

Samantha was telling her the truth and that Phoenix was in Ontario with her dad. Once she got home from Portage Place, ██████████'s husband told her that her uncle Karl had called. Samantha contacted Karl and told him that the RCMP were at Portage Place Mall, so she took her daughter and left. ██████████ stated at this time Karl started crying and told her that he was upset because "he was gonna lose the kids."

On March 9, 2006 at 11:42 P.M., investigators of the Winnipeg RCMP Serious Crimes and Major Crime Units arrested Karl Wesley McKay at his residence located at 747 McGee St., Winnipeg for the Murder of Phoenix Sinclair. McKay was read his Charter of Rights and the Police Warning. McKay was brought to the RCMP headquarters in Winnipeg where he spoke to legal counsel and was lodged into a holding cell.

On March 10, 2006, Karl McKay provided a warned video taped statement to police with respect to what happened to Phoenix Sinclair. During the statement;

- McKay confessed that he murdered Phoenix Sinclair on June 11, 2005 in the basement of his house in Fisher River, Manitoba.
- He stated that Phoenix was making noise in the basement, so he tossed her into a pile of clothing and added that Samantha Kematch was present when this occurred. He stated that Phoenix was still breathing when He and Samantha left to go to his father's place and that soon after his son ██████████ called him and told him that Phoenix was not breathing. ~~DOEN#~~
- McKay stated he and Samantha went home and attempted to revive Phoenix by performing CPR on her. When this was not successful, he put her into the bathtub with warm water. McKay stated when he realized Phoenix was dead, he took her to the basement where he and Samantha wrapped her in clear plastic and bound her with packing tape. McKay stated that they also wrapped a raincoat around the outside of the plastic.
- McKay stated that they waited until it was dark and then he and Samantha put Phoenix's body into the trunk of his Tempo. They drove out to the dump where they buried her a foot deep into the ground.
- McKay also drew a map to indicate where the body could be found.

On March 10, 2006, Samantha Kematch was interviewed by investigators and a Cautioned statement was obtained;

- She stated she was present when Phoenix was found, but emphasized that she

was not responsible for Phoenix's death. Samantha stated she and Karl wrapped Phoenix in black plastic garbage bags and a rain coat, and that Karl carried her upstairs once it was dark outside and put her in the trunk of the car.

- She advised she and Karl drove to a heavily treed area past the garbage dump. A shallow grave was dug by both Samantha and Karl and Phoenix was buried there.
- She stated she believed Phoenix died as a result of being pushed by Karl.
- She observed a gash on Phoenix's back from a nail on the wall and also saw blood on the floor, possibly from Phoenix's head.
- She admitted to beating Phoenix with a bar the night before she died, because Phoenix had been crying. She described choking Phoenix, and keeping her in a pen in the basement because she would *"piss and shit herself"*.
- She stated that they rarely clothed Phoenix for this reason. Samantha described incidents of abuse toward Phoenix, but cast blame on Karl. Samantha admitted she forced Phoenix to eat her own vomit and stated Karl used to shoot at Phoenix with a BB gun, "just for fun".
- Samantha stated that there was blood on the basement floor where Phoenix was found. She and Karl cleaned the blood from the floor and repainted it. She stated that if anyone were ever to ask about Phoenix's whereabouts, the story they provided was that she had gone to live with her father in Ontario.

Samantha Kematch and Karl McKay were remanded into custody. Karl McKay was charged with Second Degree Murder, while Samantha Kematch was charged with Aggravated assault.

On March 11, 2006, investigators attended to the area of the Fisher River dump with the map Karl Wesley McKay had drawn, however, they were unable to ascertain where Phoenix Sinclair was buried.

On March 13, 2006, investigators attended to the Winnipeg Remand Center and met with Karl McKay to clarify his map/directions in efforts to locate Phoenix Sinclair.

McKay was uncooperative and refused to discuss the whereabouts of Phoenix Sinclair.

On March 15, 2006, charges of 1st Degree Murder were laid on Samantha Kematch and Karl Wesley McKay.

On March 17, 2006, investigators attended the Headingley Correctional Institution

requesting McKay's cooperation in locating the body of Phoenix Sinclair. Karl McKay agreed to accompany investigators to Fisher River and show them where he and Kematch had buried Phoenix Sinclair. At the scene, McKay provided a video taped re-enactment to investigators, illustrating his actions of the offence. Following the re-enactment, McKay was returned to Headingley Correctional Institution.

On March 18, 2006, investigators removed the snow from the site where McKay indicated he and Kematch had buried Phoenix. A preliminary examination of the scene revealed a small mound of soil beneath the snow as well as clear plastic protruding from the ground. A body recovery team consisting of The Chief Medical Examiner, RCMP Forensic Identification Unit, and RCMP Serious Crimes investigators began a search of the area. While Phoenix Sinclair's body was not discovered at the site, evidence that she had been buried at that location was uncovered. It was apparent that the shallow grave had been disturbed by animals. Due to the depth of snow in the wooded location, a search of the surrounding area would resume when the snow melted.

The soil in the immediate area, identified as the final resting place of Phoenix Sinclair, was transported to the Department of Anthropology at the University of Winnipeg. A team of Anthropologists, with experience in the recovery of human remains, was assembled to sift through the soil. During this process, bones and flesh were recovered as well as materials used to wrap Phoenix's body at the time of her death/burial.

On 2006-04-07, pursuant to a DNA warrant, investigators attended the Winnipeg Remand Center and obtained a sample of blood from Samantha Kematch. The purpose was to compare her DNA with the found human remains suspected as being her daughter Phoenix Sinclair. Samples of the recovered bone had also been prepared and were forwarded for a DNA profile.

DNA results positively conclude the human remains (bones) are the offspring of Samantha Kematch, and therefore are the human remains of Phoenix Sinclair.

On March 24, 2006, investigators seized records from Winnipeg Child and Family Services, via a Production Order, with respect to any/all dealings with Phoenix Sinclair, Karl Wesley McKay, Samantha Kematch, and their family. These records consisted of 729 pages and provided the following information with respect to Phoenix Sinclair:

- Phoenix Sinclair was born April 23, 2000 and was apprehended by Winnipeg CFS on April 24, 2000 for a voluntary three (3) month placement. At the time, Phoenix was placed in the agencies care as Samantha KEMATCH was not prepared and had made no provisions for the baby. It was thought that Samantha might hurt the baby as Samantha had been abused by her own mother. It was noted that she was not prepared emotionally or financially for the baby and that she was very immature. Further, she was very resistant to any

services provided by CFS.

- On August 29, 2000, Phoenix was returned to Samantha Kematch and Steven Sinclair, Phoenix's biological father, and a contract was signed by them with CFS. A three (3) month Order was granted to Kematch and Sinclair. A support worker conducted home visits and Phoenix was noted to be doing well.
- On July 3, 2001, Phoenix was noted to be living with her father, Steven Sinclair, who advised CFS workers that he and Samantha were no longer together. Phoenix was later left in the care of family friends (Kim Edwards & Rohan Stephenson) by Steven as he was unable to raise Phoenix as a single parent. The Stephenson's were deemed to be a safe and acceptable arrangement. They remained Phoenix's primary care givers until March, 2004, at which time Samantha Kematch attended the Stephenson's residence and removed Phoenix from their care. Also in May 2004, Samantha Kematch contacted Employment and Income Assistance advising she wanted Phoenix added to her budget as Phoenix was now in her care.
- CFS became re-involved in December 2004, when Samantha gave birth to her fourth child. At this time, Samantha advised that Phoenix was living with her and her common law partner Wes McKay.
- On March 5, 2005, Winnipeg CFS were contacted by another CFS worker advising she received information that Samantha was abusing her daughter, Phoenix, and was also locking her in a bedroom. The information suggested Samantha was living in an apartment at 747 McGee St., Winnipeg. CFS attended the residence on March 9th, 2005 and were greeted by Samantha. She did not allow the CFS workers entry into the apartment. The CFS workers provided details to Samantha about the allegation of abuse involving Phoenix, including that she was locking her in a bedroom. Samantha was very inquisitive as to who made the complaint, and confirmed that there was a lock on the outer door of Phoenix's bedroom. She was warned by CFS not to lock Phoenix inside due to fire/safety concerns.
- CFS workers did not observe Phoenix during their investigation of the allegation of abuse. They recommended that follow up was not necessary and there were no protection concerns. This was the last time CFS had dealings with respect to Phoenix Sinclair, who was killed 3 months later.
- It was noted at that time that Samantha had attempted to hide her first three (3) pregnancies [Phoenix's older brother █████ and younger sister █████]. Further, it was observed that Samantha did not bond or have any attachments with her children. It was also noted that a source had claimed Samantha was prostituting herself on Langside & Broadway in Winnipeg, in July 2001.

The investigation revealed, via documents provided by Provincial Welfare, that Samantha Kematch and Karl Wesley McKay continued to receive monthly financial benefits for Phoenix after her death and up to the time of their arrest, 9 months later.

In the weeks following the investigation into Phoenix Sinclair's death, many friends and relatives came forward and provided information with respect to Phoenix's treatment while she was in Samantha and Karl's care. A number of interviews with family members and close friends confirmed they were witness to abusive and excessive mistreatment by Karl and Samantha with Phoenix, especially during the last year of her life. Some associates of Samantha had reported incidents they had witnessed to CFS, while others observed injuries on Phoenix which were attributed (by Karl and/or Samantha) to falls or accidents.

All relatives and associates interviewed by investigators had been led to believe Phoenix was alive and living with her father in Ontario or Winnipeg. Others had lost touch and were unaware of Phoenix's (or Karl or Samantha's) status or whereabouts.

On March 14, 2006, investigators were contacted by Darlene McKay, a cousin of Karl Wesley McKay. She stated that in the summer of 2005, Karl asked to borrow shovels from her. She provided him with two shovels, which he returned approximately 3 days later. Darlene McKay voluntarily turned over both shovels to investigators.

On March 17, 2006, during Karl McKay's re-enactment of the killing/burial of Phoenix Sinclair, he identified Darlene McKay as the person from whom he borrowed shovels to bury Phoenix.

During the course of interviews, Matthew William McKay, a nephew of Karl Wesley McKay, was identified as a person who may have witnessed abuse towards Phoenix during the summer of 2005. On March 29, 2006, investigators interviewed Matthew who provided a detailed account of abuse he witnessed during a visit to Karl McKay and Samantha Kematch's residence in Fisher River. Matthew advised the following:

- He stated Karl McKay was his uncle, lived in Fisher River with his girlfriend and his two cousins...an infant and the 5 year old girl (Phoenix). Matthew could not recall names aside from his uncle Karl's.
- He stated that he observed that the little girl was often left by herself in the basement of the house. The little girl was told to go down to the basement because she was bad and was often called a "whore" by his uncle. He advised that the little girl was made to sleep on the bare floor of the basement, which was covered in rat poop. He was sure that the little girl had nothing to sleep on and was left alone in the basement. He observed some parts of basement walls to have a plastic covering. There were also many garbage bags full of garbage inside the basement.

- He stated that he observed his uncle shoot the little girl with two BB guns and described them being a lever action which shot little metal BB's. He further stated that his uncle's girlfriend also shot the little girl with the BB gun about 4 times. She shot her once in the arm and then in the back. The little girl would fall down crying, at which time the woman (Samantha) would laugh at her. This happened outside the house where his uncle forced the little girl to stand by the house wall with her hands out while he shot at her. Matthew's uncle told him to stand by them, so no one would see what was going on and phone the police.
- He also stated that he observed the little girl to be covered in bruises and that he never saw her eat anything. The little girl had to sneak water when she was made to do the dishes. The little girl was punished when she ate or drank anything, and was not allowed to go to the washroom which caused her to poop her pants. No one changed her clothes. The little girl was observed by Matthew walking with a limp while she was at the Fisher River fair. Matthew also observed his uncle's girlfriend hit the little girl with a belt and often throw her into the bedroom.
- He advised that his uncle had a red, Ford, 2-door car. Furthermore, Matthew advised that his uncle and his girlfriend loved the other kids, including the baby and they "tortured" the little girl.

On May 12, 2006, the RCMP Forensic Identification Unit returned to the Fisher River residence and searched an area of ground near an outer wall. This area was described by Matthew McKay as the location where Phoenix was shot at by Karl and Samantha. The ground was sifted and 2 metal BB's were recovered.

On April 20, 2006, a ground search of the burial site and surrounding area commenced near Fisher River. The terrain was a heavily wooded area and the spring thaw had melted the snow. The 20 member search team consisted of the RCMP Search & Recovery team, Forensic Identification Unit and members of the University of Winnipeg Anthropology Department. An area of approximately 100 square meters surrounding the grave site was searched.

A human skull was recovered, as well as clothing and plastic. Within this area, a scattering of bones were recovered and identified as being human remains.

During the second day of the ground search, more bones, bone fragments, hair clumps, and teeth were recovered. Clear plastic, yellow clothing and yellow rope, items previously described by Karl McKay as material used to wrap and tie Phoenix's body before he and Samantha buried her, were recovered.

The recovered bones were turned over to the University of Winnipeg Anthropology