



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

The Honourable Edward (Ted) Hughes, Q.C.,
Commissioner

Transcript of Proceedings
Public Inquiry Hearing,
held at the Winnipeg Convention Centre,
375 York Avenue, Winnipeg, Manitoba

WEDNESDAY, DECEMBER 5, 2012

APPEARANCES

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MR. D. OLSON, Senior Associate Counsel

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MS. K. MCCANDLESS, Associate Commission Counsel

MR. R. MASCARENHAS, Associate Commission Counsel

MR. G. MCKINNON, for Department of Family Services and Labour

MR. T. RAY, for Manitoba Government and General Employees Union

MR. K. SAXBERG, for General Child and Family Services Authority, First Nations of Northern Manitoba Child and Family Services Authority First Nations of Southern Manitoba Child and Family Services Authority Child and Family All Nation Coordinated Response Network

MR. H. KHAN, for Intertribal Child and Family Services

MR. J. GINDIN and **MR. D. IRELAND**, for Mr. Nelson Draper Steve Sinclair,
Ms. Kimberly-Ann Edwards

MR. J. FUNKE and **MS. J. SAUNDERS**, for Assembly of Manitoba Chiefs and Southern Chiefs Organization Inc.

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NELSON DRAPER STEVE SINCLAIR

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2 PROCEEDINGS CONTINUED FROM DECEMBER 4, 2012

3

4 MS. WALSH: So our witness today,
5 Mr. Commissioner, is Steve Sinclair.

6 THE COMMISSIONER: Thank you.

7 THE CLERK: Please stand for a moment. Would you
8 rather swear on the Bible or affirm without the Bible?

9 THE WITNESS: Without.

10 THE CLERK: Okay. State your full name to the
11 court.

12 THE WITNESS: Nelson Draper Steve Sinclair.

13 THE CLERK: Can you spell me your first name?

14 THE WITNESS: N-E-L-S-O-N.

15 THE CLERK: And your next name?

16 THE WITNESS: D-R-A-P-E-R.

17 THE CLERK: And your third name?

18 THE WITNESS: S-T-E-V-E.

19 THE CLERK: And your last name?

20 THE WITNESS: S-I-N-C-L-A-I-R.

21 THE CLERK: Thank you.

22

23 **NELSON DRAPER STEVE SINCLAIR,**

24 affirmed, testified as follows:

25

1 THE CLERK: Thank you. You may be seated.

2

3 DIRECT EXAMINATION BY MS. WALSH:

4 Q Good morning, Mr. Sinclair.

5 A What's up.

6 Q You prefer that I call you Steve, right?

7 A Yes, of course.

8 Q So this morning we're going to talk with you
9 about Phoenix's life and about your life.

10 A Okay.

11 Q And I know that these are very personal matters
12 and that you are a very private person.

13 A Yeah.

14 Q But it's important that the commissioner hear
15 what you have to say.

16 A Yes.

17 Q And we're very sorry for your losses.

18 A Thank you.

19 Q So let's start with some background. You are 32?

20 A Yes.

21 Q So you were almost 20 when Phoenix was born?

22 A Yes, I was.

23 Q You were born in Manitoba?

24 A Yes.

25 Q You're a member of the Lake St. Martin Band?

1 A Unfortunately.

2 Q Okay. Did you spend time in your community as a
3 child?

4 A No.

5 Q Where did you live as a child?

6 A I grew up in Jackhead, Manitoba for about four to
7 five years.

8 Q And then you moved to Winnipeg?

9 A Yes.

10 Q Did you move to the city with your parents?

11 A Yes, I did.

12 Q Did you have brothers and sisters?

13 A Yes.

14 Q How many?

15 A Seven, including me.

16 Q So four sisters?

17 A Four sisters, two brothers.

18 Q And was your mom around when you were growing up?

19 A Yes.

20 Q What about your dad?

21 A No.

22 Q Did your parents attend residential school?

23 A I believe so. My mother did. I don't know if my
24 father did.

25 Q Did your mom talk to you about that experience at

1 all?

2 A No. I can understand why.

3 Q So at some point after you moved to the city,
4 your parents had some difficulties parenting and you came
5 into the care of Child and Family Services, right?

6 A Yes.

7 Q I think you were about nine when that first
8 contact occurred?

9 A Maybe, it could have been sooner. I'm thinking
10 sooner.

11 Q What do you remember about that experience?

12 A Trying. It's difficult, it's hard. Can't
13 explain it.

14 Q It was difficult?

15 A Yeah.

16 Q Did you -- were your siblings taken into care as
17 well?

18 A Yeah, my two older ones, or my, I guess four
19 older ones. It was just --

20 Q Some of your sisters?

21 A Yes.

22 Q According to the information that we've seen from
23 Child and Family Services, by the time you were 11 you were
24 a permanent ward of the agency?

25 A Yes, I guess if that's what it says.

1 Q And by that time you had been in a number of
2 foster homes?

3 A I guess, yes.

4 Q Okay. And ultimately you spent about six years
5 with one foster family?

6 A Yes.

7 Q Then you left them on your own?

8 A Yes.

9 Q And once you left them you were not quite 18.

10 A Not yet.

11 Q You got set up by Child and Family Services with
12 the independent living program?

13 A Yes.

14 Q What was that?

15 A It was program designed in helping people, I
16 guess young, young people to get out on their own before
17 they get off of CFS, I guess. They help you with, I guess
18 how to cook and clean and other stuff.

19 Q So did you like that program?

20 A It was, it was a good program, yes.

21 Q Yeah. You had a worker that was just for that
22 program?

23 A Yes.

24 Q We'll come back to that in a minute. Before you
25 were 17, when you went to school as a kid, did you stay in

1 the same school?

2 A No, I was transferred around every time, I would
3 get transferred to a different house or a different foster
4 home, so it was difficult making friends and actually
5 trying to stay in school. I guess that had an effect on my
6 education.

7 Q And I think Kathy Epps was your social worker --

8 A Yes.

9 Q -- with Child and Family Services when you were a
10 child?

11 A Um-hum, yes.

12 Q Did you like her?

13 A She was all right. She was a good person at
14 times.

15 Q Okay.

16 A Now there were times, you know, where she would
17 come and pick us up and take us to a foster home. That
18 was, those were times I didn't like her.

19 Q Sorry, you know I'm having trouble hearing you.
20 If you can pull the microphone a little closer.

21 A Sorry. Well, I said you know when she took us
22 away that's when I didn't like her, so.

23 Q Sure. Did you have any parenting role models
24 when you were growing up?

25 A Television.

1 Q Television?

2 A I guess.

3 Q The parents you saw on TV?

4 A Yeah. Well, wanted to be like them, right.
5 Wanted to have a family like them.

6 Q Yeah. Did you have some contact with your mom
7 when, when CFS first came into your life?

8 A Like what do you mean?

9 Q Well --

10 A Like were they involved all the time?

11 Q Yeah, like --

12 A Or, like --

13 Q -- you said that Kathy Epps would pick you up.
14 So for a period of time before you became a permanent ward
15 you would go back to stay with your mom?

16 A Yes.

17 Q And then once you became a permanent ward, did
18 you see or have contact with your mom?

19 A No, they, they wouldn't let us see her.

20 Q Was that -- what was that like for you?

21 A How would you think?

22 Q You loved your mom?

23 A Still do.

24 Q The independent living program, the records that
25 I've seen say that you started in that program in February

1 of 1998 and then when you turned 18 in May of 1998, were
2 you able to stay in that program?

3 A No.

4 Q So what happened once you turned 18?

5 A Welfare.

6 Q You went on welfare?

7 A Yeah.

8 Q And did CFS provide you with any kind of support
9 after you turned 18?

10 A Just housing and stuff like that, you know, just
11 what they do now.

12 Q What grade did you make it to in school?

13 A Grade 10. I started grade 11 but didn't complete
14 it.

15 Q Any reason why you didn't complete high school?

16 A I guess that was -- I was young at that age, I
17 was stupid.

18 Q Did you have to switch schools when you moved to
19 the independent living program?

20 A No. If I had to I'd walk all the way to school.

21 Q So did you stay in school for part of that?

22 A I stayed for, for a few months I stayed then and
23 then they kicked me out 'cause I wasn't attending and ...

24 Q Have you had any employment training?

25 A Well, I guess for LET Youth (phonetic). That was

1 through the Boys and Girls Club, so that was a learning and
2 employment training. That was some, some training, I
3 guess, if you want to call it that.

4 Q Did Child and Family Services ever help you find
5 or give you any employment training?

6 A No.

7 Q Last summer I know that you were working for a
8 lawn service.

9 A Yes.

10 Q Are you employed right now?

11 A No.

12 Q I know you like to play music.

13 A Yes.

14 Q You play the guitar?

15 A Yes.

16 Q What else do you like to do?

17 A I like to draw, I read books, I watch movies and
18 play video games. Just guy stuff, you know, hang out.

19 Q Hang out?

20 A Yeah.

21 Q And you talked about the Boys and Girls Club.

22 A Yes.

23 Q When, when did you start going to the Boys and
24 Girls Club?

25 A I guess right when I started independent living.

1 I guess that's when -- like right when I got my place, you
2 know, I had to walk around the neighbourhood and see how it
3 was, I guess, 'cause things change as you grow up. Because
4 when I was younger it was different, so.

5 Q So what kind of things did you do at the Boys and
6 Girls Club?

7 A Well, at first I was just, just a member, you
8 know, drop in and play games, you know, play pool, watch TV
9 with some of the fellow kids in the community and as I
10 started getting a little older, like hitting 19 or
11 whatever, 20, I started volunteering my time.

12 Q You volunteered there?

13 A Yeah.

14 Q So your counsel is saying maybe if you adjust the
15 microphone.

16 A Better?

17 Q Thanks. So you were telling us that you
18 volunteered at the Boys and Girls Club?

19 A Yes.

20 Q So helping with, with younger kids?

21 A Yes.

22 Q Is that where you met Samantha Kematch?

23 A No.

24 Q You met --

25 A I met, I met her before. I met her in like it

1 was '96, '97. I was still going to school when I met her.

2 Q And then she used to go to Boys and Girls Club
3 with you?

4 A Well, after she moved in with me we started
5 hanging out there, yes.

6 Q So when --

7 A Actually, wait, sorry. I started going there, I
8 turned 18 and then I started going there by myself with my
9 other friends, so that's where I met my cousin and whatnot
10 and then I started going back to school and then that's
11 where I met Samantha, through her brother. Sorry if I
12 confused you.

13 Q Yeah. No, that's good. So when did the two of
14 you get together?

15 A Shoot. I guess it must have been in '99, I
16 guess.

17 Q Okay.

18 A Late '98.

19 Q Okay. So you were 18, 19?

20 A Eighteen, 19.

21 Q And she was a year younger?

22 A Yes.

23 Q Okay. What was she like when you first got
24 together with her?

25 A She was quiet. She never talked about herself.

1 Closed. I never asked --

2 Q Did she like to party?

3 A What's that?

4 Q Did she like to party?

5 A Did she?

6 Q Yes.

7 A I guess so, I don't know.

8 Q Okay.

9 A But when she moved in with me I guess we used to
10 party all the time, you know, every weekend or whatever.
11 Well we were teenagers, right?

12 Q Yeah, 19-year-olds like to party --

13 A Yeah.

14 Q -- I know that.

15 A I'm pretty sure you all did, right?

16 Q Now when you, when you met Samantha did you know
17 that she had a baby?

18 A Yes, I heard about that, yes.

19 Q Did you know where the baby was?

20 A Well, her -- she didn't really talk about it or
21 her family never talked about it, so I guess I kind of
22 figured her son might have been with CFS, so ...

23 Q You didn't talk about it with her?

24 A No, she -- I wouldn't get into her information
25 about her life. It's personal to her, so.

1 Q She didn't talk to you about, about her
2 background?

3 A No.

4 Q And then in 1999 she got pregnant --

5 A Yes.

6 Q -- with Phoenix. Did she drink or do drugs while
7 she was pregnant?

8 A No.

9 Q Did the two of you talk about plans for this
10 baby?

11 A Well, I guess we kind of had a little plan going
12 on. First we were going to, we wanted, like we didn't want
13 to take care of her first and then after she was born I
14 just fell in love with her, so I couldn't let her go.

15 Q Okay. So we'll get to that and I'll want to hear
16 about that. So you said that your plan was you wanted to
17 keep the baby?

18 A Yes, that was my plan.

19 Q Did you buy any supplies or anything for her?

20 A No.

21 Q Before she was born, I mean.

22 A No.

23 Q Did you know anybody else who had a baby at that
24 time?

25 A Yes, of course my sisters did.

1 Q Okay. Did you tell your sister that Samantha was
2 pregnant?

3 A No.

4 Q Did you tell anybody?

5 A There was just, I guess there were a few random
6 people. I guess Samantha might have told a couple of
7 people but I'm not sure.

8 Q Did you try to keep it a secret?

9 A Well not really a secret. Just didn't really
10 want people finding out to, I don't know, try to say that
11 we're unfit or whatever, you know.

12 Q Okay. So Phoenix was born on April 23rd, 2000?

13 A Yes.

14 Q Who chose her lovely name?

15 A I did.

16 UNIDENTIFIED PERSON: Still having trouble
17 hearing.

18 MS. WALSH: Pardon? I can hear him. Well, I
19 think (inaudible).

20 Sorry, technical difficulties.

21 THE WITNESS: I'm not used to having a mic in my
22 face.

23 MS. WALSH: So --

24 THE COMMISSIONER: I guess you've got to talk
25 right into it, Steve.

1 THE WITNESS: Yeah. Sorry.

2 THE COMMISSIONER: Good, there you go.

3 MS. WALSH: Yeah. I mean you're comfortable
4 sitting back so just, just pull the microphone towards you
5 a little.

6 THE COMMISSIONER: Yeah, sit back and relax.

7 MS. WALSH: Yeah. Good.

8 THE WITNESS: Better?

9 MS. WALSH: Yeah.

10 THE WITNESS: Okay.

11

12 BY MS. WALSH:

13 Q So you said you chose Phoenix's name?

14 A Yes.

15 Q And we heard Nikki Taylor testify a few weeks ago
16 and she said that you called her when Phoenix was born. Do
17 you remember that?

18 A I believe I do, yes.

19 Q And she came down to the hospital?

20 A Yes.

21 Q Why did you call her?

22 A 'Cause she was, she was, like she was already in
23 our lives and she was, she was a good person.

24 Q You knew her from the Boys and Girls Club?

25 A Yes.

1 Q Did you call anyone else to come see you?

2 A Did I? I can't remember, I can't recall, sorry.

3 Q It's okay. We've heard evidence that a hospital
4 social worker talked to you and Samantha and told you that
5 she had called Winnipeg CFS. Do you remember that?

6 A I believe so, yes. They always do that, right,
7 in some circumstances.

8 Q So then a worker from Child and Family Services
9 came to see you and Samantha and the baby in the hospital.
10 And I'm just going to read a little bit of what the worker
11 recorded in their files. She said that:

12

13 Both Steve and Samantha stated
14 they were unsure about whether
15 they wanted to parent.

16

17 And then she went on to say that:

18

19 Steve and Sam lived together,
20 stated they've known each other
21 for a year. They've always lived
22 in the city. The couple asked
23 that they child be taken into care
24 until they could prepare for the
25 child and make a decision about

1 whether they would like to parent.
2 A briefly synopsis of possible
3 options was provided to the couple
4 which included parenting with CFS
5 intervention and support, adoption
6 or having a family member obtain
7 guardianship. It should be noted
8 that the couple is very
9 apprehensive about parenting. In
10 addition to this, Samantha's
11 ability to parent would be
12 questionable and further assessed
13 should the couple decide they want
14 to parent. Steve presented as
15 more mature. He advised that he
16 did not feel financially capable
17 of parenting at this point and the
18 couple advised they would like the
19 child taken into care until they
20 could determine what to do and get
21 ready to parent.

22

23 Does that sound like an accurate description of your first
24 contact with Child and Family Services?

25 A Not my first contact.

1 Q Oh, after Phoenix was born I mean.

2 A Yes.

3 Q Okay. What did you mean when you said you
4 weren't sure whether you wanted to parent?

5 A Well, that was, that was before I made the
6 decision because after, after they gave us that, the
7 decisions to make they left us alone for like a half hour
8 and in that half hour I changed my mind, so.

9 Q You were left alone with Phoenix?

10 A Well, with Phoenix and Samantha in the room.

11 Q Okay. Did you think that Samantha was ready to
12 parent?

13 A I was hoping so. You know if you get pregnant
14 you should be ready to parent, right?

15 Q So do you remember being given some options about
16 what to do?

17 A Yeah, yeah, the options that you just said, yes.

18 Q Okay. And then the next day we heard that
19 another social worker, Marnie Saunderson, came to speak
20 with you and Samantha and she noted in her file that she
21 asked the two of you to help Phoenix get dressed --

22 A Yes.

23 Q -- and really only you were interested in doing
24 that.

25 A Um-hum.

1 Q Do you remember?

2 A Yeah, of course I do.

3 Q And she said that when she got there you said
4 that you had changed your mind, you and Samantha, and that
5 you wanted to parent Phoenix?

6 A Yes.

7 Q Then the social worker took Phoenix into care?

8 A Yes.

9 Q And her records show that right away you were
10 calling her to arrange for visits with Phoenix.

11 A Oh actually I didn't call her right away. I
12 actually talked to her before she left the hospital and
13 told her I wanted to have a visit like right away with him,
14 with her, sorry.

15 Q Okay. So you wanted to stay in touch with
16 Phoenix --

17 A Yes, of course.

18 Q -- right away?

19 A Yeah.

20 Q I understand you also asked if Nikki Taylor could
21 come with you for at least some of the visits?

22 A Yes.

23 Q Why was that?

24 A Well, she was like a advocate for us. She helped
25 us with what we didn't quite understand.

1 Q So do you remember having visits with Phoenix
2 at --

3 A At Jarvis?

4 Q -- a Child and Family Services office?

5 A On Jarvis and on Portage, yeah. We started
6 having them on Portage first.

7 Q So who was at those visits?

8 A Andy Orobko.

9 Q Andy Orobko, okay. So you remember meeting with
10 him?

11 A Yes.

12 Q Okay.

13 A Of course, he's a big guy.

14 Q Yes.

15 A Can't forget anybody like that.

16 Q So I want to read to you a little bit of what
17 Andy recorded after he met with you.

18 A Yeah.

19 Q He said that he met with you and Samantha on
20 April 28th and that both of you indicated a desire to stay
21 in your relationship together and to bring Phoenix into
22 your family.

23 A Yes.

24 Q And that you had come to that decision after much
25 discussion and deliberation. And he asked you about the

1 fact that you seem to have changed your mind. He noted
2 that throughout the conversation Samantha remained flat and
3 stoic. He said that you presented as a relatively
4 articulate and thoughtful young man and that you told him
5 that you had permanently come into Winnipeg Child and
6 Family Services when you were 13 and remained in their care
7 until you reached the age of majority and that you said
8 that your experiences in agency care have prompted you to
9 want to parent your child so that Phoenix might escape
10 similar circumstances.

11 A Yes.

12 Q You remember telling him that?

13 A Yes.

14 Q He also noted that you chose not to share many
15 details of your time in agency care and he asked if you
16 would consent to letting the agency look at your file from
17 when you were a child in care and you said you'd think
18 about it. You didn't want to share that file with the
19 agency?

20 A Of course not.

21 Q Had you ever seen the file?

22 A Never.

23 Q Then Andy goes on in his notes and he sets out a
24 case plan, so I'm just going to read it to you to refresh
25 your memory or just to go through it.

1 A Pretty sure I remember.

2 Q Okay. So number one, the agency was to assign a
3 family services worker for ongoing services. That a three
4 month temporary of guardianship would be pursued. That the
5 agency would wait for further information from Cree Nation
6 CFS. That was with respect to --

7 A Samantha.

8 Q -- Samantha's first baby. Some form of
9 psychological or psychiatric assessment would need to be
10 performed with respect to Samantha. Both parents were to
11 commence participation in an appropriate parenting program.
12 Both parents were to attend all weekly visits with Phoenix
13 and your CIC, your child-in-care file might need to be
14 reviewed. So was that a plan that you agreed to?

15 A I guess. I signed it.

16 Q This is not the one that you actually signed,
17 we're going to come to that. But this plan was discussed
18 with you?

19 A It was, yes, it was along that line.

20 Q Right. So both you and Samantha did go to court
21 in July or in May, pardon me.

22 A Yes.

23 Q And you consented to a three month temporary
24 order, placing Phoenix in the care of the agency?

25 A Yes.

1 Q And you said that you did have your visits for
2 Phoenix first on Portage and then on Jarvis?

3 A Yes.

4 Q How often did those visits take place?

5 A I think it was once a week, I think. It may have
6 been twice a month.

7 Q Do you remember how long they lasted?

8 A A couple of hours.

9 Q Both you and Samantha were there?

10 A Yes.

11 Q Did Nikki Taylor come to some of them?

12 A Just to the first couple, I believe.

13 Q And was the worker with you during the visit or
14 were you able to be alone with Phoenix?

15 A Andy.

16 Q Then I believe after Andy there was a worker
17 named Kerri-Lynn Greeley. Do you remember her?

18 A I think I just met her like once or twice.

19 Q Was Andy ever in a visit with you?

20 A Yeah, he was usually there. He would come in
21 and, you know, sit there and talk to us, ask questions.

22 Q So were you just in a room in the agency?

23 A Yeah.

24 Q What kind of things did you do during the visit?

25 A I would just interact.

1 Q Yeah. What was Phoenix like as a baby?

2 A Well, she was quiet. She, she was, she just
3 liked to look around and explore her surroundings. You
4 know, just, just to look and just see what, see what's
5 interesting to her eye, you know, see what catches it.

6 Q Yes. Would you feed her and change her diapers
7 during the visits?

8 A Oh, of course, of course.

9 Q Eventually we heard that the visits started to
10 take place in your home.

11 A Yes, we had home visits.

12 Q And we heard evidence from a support worker named
13 Marie Belanger, that she used to come and spend time in
14 your, in your home with the visits. Do you remember her?

15 A So that would have been before I moved to
16 740B Magnus?

17 Q It may have been. She said that she started --

18 A It was, it was a little apartment, right,
19 upstairs?

20 Q I think so.

21 A Okay. Then that was just further up the street,
22 okay.

23 Q She said that --

24 A Yeah, 'cause we started living in that place
25 first before we moved down the street, so yes.

1 Q So --

2 A I believe she came there a couple of times, yes,
3 but I can't remember the details into the visit I guess.

4 Q Okay.

5 A 'Cause I just spent time with Phoenix.

6 Q So do you remember Ms. Belanger coming when you
7 moved into Magnus?

8 A I don't recall.

9 Q She told us she has a log sheet of when she was
10 there so that's mostly how she's able to say when she was
11 there, but she told that between July and December she
12 would come a couple of times a week to, to the house, to
13 your house.

14 A A couple of times a week? I don't know if it was
15 a couple of times a week. Maybe a month, 'cause wouldn't
16 that be too many visits considering their caseload?

17 Q And so do you remember interacting with her?

18 A A couple of times but it wasn't like every -- it
19 wasn't twice a week, I can tell you that.

20 Q Did she help you with taking care of Phoenix?

21 A No, I would do that on my own. She would just us
22 pointers and stuff and just talk about how to do things,
23 which I already knew because of raising my nephews and
24 stuff and nieces.

25 Q Oh, you had nephews and nieces?

1 A Yes.

2 Q So that was even before Phoenix was born --

3 A Yes.

4 Q -- you had some experience with, with kids?

5 A Yeah.

6 Q You said that you volunteered at the Boys and
7 Girls Club.

8 A Yes.

9 Q So you liked kids?

10 A Yeah, well of course, they're, they're the next
11 generation, so.

12 Q So that case plan that we looked at said that you
13 and Ms. Kematch, you and Samantha, were told to go to a
14 parenting program.

15 A Yes.

16 Q Had you ever attended a parenting program before
17 that?

18 A Prior, yes.

19 Q What, when did you first attend a parenting
20 program?

21 A I think it was '98, used to go with my sisters.

22 Q Did you tell the social workers that you had done
23 that?

24 A Yes. But they still said go, like they still do
25 now.

1 Q So which parenting program had you gone to before
2 with your sisters?

3 A I think it was healthy, healthy, healthy start,
4 Healthy Baby.

5 Q Healthy Baby?

6 A Yeah.

7 Q Where was that?

8 A That was through Pritchard Place, now Andrews
9 Street.

10 Q But what is Andrews Street exactly?

11 A It's a drop-in centre or resource centre for, for
12 the community.

13 Q So then did you go the parenting program as a
14 result of this case plan?

15 A Yes, I went to a different one at Stella House.
16 Same thing as -- same thing, another resource.

17 Q Did Samantha go with you?

18 A Yes.

19 Q Was this before you had Phoenix back in your
20 care?

21 A It was before and after. It was a pre and post.

22 Q Okay. What kinds of things did, did the
23 parenting program cover?

24 A Everything. Changing diaper, rashes, you know
25 how it is. Not using Orajel in the mouth, and you know how

1 it is. Baby things and how to hold your baby, play with
2 your baby, what to feed and when to feed, when to change,
3 signs of when the baby needs something or the baby does,
4 you know.

5 Q So it was helpful?

6 A Yes, of course.

7 Q Were there any other community organizations that
8 you were involved with after Phoenix was born?

9 A Yes, Ma Mawi.

10 Q So what is Ma Mawi? We've heard, we've heard the
11 name.

12 A Another, another resource. They help with people
13 in the community.

14 Q How did you get involved with Ma Mawi?

15 A Sisters.

16 Q Your sister?

17 A Yes.

18 Q That's Geni?

19 A Geni and Sheila, yes.

20 Q Did she work there?

21 A Geni did, yes.

22 Q After Phoenix was born, who helped you with
23 support and advice?

24 A All my friends and all my family.

25 Q Okay. And we'll go into that in some more detail

1 in a minute. We heard evidence from a social worker that
2 when Phoenix came back to live with you, you and Samantha
3 signed a service agreement on September 5th, 2000. If we
4 could pull that up on the screen. You've got a screen in
5 front of you and I'll show you what it looked like. 37115,
6 please.

7 MS. WALSH: Mr. Commissioner, it's probably not
8 the first document --

9 THE COMMISSIONER: All right.

10 MS. WALSH: -- that you've got because I -- it's
11 in there.

12 THE COMMISSIONER: It's all right.

13

14 BY MS. WALSH:

15 Q So if we could just scroll through the two pages
16 of this document, please. So you see it's got -- oh,
17 sorry. It's got six conditions and we'll come back to
18 that. Let's, let's go to the end to your signature.

19 A Yeah, that looks like my chicken scratch.

20 Q That's your signature?

21 A For sure.

22 Q Okay. And you see there's the signature of
23 Samantha and Kerri-Lynn Greeley who was the family service
24 worker.

25 A Right.

1 Q And you say you remember her?

2 A Vaguely.

3 Q Vaguely, okay. And the date is September 5,
4 2000. It looks like maybe you wrote the date in?

5 A That could have been me, yeah, probably. Yeah,
6 that looks like my writing.

7 Q So if we go back to the previous page, I'll just
8 read through the six conditions. So these were conditions
9 that were put in place in order for you to have Phoenix
10 back living with you --

11 A Yes.

12 Q -- is that right? Okay. And these, some of
13 these things were things that you were and Samantha were
14 supposed to do and some of them were things that the agency
15 agreed to do.

16 A Yes.

17 Q That's what you understood?

18 A Yes.

19 Q So the first one was that Samantha would meet
20 with Dr. Altman to assess her emotional stability and
21 follow any recommendations. The next was that you and
22 Samantha would work cooperatively with the agency in home
23 support worker and meet with her at least two times a week.
24 That's Marie Belanger.

25 A Yes.

1 Q The third, that the two of you would work
2 cooperatively with the agency family services worker. That
3 would have been Ms. Greeley to start with. This includes
4 meeting with the worker on a regular basis and allow the
5 worker access to the family home. Samantha and Steve will
6 also cooperate with the agency worker regarding further
7 exploration of issues related to substance use and family
8 violence. Samantha and Steve will attend and participate
9 in a parenting class that focuses on issues related to
10 child development. Samantha and Steve will work
11 cooperatively with the public health nurse and the agency
12 will assist Samantha and Steve with identifying a
13 pediatrician.

14 So the first condition, that Samantha meet with
15 Dr. Altman. We heard evidence that actually both you and
16 Samantha had a meeting with Dr. Altman at the agency on
17 September 13, 2000?

18 A Yes, I kind of remember that meeting.

19 Q Okay. We have Dr. Altman's notes from that
20 meeting and he made a few notes about you. I mean he was
21 there to assess Samantha but you must have spoken with him
22 a little bit.

23 A Um-hum.

24 Q So he said that, I guess he must have asked you
25 about parenting. He recorded you said: Not sure at time

1 but after visits decided to take care of her.

2 And then he says that you told him you had your
3 grade 10, that you wanted to look for a job after day care
4 was arranged and that you'd like to make your own money.
5 Do you remember talking about those things?

6 A Yes.

7 Q So you wanted to, after Phoenix was born, you
8 wanted to get a job?

9 A Be independent, of course.

10 Q Be independent. And you wanted to find a good
11 day care for Phoenix?

12 A Yes.

13 Q Did the agency help you find a day care for
14 Phoenix?

15 A No.

16 Q Did they help you find a job?

17 A No. I guess that kind of stuff I had to do on my
18 own, but wasn't told.

19 Q And with respect to the second condition, we
20 heard that the agency support worker was there. You
21 remember her at least sometimes?

22 A Sometimes.

23 Q And that third condition that a family services
24 worker would meet with you on a regular basis, do you
25 remember that happening?

1 A Not really.

2 Q What about exploring issues related to substance
3 abuse and family violence, did the agency work with you or
4 Samantha about those issues?

5 A No, not that I can remember.

6 Q Do you remember, did you or Samantha have issues
7 relating to substance abuse?

8 A Well, we were young at the time, so it may have
9 an issue.

10 Q What about family violence?

11 A No, we weren't, it wasn't, wasn't a violent
12 person. 'Cause of, I guess, in her old relationship it was
13 part of it, so ...

14 Q And then the requirement to attend a parenting
15 class that focuses on issues related to child development.

16 A Yes.

17 Q So you went to --

18 A Parenting groups, yes.

19 Q Which one was that?

20 A That was, that that through Stella House.

21 Q That was Stella House?

22 A Yes.

23 Q So do you recall Ms. Greeley coming by,
24 Kerri-Lynn?

25 A I can't remember.

1 Q What about phoning, did you have a phone?

2 A I think I had a phone at the time, yes.

3 Q Do you remember her phoning you?

4 A She may have called but you know, not going to
5 sit at home all the time, every day, you know. Got a life,
6 can go out.

7 Q This fifth requirement to work with the public
8 health nurse, did you or Samantha work with a public health
9 nurse, do you remember?

10 A No. I think we went down to that public health
11 office down by Miller, or down by Inkster. I think it was
12 on Inkster and Charles. I can't remember the address but
13 there's a public health building there. So I remember we
14 went there. I think it was once.

15 Q Did the agency help you to find a public health
16 nurse?

17 A I think they did, yes.

18 Q What about a pediatrician, did the agency help
19 you find a pediatrician?

20 A No. I just took her to one in the, one on
21 Selkirk.

22 Q Like a walk-in clinic or --

23 A Yes.

24 Q A clinic.

25 A And then he became her regular doctor, so.

1 Q Okay. We heard about a Dr. Lipnowski.

2 A I remember the name. I just can't picture the
3 face.

4 Q Okay. So once Phoenix came back to live with you
5 and Samantha, how were you managing?

6 A Social assistance at first.

7 Q And what was it like to be a parent at that
8 point?

9 A Well, it was a, it was a new experience for me.

10 Q Were both you and Samantha equally interested in
11 parenting?

12 A Well, it didn't seem like she was, but I was, I
13 was always interested.

14 Q So how would you describe Samantha as a parent?

15 A Well, I don't like to judge people, so I don't
16 know.

17 Q Just based on your observations.

18 A Well, she was, she would do it every once in a
19 while, you know, she would parent but then she would just
20 not sometimes.

21 Q She wasn't consistent?

22 A Yeah.

23 Q How would she deal with situations when Phoenix
24 was fussy?

25 A She would get mad and frustrated.

1 Q How about you, how did you deal with those
2 situations?

3 A Calmly, you know I'd just take it easy. Nothing
4 to get mad about. If baby's angry, baby's going to be
5 angry, right? Wouldn't be angry for a reason.

6 Q So now I'm having troubling hearing you too, so.

7 A Okay, sorry.

8 Q Sorry. Thanks. Once Phoenix came back to live
9 with you in the fall 2000, did you and Samantha care for
10 her all the time or would you have anyone else care for
11 her?

12 A Well, at first we started and then right when we
13 got her back we went and seen Kim, took to Kim right away.

14 Q So is that Kim Edwards?

15 A Yes.

16 Q How did you know Kim?

17 A Just from the neighbourhood. I met her one day
18 on the, you know, just walking around and then I just ran
19 into her. She had a little keyboard. I was like, oh you
20 play music. It's like oh, it's like you mind if
21 (inaudible). She said she had a guitar so me and my friend
22 were all like, cool, can we come over one day, and she's
23 like yeah. She gave us the address and then that's when we
24 started being friends.

25 Q So you became friends even before Phoenix was

1 born?

2 A Yes.

3 Q And then you said as soon as you got Phoenix back
4 you took her to, took Phoenix to see Kim?

5 A Yeah.

6 Q Kim was somebody who would take care of Phoenix
7 from time to time after you got her back?

8 A Of course.

9 Q How often, do you remember?

10 A Well, it was, at first it was like, like on a
11 weekend or something or we needed like an appointment. If
12 we had an appointment to go to and we couldn't take her,
13 you know take her over there or if it wasn't Kim it would
14 be my sister.

15 Q So in those first few months after Phoenix came
16 back to live with you, how much time was she spending with
17 you?

18 A Most of the time.

19 Q And you could rely on Kim or your sister for
20 babysitting?

21 A Yes.

22 Q Do you remember Kim having an partner?

23 A Yes.

24 Q Is that Ron Stephenson?

25 A Um-hum, that's the guy.

1 Q He was somebody you liked?

2 A He was, he was a good guy, yes. He still is.

3 Q A good guy?

4 A Yes.

5 Q So you trusted both Ron and Kim?

6 A Of course I did. If I didn't I would never have
7 made the decision to leave Phoenix with them.

8 Q And when Phoenix was a baby, did you continue to
9 party?

10 A Yes. Can't say, I can't say no because that
11 would be a lie, right? Yes, I still partied every once in
12 a while.

13 Q Party at your house?

14 A Sometimes when Phoenix wasn't home.

15 Q Where was Phoenix if you were partying?

16 A She would either be at Kim's or my sister's,
17 Sheila's, somewhere safe of course.

18 Q So you would take Phoenix to Kim's or to your
19 sister's --

20 A Yes.

21 Q -- if you knew you were going to party?

22 A If I didn't, if I couldn't make it they would,
23 they would come and get her before everything started, so.

24 Q You would call them?

25 A Yes. There was always, always proper

1 arrangements.

2 Q I asked you about whether the agency was coming
3 and doing regular visits like they said they were going to
4 in the agreement?

5 A Yes.

6 Q And from looking at the records from the Child
7 and Family Services files, there aren't any records of
8 visits from anybody from the agency from the time that
9 Phoenix was returned home to you until February of 2001.
10 Does that sound about right?

11 A Yes.

12 Q Then we heard that Ms. Greeley stopped being your
13 social worker and a new worker came on to work with your
14 family. Her name was Delores Chief-Abigosis. Do you
15 remember her?

16 A Not really.

17 Q She has a note that she met with you and Samantha
18 in February of 2001, as I said.

19 A I may have met her but I still don't remember
20 her.

21 Q Fair enough. Let me just read to you a little
22 bit of what she recorded from the visit that she had with
23 you and Samantha in February.

24 A Um-hum.

25 Q She said:

1 Overall it is evident to this
2 worker that Samantha is annoyed
3 and dislikes the involvement of
4 Winnipeg CFS. The family appears
5 to be doing well, although
6 Samantha does appear angry and
7 annoyed with agency involvement.
8 The home is clean and well
9 maintained and the child Phoenix
10 appears clean and content. Steve
11 appears to be actively involved in
12 the general care of the child.
13 Steve appeared very quiet and did
14 offer very little input into day's
15 conversation. Samantha appeared
16 agitated and clearly stated her
17 obvious annoyance of the agency
18 involvement and said that if the
19 agency wants to meet with her in
20 the future we need to send a
21 letter for an appointment and not
22 just drop by. The worker informed
23 her that we do drop by to visit,
24 especially if a person has no
25 phone and to date this was very

1 difficult to meet with them.

2

3 So any -- does that help your memory at all?

4 A Yeah.

5 Q Yeah. When Delores Chief-Abigosis came to see
6 you in February of 2001, Samantha would have been
7 pregnant --

8 A With Echo, yes.

9 Q Yes. You didn't tell Delores Chief-Abigosis that
10 Samantha was pregnant or did you; do you remember?

11 A I don't recall.

12 Q Did you know in February of 2001 that Samantha
13 was pregnant?

14 A I think so. Well of course you notice things,
15 right?

16 Q Right. Do you remember if Ms. Chief -Abigosis to
17 came back to see you?

18 A I can't remember, you know it was a long time
19 ago.

20 Q Like before Echo was born did she come back?

21 A I'm sorry.

22 Q You don't remember?

23 A No.

24 Q So Echo was born on April 29th, 2001. Phoenix
25 was one?

1 A Just turned one, yes.

2 Q Did you make plans for, for Echo's birth?

3 A Yes.

4 Q You had supplies?

5 A We had everything. We had all Phoenix's old baby
6 stuff, so it was, it was all ready to go.

7 Q Where was Phoenix when, when Samantha was in the
8 hospital giving birth?

9 A She was with me.

10 Q Pardon me?

11 A She was with me.

12 Q She was with you?

13 A Yes.

14 Q Okay. And then when the baby came home where was
15 Phoenix?

16 A She, I think she was at Kim's that day.

17 Q And around the time that Echo came home, so in
18 the spring of 2001 --

19 A Yeah.

20 Q -- how much time was Phoenix spending with Kim,
21 do you remember?

22 A At least two to three times a week, just to, just
23 to get us prepared for two babies.

24 Q A few months after Echo was born, you and
25 Samantha split up?

1 A Yes.

2 Q You told us that Kathy Epps had been your worker
3 when you were a child.

4 A Um-hum.

5 Q And Kathy Epps was here and she testified that in
6 July of 2001, you and your sister or at least you contacted
7 her because you had some concerns. Do you remember that?

8 A Yes.

9 Q Do you remember why it was you contacted her?

10 A Well, I was, I don't know, it was just Samantha,
11 the way she acts and, you know ...

12 Q So I'm going to read the memo that Kathy Epps
13 wrote to Delores Chief-Abigosis who was still your social
14 worker, telling her about the meeting that you had had with
15 her. She said:

16

17 This was the situation as
18 presented to me.

19

20 She said that you had contacted her and it's dated
21 July 3rd, 2001.

22

23 Steve has been caring for the
24 children since June 14th. On the
25 15th he had welfare changed to his

1 name. Steve indicated that
2 Samantha was drinking and out of
3 control and not caring for the
4 children. He's assumed
5 responsibility for the children
6 and he would like to continue to
7 do so. Samantha reportedly has
8 taken the child tax credit and was
9 drinking. Steve said that on
10 Friday at approximately 2:00 a.m.,
11 there was an altercation between
12 himself, Samantha and Sheila.
13 Steve admits he had been drinking
14 with Sheila but that his sister
15 Geni was caring for his children
16 at the time. Steve reports that
17 Sheila attacked Samantha and Steve
18 pulled her off Sam. On July 2nd
19 Winnipeg Police showed up at
20 Magnus where Steve resides and
21 where he was caring for his
22 daughter Echo. Phoenix was not at
23 home last night. The officer
24 stated that Steve was being
25 charged with assaulting Samantha

1 during the altercation that took
2 place. He is being accused of
3 shaking her. The officers took
4 Echo and gave her into the care of
5 her mother. Steve is very
6 concerned about his infant
7 daughter and would like her
8 returned to his care as he's
9 convinced that Sam is unable to
10 care for the child.

11

12 And then they commented that Sam's first child was a
13 permanent ward of Cree Nation.

14

15 I spoke with Steve who stated he
16 didn't know he had a worker.
17 He'll call you and may come here.

18

19 So do you remember that meeting with Kathy Epps?

20 A Yes.

21 Q And that's, those were the concerns you raised
22 with her?

23 A Um-hum.

24 Q That altercation that she reports that took place
25 between you and Samantha, there were some charges laid

1 against you?

2 A Yes.

3 Q But they were ultimately stayed, right?

4 A Yes.

5 Q Yeah.

6 A Haven't heard nothing, so.

7 Q Do you remember telling Kathy Epps that Samantha
8 was abusive to Phoenix and didn't discipline her properly?

9 A Yes.

10 Q Do you remember Kathy Epps telling you that if
11 Samantha came back you should call the police or call the
12 agency?

13 A Yes.

14 Q So you and Samantha broke up around the end of
15 May, beginning of June and did she move out?

16 A Yes. Actually I kicked her out.

17 Q So who was caring for Phoenix once Samantha left?

18 A Well, she was back and forth between me, Kim and
19 Sheila, so.

20 Q Sheila was one of your sisters?

21 A Yes.

22 Q And what about the baby?

23 A Echo, she would be with me.

24 Q Now Ms. Chief-Abigosis has a note in her file
25 that she came back to see you in July. So she's the person

1 who we said, I said came to see you in February 2001 and
2 then her next record of contact with you is in July of
3 2001. She says that she came to see you at your house on
4 Magnus and that you were at home with the baby. Phoenix
5 was not at home and you said that Phoenix was at Kim
6 Edwards?

7 A Yes.

8 Q So Phoenix, in July, June, July was spending time
9 with Kim?

10 A Yes.

11 Q And you said that Steve -- or Steve says he gets
12 her, meaning Kim, to watch her if he needs to go somewhere.
13 The house was very clean, sparsely furnished. She said you
14 had some kittens that you were going to deliver.

15 A Yeah.

16 Q You told her about the fact that you and Samantha
17 had broken up. And then she recorded that Samantha, the
18 police had given Echo to Samantha and Samantha brought her
19 back very quickly afterwards.

20 A Yeah.

21 Q And when Echo came back she was not in a very
22 good condition.

23 A No.

24 Q Do you remember that?

25 A Yes.

1 Q And then Delores Chief-Abigosis says:

2

3 During the time this worker was in
4 the home Echo woke up about 15
5 minutes into the visit. Steve
6 retrieved her from her playpen,
7 prepared a bottle of formula. He
8 held her in his arms, played with
9 her.

10

11 You told her about taking, having Dr. Lipnowski
12 in the clinic for Phoenix if you needed. He said that --
13 so you, you told her that you were going to take a
14 parenting program for fathers.

15 A Yeah.

16 Q And that you were doing okay and that if you
17 needed any support you'd call the agency and that you had
18 changed everything over to your name.

19 A Yes.

20 Q Do you remember having that visit? Do you
21 remember Delores Chief-Abigosis?

22 A You know if it says that I met her, I probably
23 met her, but you know, things change, in my mind I was
24 blank sometimes and you just can't remember some things.

25 Q You don't remember having a relationship with

1 her?

2 A Well, I wouldn't say it was a relationship.

3 Q Not, not a romantic relationship but a working
4 relationship.

5 A Yes.

6 Q You don't remember having any --

7 A It wasn't, like not even a working relationship.
8 It was just like a pop in and say hi, see how I'm doing
9 kind of thing.

10 THE COMMISSIONER: Do you remember her coming to
11 the house, Steve?

12 THE WITNESS: I don't recall her coming to the
13 house but if she says she did, then she did 'cause it's
14 written down in black and white then it must be true,
15 right?

16

17 BY MS. WALSH:

18 Q Didn't leave an impression on you?

19 A No. I was too worried about my daughter, so.

20 Q So then Echo, I'm sorry, passed away in July of
21 2001?

22 A Yes.

23 Q Do you remember any involvement from Child and
24 Family Services after she died?

25 A No.

1 Q Where did you stay after her death?

2 A Same place.

3 Q And where was Phoenix when Echo died?

4 A She was sleeping upstairs in our bedroom.

5 Q Did she spend any time with, with Kim Edwards
6 around that time?

7 A Who, me?

8 Q Phoenix.

9 A Phoenix, no she stayed with me for the first few
10 days. You know once it hit me then I sent her off to Kim's
11 or Sheila's.

12 Q So was that after the funeral, do you remember?

13 A I guess it was -- yeah.

14 Q What kind of supports did you have after Echo
15 died?

16 A Just family, friends.

17 Q It must have been a difficult time for you.

18 A Still is.

19 Q Yes. Then we heard that after Delores Chief-
20 Abigosis was your worker, she transferred the file to Kathy
21 Epps who had been your, your worker when you were a child.

22 A Yes.

23 Q Kathy Epps has just a very brief record of the
24 time that she had your file and she had it, she closed it
25 in March of 2002, but she stopped working before that. She

1 records that she tried to get in touch with you a couple of
2 times. She called, wrote a letter, you didn't respond. Do
3 you remember her trying to get in touch with you in 2001
4 after Echo died?

5 A I believe so, yes. I just didn't need it at the
6 time.

7 Q Pardon me?

8 A I didn't need it at the time. I was just wanted
9 to do it on my own and ...

10 Q So in 2002, you and Phoenix were on your own?

11 A Yes.

12 Q Were you working?

13 A No.

14 Q Phoenix wasn't -- you never got Phoenix into a
15 day care?

16 A No, she wasn't old enough then, so.

17 Q Was she spending time with, with Kim Edwards in
18 2002?

19 A Yes.

20 Q Do you remember how much time?

21 A Well, a little bit longer because of Echo's death
22 had a great impact on me so she can always rely, I always
23 relied on her, so. She was always there for me.

24 Q So then we heard evidence that Phoenix was taken
25 to the Children's Hospital in February of 2003. She had

1 something in her nose.

2 A Yes.

3 Q And she was brought by her godfather. Did you
4 understand that that was Ron Stephenson who took her?

5 A Yes, of course.

6 Q Did you know that she had something in her nose?

7 A Yes, I did.

8 Q Did you try to deal with it?

9 A I took her to a, I took her to a walk-in. They
10 just said it's just something, it will come out on its own.

11 Q So why, do you know why it was that, that Ron
12 Stephenson ended up taking her to the hospital?

13 A Well, it's 'cause he was, he was taking care of
14 her at the time. He was at her place, at Kim's house
15 there.

16 Q You said that she was spending, Phoenix was
17 spending more time after Echo died --

18 A Yes.

19 Q -- with Kim and Ron. So then after, after
20 Phoenix was taken to the hospital, the hospital got in
21 touch with Child and Family Services and I understand that
22 a worker named Laura Forrest came out to see you. Do you
23 remember her?

24 A Vaguely.

25 Q So she, she has a record in her file of coming

1 out to see you on February 28th, 2003 and here's what she
2 records. She says she was at your home, that you came to
3 the door, she says, in a rather foul but sober manner, that
4 you had a rather sizable black eye which you refused to
5 discuss and that Phoenix was with your friend and would
6 stay there for a few days, that you wouldn't give her the
7 name and address of the friend. She said that she needed
8 to come back and see you and Phoenix to ensure Phoenix's
9 wellbeing and you said, according to her notes, we'll see
10 about that. And she left you her card and said that she
11 would return and that you said you were not aware of
12 Phoenix's ailment and that you always made sure that
13 Phoenix received proper medical care.

14 Q Do you remember, do you remember a social worker
15 coming to the door on a day when you had a black eye?

16 A Yeah. She wouldn't get past the door, so ...

17 Q Pardon me?

18 A Wouldn't let her past the door. Yeah, I remember
19 talking.

20 Q Do you remember not wanting to tell her where
21 Phoenix --

22 A Yeah.

23 Q -- was or giving her the name of where Phoenix
24 was?

25 A Yes, of course.

1 Q Why didn't you want to tell the worker the name
2 and address of where Phoenix was?

3 A Because then she would have went down there and
4 got up all in their face. And I knew she was safe, you
5 know, that's all that mattered to me. Now what if -- they
6 would have made a different judgment call in their eyes,
7 right?

8 Q So you were worried the worker would apprehend
9 her?

10 A Yeah, of course.

11 Q But you knew that Phoenix was safe?

12 A Oh, yeah.

13 Q And then the worker recorded that she made a
14 number of attempts over the next few months to try to see
15 you. You didn't respond to her calls or, do you remember
16 her making attempts or leaving her card?

17 A I guess so, yeah, I would find cards inside the
18 mailbox.

19 Q And then we heard that, that Phoenix was back in
20 your house and was ultimately apprehended in June of 2003.
21 Do you remember that?

22 A Yes.

23 Q So the worker that we heard from who actually
24 picked Phoenix up that night was Kim Hansen and she
25 recorded in her notes that you presented with potential as

1 a bright young man. Phoenix, in June of 2003, would have
2 been three?

3 A Yes.

4 Q So was she speaking at that time?

5 A Learning how, yeah, she was -- I didn't, I didn't
6 push it on her. I let her do, let her, let her do it on
7 her own, you know, can't force anything on a child.

8 Q And she was toilet trained?

9 A Yes.

10 Q Do you remember what kinds of things she liked to
11 do?

12 A She loved watching movies, she loved playing
13 outside. She, you know, loved running around the house in
14 her diaper and her little, it was like a little skirt and
15 it looked like rally piper (phonetic) skirt. So she just
16 loved running around in that and just having a good time
17 'cause she had toys everywhere and she had three floors to
18 play on.

19 Q Did you spend time playing with her?

20 A Oh, all the time, you know.

21 Q So the social worker who, who picked her up on
22 June 23rd, said that Phoenix called most women mom. Do you
23 remember Phoenix doing that?

24 A Never. She knew who her mom was.

25 Q So around the time then that Phoenix was picked

1 up, were you drinking?

2 A Yes. But I had a, I had a -- my other sister was
3 in the house watching her.

4 Q And your support system, you also had Kim?

5 A Yes. But I believe she was busy that night or --

6 Q Okay.

7 A -- couldn't get a hold of her so.

8 Q And so then after Phoenix was apprehended in, in
9 June of 2003, I understand that you went to court in August
10 of 2003 to consent to a three month temporary order?

11 A Um-hum.

12 Q And the day that you were in court Samantha was
13 not there?

14 A No.

15 Q But there was a new worker with you, a
16 Mr. Stan Williams?

17 A Yes.

18 Q Now you do remember Stan?

19 A From the Jarvis office, I think that's where I
20 met him.

21 Q What --

22 A He was a supervisor there, so.

23 Q So not Andy Orobko, but Stan?

24 A No, Andy was from the Portage office.

25 Q Okay.

1 A And the other person was from the Jarvis office.

2 Q Stan was from Jarvis?

3 A Yes.

4 Q What do you remember about Stan?

5 A He was a nice guy. He was, yes, he was a nice
6 man.

7 Q Were you able to develop a relationship with him?

8 A Yes. It wasn't, it wasn't a buddy-buddy
9 relationship but there was -- he was interested in how I
10 was and what I was going to do.

11 Q Was there anything specific about him that you
12 think helped to develop that relationship?

13 A I guess it was just the way he talked to me. He
14 talked to me in like a normal manner, a civil manner. He
15 didn't talk about me or anything.

16 Q While Phoenix was apprehended, at first she was,
17 and I'm talking about in the summer of '03, at first she
18 was in foster home and then she got moved to be with Ron
19 and Kim.

20 A Yes.

21 Q Right? And that was part of a formal arrangement
22 through the agency and Ron and Kim were called a place of
23 safety. Do you remember that?

24 A Yes.

25 Q And that was put in place while the agency had

1 guardianship of Phoenix. Did you visit Phoenix while she
2 lived with --

3 A Yeah.

4 Q -- Ron and Kim at that point?

5 A Yes, um-hum.

6 Q What was your emotional state like at that point?

7 A It was -- well, I guess it was, I don't know. It
8 was difficult still, you know.

9 Q Did you have any, anybody work with you to
10 counsel you with respect to your grief after Echo died?

11 A No, because I didn't think I needed it yet. I
12 wasn't prepared for it.

13 Q Now Stan Williams met with you from time to time,
14 do you remember that?

15 A Yes.

16 Q Do you remember how often he met with you?

17 A I think it was like, at every visit he would just
18 come in and just do supervisor stuff and say hi and check
19 out how we're doing, you know, ask how things have been.

20 Q So when Phoenix was first apprehended and before
21 you even went to court, do you remember Mr. Williams
22 talking to you about maybe putting Phoenix back with you
23 and getting some support in the house? Do you remember
24 that plan?

25 A I think I remember him saying it.

1 Q The file notes that he took record that you
2 thought you weren't ready yet to have Phoenix back. Do you
3 remember that?

4 A Yes, because I was, I guess, emotionally
5 compromised from still the death of Echo, so.

6 Q Okay. While Phoenix was living with Ron and Kim
7 during this temporary order that was in place, did you have
8 any kind of programming or counseling?

9 A Well, I couldn't find any so, you know --

10 Q You couldn't find any?

11 A Yes, yes, not proper ones that I think were for
12 me.

13 Q Did the agency help you find any?

14 A No. I got a letter in the mail just telling me
15 to -- like that victim thing you get in the mail or
16 whatever. That was it.

17 Q Do you remember talking with Stan Williams about
18 whether you were ready to have Phoenix back with you by the
19 end of the temporary order?

20 A Yes.

21 Q Did you say you were ready to have her back?

22 A Yes.

23 Q So why were you ready at that point?

24 A Well, 'cause I had time to go over my, I guess
25 problems and I guess I kind of worked out what I wanted to

1 do.

2 Q And so once that temporary order was finished,
3 that was October of 2003, you remember Phoenix coming back
4 to your house to live with you?

5 A Yes.

6 Q Do you remember Kim bringing her back to you?

7 A Kim, I think she brought her back, yes.

8 Q And then how much time did Phoenix spend with you
9 once the temporary order was finished?

10 A It was just -- I don't know. I guess it must
11 have been three or four days.

12 Q And then where she go?

13 A Back to Kim's or Sheila's, you know, 'cause
14 Sheila missed her too, you know, 'cause it was her niece
15 and her cousins missed her and, you know, she would just,
16 she would go and visit family.

17 Q So Phoenix had cousins?

18 A Yes, of course.

19 Q She liked them?

20 A Yes.

21 Q When Phoenix was not with you how did you know
22 where she was?

23 A 'Cause I'd be the one to take her there and drop
24 her off, you know, like I said, or they would come and pick
25 her up.

1 Q Would you call when Phoenix, say, was staying
2 with Kim or with your sister, would you call them to see
3 how Phoenix was?

4 A No. I would go down there and see her myself.

5 Q Okay. So then we heard that, and when I say we,
6 I mean at this inquiry, we heard that CFS got a call in
7 January of 2004. The caller said that Geni had told
8 Samantha that you had left Phoenix alone in the apartment
9 and that Samantha had picked her up in November of 2003 and
10 taken her to her house on Furby. Do you remember that
11 happening?

12 A No. I would never leave her alone. She was
13 always with somebody.

14 Q Do you remember that Phoenix ended up with
15 Samantha --

16 A Yes.

17 Q -- around the end of 2003?

18 A I remember she came by and got her. I was at
19 home when she came and picked her up. I was the one who
20 gave her the clothes and all her stuff that she needed.

21 Q Was that when Samantha was living on Furby?

22 A I guess it was Furby.

23 Q And you were okay with that?

24 A Well, yes, of course, it was her mother, eh.

25 Q Then this caller said that at the beginning of

1 January of '04, some people came up and picked Phoenix up
2 from Samantha and took them into their care. Do you know
3 anything about, about what was happening at that point?

4 A Yeah, that was me.

5 Q That was you?

6 A Yes.

7 Q You remember going to Furby Street and --

8 A Yeah.

9 Q -- and picking her up? Okay.

10 A Because I got information from her friend that
11 she was doing all that stuff with Phoenix around, so I
12 tracked her down and collected her.

13 Q Do you remember was this before or after
14 Christmas of --

15 A I think it was after Christmas.

16 Q Okay. So at the beginning of 2004 then?

17 A Yes.

18 Q Okay.

19 A Because there was me and Kim and I think I had a
20 buddy with me that came and helped me. So we collected all
21 her stuff and then picked her up and, yeah, took her home.

22 Q And did you take Phoenix back to your house?

23 A We dropped off my stuff at home and then we went
24 back to Kim's.

25 Q To Kim's?

1 A Yes.

2 Q So then in January of 2004, Phoenix was staying
3 with Kim?

4 A Yes.

5 Q All the time or?

6 A Not all the time. Like I said, she would come
7 home and then she would go to my sister's and then come
8 home and then go to Kim's, you know, because everybody
9 wanted a piece of her, I guess.

10 Q So then we heard from a worker that once CFS got
11 this call in January of 2004, that a worker named
12 Lisa Mirochnick was her name then, came out to find you and
13 she actually made contact with you. She spoke with you on
14 the phone. She didn't say she met with you in person, she
15 said she spoke with you on the phone on February 5th, 2004.
16 Do you remember receiving a call from a worker?

17 A I don't recall.

18 Q Okay. So here's what she said the two of you
19 discussed. She said:

20

21 Finally on February 5, '04, Steve
22 phoned this worker.

23

24 I think she had been trading messages. Did you have a
25 phone at your house in February of '04?

1 A No.

2 Q So it wasn't that easy to make phone calls?

3 A No, it wasn't.

4 Q

5 I advised him that Phoenix is with
6 the Stephensons. From his
7 reaction this worker got the
8 impression he didn't know for sure
9 that she had been there since
10 January. He only said he heard
11 something about that and he heard
12 Samantha was out of town. When
13 asked he did not explain why
14 Samantha had Phoenix in the first
15 place when she was returned to his
16 care by CFS in October '03. In
17 answering this worker's questions
18 Steven was very vague. He stated
19 the reason Phoenix is not with him
20 is because he needs to find a
21 place to live. He's temporarily
22 staying with a friend and would
23 not provide information. He did
24 not explain why he lost his place
25 on Magnus when it was paid for by

1 EIA. The worker went on to
2 discuss the concerns about
3 Samantha drinking and that she is
4 not a suitable caregiver for
5 Phoenix. He agreed. He then
6 stated when he's drinking he gets
7 an appropriate babysitter. When I
8 asked him what his intentions were
9 regarding parenting Phoenix, he
10 stated she can stay with the
11 Stephensons. He would like to get
12 a place, a job and be more stable
13 prior to Phoenix returning to him.
14 I advised him of the seriousness
15 of the situation and that this
16 agency was considering
17 apprehending Phoenix if she
18 returned to him or Samantha. He
19 stated that he would agree to
20 Phoenix staying with the
21 Stephensons until he gets his life
22 together.

23

24 So do you remember that call? Does that --

25 A Yeah, I remember it.

1 Q -- sound about right?

2 A Yeah.

3 Q Okay.

4 THE CLERK: (Inaudible).

5 THE WITNESS: Pardon me? No, I'm fine.

6 MS. WALSH: You're okay?

7 THE WITNESS: Yes.

8 MS. WALSH: Good.

9

10 BY MS. WALSH:

11 Q So you told the worker that you agreed to have
12 Phoenix stay with Ron and Kim?

13 A Yes, that was a private arrangement that I had
14 made with them, so.

15 Q A private arrangement?

16 A Yeah, with Kim and Ron, so.

17 Q Did you understand that under this private
18 arrangement Samantha could still legally come and pick
19 Phoenix up and they couldn't stop her from doing that?

20 A Well, how can that be when her guardianship was
21 transferred under my file?

22 Q So that's what you thought was the case?

23 A Yeah.

24 THE COMMISSIONER: What was that answer, Steve?

25 THE WITNESS: Well, how she was allowed to pick

1 her up but how was that possible if she was under my
2 guardianship.

3 THE COMMISSIONER: You're asking how was that
4 possible.

5 THE WITNESS: Yes.

6 THE COMMISSIONER: Yes.

7 THE WITNESS: Like if she could pick her up.

8 THE COMMISSIONER: Yeah, I hear you.

9

10 BY MS. WALSH:

11 Q So when, when you agreed to this private
12 arrangement with Phoenix staying with Ron and Kim, you
13 thought that you had the legal guardianship and Samantha
14 did not?

15 A Yes.

16 Q So you thought that Samantha would not be able to
17 pick Phoenix up from Ron and Kim?

18 A At least not without my knowing.

19 Q Was that something that you discussed with the
20 worker?

21 A I don't recall.

22 Q Why did you think that you had guardianship?

23 A Well because she was always coming back home to
24 me. She never ever did go to her, right?

25 Q Did the worker tell you that in fact that wasn't

1 the case and that Samantha could legally pick Phoenix up
2 from Ron and Kim?

3 A No.

4 Q If you had known that would that have caused you
5 concern?

6 A Oh yeah.

7 Q We expect to hear evidence that Samantha did go
8 to the Stephensons' home and pick Phoenix up sometime in
9 April of 2004. Are you aware of that?

10 A I got a call, yes, from, I believe it was Ron
11 that called me to say that she wanted to go take her for
12 the afternoon, like an hour or two.

13 Q Do you remember what you said?

14 A Yeah, I said okay, fine. It's okay if she brings
15 her back, that's fine.

16 THE COMMISSIONER: Had she already gone from the
17 house when you got that call or --

18 THE WITNESS: No, she was still there.

19 THE COMMISSIONER: Yes.

20

21 BY MS. WALSH:

22 Q And in fact Samantha never brought Phoenix back?

23 A No.

24 Q How did you find that out?

25 A Well, I waited a couple of days and I waited that

1 first day, so, okay, she's with her mom, she must be fine,
2 you know, she'll be all right because it's her mother. And
3 later another day still nothing and a couple of days later
4 we made a couple of calls, so.

5 Q So did, did Ron Stephenson tell you that Samantha
6 had not brought, not returned Phoenix?

7 A Yeah, I actually, I went down there to go see if
8 she came back and stuff.

9 Q Okay. So then you said you waited a couple of
10 days?

11 A Yeah.

12 Q And then you said you made some calls. Who made
13 calls?

14 A I was at Kim's house so she helped me make those
15 calls.

16 Q Did she have a phone or a --

17 A Yes.

18 Q Did she have a cell phone, do you remember, or a
19 landline?

20 A Both house and cell.

21 Q And so Kim made the calls?

22 A She helped me make the calls.

23 Q Okay. Who did you call?

24 A CFS right away.

25 Q Do you remember who you spoke to?

1 A Some intake worker.

2 Q Do you remember what they told you?

3 A Just that I guess, I can't remember, you know, a
4 conversation that far back.

5 Q Yeah. Do you remember telling them why you were
6 calling?

7 A Yes, because I was worried about her. I hadn't
8 heard from her for a few days and that was, that was
9 Phoenix's legal home, so.

10 Q Did, did anybody from the agency come to see you?

11 A Shoot, you know, I can't remember but I'm
12 thinking that somebody did come by, I just can't remember.

13 Q Did you call Samantha?

14 A Did I call her? I can't remember.

15 Q Did anyone from the agency bring Phoenix back to
16 Ron and Kim?

17 A Can't remember.

18 Q Did you ever see Phoenix after she was picked up
19 by Samantha?

20 A No, I didn't see her since that day, no.

21 Q So that was, that was in April of 2004?

22 A So that would have been when she was living on
23 McGee then?

24 Q Samantha was?

25 A Yes. I'm asking you.

1 Q Oh, I'm not sure about that.

2 A Okay.

3 Q But after Samantha picked Phoenix up in April of
4 2004, you didn't have any more contact with Phoenix?

5 A No.

6 Q Or with Samantha?

7 A No.

8 Q Now why was that?

9 A Like I said earlier, she was with her mother, you
10 know. Her mother should know better than to, you know, not
11 hurt her.

12 Q Where were you living in sort of the summer of
13 2004 on?

14 A I was still living on Magnus and then I moved
15 out, so.

16 Q And in December of '04 and the spring of '05,
17 where were you living?

18 A I was, in '05 I was still in the city. I was
19 living in the north end.

20 Q At some point did, did you move to the reserve?

21 A Yes.

22 Q Which reserve?

23 A Sandy Lake.

24 Q Was that with a new friend, a girlfriend?

25 A Yes.

1 Q Do you remember when, when that -- well first of
2 all where is Sandy Lake?

3 A Ontario.

4 Q Do you remember when you were living there?

5 A That would have been -- nine months, in between
6 -- well towards the end of '05.

7 Q So you said you didn't see Phoenix again in '04.

8 A Yes.

9 Q But did you try to speak to any of Samantha's
10 family to ask about how Phoenix was?

11 A No, because I didn't know where any of them were.

12 Q Do you know if any of your family members were in
13 touch with Samantha?

14 A Yes, apparently my sister Geni was talking to
15 Samantha still via hotmail or whatever.

16 Q Did, did she get any reports from Samantha about
17 how Phoenix was?

18 A Yeah, she said that she was okay and she was
19 fine.

20 Q Geni told you that Samantha told her that?

21 A Yes, yes. Because I would call her like every
22 few days and check in.

23 Q You would call Geni?

24 A Yes.

25 Q And check in with Geni?

1 A Check in with Geni and see how, she would see how
2 I'm doing or see how they're doing. Family thing.

3 Q Did you know in 2004, once, once Samantha picked
4 Phoenix up, did you know that Samantha had a new partner in
5 her home?

6 A No, but it didn't, didn't bother me.

7 Q And when Samantha and her partner moved to Fisher
8 River, did you know that?

9 A No.

10 Q Do you remember when you first found out that
11 Phoenix was missing?

12 A When the cops told me, came to my door.

13 Q That was in March of '06?

14 A '06, yes.

15 Q What did you do after you found out she was
16 missing?

17 A I went looking for her.

18 Q Do you remember where you went to find her?

19 A A couple of schools and in central.

20 Q Why did you go to some schools?

21 A Because I heard that she was at those schools, so
22 first thing to do is to go there and work my way up.

23 Q And you say central, that's the area of the city
24 that, that you thought she was living in with --

25 A Yes. That's, yeah, that's the area I heard she

1 was in, so.

2 Q Do you remember talking to the principal at
3 Wellington School?

4 A Yes.

5 Q And did they have any information for you?

6 A They just said they haven't seen her and they
7 couldn't divulge anything else, so.

8 Q Steve, I want to know how you want us to remember
9 Phoenix and I know that at the criminal trial in 2008 you
10 had Kim read out a victim impact statement --

11 A Yes.

12 Q -- that you wrote. And I thought that I would
13 read out a portion of that now, if that's okay.

14 A If you think it's applicable.

15 Q It's okay?

16 A If you want, yeah.

17 Q Yeah. So I'm just going to the, the very last
18 page of this statement.

19

20 I raised her for three years with
21 the help of my friend and my
22 family and in those three years
23 Phoenix was taught how to treat
24 people, Phoenix was taught how to
25 treat people so that people would

1 treat her with respect. She
2 learned how to walk, she learned
3 how to use the washroom. She had
4 her own room with her own bedroom
5 suite. She had a cat, toys,
6 pretty things and most important
7 she never knew what pain was. She
8 knew when it was time to go to bed
9 and she was never locked up.

10 She loved to play guitar,
11 read, draw, and watch movies,
12 among other things and knowing the
13 complete opposite was done to her
14 bothers the hell out of me. I
15 loved her so much and she knew
16 that.

17 One thing I know, there is
18 nothing I can do to bring my
19 daughter back.

20

21 And you say you want the record to show that she was loved
22 by you, that you always wanted Phoenix and she was never a
23 burden of any kind to you.

24 A Yeah.

25 Q Is there anything else you wanted to say?

1 A Not right now.

2 Q I thank you very much for answering my questions.

3 A For sure.

4 Q And again, I'm very sorry for your loss.

5 A Thank you.

6 THE COMMISSIONER: Steve, we're going to take a
7 15 minute break --

8 THE WITNESS: Yeah, I think I need one.

9 THE COMMISSIONER: You're ready for it, I'm sure.

10 THE WITNESS: Yeah.

11 THE COMMISSIONER: And some of the lawyers may
12 then have some questions they want to ask you.

13 THE WITNESS: For sure, for sure.

14 THE COMMISSIONER: Thank you so much.

15 THE WITNESS: Yeah.

16 THE COMMISSIONER: All right, we'll rise for 15
17 minutes.

18

19 (BRIEF RECESS)

20

21 THE COMMISSIONER: Mr. McKinnon?

22 MR. MCKINNON: Yes. Ms. Walsh, did you have
23 another question you wanted to ask first?

24 MS. WALSH: No, my questions are finished.

25 MR. MCKINNON: Okay.

1 THE COMMISSIONER: Thank you.

2 MR. MCKINNON: Thank you, Mr. Commissioner.

3

4 CROSS-EXAMINATION BY MR. MCKINNON:

5 Q Mr. Sinclair, my name is Gord McKinnon. I'm a
6 lawyer for Winnipeg CFS. I've just got a few questions for
7 you today. I know this is difficult for you and I'll try
8 and be as careful as I can and as thoughtful as I can in
9 the way I put these questions to you.

10 Now we've heard a lot about you, Mr. Sinclair, in
11 these proceedings. We've heard you described as articulate
12 and I think we've all seen that this morning, and
13 thoughtful and I think we saw that this morning. We've
14 heard you described as caring and we've heard you described
15 as a person with lots of potential and that would be I
16 think a generalized summary of the kinds of things that
17 were recorded about you on the protection files that we've
18 seen and on Phoenix's file that we've seen in these
19 proceedings. And I'm asking you a real easy question here
20 but do you think those are fair descriptions of your
21 personality?

22 A Sure, yes.

23 Q There's one little detail I wanted just to
24 confirm with you and that's in terms of this brief period
25 of time that you were a resident in Ontario. Now my

1 understanding from reading the documents is that was from
2 December of 2004 to the summer of 2005. Now do you have
3 any way of recalling that now or would it be of assistance
4 if I showed you some of the documents that might help
5 refresh your memory?

6 A Well, my recollection is that, yeah, it was
7 before 2006.

8 Q Okay.

9 A Because I was only out there nine months.

10 Q You were out there nine months, okay.

11 A Yeah.

12 Q So and you weren't residing there at any other
13 times?

14 A No.

15 Q And you weren't residing there before September,
16 or say December 2004 or the fall of 2004, you were not
17 residing in Ontario?

18 A No.

19 Q So for all the rest of the time we're concerned
20 with here today, which is from 2000 till this tragic death
21 was discovered in 2006, all the rest of the time you were
22 residing somewhere in Winnipeg?

23 A Yes.

24 Q You were asked about the family support worker, a
25 woman who we heard from in these proceedings. Her name was

1 Marie Belanger. And you were also asked about your family
2 services worker, a woman by the name of Kerri-Lynn Greeley.
3 And I can tell you I always have trouble with those titles
4 because they sound very similar, a family service worker
5 and a family support worker and sometimes it's hard to
6 remember which, which one does which. Do you have that
7 problem too, Mr. Sinclair?

8 A Well, it doesn't really faze me. They should be
9 trained in what they know, so.

10 Q Right. But a family support worker --

11 A Is someone who comes in and helps with the
12 family.

13 Q Right in the house, yeah.

14 A And someone, a service worker, someone who
15 provides services, yes.

16 Q They're like a helper in the house.

17 A Yes.

18 Q Right. And that's Marie Belanger, she was, she
19 was the one that would have come into your home whether it
20 was in the -- and my understanding is it started in the
21 apartment when you were just having visitation with Phoenix
22 when she was a newborn.

23 A Yes, 864 Magnus.

24 Q Sorry?

25 A Yes, 864 Magnus.

1 Q Right. And so you would have visits in the
2 home --

3 A Yes.

4 Q -- with Phoenix and Marie Belanger would be there
5 with you?

6 A The driver, yes, she would.

7 Q Was she the driver too?

8 A I believe so, yes.

9 Q Okay. And then later when Phoenix was reunited
10 with you and Samantha, she continued to work in your home,
11 we've heard evidence until December, mid December of 2000
12 and that she was there approximately, well I shouldn't even
13 say that, about 40 times, maybe a little bit more. She was
14 in your home either on the supervised visits or to help you
15 when you were first setting up your household.

16 A Forty times?

17 Q Does that sound right to you?

18 A No.

19 Q Okay. But certainly there was someone there
20 giving you instructions on basic things like child care
21 and --

22 A Well, she -- well I guess she came in and just
23 did that a few times, yes.

24 Q That's all you recall is a few times?

25 A Just, yeah, just a few times.

1 Q Okay.

2 A Because 40 times, you know, you figure somebody
3 would remember some, on that amount of visits, you know.

4 Q You mentioned that you recalled the visit with
5 Dr. Altman when Samantha was being assessed for --

6 A Yes.

7 Q -- depression. At that meeting did you tell
8 Dr. Altman that you had any concerns at all about
9 Samantha's ability to parent?

10 A No, I didn't think that there was, I didn't think
11 that there was anything wrong with her.

12 Q Okay. Now we've heard about the tragedy
13 involving your second child.

14 A Yes.

15 Q And my understanding is that your social worker
16 at that time was Delores Chief-Abigosis.

17 A I guess.

18 Q And you're shrugging, you sort of remember her
19 but not really, is that what you're saying to me?

20 A Well, she might have been, she might not have
21 been. There were different workers that ...

22 Q Right.

23 A So can't keep track of all of them. They just
24 keep --

25 Q She --

1 A They kept bouncing workers around, so it was kind
2 of hard to figure out who our worker really was.

3 Q Right.

4 A Somebody pops in, just, can't consider that a
5 worker, you know. Somebody, a worker is someone who
6 actually helps.

7 Q So you didn't find her to be much help?

8 A Well, she just told me what to do. She told me
9 what I already knew, so.

10 Q Okay. In terms of the evidence we heard from
11 her, we heard, for example, that she became quite involved
12 around the time of the funeral and there was some, I don't
13 want to overstate it, but there was some discord between
14 your family and the Kematch family around the time of that
15 funeral in 2001.

16 A It wasn't, it wasn't the whole Kematch family, it
17 was just Samantha.

18 Q Just Samantha?

19 A Yes.

20 Q But there was some discord and we heard that she
21 was quite involved around that time. Do you recall --

22 A Trying to be, she was trying to be.

23 Q Was trying to be? Did you know that she was at
24 the funeral?

25 A Yes.

1 Q Yeah, okay.

2 A She was there because I let her be there.

3 Q And you, you reached out to Kathy Epps --

4 A Yes.

5 Q -- at one point. And, and I remember your
6 evidence this morning was that you said Kathy Epps was okay
7 at times.

8 A Yes.

9 Q And, and when she took you away you didn't like
10 that obviously.

11 A Of course not.

12 Q So it was difficult but eventually --

13 A Let me take you away from your family.

14 Q Sorry?

15 A Let me take you away from your family see how you
16 like it.

17 Q No, no, I'm not suggesting that for a minute.

18 A Well, there you go.

19 Q It's a difficult thing for you and it's a
20 difficult thing for the worker.

21 A For everybody.

22 Q Yeah. But notwithstanding that she had been that
23 worker, you developed somewhat of a bond with her --

24 A Yes. Well it was 'cause I knew her growing up.

25 Q You knew her growing up.

1 A Yes.

2 Q You trusted her and when you had some trouble in
3 your life you contacted her?

4 A Yes, because I figured she had more experience.
5 She knew who I was.

6 Q And you met with her and I believe your sister
7 was there as well.

8 A Geni, yes.

9 Q And what did you tell her when you met with her?

10 A I told her that I was worried about, about Echo
11 being with her mother 'cause I didn't think she was stable.

12 Q Okay. And can you be more specific?

13 A Like what do you mean more specific?

14 Q Did you -- were those your, the extent of what
15 you told her?

16 A Well, I'm pretty sure that everything that you
17 just heard in that other paper was, was it there, so.

18 Q Well, again, I'm, I'm more interested in what you
19 recall than what, what Kathy Epps recalled.

20 A Yes, well, you know, I remember calling her. I
21 was sitting there with my sister Gen. We were having
22 coffee in our living room and then we were talking and she
23 asked me why I wanted to, like why I got, why I called her.
24 I told her, I was like well I trusted you, you know, I
25 trust you because --

1 Q Right.

2 A -- growing up, you know, she was part of my
3 family, I guess, say part of my family. But, you know, she
4 was someone I could -- she always even told me like, if you
5 need anything give me a call, don't be shy to call me.

6 Q Would it be fair for me to characterize your
7 concern at that time as wanting to ensure that you
8 maintained custody of Phoenix and Echo?

9 A Yes.

10 Q That was, that was your concern?

11 A That was my -- yes.

12 Q And that's what you were seeking her advice on?

13 A Um-hum.

14 Q And we, we see from notes made later that she
15 referred this matter to Delores Chief-Abigosis and Delores
16 gave you some advice that Winnipeg CFS can't really get
17 involved in a custody dispute between a mom and a dad over
18 a child. Do you recall Delores Chief-Abigosis giving you
19 that kind of evidence or that kind of advice?

20 A I think so.

21 Q You think so?

22 A Yes. I really can't say because it was a long --

23 Q Can't recall?

24 A -- a long time ago.

25 Q Okay. And if we move ahead till 2003, that's

1 when your social worker was Stan Williams. And you have a
2 good recollection of Mr. Williams?

3 A Oh, it's not a good recollection but I remember
4 him.

5 Q Okay. And you felt he talked to you civilly,
6 like an equal?

7 A Yes, he respected me.

8 Q And there was a mutual -- is it fair for me to
9 say there was mutual respect?

10 A Yes, he respected me and I in turn did the same
11 to him.

12 Q And we've heard some evidence, and unfortunately,
13 you know, Mr. Williams has passed away.

14 A Yes, yeah.

15 Q So he hasn't given any testimony here so we might
16 ask you if you can help us a little bit what you recall of
17 the work that you did or the help that you received from
18 Mr. Williams. Would you agree that Mr. Williams provided
19 you with support?

20 A Well, he talked to me and just led me on my path
21 of how I was going to interact and be a part of her life,
22 their lives.

23 Q And, and was he helping you sort of find that
24 path?

25 A Yes. Like I said, he was a good man so he was

1 trying to see what was best for me and the children, so.

2 Q Okay. That's helpful. And one of the problems
3 that was identified at that time in your life was drinking?

4 A Yes.

5 Q And we've heard some evidence that Stan had some,
6 perhaps some special expertise in, in alcoholism or
7 substance abuse. Did you have any of those kinds of
8 discussions with Mr. Williams about handling your problem?

9 A Well, just, you know, like going to AA and things
10 like that.

11 Q Talked about those things?

12 A Yes.

13 Q And did he talk to you about ways of planning
14 your life so that if Phoenix was in your care you made sure
15 that she had a safe caregiver when you were drinking?

16 A Yes.

17 Q That he talked to you about?

18 A Um-hum.

19 Q And you agreed with Stan that in the future if
20 you would be drinking you would make sure Phoenix was safe
21 with another caregiver?

22 A Yes.

23 Q Okay. And you weren't drinking every day?

24 A No, of course not.

25 Q If, if I can describe your alcohol problem as

1 this, is that when you drank you drank a little bit too
2 much, is that a fair description of your problem?

3 A Yes.

4 Q And so the key for you to managing your problem
5 was making sure that when you drank Phoenix was with
6 someone who could be trusted, whether it was your sister or
7 Kim Edwards, that was the key?

8 A Yeah. Am I going to keep answering the same
9 question?

10 Q Well your lawyer will object if he thinks I'm
11 asking an inappropriate question.

12 A Well you're asking me but you're changing it up.
13 Yes, she was always, always taken care of, that's fair, if
14 that's where you're going, yes.

15 Q And we've heard evidence in this inquiry that
16 Stan Williams advocated on your behalf with the social
17 worker that you were safe to parent Phoenix. Does that
18 surprise you that Stan was advocating on, on your behalf to
19 parent?

20 A No.

21 Q No?

22 A No.

23 Q You, you agree with that, don't you?

24 A Yes.

25 Q Yeah.

1 A Because he was looking out for my, like he was
2 just looking out for me and trying to make sure that I was
3 doing the proper things.

4 Q And as I understood your evidence this morning,
5 there were two times after the death of your second
6 daughter, after the death of Echo, there were two times
7 that it appears Phoenix came to be in the care of Samantha
8 and the first time I think what you did is you told us that
9 you just went over and picked her up, right?

10 A No, the first time was she came over and got her
11 stuff --

12 Q Sorry --

13 A -- and picked her up.

14 Q Let's back up. Samantha came to your home --

15 A Yes.

16 Q -- and asked to have her and you gave Phoenix to
17 Samantha --

18 A Yes, I said okay.

19 Q -- with some, with some clothing and things like
20 that?

21 A Yeah, what she needed.

22 Q And it was your expectation that she was going to
23 parent --

24 A She was going to be good, yes.

25 Q -- for some period of time?

1 A Yes.

2 Q Okay. And you were good with that?

3 A Of course.

4 Q Yeah. And you felt, from everything you knew,
5 Phoenix would be safe with Samantha at that time?

6 A Yes.

7 Q And then you heard, and I'm not sure I know how
8 you heard it, but you heard that perhaps Samantha had
9 returned to heavy drinking or partying and you felt Phoenix
10 was unsafe and you then retrieved Phoenix from Samantha?

11 A Yes.

12 Q Okay. So that's the, that was the first time
13 that Phoenix came to be in the care of her mother for a
14 period of time --

15 A Yes.

16 Q -- in around late 2003, early 2004, correct?

17 A Yes.

18 Q And then the next time that Samantha came to have
19 custody of Phoenix was when she came over to the Stephenson
20 residence and retrieved him from --

21 A Her.

22 Q -- retrieved her from your friend Ron?

23 A Yes.

24 Q And before Ron gave Phoenix to Samantha, he
25 phoned you?

1 A Yes.

2 Q And you gave your consent?

3 A Yeah.

4 Q You thought Samantha was --

5 A Yes.

6 Q -- at that point taking her for a shorter period
7 of time.

8 A A couple of hours, you know, just a visit.

9 Q Yeah. But you were good with -- you had been
10 good with Samantha parenting earlier in the year, this time
11 you were good with her parenting at least for a short
12 period of time?

13 A Yes.

14 Q And you consented to Phoenix going to Samantha's?

15 A Yes.

16 Q And as I understood your evidence this morning,
17 after a couple of days you followed up and you found out
18 that Samantha had not returned Phoenix?

19 A Yes.

20 Q And then after a couple of more days you became
21 concerned?

22 A Yes.

23 Q And your concern was that she hadn't returned her
24 and you made some phone calls and you were in Kim Edwards'
25 house?

1 A Yes.

2 Q And you called Winnipeg CFS, correct?

3 A Yes.

4 Q And you -- is it fair to say you don't recall who
5 you spoke with?

6 A No.

7 Q That's fair?

8 A Yes.

9 Q And it's fair to say you don't recall what you
10 said?

11 A Well, I was just -- I just asked, inquired about
12 her and if they knew where to find Samantha.

13 Q You didn't suggest to Winnipeg CFS that you felt
14 Phoenix was in danger or should be apprehended?

15 A Well, no, I didn't think that.

16 Q No, you didn't think that, okay.

17 A I was just worried about her. I just wanted to
18 know where she was.

19 Q And you knew where she was in the sense that you
20 knew she was with Samantha.

21 A I knew where -- I knew that she was with her mom
22 but I just didn't know where the location was.

23 Q You didn't know where Samantha was living?

24 A Yes.

25 Q Okay. So you were really looking for an address?

1 A Yes.

2 Q Okay. Did you have the view that perhaps
3 Samantha was changing and you were ...

4 A Yes, I had the assumption that she, yeah, had
5 turned her life around.

6 Q Okay.

7 A If not totally just maybe a part of it.

8 THE COMMISSIONER: For the, for the good?

9 THE WITNESS: Yes.

10

11 BY MR. MCKINNON:

12 Q And this would have been tragically the last time
13 you saw Phoenix --

14 A Yes.

15 Q -- would have been just before she was given by
16 Rohan Stephenson or Ron Stephenson to Samantha?

17 A Yes.

18 Q And after a couple of phone calls to CFS asking
19 for Samantha's address, did you do anything else to find --

20 A I went, I went around looking at schools, to the
21 schools in --

22 Q I'm not talking about 2006 when the police were
23 involved.

24 A Okay, so after that --

25 Q But in 2004 --

1 A No, I, I just ran it over in my mind and said,
2 okay, she's with her mom, you know, her mother should, you
3 know, why not have her mother parent her, you know? Isn't
4 that what mothers do, supposed to do, right?

5 Q And I anticipate we're going to hear some
6 evidence from Ron Stephenson that later in 2004, in the
7 fall when he was in the hospital, that there was a sighting
8 of Samantha --

9 A Yes.

10 Q -- in an apartment block near the Health Sciences
11 Centre. You knew about that?

12 A Yes.

13 Q So at that point by September of '04, you knew
14 she was with her mother and you knew where her mother was
15 living, at least in which block?

16 A Yes.

17 Q And you didn't --

18 A Well, I figured --

19 Q -- follow up to --

20 A Well, I walked by there a few times but I didn't,
21 like, go into the building 'cause I didn't just want to
22 show up, you know. But I figured, okay, I know where she
23 is, she should be fine.

24 Q Okay. I think those are my questions,
25 Mr. Sinclair. Thank you very much.

1 A Yeah.

2 THE COMMISSIONER: Thank you, Mr. McKinnon.

3 MR. MCKINNON: That's it. Thank you.

4 THE COMMISSIONER: Mr. Khan?

5

6 CROSS-EXAMINATION BY MR. KHAN:

7 Q Good morning, Mr. Sinclair.

8 A Just call me Steve, please.

9 Q Thanks. Good morning, Steve. My name is Hafeez
10 Khan. I'm counsel for Intertribal Child and Family
11 Services. I just have a few questions for you.

12 A All right.

13 Q Now you had mentioned earlier, you had mentioned
14 earlier when Ms. Walsh was asking you some questions that
15 when Laura Forrest came to your home you didn't want to
16 tell Laura where Phoenix was residing, you didn't want to
17 give too much information.

18 A No.

19 Q You didn't trust Laura in general?

20 A Well, CFS in general.

21 Q You felt that she might apprehend Phoenix?

22 A Yes.

23 Q And you felt, correct me if I'm wrong, but you
24 said that what you thought was good for Phoenix might not
25 be what Laura or CFS thought was good for Phoenix?

1 A Yes.

2 Q Is that correct?

3 A Yes.

4 Q Did you feel the same way with Stan?

5 A No. Stan, like I said, Stan treated me with
6 respect and he helped me. He didn't, he didn't interfere
7 in any way.

8 Q Did you, did you -- were you worried that Stan
9 would not understand your view?

10 A No, I'm pretty sure he understood.

11 Q You felt, did you feel you could speak with him?

12 A Yes.

13 Q Did you feel you could trust him?

14 A To a point.

15 Q To a point. Did you feel differently with Mr.
16 Williams than you did with the other workers?

17 A Yes. Well, it's because most of the workers were
18 female and ...

19 Q Was any --

20 A Just I find that I get along better with guys
21 than I do with girls, so.

22 Q Did it have to do with, did it have to do with
23 the way he related to you?

24 A Yes.

25 Q Did you feel he understood you better?

1 A Yes, he did.

2 Q Thank you, those are my questions.

3 A Thank you. All right.

4 THE COMMISSIONER: Thank you, Mr. Khan. Anybody
5 else?

6 I guess not. Mr. Gindin, do you have any
7 questions?

8 MR. GINDIN: I have nothing to add,
9 Mr. Commissioner. Thank you.

10 THE COMMISSIONER: Thanks, Mr. Gindin.
11 Ms. Walsh?

12 MS. WALSH: I have nothing further,
13 Mr. Commissioner.

14 THE COMMISSIONER: All right, Steve. Thank you
15 very much for coming here today. It was not an easy
16 assignment for you, I know.

17 THE WITNESS: Yes.

18 THE COMMISSIONER: But we appreciate your
19 attendance and the manner in which you gave your evidence
20 to everybody.

21 THE WITNESS: Thank you. I appreciate the chance
22 to speak.

23 THE COMMISSIONER: We're glad you came.

24 THE WITNESS: All right, thank you.

25 THE COMMISSIONER: You can leave the chair.

1 THE WITNESS: All right.

2 THE COMMISSIONER: Thank you.

3 THE WITNESS: Thanks.

4 THE COMMISSIONER: Thanks very much.

5

6 (WITNESS EXCUSED)

7

8 THE COMMISSIONER: Now where are we?

9 MS. WALSH: We have no other witnesses for today,
10 Mr. Commissioner.

11 THE COMMISSIONER: I understand. You have a
12 witness for tomorrow morning?

13 MS. WALSH: We do.

14 THE COMMISSIONER: Well, it has been a difficult
15 and emotional morning I think for everybody and I think
16 we'll adjourn for the day and reflect on what we've heard
17 this morning and think of the life of Phoenix for the rest
18 of the day.

19 MS. WALSH: Thank you.

20 THE COMMISSIONER: We stand adjourned till
21 tomorrow morning.

22

23 (PROCEEDINGS ADJOURNED TO DECEMBER 6, 2012)