legere?

A. Yes, it was. I'm sorry, perhaps I should -- I'm  
not sure whether it was or not. I had seized the  
knife, turned it over to another staff member. Now,  
I wasn't present in relation to the trial that followe  
20 as to whether that knife was used as evidence or not.

Q. But you know who was accused of stabbing Mr. Legere?

A. Yes.

Q. And it was believed that the knife that Mr. Legere had  
in his back pocket was used by the person accused of  
25 stabbing him?

MR. SLEETH: I am going to object to that My Lord. The  
witness has just finished responding he knew nothing  
of the kind. He had no idea what fashion that knife  
might have been later used in any trial or any legal  
30 proceedings.

THE COURT: What was your question again, Mr. Furlotte?

MR. FURLOTTE: My question was did he - whether he knew  
somebody was accused of stabbing Mr. Legere and

1           whether or not the information was that the knife  
          that Mr. Legere had in his back pocket was used by  
          the accused.

THE COURT: Well, he might know the answer to the first  
5           question but I'm not sure that he would know the  
          answer to the second question. The first question,  
          do you know that somebody was accused - what was it,  
          that somebody was tried or accused?

MR. FURLOTTE: Somebody was accused --

10          THE COURT: And tried --

MR. FURLOTTE: -- of stabbing -- I never said tried. I  
          just said accused of stabbing Mr. Legere, and he said  
          yes.

THE COURT: Well, accused is a rather nebulous term. You  
15          mean Mr. Legere accused somebody of doing it or --

MR. FURLOTTE: Well you can have an accused in court and you  
          can have an accused outside of court My Lord.

THE COURT: Well --

MR. SLEETH: No, My Lord, you can't have an accused in or  
20          out of the court. You either have a person who is  
          accused or a person who's merely a suspect.

THE COURT: Well I think when we talk about accused we're  
          talking about in terms of charging.

MR. FURLOTTE: Well in legal context, in court context an  
25          accused is somebody who is charged.

THE COURT: Anybody can make an accusation against anybody  
          else. There may have been a hundred inmates in the  
          penitentiary who were accusing others of having done  
30          this. You mean charged. Are you aware that anyone  
          was charged?

A.        Yes, I am.

1 MR. FURLOTTE: Are you aware that the knife that was  
supposed to be in Mr. Legere's back pocket was the  
one he pulled out of his body after being stabbed?

A. No. Not as definite because I did not see that.

5 Q. You didn't see it personally?

A. No.

Q. That's the assumption that the staff at Dorchester  
Penitentiary went with, is it not?

MR. SLEETH: My Lord the witness can't answer to any con-  
10 clusions arrived by any other member of the staff.  
Now, normally I would stand back and allow Mr.  
Furlotte to go through all this routine but he repeats  
it all the time asking witnesses to give opinions  
about things that could only be in the minds of other  
15 persons. He can talk about his opinion, things he saw  
things he believes.

MR. FURLOTTE: Well, My Lord, that's going to be fine if the  
Court is going to grant me an adjournment in order to  
20 summon the staff at Dorchester Penitentiary as to  
their investigation, the ones who do in fact know,  
rather than put it in as hearsay evidence. This is  
something that --

THE COURT: Well I think it's a whole lot of nonsense to be  
25 talking about this incident at all, I suppose, because--  
I was going to tell the jury when this cross-examina-  
tion finished that the only relevance of this whole  
matter to this trial is in as much as the fact that  
Mr. Legere may have been involved in an incident at  
30 some time when a black person came to his rescue and  
helped him. It's only important inasmuch as that  
suggestion tends to confirm, if you feel it does, what

1 Miss Antoine, the room attendant at the Queen  
Elizabeth Hotel said that Mr. Legere had told her.  
He had related to her that at work or somewhere else  
he had been attacked from behind and a black man had  
5 come to his rescue. That's the only importance. I  
am going to instruct you regardless of whether this  
cross-examination goes on or whether other witnesses  
are called to ignore totally the fact that Mr.  
Legere may have been stabbed while an inmate in  
10 Dorchester Penitentiary. I want you to forget that  
completely because it has no bearing on these counts  
that are before us now. So having heard that  
explanation I've given the jury shouldn't you really  
stop there Mr. --

15 MR. FURLOTTE: My Lord, what I am concerned about is the  
impression that this witness may have left in the  
minds of the jury because from his testimony-- I know  
different but from his testimony I can see leaving  
in the minds of the jury that Mr. Legere, although  
20 he may have been stabbed, he was also in possession  
of a weapon at the time he was stabbed because there  
was a weapon in his back pocket which would indicate  
Mr. Legere was of a very violent nature using knives,  
which is not the case whatsoever.

25 THE COURT: Well let us now settle this for the purpose --

MR. FURLOTTE: And there's a false impression going before  
this court here.

30 THE COURT: Let us settle, for the purpose of this trial,  
let us assume that whatever weapon may have been  
found in his pocket was a weapon that somebody else  
had used on him. Can we safely assume that? Are  
counsel agreed on that assumption? And I so instruct

1 the jury. So the jury should put out of their mind  
totally any suggestion or perception that Mr. Legere  
may have been carrying a knife with which he intended  
to attack somebody else. Is that fair enough?

5 MR. FURLOTTE: That's fair enough.

MR. SLEETH: We have no problem with that My Lord.

MR. FURLOTTE: Would it be safe to say that it was believed  
that it was Mr. Legere's blood on the knife that was in  
his back pocket?

10 A. I did not see any blood on the knife.

Q. You didn't see any blood on the --

A. My primary concern at that time was to get Mr. Legere  
to the hospital.

15 Q. Okay, so you didn't pay that much attention to the  
knife?

A. No.

Q. I understand that Mr. Veniot is dead now who was  
assisting Mr. Legere?

A. I am not aware of that.

20 Q. What about Mr. Williams?

A. I'm not aware of his whereabouts either.

MR. FURLOTTE: You are not aware of his whereabouts either.  
I have no further questions.

25 THE COURT: Re-examination?

MR. SLEETH: No redirect, My Lord.

30 THE COURT: Thank you very much Mr. Price, that's all for  
you. And I do reiterate to the jury what I instructed  
you earlier. Forget all about the evidence of this  
witness except insofar as you may feel it tends to  
confirm or otherwise the identification by Miss  
Antoine of the Accused as the person who in a hotel  
told her about the earlier attack and being helped



1 by a black person.

Now, we're at 12:30, aren't we.

MR. SLEETH: Yes, My Lord. I would just mention before we  
break, the next witness indicated on the list would  
5 be Michael Lazimi. He will, I believe, be testifying  
on Monday or Tuesday. He's not available to us at the  
moment. He's out of the country I think. And there  
is an individual who follows Doctor Creighton Marney  
whom we have just heard from, a Morley Thompson, we  
10 do not expect to see him either, My Lord, until  
Monday or Tuesday, but this afternoon we would be  
prepared to go into subsequent witnesses.

MR. LEGERE: See the tricks he's pulling by letting that go  
in.

15 THE COURT: Now, we'll --

MR. LEGERE: Don't do nothing for him.

THE COURT: -- recess until 2:30.

MR. LEGERE: Just a trick between him and David Price.

20 Fuckin' assholes. You smile Sleeth, I know what you're  
up to. Tricked Weldon into letting something go into  
evidence and then you cut him off. And the Judge  
knows goddamn well what's going on.

THE COURT: Now, we'll take the --

25 MR. LEGERE: Getting fuckin' fed up with it too. Get me  
fair but not under the table.

(NOON RECESS - 12:30 - 2 P.M.)

30

1 COURT RESUMES. (Accused present.)

MR. ALLMAN: My Lord, I want to draw Your Lordship's attention to the provisions of Section 650(2) of the Criminal Code.

5 THE COURT: Yes.

MR. ALLMAN: The Court may cause the Accused to be removed and to be kept out of court where he misconducts himself by interrupting the proceedings so to continue the proceedings in his presence would not be feasible.  
10 Mr. Legere has interrupted the proceedings on a number of occasions before today. Your Lordship I think on the last occasion in the absence of the jury but in the presence of Mr. Legere and his counsel said that if he did it again he would be removed from the  
15 court.

I have two concerns in this matter. I mentioned before when we discussed this that I am concerned because I believe this has the potential for intimidating witnesses. The two concerns I have really now are  
20 these. The first is that the Court having said it will do certain things in certain circumstances, there comes a point in time where it is necessary to do those things. The interruption this morning was not  
25 a trivial, casual muttered interruption. It was a loud obscene deliberate interruption, and in the Crown's submission in and of itself, and without the history of previous problems, would justify acting under section 650(2). Coming as it did, after a  
30 number of other interruptions, we would submit you are fully justified and in fact it's necessary to act under section 650(2).

1 My second concern is this. I have a number of  
witnesses this afternoon. They were in court this  
morning. They are female witnesses and they are  
nervous. I realize Your Lordship does an excellent  
5 job, if I may respectfully say so, in calming witnesses  
down, but it's a nerve-wracking experience and I know  
these witnesses are nervous. I don't want them to have  
to get up on that witness box, giving evidence,  
wondering when the next such occasion occurs. Even  
10 if it doesn't occur the fact that it may occur is a  
problem for them.

I would not ask that Mr. Legere be removed from  
this courtroom for the rest of this case or anything  
like that. I am respectfully suggesting that it's  
15 appropriate to do it for this afternoon.

THE COURT: Well, the comment that you're referring to I  
may not have heard. I heard something said just as  
the jury were going out, some muttering.

MR. ALLMAN: A lot of muttering My Lord.

20 THE COURT: There were other obscenities expressed after the  
jury had gone out.

MR. ALLMAN: No, we were watching as the jury exited and  
the words which I heard, and the Shorthand Reporter  
can probably correct me, but as all or some of the  
25 jury were present I think one word was assholes or  
something of that kind.

THE COURT: 'Fuckin' assholes'.

MR. ALLMAN: "Fuckin' assholes", thank you My Lord. There  
was also a remark to Mr. Sleeth - I think it was to  
30 Mr. Sleeth, 'Take that smile off your face' or some-  
thing like that, and there was a remark 'You can get

1 me fair but don't get me under the table' which I  
suppose is an aspersion on the way in which crown  
counsel are carrying on this trial. I believe the  
jury would have heard all or some of those observa-  
5 tions. Certainly the witnesses heard them.

THE COURT: Yes. Well, I'm not right at this point - we  
may be two minutes from making the type of order you  
refer to, but I am not going to make it right at this  
point. Before the jury comes in, I'm not going to  
10 allow witnesses to be intimidated in any way and when I  
feel that they are being intimidated I will certainly  
act.

There is one point I want to make before the jury  
come back and that is with regard to the media. The  
15 media personnel change, of course, from time to time.  
A new writer has come upon the scene who quite  
obviously doesn't know the rules of the game and in  
one of today's newspapers he has committed an offence  
under the section of the Criminal Code - or at least  
20 on the face of it appears to have committed an offence  
by reporting something that was heard during a sitting  
yesterday when the jury were absent. I have drawn  
the attention of the media and everyone else concerned  
to a section in the Code which says that when the jury  
25 is allowed to separate nothing shall be reported con-  
cerning any proceeding that occurs when the jury are  
absent, and there is a report in one of today's news-  
papers. Counsel, one side or the other, may wish to  
make some further reference to it at some hearing  
30 next week, but I have passed a message to the newspaper  
concerned at lunch hour, a few minutes ago, hoping that

1 the matter will be remedied. I would ask the reporter,  
if the reporter is present, to please acquaint him-  
self with the rules of the game, the provisions of  
the Code, surely I don't have to go over them again.  
5 Surely I don't have to remind the media of that  
provision in the Code and of the fact that we are sitting  
in a voir dire session every time the jury is not  
present. I don't have to do that every time surely.  
Most of the media, in fact I would say all of the  
10 media, have been observing the rules correctly and  
with every propriety expected until this incident  
today. Well, I am not going to say anything more  
about it than that. If the person involved is not -  
the writer involved is not present at the same time  
15 perhaps other members of the media would see that  
what I have said - the essence of what I have said  
will be conveyed to that writer or to some representa-  
tive of that newspaper so that they will be aware.  
I would hope that there would be no recurrence of  
20 it. This is apart from the point you raised, Mr.  
Allman, earlier.

Now, the Crown are prepared to go with other  
witnesses now?

25 MR. WALSH: That's correct My Lord.

THE COURT: Will you bring the jury in Mr. Sears, please.  
(Jury in. Jury called, all present.)

THE COURT: Another witness for the Crown Mr. Walsh?

MR. WALSH: Yes. You will note on the indictment witness  
30 184 is Corporal Ed MacEachern. We intended to start  
this afternoon originally with 181, Corporal Mole.  
I wish to move Corporal MacEachern ahead of Corporal  
Mole so he can make a 3 o'clock appointment if that's

1 agreeable to the Court.

THE COURT: All right.

MR. WALSH: Mr. Furlotte is aware of the change. I call  
Corporal Ed MacEachern.

5

CORPORAL ED MacEACHERN, called as a witness, having  
been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

Q. Would you give the Court your name, please, and your  
10 occupation?

A. My name is Edward James MacEachern. I am a member  
of the Royal Canadian Mounted Police and a peace  
officer. I have been so employed for approximately  
21 years and I am presently stationed in the Village  
15 of Chipman, in the County of Queens and Province of  
New Brunswick.

Q. Corporal MacEachern I am going to show you various  
items and simply going to ask you to tell the jury  
whether you can identify them and under what circum-  
stances. The first item I am going to show you has  
20 been marked "GG" for identification. Would you look  
at that for me, please, and tell me whether you can  
identify that. Perhaps I'll show you a number of them  
at once. "GG", "HH" -- excuse me, triple "G", triple  
25 "H", triple "J", triple "K", triple "M", M as in  
Mary, triple "N", triple "P", and triple "Q". Take  
your time, Officer, and just look at -- This is the  
order here that I am putting them down. You have had  
occasion to look at them all?

30

A. Yes.

1 Q. Would you tell the jury whether or not you can  
identify any or all of these items?

A. In examining those items, those were items that I took  
into my possession on the 21st day of August, 1990 in  
5 the Town of Newcastle at the Journeys End Motel  
having received them from Constable Marc Proulx from  
the R.C.M.P. in Moncton. All of the items you showed  
me were items that I took from him and I kept those  
itmes in my possession until approximately 8 o'clock  
10 in the evening of that same date at which time I  
turned those items over to Corporal Dave Dunphy of  
the R.C.M.P. in Fredericton.

Q. Did you have occasion to come into possession of those  
items again after that time?

15 A. No, sir, I did not.

MR. WALSH: I have no further questions, My Lord, thank  
you.

THE COURT: Cross-examination?

20 CROSS-EXAMINATION BY MR. FURLOTTE:

Q. How long did you have those items in your possession?

A. I received them From Constable Proulx at approximatel:  
5 minutes to 1 in the afternoon on the 21st of August  
1990 and gave them to Corporal Dunphy at 8 o'clock  
25 that evening. Shortly after 8 o'clock that evening.

Q. And did you have occasion to show them to anybody  
before that or was the sole purpose just to turn them  
over to Corporal Dunphy?

A. No. I had occasion to show them to some individuals  
30 who reside in the Newcastle area in the time that I ha  
them. Citizens.

- 1 Q. How many citizens did you show them to?  
A. I showed them to four citizens.  
Q. Four.  
A. Four citizens.
- 5 Q. And who were those citizens?  
A. Those citizens were a Mr. and Mrs. John Russell, a  
Mr. Morrisey Doran and Mr. Pat O'Brien, all residents  
of the Town of Newcastle.
- Q. Did anybody identify that jewelry?  
10 A. No, sir.  
Q. Any of the jewelry?  
A. No, sir.  
Q. Now, you mentioned the names Mr. and Mrs. Edwin  
Russell and Morrissy Doran.  
15 A. And Pat O'Brien.  
Q. Pat O'Brien.  
THE COURT: Edwin Russell? John Russell.  
A. John Russell I believe I said.  
Q. John Russell?  
20 A. Yes.  
Q. And what was the purpose of showing it to those  
individuals?  
A. Those four individuals had been victims of crime in  
the Newcastle area and it had to do with an investiga-  
25 tion that I was conducting and I showed those rings  
and other items of jewelry to those persons because  
they had been victims of crime.  
Q. Now, those particular crimes that you were investigati  
I believe there was what? - four other R.C.M.P.  
30 officers assisting in the investigation?



1 A. There were other R.C.M.P. officers. The numbers  
fluctuated from time to time.

Q. And who were those other police officers?

A. Corporal David Dunphy that I have already made  
5 reference to; Staff Sergeant Carl Murchison from  
the R.C.M.P. in Fredericton; Sergeant Bill Campbell  
then of the R.C.M.P. in Fredericton, now with the  
R.C.M.P. in McAdam; Sergeant Gerry Gaudet of the  
R.C.M.P. in Bathurst.

10 Q. I understand during your investigation of these  
offences there had been somebody charged with those  
particular offences at one time, was there not?

MR. WALSH: Objection, My Lord. He's --

15 THE COURT: I'm not going to get into these offences. We're  
not going to get into these.

MR. WALSH: He raised that before and we --

MR. FURLOTTE: I didn't raise that with this witness My  
Lord.

THE COURT: This hasn't got any bearing on this case.

20 MR. FURLOTTE: I'm afraid it has, My Lord.

THE COURT: What is the bearing it has in this case?

MR. WALSH: Perhaps I think, My Lord, if Mr. Furlotte,  
intends to - wants to delve into this particular area  
I think it's an appropriate subject, as much as I hate  
25 to say it, but I think it's an appropriate subject for  
Court in the absence of the jury.

THE COURT: Well, I think that probably it is. You are  
going to pursue this further Mr. Furlotte?

30 MR. FURLOTTE: Yes, My Lord.

THE COURT: Well, I will have to ask the jury to go out for  
a few minutes, please.

(Jury excused - 2:25 P.M.)

1 THE COURT: We are in a voir dire now and nothing said here  
should be reported in the media. Okay Mr. Furlotte.

MR. FURLOTTE: My Lord previous evidence from Gary Verrett  
showed that at the Russell - the assault offence that  
5 occurred at the Russell residence that there was hairs  
found at the scene of the crime which were similar to  
Allan Legere's. There is also evidence that there  
was hairs found similar to Allan Legere's at the  
Daughneys, which I brought out in cross-examination.  
10 There is also evidence that I brought out in cross-  
examination that there was hair similar to Allan  
Legere's at the Smith residence. I want to --

THE COURT: Smith? That's Father Smith?

MR. FURLOTTE: On Father Smith's leg, which proved not to  
15 be Mr. Legere's. I want to solicit from this officer  
and other officers who are familiar with the investi-  
gation of the Russell and Doran incident that through  
their investigation aside from hair being similar to  
Mr. Legere's that there is no other evidence which  
20 would implicate Mr. Legere, however --

THE COURT: Implicate in what? In those other --

MR. FURLOTTE: In Russell and Doran.

THE COURT: He's not charged with that.

MR. FURLOTTE: He is not charged with that but there is  
25 evidence that somebody at the Smith residence who has  
hair similar to Allan Legere, which was brought out on  
DNA evidence, I have every indication to believe that  
there's a great possibility that the hair found on  
30 Father Smith's leg, which was not Allan Legere's al-  
though similar to Allan Legere's, is likely -- Well,  
that it is consistent with hair found at the Russell

1 residence. At the Russell residence, since I  
represented the original person accused with the  
Russell crimes and Doran crimes who has spent eight  
months in jail and who has since been released be-  
5 cause the Crown preferred to stay the charges rather  
than proceed to trial --

THE COURT: I'm not the slightest bit concerned with that.

MR. FURLOTTE: I know you're not concerned but it is --

THE COURT: One of the earlier witnesses referred to that.

10 MR. FURLOTTE: It is how I know about that case and I know  
the evidence that's in that case. There were eye  
witnesses of the person who beat the Russells. Those  
eye witnesses described somebody other than Mr.  
Legere, and I want to know the extent of their  
15 investigation to exclude Mr. Legere from that case.  
If there is somebody else out there that is similar  
fact evidence that the Crown has been putting in all  
along, similar fact evidence that there's somebody  
out there hammering the living daylights out of old  
20 people, and there is eye witnesses out there which  
would assist in excluding Mr. Legere from the Russell  
incident, and the Russell incident shows whoever beat  
up the Russells has hair similar to Allan Legere's,  
and I feel since this is a circumstantial case I have  
25 the ability to cross-examine any witnesses which  
will cast a doubt --

THE COURT: What do you want to ask this witness Mr.

Furlotte? Do you want to ask him if hairs were found  
in the Russell investigation on Mrs. Russell or on  
30 Mr. Russell, or who? Where?

1 MR. FURLOTTE: In a hat that was left by the intruder of  
the Russell, one hair found on Mrs. Russell's house-  
coat when she was chased outside and beaten, that is  
similar to hairs by Mr. Legere. There was eye  
5 witnesses to who beat Mrs. Russell, Mr. Russell being  
the one himself who was fighting with this individual.  
I want to get out from this witness that there is  
evidence in that case that would tend to exclude Mr.  
Legere as being the assailant in the Russell incident  
10 and also that there is somebody out there with hair  
similar to Allan Legere's who is beating old people.

THE COURT: What does the Crown have to say? Is that all  
the representation you have to make here?

16 MR. FURLOTTE: Basically that's the relevance of the  
testimony which I wish to get out of this witness,  
and if the Crown won't let me do it on cross-  
examination then I'll summons these witnesses myself  
and get it out on direct. They can have their pick.

20 THE COURT: What do you have to say Mr. Walsh?

MR. WALSH: Well, My Lord, we have taken our position be-  
fore that anything he's attempted to get into in  
cross-examination, particularly of the nature he's  
trying to do here, violate a number of rules of  
evidence that prohibit him from doing so. He wants  
25 to get into this whole area, as he explains, he stands  
a very grave risk there. I'll just give you an example.  
My Lord so Mr. Furlotte is forewarned. If the Court  
was to allow him to delve into that area which we  
suggest he shouldn't be able to delve into, there's  
30 two things that are glaringly evident and I hope I'm  
not going to end up testifying much like Mr. Furlotte

1 did with respect to opinions of what happened in that  
case, but I simply want to point out two glaring  
factors. One is that the person that was charged  
had a stay of proceedings as a result of an R.C.M.P.  
5 investigation. Whatever inference you want to draw  
from that, that is one fact. Number two, that I  
checked with Corporal Dunphy because I believed my  
information from him was correct and I just confirmed  
it, if he's put a question one of the suspects in  
10 that case is that man sitting over there. Now, if  
he wants to delve into that I mean it's a two-way  
sword. And Mr. Furlotte has testified that eye  
witnesses' identifications haven't implicated Mr.  
Legere and things of that nature. That's a matter of  
15 some opinion. But I'm simply pointing out the  
dangerousness of actually delving into this kind of  
area. It serves no purpose and I would suggest, My  
Lord, that the only effect of that particular  
evidence is perhaps in the jury's mind implicate Mr.  
20 Legere in a number of other offences. And I say  
that, and I say it very bluntly because I want to  
make it very clear that if this line of questioning  
is allowed then it's going to be a real danger for  
the defence. Mr. Furlotte has indicated that if he's  
25 not allowed to do so on cross-examination he would do  
so in direct examination. The only thing I can say to  
that is the Defence is entitled to subpoena whatever  
witnesses they wish and it will be a decision of this  
30 Court to make whether or not the witnesses who are to  
testify have matters relevant and admissible at this  
particular trial and we will deal with it at that  
particular time. Thank you My Lord.

1 THE COURT: Mr. Furlotte, anything in reply to Mr. Walsh?

MR. FURLOTTE: Well, My Lord, again, I just wish to state  
that anything that I can bring in in direct evidence,  
if it's relevant to bring it in in direct evidence  
5 it's relevant to bring in under cross-examination.  
There is evidence before this court that somebody  
with hair similar to Allan Legere somehow or other  
got that hair on Father Smith. There is evidence  
before this court that in spite of that hair being  
10 similar to Allan Legere's, found on Father Smith's  
leg, the pulled hair, that hair does not belong to  
Allan Legere. There is also evidence which I want to  
get out on cross-examination, again, is at the  
Russell incident there was hair found at the scene of  
15 the crime similar to Allan Legere. The identity of  
the person who attacked the Russells and who left  
those hair samples behind, and there's no question of  
the Russells picking this out up on the street and  
dragging it home, that that individual does not look  
20 like Allan Legere. That there was a composite drawing  
of that individual printed and published in most of  
the newspapers in New Brunswick, and that the  
description of that person is different than Allan  
Legere, and basically there's witnesses who says I  
25 saw the person and it is definitely not Allan Legere.  
And I should be allowed to get the cross-examination  
out as to the extent of the R.C.M.P. investigation  
into those crimes. They were able to exclude other  
suspects. There's no doubt Mr. Legere was a suspect  
30 in that incident, like Mr Walsh says, because hair  
similarities left at the scene of the crime, but

1 other suspects have been eliminated, and I don't mind  
if they can't eliminate Mr. Legere because they  
couldn't get a DNA analysis off the hair samples.  
That doesn't bother me one bit whatsoever. But the  
5 fact that this individual who attacked the Russells  
was seen by one, two, three, four, seven witnesses,  
none of which can identify Mr. Legere as being the  
attacker. And I feel it's crucial to the Defence in  
this case to show that somebody else out there with  
10 hair similar to Allan Legere is beating up old people  
and not the fact that Father Smith was out walking  
around the street and picked up that hair accidentally  
which the Crown is going to try and shove by the  
jury. And it's very relevant.

15 THE COURT: Well, that's fine. Well, my decision is this.  
This is not relevant and I'm not going to permit the  
cross-examination of the witness on this point. If  
the Defence wishes to bring evidence, call witnesses  
on this point it can, or on any point it can, and I'll  
20 determine at that time whether it's relevant or not,  
whether their evidence is relevant. So do you have  
other questions, other lines you wish to --

MR. FURLOTTE: Well, My Lord, I would like a ruling on  
25 whether or not I can bring this type of evidence on  
direct examination now before I go out and waste a  
week's work, or more, in getting these witnesses.

THE COURT: Oh, I'm not going to - we're not going to get  
into the question of whom committed whatever crime  
30 affected these people called Russell that you are  
referring to. We are not trying the Russell case  
here.

1 MR. FURLOTTE: I'm not trying to try the Russell case. I'm  
trying to try and provide a defence for this case.  
There's a total difference.

THE COURT: Well, if you have witnesses you can call them.  
5 Have you other points you want to cross-examine this  
witness on?

MR. FURLOTTE: I don't see any point in cross-examining  
anybody My Lord.

THE COURT: All right, bring the jury back.

10 MR. FURLOTTE: I have nothing further of this witness.  
(Jury in. Jury called; all present.)

THE COURT: Do you have any other cross-examination of this  
witness Mr. Furlotte?

MR. FURLOTTE: No, My Lord.

15 THE COURT: Any re-examination?

MR. WALSH: No, My Lord, thank you.

THE COURT: Thank you and you are excused Corporal  
MacEachern. Now, another witness.

20 MR. WALSH: Yes, My Lord, I would recall Corporal Kevin  
Mole.

CORPORAL KEVIN MOLE, recalled, previously sworn,  
testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

25 THE COURT: You were sworn Corporal Mole.

Q. To refresh the jury's memory you are Corporal Kevin  
Mole; you are a member of the Royal Canadian Mounted  
Police; and in 1989 you were a member of the General  
Investigation Section out of Moncton and you were  
30 involved with the -- you have testified previously  
with respect to, I believe, the Flam matter, is that  
correct?

A. That's correct.



1 Q. You are to testify later in this trial, is that also correct?

A. That's correct.

Q. At this time, Corporal, I am going to show you a  
5 number of items and ask you whether or not you can identify them for the jury. I will set them out here. They are "GG" (sic) through to and including "QQ" (sic) I believe, My Lord.

THE COURT: "QQQ".

10 MR. WALSH: Triple, yes. Triple letters. Just take your time and go through them and see if you can recognize them.

A. Yes, I do.

Q. Would you tell the jury where you first came into  
15 contact with these particular items?

A. On the 20th of December, 1989 I patrolled to the General Investigation Section office in Moncton where I met with Constable Marc Proulx. At that time I received from Constable Proulx 11 items of jewelry  
20 marked by exhibit numbers 122 to 132. I received them personally from Constable Proulx. I kept them in my personal possession. I travelled to the Newcastle area. I returned that evening. I main-  
25 tained the 11 items in my personal possession and the following morning at just prior to 9 A.M. I again met Constable Proulx at the G.I.S. Office in Moncton, New Brunswick and returned those 11 items to Constable Proulx.

30 Q. What, if anything, did you do with the items while you had them?

- 1 A. I took the 11 items of jewelry, I drove to Newcastle.  
I met with Mrs. Flam - Mrs. Nina Flam, and I got --
- Q. I know you won't, but just to be safe, I don't want  
anything that she said in relation to this matter.
- 5 A. No. With these items I met with Mrs. Nina Flam and  
her daughter. Following that I met with the  
Newcastle Police Chief and the Deputy Chief.  
Following that I met with another lady, Betty Forrest  
from - her home is in Newcastle but I met her at her  
10 work in Douglstown. Following that I met with Mr.  
Bernard Geikie, Mrs. Mary Geikie, his wife, and I also  
met Deborah Geikie and her sister, Kellie Geikie.
- Q. Okay, who is Mary Geikie, Kellie Geikie and Deborah  
Geikie?
- 15 A. They would be the next door neighbours to the Daughne:  
sisters, Donna and Linda Daughney.
- Q. And who is Bernard Geikie?
- A. Bernard Geikie would be the - would be Mary's  
husband.
- 20 Q. Would you explain to the jury, please, how you - did  
you take the jewelry with you?
- A. Yes, I did.
- Q. And would you explain to the jury what you did with  
the jewelry when you went to that particular premises  
25 and what, if anything, you said. I don't want to know  
what they said.
- A. Shortly after my arrival in Newcastle I called and  
made an appointment to meet Mr. and Mrs. Geikie at  
30 their home. Just prior to supper around 4 P.M. I  
went to their home and I met with Mr. Geikie, Mrs.  
Geikie and their daughter, Deborah, in the kitchen area  
of their home.

1 Q. Okay, and would you tell us what you actually did or said?

A. We had conversation about the area and the -- We had a lengthy conversation. Subsequent to our conversation I requested that they look at some jewelry  
5 that I had, that I had brought up involved in the investigation, and asked them if they would look at it to see if they could recognize any of the jewelry, these 11 items.

10 Q. What, if anything, did you tell them as to where this jewelry came from or what, if any, connection it had to anything else?

A. I just asked that they look at the jewelry. I didn't make any statements regarding where the jewelry came  
15 from or how it was involved in the investigation at all.

Q. All right, what did you do to have them look at this jewelry? What did you actually do?

A. Well we sat at the kitchen table and I sat across from  
20 Mr. and Mrs. Geikie and their daughter was there as well.

Q. Which one?

A. Deborah. Be the older daughter. I took the 11 items and I placed them on the table, and I spread them out  
25 on the table, and I asked if -- Spread them on the table so that the family could look at the items to see if they would make any comments, if they recognize any of the items. As a result of our conversation I began to take a written statement from Mrs. Geikie,  
30 Mary Geikie.

Q. Was this after you had put the jewelry on the table?

A. That's correct.

- 1 Q. YOU had a conversation after that?
- A. That's correct. Following -- During my conversatio.  
with the Geikies I began to take a statement from  
Mary Geikie. During the taking of the statement
- 5 Kellie Geikie, the daughter, arrived home, came into  
the area where we were, looked at the jewelry on the  
table, appeared to recognize one of the items.
- Q. Okay, without getting into any of those details, this  
other woman came in after you had shown the jewelry
- 10 to the other two women, is that correct?
- A. That's correct.
- Q. When the other woman came in what, if anything, did  
you say or do to this other woman, the last woman  
that come in, with respect to the jewelry?
- 15 A. I didn't know the daughter. I didn't say anything to  
her. I didn't know if she was actually the daughter  
or a neighbour. I didn't have any conversation with  
her.
- Q. What did she actually do? Without what she said but
- 20 what did she actually do, this woman that came in?
- A. I observed her become very upset and begin to cry.
- Q. Had you asked her to do anything when she come in the  
house?
- A. No.
- 25 Q. And what, if anything, did you do with this jewelry  
after that time?
- A. I took the jewelry and I made some inquiries at the  
local jewelry store in Newcastle. Was advised to  
come back at -- Had a conversation and subsequent
- 30 to that I returned to Moncton later that evening and  
the following morning I returned approximately 9

1 o'clock or 5 minutes to 9, I returned all 11 items  
to Constable Proulx and I signed his exhibit form,  
and I returned them personally to him.

Q. And they stayed in your possession during that time  
5 up until the time you turned them back to Constable  
Proulx?

A. That's correct. Roughly 24 hours.

MR. WALSH: I have no further questions, thank you.

THE COURT: Cross-examination Mr. Furlotte.

10

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. When you first spread the 11 items of jewelry on the  
table who was all present?

A. Mr. And Mrs. Geikie and Deborah.

15 Q. And one of the daughters.

A. And Deborah would be their daughter.

Q. Is there any reason why you didn't do it one at a  
time rather than all three together?

A. I had originally made the appointment with Mr. and  
20 Mrs. Geikie and more specifically with Mrs. Geikie  
and when I arrived at the home it was in the kitchen  
of their home and we sat at the table and I asked  
them if they could identify the jewelry. I didn't  
ask to exclude anyone at that time, no.

25 Q. Your purpose of going there was to see, I would  
suspect, to see if they could identify any jewelry  
belonging to the Daughney sisters.

A. That's correct.

Q. You had that in mind. And did you tell them why you  
30 were going there when you phoned up to make the  
appointment?

A. No, I don't believe I did.

- 1 Q. Wouldn't it be proper, if you are going to ask a  
witness to be able to identify any piece of evidence,  
first of all to ask them if they know - take each  
witness aside separately and ask them if they know  
5 anything about the jewelry the Daughney sisters may  
have had before you showed them anything to find out  
what they know?
- A. I believe at that time I was aware that the family  
had been interviewed in regards to the girls, their  
10 habits, whether they had jewelry, whether they had  
money, things like that. That's an area of the  
investigation that I believe at that time I was under  
the impression had been covered.
- Q. So before you actually showed them the jewelry you  
15 didn't take any statements from them?
- A. No, that's correct. I personally did not, no.
- Q. The first thing you did was throw the jewelry on the  
table, sit down in a family discussion and decide  
what can be identified as Daughneys and what can't?  
20
- A. No, that's not correct.
- Q. That's not correct?
- A. No.
- Q. It's only after they all made their identifications  
together and discussed it around the kitchen table  
25 that you proceeded to take statements from them, is  
that correct?
- A. No, it's not correct.
- Q. I thought I understood that in your direct examina-  
30 tion. It seems to me in your direct examination you  
state 'I took 11 items and asked if they recognized  
any of the items. Following our conversations I took

1 statements.' Isn't that what you said on direct  
examination? Words to that effect?

A. Words to that effect, yes.

Q. So isn't it true then you sat down, you threw the  
5 jewelry on the table, you had a general discussion,  
and then you took statements?

A. I believe the proper sequence was I arrived at the  
home, we had a general conversation. There were some  
concerns that the family had. I attempted to address  
10 them. And once I had been through that portion of  
the conversation I asked them if - I asked Mrs.  
Geikie, Mary, if she would look at some jewelry that  
we had in our possession. I then opened my briefcase  
and I removed the 11 articles, placed them on the  
15 table, and I asked her if she could identify any of  
the items.

Q. What was the date of this again?

A. This would have been the 20th of December, 1989.

Q. 1989.

A. That's correct.

Q. I thought Constable Proulx testified that he only got  
the jewelry on -- no, December 7th, 1989. Was this  
1989 and not '90 you showed them the jewelry?

A. I can only tell you what I did and on the 20th of  
25 December, 1989 at 8:30 in the morning I received 11  
articles of jewelry which I identified today and on  
the 21st of December, 1989 at approximately 9 A.M.,  
8:56 I believe is written on the report, I returned  
30 those 11 articles personally to Constable Proulx.  
I'm not sure of what his evidence was.

1 Q. So that was shortly after Allan Legere's arrest that  
you showed them the jewelry?

A. Be within a month, yes.

Q. You mentioned also that you took the jewelry to  
6 local - do you say you took the jewelry to local  
jewelry stores or did you say you visited local  
jewelry stores?

A. Well, following my conversation with the Geikie  
family I went to the Tower Jewelry Store in Newcastle  
10 and I made inquiries there.

Q. You made an appointment there?

A. I made inquiries there.

Q. Inquiries. And what was the purpose of that now?

A. I understood from the conversation with Mrs. Geikie  
15 that Donna would have had an account at Tower's  
Jewelry and that they may have a record of the  
jewelry that was purchased by the girls, either Linda  
or Donna. It was my intention at that time to go to  
the store, possibly have them check their records and  
20 see if any items similar to what I had in my possessio  
at that time had been purchased by the girls.

Q. Right. As for a diamond cluster ring?

A. That's correct.

Q. And were you able to obtain any such evidence of them  
26 purchasing a diamond cluster ring at Towers?

A. At that particular time?

Q. At that particular time.

A. No, it was quite late in the evening and I was told to  
30 return.

Q. Did you do it at any particular time?

A. Myself personally? No, I did not.



- 1 Q. Do you know of any police officer that did?
- A. I'm aware that the other investigators made follow-up inquiries at the store, yes.
- Q. Did you show jewelry to anybody else?
- 5 A. Other than what I mentioned?
- Q. Other than these people that were mentioned today?
- A. Other than the people that I have mentioned by name?
- Q. Yes.
- A. One lady that I mentioned, Mrs. Betty Forrest, I do  
10 not recall if I mentioned her or not.
- Q. Yes.
- A. She had her home broken into in October and I went to visit her at her place of work and showed her the jewelry, yes.
- 15 Q. Anybody else besides that?
- A. Myself personally, no.
- THE COURT: It was December the 7th that Constable Proulx obtained those items from the pawnbroker. 1989.
- 20 MR. FURLOTTE: You said this Betty Forrest you showed the jewelry to, there was evidence of somebody breaking into her home?
- A. Upon my arrival in Newcastle I went to the Newcastle Police Station and I made inquiries about any homes that they could think of that had been broken into  
25 that --
- MR. WALSH: At this time, My Lord, I am going to pose an objection on the same basis I opposed it and we have all opposed it over previous times. He's getting  
30 into a hearsay area. I take it from what the officer is saying he's going to start relating information that he's given from somebody else.

1 MR. FURLOTTE: My Lord it's difficult for me to find out  
how many homes were broken into either on that  
particular night or during the summer unless I canvass  
and bring every citizen of Newcastle and Chatham into  
5 court and ask them. But if the police officers  
investigating such incidents --

MR. WALSH: I thought he had established that.

MR. FURLOTTE: -- although it's hearsay evidence ought to  
be allowed to say what they uncovered during their  
10 investigation.

THE COURT: Well, I suppose the bottom line here, I don't  
know what the evidence will be, I suppose the bottom  
line will be that Mrs. Forrest confirmed that her  
house had been broken into and I suppose she - I don't  
15 know, I'm not trying to put evidence in the witness's  
mouth --

MR. FURLOTTE: I'm not going to ask this witness anything  
that wasn't printed in the darn newspapers.

20 THE COURT: He is probably going to say that he showed her  
the thing and then he's probably -- You're going  
to ask did she identify it as hers and the answer  
will come back. Are you going to ask her that?

MR. FURLOTTE: I'm going to ask this witness as to when this  
25 Betty Ford's, whatever her name was, home was broken  
into.

THE COURT: I don't know what bearing it possibly has on  
this case but all right, ask the witness that, if he  
knows. It's hearsay as far as he's concerned.

30 MR. FURLOTTE: It's hearsay and the jury can take it for  
what it's worth.

THE COURT: All right.

1 MR. WALSH: I think he already mentioned it My Lord. I  
let him go so far as --

THE COURT: Well, he said he had been told there had been  
a break-in there.

5 MR. FURLOTTE: All right, and when were you told that this  
break-in occurred?

A. The date of the break-in or the date that I was told?

Q. The date of the break-in.

A. I'm not sure of the exact date. It was a break and  
10 enter that had occurred in the month of October on  
Prince Charles Street in Newcastle.

Q. Would it be the same date as the Daughney incident?

A. I don't know. It was a break-in in October.

Q. Was there any other break and enters the same day of  
15 the Daughney incident that you know of?

A. I am not aware of any. We don't police the Town of  
Newcastle so I am not aware of any break and enters  
that may have occurred. They may have, I don't know.

MR. FURLOTTE: I have no further questions.

20 THE COURT: Re-examination Mr. Walsh?

MR. WALSH: I have no further re-examination, My Lord,  
thank you.

THE COURT: Thank you then Corporal Mole.

MR. WALSH: He's stood aside My Lord.

25 THE COURT: Now, the next witness.

MR. WALSH: My Lord I would recall Constable Ron Charlebois.

THE COURT: I just remind counsel that I think when  
30 Constable Charlebois wasn't called back in his former  
order and it was the understanding then that he could  
be cross-examined on the subject of a knapsack when  
first he's called.

1 MR. WALSH: Yes, it was continuity. We waived two witnesses  
I believe at the time we entered the knapsack, correct,  
My Lord.

THE COURT: Yes. But I'm just reminding Mr. Furlotte of  
5 this. All right.

CONSTABLE RON CHARLEBOIS, recalled, previously sworn,  
testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

10 Q. Just to refresh the jury's memory you are Constable  
Ron Charlebois; you are a member of the Royal  
Canadian Mounted Police; you are a member of the  
General Investigation Section presently in Moncton,  
and you were so employed in 1989, is that correct?

15 A. That's correct.

Q. I am going to show you a number of items Constable.  
They are identified by court numbers "GGG" through  
to and including "QQQ". Could you look at those  
items, please, and tell me whether or not you can  
20 identify them?

A. Yes. These items are jewelry that I would have re-  
ceived on two occasions.

Q. Would you relate the first occasion for the jury,  
please?

25 A. The first occasion would have been on the 3rd of  
April, 1990. I received those items from Constable  
Marc Proulx at the Moncton G.I.S. office. The pur-  
pose I received those items on that date was for  
investigative purposes, more specifically to show  
30 the jewelry to two persons whom I believed were  
friends of the Daughney sisters.

- 1 Q. Who were those two people?
- A. The two persons that I showed the jewelry to were Mrs. Diane Wetmore and a Loretta McIntyre of Saint John.
- 5 Q. And with respect to Diane Wetmore would you tell us, please, what you actually did and how you did go about that?
- A. Yes. On the evening of the third of April, 1990 I travelled to Saint John and interviewed Mrs. Diane Wetmore at her residence. I met her privately in her kitchen area. Prior to arriving at her residence I had called her to advise her to - to make the appointment to see her. I related to her that it was in relation to the Daughney murders. Anyway, when I arrived at her residence, shortly thereafter, after general conversation I showed the 11 pieces of jewelry to Diane Wetmore in her kitchen.
- 10
- 15
- Q. What, if anything, did you tell Mrs. Wetmore before you actually got her to look at the jewelry?
- 20
- A. I did not tell her specifically -- Didn't give her specific details in relation to the jewelry. I just simply said that it was obtained through investigation and I asked Diane Wetmore - I placed the jewelry in front of her and I asked her if any of the jewelry was familiar to her.
- 26
- Q. Okay, I don't want you to tell anything about what she said or did. Then what, if anything, did you do?
- A. Subsequent to that evening?
- 30
- Q. Yes. After you had showed her the jewelry did you take a statement from her?

- 1 A. Yes. After showing her the jewelry I took a written statement from Diane Wetmore.
- Q. Then what, if anything, did you do with the jewelry?
- A. I kept the jewelry in my possession up until the 6th  
5 of April at which time I turned it over to Constable Marc Proulx at 16:05 hours in Moncton.
- Q. Okay. You said there were two occasions you came into possession of that jewelry. What was the second one?
- A. The second occasion was on the 8th of August of this  
10 year, 1991, I received the jewelry from Constable Laurent Houle in Newcastle at 10 A.M. in the morning and I subsequently turned the jewelry back to him the next day at 2 o'clock in Chatham Head and I did nothing investigatively with the jewelry.
- 15 Q. And did you have occasion to have that jewelry after that time?
- A. No.
- Q. Now, Constable Charlebois, what, if anything, did you do with respect to the investigation to determine the  
20 distance or time of travel between the rectory of James Smith in Chatham Head and Keddy's Motel in Bathurst and/or the train station in Bathurst?
- A. Yes. On the 25th of July, 1990 I measured the  
25 distance from the church in Chatham Head to Keddy's Motel in Bathurst. I did so in a vehicle. I was accompanied by my immediate supervisor, Sergeant Vincent Poissonier. Sergeant Poissonier was driving the vehicle and I was the passenger. Prior to de-  
30 parting the church parking lot I reset the odometer and I took note of the reading upon arrival at Keddy's As to the road that we took, we departed the church,

1 we proceeded along highway 117 to Chatham, we crossed  
the Centennial Bridge and then we travelled up high-  
way 8 to Bathurst.

Q. I'm just going to stop you there. Would you show on  
5 this aerial map, please, where you commenced and where  
you went from there. I don't know if we have a point  
or not. Yes, we do.

A. Here is the church parking lot right here.

Q. You are referring to the green marker?

10 A. The green marker, marked "S", and we travelled north-  
east along highway 117 to Chatham and we crossed the  
Centennial Bridge right here and we proceeded along  
highway number 8 directly to Bathurst.

Q. Highway number 8 would be the --

15 A. It's this highway right here.

Q. Travelling up to the top of the photograph?

A. That's correct.

Q. Continue, please.

20 THE COURT: This is P-1 he's referring to, for the record.

MR. WALSH: P-1, yes.

A. Yes. And once we arrived into Bathurst proper we  
took two or three streets in which I was led to be-  
lieve was one of the more direct routes to the Keddy's  
25 Motel. Anyway, the distance that I measured from the  
church parking lot to the Keddy's parking lot was  
85.6 kilometers.

Q. And what time did it take you to travel that particular  
distance and at what speed or speeds?

30 A. Okay. It took us exactly 1 hour and 3 minutes to  
travel that distance. We were following the pre-  
scribed speed limits which were along highway was 90  
kilometers. As we neared Bathurst the speed limit

1 had changed to a 100. I must add that we followed  
the speed limits. On that particular day, 25th of  
July, it was raining and plus from our travel from  
the church parking lot to the bridge we were following  
5 two vehicles at a slow rate of speed.

Q. That is from what's shown on P-1 from what's marked  
with the green marker to where the Centennial Bridge  
is pointed out. You're referring to that route along  
there?

10 A. That's correct.

Q. When you say slow rate of speed are you referring to  
the speed limit or under the speed limit?

A. I would say it was a little under the speed limit.

Q. Okay, continue, please.

15 A. That same evening I walked from Keddy's along Main  
Street. I crossed a causeway, I was walking at a  
normal rate of speed, and I walked directly to the  
train station which, if I recall correctly, was just  
over a kilometer away, and it took me 12 minutes.

20 Q. And this particular route, what kind of a route was  
it? Did you have to climb over fences or buildings?

A. No, it was a normal grade route. I do recall that  
as I neared the train station itself the grade was a  
little uphill.

25 Q. Are you able to tell us instead of driving from the  
rectory in Chatham Head to Keddy's, and you have in-  
dicated it was an hour and three minutes to drive  
from the rectory in Chatham Head to Keddy's under  
30 the conditions you have described, if you were to  
drive from the rectory in Chatham Head directly to  
the train station do you know how long that would  
take?



- 1 A. Do you mean taking an alternative route?
- Q. No. If you went from the rectory in Chatham Head following the same route you did that day under those conditions, instead of driving to Keddy's you had
- 5 driven to the train station, how much longer would it take you?
- A. I think it would just be a matter of a couple minutes more, if that.

MR. WALSH: Thank you, My Lord, I have no further questions.

10 THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

- Q. Constable Charlebois in relation to the jewelry that you showed the two friends of the Daughneys, again,
- 15 you showed it on August 8th, 1991.
- A. No, I didn't show it to them on August 8th.
- Q. Not to them, but again you showed it for police purposes on August 8th, 1991?
- A. No, I did not show the jewelry to anybody on August
- 20 8th, 1991.
- Q. Okay, what did you do with the jewelry? I thought you said on August 8th, 1991 --
- A. I received the jewelry but I did not show it to anybody. I returned it to Laurent Houle the next day.
- 25 Q. Laurent Houle the next day. On August 8th, 1991 is that the day that I met with you at the Detachment in Newcastle to view the jewelry?
- A. I'm not sure. I would have to look back.
- Q. Do you have your notes on you?
- 30 A. No, it wasn't that day.
- Q. It wasn't that day. Do you have what day you met with me at the Newcastle Detachment?

- 1 A. I did meet with you. I would have to look through my notebook to ascertain specifically what date it was.
- Q. And I would have to do the same, Constable, so I can't blame you for that. Do you recall if August 8th was
- 5 after the day you met with me or before?
- A. I think it was before.
- Q. What was the purpose on that day that you took the jewelry --
- A. Okay, that day that I received the jewelry from
- 10 Laurent Houle I was intending on showing that jewelry to Faye Hachey who was repeated to be a friend of Linda Daughney and before showing it to her I ascer-
- 15 tained that she had been shown that jewelry previously so I disregarded showing it to her.
- Q. Do you know who showed her the jewelry previously?
- A. I think it was Constable Proulx. I am not certain of that but I think it was Constable Proulx.
- Q. Now, I understand you are file co-ordinator for all these cases, the Smith case, Daughney and the Flam
- 20 case?
- A. I am one of two file co-ordinators.
- Q. One of two file co-ordinators. And who is the other file co-ordinator?
- A. Sergeant Poissonier.
- 25 Q. And I believe you already mentioned that he's your superior?
- A. That's correct.
- Q. Now, as a file co-ordinator who is the Chief Investigator? It seems that since I've been cross-
- 30 examining police officers here that the left hand doesn't know what the right hand's doing.

1 MR. WALSH: Objection!

MR. FURLOTTE: Who knows it all?

MR. WALSH: Mr. Furlotte is intending to testify. That's  
not a proper statement and he knows it.

5 MR. FURLOTTE: Who would know what's going on?

A. I think there's need for explanation here. When we  
started the investigation up in Newcastle, starting  
off with the Flam murder would have been initiated,  
the lead investigators would have been Corporal Mole  
10 and Sergeant Germain. After the Daughney murders  
there was an influx of a number of other investigators  
including myself, and at that time it would have been  
Sergeant Poissonier who was in charge of the operation  
aspects of the investigation. Subsequent to the  
15 Smith murder there was a major crime unit that was  
formulated and there were three investigative teams  
that were made up. I was - personally I was assigned  
to the Daughney investigation with Sergeant Poissonier  
and there were other members assigned specifically to  
20 the Flam and the Smith investigation. Therefore,  
Sergeant Poissonier at that time would have been in  
charge of the Daughney investigation; Sergeant Mason  
Johnston would have been in charge of the Smith  
investigation; and Sergeant Germain would have been  
25 in charge of the Flam investigation. Now each  
respective team of investigators were responsible  
for their crime reports and court briefs. It was  
Sergeant Poissonier and I who were given the re-  
30 sponsibility of putting those three court briefs  
together and to conduct follow-up investigation.

1 So in other words it's not your normal investigation.

Q. Is it safe to say you have been working full-time on this case since it started?

A. Since October the 15th of '89.

5 Q. Of '89. And also Sergeant Poissonier?

A. That's correct.

Q. Anybody else working full-time on it besides you two?

A. No. There were different members that were conducting follow-up investigation as required.

10 THE COURT: I'm not sure that these are legitimate questions but I suppose there's no harm done.

MR. FURLOTTE: Well, I'm trying to find out who I can get the answers from My Lord.

15 THE COURT: Well, if you have a particular question ask the witness who you can get the answer from.

MR. FURLOTTE: As file co-ordinator I believe in the Daughney file, exhibit 339, there was a bill of sale obtained from Sharon Smith at Newcastle Tower Jewellers on the 5th of May, I believe, or the 4th month. Do you know -- Okay, that was seized by Sergeant Poissonier.

A. That's correct.

Q. Did you show any jewelry to say Towers Jewellery Store?

25 A. I personally did not. I think items of jewellery were shown but I'm not a 100 per cent certain on that. I think subsequent witnesses will advise you whether it was shown or not.

30 Q. Yes, but I don't like to ask every witness the same questions. Who would know?

A. I'm led to believe that Constable Greg Laturus who will be testifying at one point in time showed

1 jewellery to someone at Tower's Jewellery. Now, as  
to the exact items he showed I'm not a hundred per  
cent certain.

THE COURT: Surely, Mr. Furlotte, this is the sort of thing  
5 you could work out between counsel. If you speak to  
Crown counsel about this they're going to help you  
with it. If they don't help you with it let me know  
and I'll see they do in court here.

MR. FURLOTTE: My Lord, as I already explained, this case  
10 is too massive for me to handle and to deal with each  
particular item and I'm trying to do the best I can  
in the shortest time possible.

So as far as you know it may be that Tower's  
Jewellers was asked to identify any of the jewelry  
15 that supposedly belonged to the Daughneys?

A. No. I'm led to believe that Tower's Jewellers in  
Newcastle were shown a diamond cluster ring which is  
item number 128, but I would recommend that you ask  
20 Constable Laturus. He could give you more specific  
answers in that regard.

Q. As far as you know as a file co-ordinator nobody from  
Tower's Jewellers is going to come to court and  
identify the diamond cluster ring as item number 128  
25 as having been a ring sold by them? Is that correct?

A. No, definitely not.

Q. And as far as you know, rightly or wrongly, the  
diamond cluster ring supposedly owned by the Daughney  
was bought at Tower's?

30 MR. WALSH: Objection! I don't believe the officer has  
any direct knowledge of that and, again, he's delving  
into the world of hearsay My Lord.

- 1 THE COURT: Well, perhaps you can answer it, can you?
- A. Yes. Actually, from what I know of the information  
that's contained on our files, both Linda and Donna  
Daughney would have purchased diamond cluster rings  
5 from Tower's Jewellers.
- Q. Now, you mentioned that you measured the distance  
from the church rectory to Keddy's Motel in Bathurst.
- A. That's correct.
- Q. And it was 85.6 kilometers, and driving the speed  
10 limit to the best you could, with traffic, it took  
you one hour and three minutes?
- A. That's correct.
- Q. Now, I believe at one time you said it was August  
25th and the next time you referred to July 25th.  
15 Which is it?
- A. If I said August 25th that's wrong. It was July 25th.
- Q. It was July 25th?
- A. That's correct.
- Q. What time of day was it?  
20
- A. Can I refer to my notes, please?
- Q. Yes.
- THE COURT: Gosh, does it really make very much difference  
Mr. Furlotte what time of day it was?
- 25 MR. FURLOTTE: It may.
- A. We departed the church at 19:17 hours which would be  
7:17 P.M. and we arrived at Keddy's Motel at 20:20  
hours which is 8:20 P.M.
- Q. Okay. So that time on July 25th that would be during  
30 daylight hours, is that correct?
- A. Yes.

- 1 Q. And I believe you mentioned it was raining a bit?  
A. That's correct.
- Q. Do you know what the weather was like on November  
17th, 1989?
- 5 A. No, I do not.
- Q. So you don't know if it was more difficult to drive  
on July 25th or on November 17th, 1989?
- A. That's correct.
- Q. Now, you mentioned if a person was to drive directly  
10 to the train station rather than Keddy's Motel it  
would only take a couple more minutes?
- A. At the most, yes.
- Q. So even you say a couple, you would be looking at  
maybe an hour and five minutes.
- 15 A. That's correct. And as I mentioned, our travel was  
slow during the initial part of the trip due to two  
slow moving vehicles in front of us along highway  
117.
- Q. Yes. And I believe the witness who testified having  
20 on November 17th driven from Chatham to Bathurst also  
noted transports and there was --
- A. That's correct.
- Q. -- attempting to pass and there may have been slow  
driving --
- 25 A. I do recall being behind a couple of transports at  
times.
- Q. So the same could have held true for November 17th,  
1989 also for whoever was driving on that highway?
- 30 A. Yes. It took us an hour and three minutes and I'm  
sure that under different conditions someone could  
arrive there in 50 minutes.

1 Q. Did you time how long it would take for somebody to stop, do a break and enter, steal a new pair of boots and jacket along the way?

A. No. It wasn't even a consideration.

5 Q. Now, there was evidence, I believe, that somebody was seen leaving the scene of the rectory around quarter to seven with Father Smith's car.

A. Someone, yes.

10 Q. And the ticket agent who sold the ticket allegedly to Mr. Legere I believe occurred at roughly quarter to eight.

A. That's correct, one hour later.

15 Q. One hour later. So if such an event happened I would assume this person would have to know what the train schedule was.

MR. WALSH: This is a -- I keep getting up and down in front of the jury constantly My Lord. I don't want to leave the impression that I'm hiding anything when in fact what I'm simply trying to do is have Mr. Furlotte stay within the rules of appropriate questioning. I just want to make that clear. And that is not a proper question in the Crown's opinion My Lord.

25 THE COURT: Mr. Furlotte knows that's not a proper question.

MR. FURLOTTE: As file co-ordinator and responsible for putting together all the police briefs for the Crown and for myself, would you say that you are in charge of all the evidence and statements of all witnesses and everything uncovered during the investigation?

30 A. No, I wouldn't say that.



- 1 Q. Everything would not be turned over to you?
- A. As I explained earlier, there were three separate teams and each team was responsible for putting together the individual court briefs. My responsibility  
5 once it was decided to join all three charges was to amalgamate court briefs.
- Q. Do different police officers involved in an investigation go out to pick up certain evidence or make certain inquiries, do they consult with you at all as the  
10 file co-ordinator or would they go to the chief investigator for each case?
- A. Different investigative methods are most certainly discussed amongst investigators. They wouldn't necessarily come to me. A lot of the investigators  
15 assigned to this case were very experienced.
- Q. Aside from a knife that was put into exhibit that was supposedly found under the front seat of Father Smith's car, do you know if any other buck knife was put into  
20 exhibit?
- A. A buck knife that was put into evidence here?
- Q. Not in court but given to police on investigation?
- A. Yes, I am aware that during the Daughney investigation which would have been prior to Mr. Antoine Guitard  
25 losing his knife there was a Buck knife that was found somewhere near the Daughney scene.
- Q. And it would have had Buck marked on it?
- A. I'm not certain of that.
- Q. But it would have been a knife similar to the one described by Mr. Antoine Guitard?  
30
- A. That's correct.

1 Q. So it would appear that that knife is - there's lots  
of them out there?

A. Oh yes, most definitely. There's a lot of Buck  
knives out there.

5 Q. For police purposes, Constable, do you know whether  
or not all suspects have been eliminated for the  
Flam case?

A. I think I mentioned in my previous testimony that  
they were. Maybe that requires a bit of clarifica-  
10 tion. In relation to all three murder cases I can  
say that as a result of the investigation we have  
conducted thus far there is no evidence to implicate  
anybody else in these crimes to provide us with what  
we consider to be proof beyond a reasonable doubt to  
15 lay charges.

Q. But that doesn't mean you don't have evidence that  
somebody else --

MR. WALSH: My Lord he raised this question before. We  
20 allowed him - with this witness when he was on the  
stand before. He is now delving into it. We had  
discussed the matter of hearsay and whether this in  
fact is proper evidence for anybody to be giving.  
If he's going to delve into all these aspects, the  
25 question here is whether or not the accused on trial  
is a party to any of the offences in question. It's  
not in relation to the aspects he's trying to deal  
with.

MR. FURLOTTE: I have never cross-examined this witness  
30 before.

THE COURT: Go ahead and ask this witness what you want.  
This witness can handle himself. It's not proper  
but I'm going to --

1 MR. FURLOTTE: You said that for police purposes you don't  
have enough evidence to show beyond a reasonable  
doubt that somebody else may have been involved in  
either the Flam, Smith or Daughney incidents?

5 A. That's correct.

Q. But that doesn't mean you don't have enough evidence  
to be very suspicious about somebody else, is that --

THE COURT: No, I'm not going to allow that to go any  
further.

10 A. If we did have --

THE COURT: No, never mind, please.

MR. FURLOTTE: My Lord I'm not trying to put somebody else  
on trial but I believe if this witness has evidence,  
and I don't know what the evidence is, how strong  
15 that evidence may be that somebody else committed  
murders rather than Mr. Legere, then I believe this  
Court and this Jury has the right to know.

THE COURT: Ask him if he has knowledge of anyone else  
having committed the Flam murder, the Linda Daughney  
20 murder, the --

MR. FURLOTTE: Do you have any knowledge that somebody else  
may, other than Mr. Legere, may have committed the  
Flam murder, the Daughney murders or Smith murder?

25 THE COURT: You know actually this was precisely the  
question that he answered two or three minutes ago,  
and that question is not --

A. The answer to that question is no and even if we did  
have any information that could possibly implicate  
30 someone in these murders which fell short of sub-  
stantiating charges of murder against this person I  
would not be prepared to release that in this court  
for obvious reasons.

- 1 MR. FURLOTTE: Are you still looking and gathering  
evidence which may implicate somebody else other  
than Mr. Legere?
- A. As I said during my previous testimony on redirect thi  
5 file is far from being concluded.
- Q. Are you still gathering after Mr. Legere started his  
trial or charged, are you still gathering hair  
samples from other suspects to possibly check with  
hair that was found at the Daughneys and Smith scenes?
- 10 A. The answer to that is yes and you are well aware of  
that because I advised you as a result of inquiries  
you made on a previous date that I received hair  
samples from a subject and hair comparisons were  
conducted.
- 15 Q. And the R.C.M.P. as a result of that is not satisfied  
with the idea that the hair found on Father Smith's  
leg --
- MR. WALSH: That's not in fact --
- 20 MR. FURLOTTE: -- may have been picked up by accident while  
he was walking on the street.
- MR. WALSH: Objection, My Lord! That is not the answer  
that that police officer gave. Mr. Furlotte is  
turning it around to imply that he said something  
that he in fact didn't and this is the problem with  
25 the line of questioning that he's following up.
- THE COURT: Yes. Well, I think you should desist from this  
Mr. Furlotte. This witness says you apparently have  
given the name of some suspect and asked that he get  
hair samples and he has got hair samples and he says  
30 they were compared. Now, if you keep, you know,  
setting the police up to investigate further and more

1 people how long does this continue really. No, I am  
not going to permit that to continue, that line.

MR. FURLOTTE: I have no further questions at this time.

THE COURT: Re-examination Mr. Walsh?

5 MR. WALSH: No, My Lord, I have no re-examination. When  
Mr. Furlotte says at this time I hope that he doesn't  
intend to, when the officer is recalled for other  
matters, to get back into this same area again.

THE COURT: No, he doesn't mean that. We will have a  
10 recess now and that will take us up to 5 to 4 which  
is only going to leave very little over a half an  
hour, if we are back on time, for this afternoon.

(Discussion re calling of witnesses.)

(RECESS - 3:40 - 4:00 P.M.)

15

COURT RESUMES. (Accused present. Jury called, all present.)

THE COURT: And the Crown have another witness?

MR. WALSH: Yes, My Lord, I would call Constable Greg  
Laturus.

20

CONSTABLE GREG LATURNUS, called as a witness, having  
been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

Q. Would you give the Court your name, please, and your  
25 occupation?

A. My name is Constable Gregory Frank Laturus. I am a  
peace officer, a member of the Royal Canadian Mounted  
Police. I am presently stationed in Moncton,  
Westmorland County, New Brunswick where I perform  
30 General Investigation duties.

Q. With the G.I.S. section?

A. That's correct.

1 Q. Constable Laturnus I am going to show you a few items.  
The first one I am going to show you is "MMM", M as in  
mother. Would you look at that item for us, please,  
and tell the jury whether or not you can identify it?

5 A. Yes. This particular exhibit is what I refer to as  
exhibit number 128. I came in possession of this  
exhibit during the course of this investigation.

Q. When and from whom?

A. It was on the 27th day -- Pardon me. It was on the  
10 22nd of May, 1990 at 8:55 A.M. I received this  
exhibit from Constable Marc Proulx, a colleague,  
another member of the Royal Canadian Mounted Police,  
and I was required to make some inquiries with this  
item.

15 Q. And what, if anything -- Did you turn this item  
back over to anyone?

A. On the 23rd day of May I returned this exhibit back  
to Constable Proulx.

20 Q. And did you have occasion to see that item after that  
time?

A. Yes, on one other occasion.

Q. When and from whom did you receive it?

A. I received this particular exhibit from Corporal Dave  
25 Dunphy, a member of the Royal Canadian Mounted Police,  
and I safeguarded the item until I returned it to  
Constable Proulx later on that same date, the 27th  
of September, 1990.

30 Q. Did you receive any other items from Constable  
Dunphy at the time that you received "MMM"?

A. Yes, I did, numerous other items.

1 Q. I am going to lay before you items that have been  
marked on this particular hearing "GGG", "HHH",  
"JJJ", "KKK", "NNN", "PPP" and "QQQ". Would you  
look at those items for me, please, and tell the  
5 jury whether or not you recognize them.

A. Those are all exhibits that I received from Corporal  
Dunphy on the 27th of September, 1990 which I safe-  
guarded until I turned them over that same date to  
Constable Marc Proulx.

10 Q. Those are the items that you received from Corporal  
Dunphy along with "MMM"?

A. That's correct.

Q. Did you have occasion to take possession of those  
items after that time?

15 A. No.

MR. WALSH: I have no further questions, thank you My Lord.

THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

20 Q. When you had the sole exhibit "MMM" referred to you  
as exhibit 128, what is that?

A. It is a cluster diamond ring.

Q. And what date was on that, again?

A. Beg your pardon?

25 Q. What date was that, again, that you had that exhibit?

A. The first time I came in possession of that particular  
exhibit was on the 22nd of May, 1990.

Q. 1990. And what was the purpose of you having that  
in your possession on that day?

30 A. I was required to go to Newcastle to show the exhibit  
to staff at the Tower's Jewellers in Newcastle.

1 Q. And as a result of that what did you satisfy yourself  
of?

A. That the cluster diamond ring was Tower's Jewellers'  
stock. In other words it was jewelry that was sold by  
5 Tower's Jewellers. That it was in fact a cluster  
diamond ring which is described on a sales slip that  
was recovered from the Tower's Jewellers' company  
indicating the sale of a cluster diamond ring to  
Linda Daughney, charged to the account of Donna  
10 Daughney, but that although it was in fact a cluster  
diamond as described on the pink slip --

Q. All right, that's sufficient.

MR. WALSH: I think he should be entitled, My Lord, to  
finish --

15 THE COURT: Yes, let him finish his answer. Go ahead.

A. Well, I was going to say that although it is in fact  
a cluster diamond ring as described on this pink slip  
which was in their records, Mrs. Newman, one of the  
employees at Tower's Jewellers, couldn't say with  
20 certainty that it was in fact the cluster diamond  
ring described on the pink slip.

MR. FURLOTTE: I have no further questions.

THE COURT: Re-examination?

25 MR. WALSH: No, My Lord, thank you.

THE COURT: Thank you very much Constable Laturnus. That's  
your only appearance I guess so you are excused.  
And perhaps one more witness.

MR. WALSH: I would call Corporal Dave Dunphy.

30



1           CORPORAL DAVID DUNPHY, called as a witness, having  
been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WALSH:

Q.       Would you give the Court your name, please, and your  
5           occupation?

A.       Yes. Corporal David Alexander Dunphy, a member of  
the Royal Canadian Mounted Police, presently stationed  
in Fredericton, York County, New Brunswick.

Q.       Corporal Dunphy I am going to show you some items  
10           "MMM", "GGG" "HHH", "JJJ", "KKK", "NNN", "PPP", and  
"QQQ". Would you look at those items for me, please,  
and tell me whether or not you can identify them?

A.       Yes. These are several items of jewelry which I  
15           received from Corporal Ed MacEachern on the 21st of  
August, approximately 8 P.M., 21st of August, 1990,  
at Newcastle, County of Northumberland, Province of  
New Brunswick.

Q.       And who did you return those -- Did you keep  
20           possession of those or did you turn them over to any-  
one?

A.       They remained in my possession until the 27th of  
September, 1990 when I turned them over to Constable  
Laternus at Moncton, Westmorland County, Province of  
25           New Brunswick.

Q.       Constable Greg Laternus who had testified?

A.       That's correct, yes.

Q.       Did you take possession of those items after that  
time?

30           A.       No, I did not.

MR. WALSH: I have no further questions, thank you My Lord.

1 THE COURT: Cross-examination Mr. Furlotte.

CROSS-EXAMINATION BY MR. FURLOTTE:

Q. What was the purpose of you having those items in  
your possession?

6 A. On the 21st of August Corporal MacEachern had an  
urgent appointment and they were turned over to me  
to complete an inquiry. I was not able to make that  
inquiry as a result of the person not being home. On  
10 the 11th of September, 1990 I contacted that person  
and as a result of a conversation I learned there was  
no need to show these items of jewelry to the person  
and consequently they were not shown.

Q. And who was that person?

15 A. Mrs. Susan O'Brien.

MR. FURLOTTE: No further questions.

THE COURT: Re-examination?

MR. WALSH: No, My Lord.

MR. FURLOTTE: My Lord for the record I would like to  
20 object strongly to the fact that I am not able to  
cross-examine this witness as I was prevented from  
cross-examining Constable Ed MacEachern.

THE COURT: What type of -- Well, what are you talking  
about Mr. Furlotte?

25 MR. FURLOTTE: As Corporal Ed MacEachern was involved in  
the police investigation of the Russell and Doran  
incident and --

THE COURT: Oh yes, yes. Now, re-examination?

MR. WALSH: No, My Lord, thank you.

30 THE COURT: You're excused Corporal Dunphy. You do have  
ten minutes.

1 MR. WALSH: We have 10 minutes, My Lord, but I don't think  
we have any witnesses. We sent them all home. We  
just assumed that we wouldn't -- We had a block of  
witnesses as we indicated to you, My Lord. You had the  
5 discussion with Mr. Allman as to whether we could  
call them and since we weren't going to get to all of  
them we decided to take matters in our own hands and  
send them home. I apologize.

THE COURT: That's all right. The jury won't mind. I  
10 don't mind for sure. We will adjourn until 9:30 on  
Monday morning.

(ADJOURNED 4:20 P.M. TO MONDAY, SEPTEMBER 30,  
1991 AT 9:30 A.M.)

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