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

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

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

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THURSDAY, DECEMBER 6, 2012

**APPEARANCES:**

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

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

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1 DECEMBER 6, 2012

2 PROCEEDINGS CONTINUED FROM DECEMBER 5, 2012

3

4 THE CLERK: If you could just stand for a moment.

5 THE WITNESS: Sure.

6 THE CLERK: Is it your choice to swear on the  
7 Bible or affirm without the Bible?

8 THE WITNESS: Without the Bible.

9 THE CLERK: Okay. Please state your full name  
10 for the court then.

11 THE WITNESS: Rohan Stephenson.

12 THE CLERK: And spell me your first name.

13 THE WITNESS: R-O-H-A-N.

14 THE CLERK: And your last name, please.

15 THE WITNESS: S-T-E-P-H-E-N-S-O-N.

16 THE CLERK: Thank you.

17

18 **ROHAN STEPHENSON,** affirmed,

19 testified as follows:

20

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

22 MR. OLSON: Good morning, Mr. Stephenson.

23 THE WITNESS: Good morning.

24

25

1 DIRECT EXAMINATION BY MR. OLSON:

2 Q I understand at some point you were married to  
3 Kim Edwards?

4 A Yes.

5 Q And you were legally married?

6 A Yes.

7 Q And you're now divorced?

8 A Yes.

9 Q I just wanted to clear something up. We've seen  
10 a number of documents and at times Kim Edwards is described  
11 as Kim Stephenson, other times as Kim Edwards; are you  
12 aware as to whether or not she took your last name at any  
13 point?

14 A To my knowledge, no.

15 Q No. Okay. And how long were you in a  
16 relationship with Ms. Edwards?

17 A On and off for 11 years or so, I guess.

18 Q Eleven years.

19 A Ten, 11 years.

20 Q Do you remember when you first started living  
21 together?

22 A Geez -- yeah, '89 I guess.

23 Q Nineteen eighty-nine?

24 A Something like that, '90 maybe.

25 Q And then at what point did you actually separate?

1 A Permanently or ...

2 Q When did you stop living together is maybe a  
3 better way to put it?

4 THE COMMISSIONER: When were they married? Let's  
5 find that out.

6

7 BY MR. OLSON:

8 Q Do you know when you were married?

9 A I know how bad this sounds. Not exactly, no.  
10 No.

11 Q Best recollection.

12 A It might have been '94 or '95.

13 Q So somewhere in the mid-90s?

14 A Right.

15 Q And we won't hold you to it. Your -- and, sorry,  
16 I was going to ask you; when, when did you stop living  
17 together?

18 A Permanently or the first time, or I'm not sure of  
19 the specific question.

20 Q Let's go with permanently for now?

21 A That would have been the early part of 2003.

22 Q So early 2003.

23 A Like January/February.

24 Q Okay. So early --

25 A Like permanently.

1 Q Okay. So permanently separated?

2 A Yeah.

3 Q And when were you formally divorced?

4 A Another great question that I can't answer.

5 Q Okay. Obviously some time after you, you stopped  
6 living together --

7 A Yeah.

8 Q -- for a length of time?

9 A Several years later.

10 Q Okay. I understand that you lived at 1331  
11 Selkirk Avenue?

12 A Correct.

13 Q And for what period of time did you live there?

14 A Well, on and off up to now 20 years.

15 Q Twenty years. And who owned the house at that,  
16 at that address?

17 A Well prior to myself my father did.

18 Q Okay. And you own it now?

19 A Yes.

20 Q In the period of time between 2000 and 2004 did  
21 -- was there any time that you didn't live at 1331 Selkirk?

22 A No, I don't believe there was.

23 Q And when I say "live at 1331 Selkirk" I mean  
24 reside there on a full-time basis.

25 A No, I don't believe there was any time that I

1 didn't reside there on a full-time basis.

2 Q Okay. And that's from 2000 to 2004?

3 A From 2000 to 2004.

4 Q Was there any period of time between 2000 and  
5 2004 that Ms. Edwards did not live at 1331 Selkirk?

6 A Yes.

7 Q And can you tell me when those times were, just  
8 approximately?

9 A Yeah, from -- like I said the beginning of 2003  
10 and on.

11 Q So the beginning of 2003 she stopped living at  
12 1331 Selkirk?

13 A That's right.

14 Q Okay. Do you have any children?

15 A Yes, I do.

16 Q And what, what are their ages?

17 A Two months, six years, eight years, 21 years, 23  
18 and 26.

19 Q Twenty-six?

20 A Maybe.

21 Q Okay.

22 A Yeah, so that's a lot of years to keep track of  
23 them all.

24 Q When you were living with Kim Edwards at 1331  
25 Sinclair in the year --



1 A Selkirk.

2 Q Sorry Selkirk, between the years 2000 and 2004  
3 did you have some -- were your children living with you at  
4 that time?

5 A Yes.

6 Q Okay. And those would have been the older  
7 children?

8 A That's right.

9 Q Can you tell the Commissioner how it is you came  
10 to meet Steve Sinclair?

11 A I met Steve through Kim.

12 Q Through Kim. And do you, do you recall when that  
13 was, was it prior to 2000?

14 A Yes, it would have been in 1999. I'm not sure  
15 exactly when, some time in there.

16 Q So just before 2000 some time?

17 A Yeah.

18 Q The circumstances in which you met Mr. Sinclair  
19 we've, we've heard that -- from Steve that he would go to  
20 1331 Selkirk and play music; was --

21 A That's correct.

22 Q -- is that accurate?

23 A Yeah, that's accurate.

24 Q Okay. And there were a group of people that  
25 would come over to your house and do that?

1           A       Yeah, there were a group of people who would come  
2 over to the house. Not everyone played music, but ...

3           Q       People would come over?

4           A       Yeah.

5           Q       What was the atmosphere of the house at the time?

6           A       Could you clarify by what you by "atmosphere"?  
7 Like it was friendly.

8           Q       Was it a, a party type atmosphere?

9           A       Yes, it was a party type atmosphere.

10          Q       So -- and when I say "a party" I mean there was  
11 drinking and that sort of thing going on?

12          A       Yeah, that's right.

13          Q       Okay. And was that a fairly regular occurrence  
14 in the house at the time?

15          A       Yes, it was.

16          Q       Did you know Samantha Kematch?

17          A       Yeah, I knew -- like I, I had met her, not  
18 intimately acquainted with her or anything, but I knew her,  
19 yeah.

20          Q       Would she sometimes come over with Steve?

21          A       Yeah.

22          Q       Okay. You mentioned that Ms. Edwards and you  
23 were together until 2003. After she moved out you  
24 continued to live at 1331 Selkirk?

25          A       Correct.

1 Q And that was with your children?

2 A Yeah, that's right. Well with the two youngest  
3 at the time.

4 Q Do you, do you recall how old the two youngest  
5 children were at the time, in 2003?

6 A Twelve and 14.

7 Q So they were still kids at the time?

8 A Yeah. Or 11 and 13, maybe, depending on what  
9 time of the year I suppose.

10 Q Okay. But around those ages?

11 A Yeah, that's right.

12 Q Okay. At this point I want to ask you about  
13 Phoenix Sinclair.

14 A Okay.

15 Q I understand that both you and Kim and your  
16 children were all very close to Phoenix?

17 A Yes.

18 Q And some of these questions might be difficult  
19 for you so I'm just going to take you slowly through them.  
20 Do you recall how old Phoenix was when you first met her?

21 A A few months.

22 Q A few months old?

23 A Yeah.

24 Q According to the CFS records we've seen Phoenix  
25 was apprehended at birth when she was in the hospital, that

1 would have been April 23, 2000, and she -- according to the  
2 records she was returned to Samantha and Steve in  
3 September, September 5, 2000, so in relation to that  
4 timeframe do you know when you would have first met her?

5 A Probably right away after she was returned so  
6 I'd, I'd say in September.

7 Q Shortly after she was returned --

8 A Yeah.

9 Q -- so shortly after September 5, 2000?

10 A Right.

11 Q Okay. And how, how is it you first came to meet  
12 her?

13 A I think actually Steve and Sam brought her over.

14 Q They brought her over for a visit?

15 A Yeah.

16 Q And they were together at that time, Steve and  
17 Sam --

18 A Yeah.

19 Q -- as a couple?

20 A Yeah.

21 Q Okay. At first did she spend much time at, at  
22 1331?

23 A Not a lot. I mean she -- I guess -- we watched  
24 her, you know, sometimes.

25 Q Sort of like babysat her from time to time?

1 A Yeah, yeah.

2 Q Would she spend the night there as a baby?

3 A I think she did, yeah.

4 Q Okay. Approximately, approximately on a weekly  
5 basis how often do you think she would have been over  
6 spending the night at that period of time?

7 A I don't know, I can't really answer that  
8 completely accurately. Not -- I don't think it was like  
9 every week at that period in time.

10 Q Okay.

11 A Maybe every other week or something, at night, or  
12 day and a night --

13 Q A night here and a night there.

14 A -- or something. Just here and there.

15 Q Okay. How did you feel about having a baby in  
16 the house at that time?

17 A I wasn't thrilled about it, to be honest.

18 Q I -- sorry, I missed that.

19 A I said to be honest I wasn't thrilled about it.

20 Q Right. And after awhile did, did your feelings  
21 change?

22 A Yes.

23 Q Did, did you at some point start having Phoenix  
24 on a more regular basis?

25 A Yeah, yeah.

1 Q We -- I'm just trying to understand how much time  
2 Phoenix was spending at your house between 2000 and 2004.  
3 We know that Steve and Samantha split up at some point in  
4 2001. Do you recall that? It would have been about the  
5 summer.

6 A I don't specifically recall their split.

7 Q Do you recall Samantha having a second child  
8 named Echo?

9 A Yes, I recall that.

10 Q Okay. Echo was born April 29, 2001. Did Echo  
11 spend any time at 1331 Selkirk?

12 A I don't think so.

13 Q Do you know if you -- do you recall if you ever  
14 met Echo?

15 A Yeah, I met Echo.

16 Q Around the time when Echo was born do you -- did  
17 you spend much time with Phoenix?

18 A Yeah, I think she might have been there a little  
19 more frequently then, right, because they just had a new  
20 baby and stuff so.

21 Q More frequently around the birth of Echo?

22 A Yeah.

23 Q At that time --

24 A I think so.

25 Q -- who, who at your house was providing care for

1 her, for Phoenix?

2 A Myself and Kim.

3 Q Both of you were?

4 A Yeah.

5 Q Was there any sort of formal arrangement between  
6 you, Kim and Steve and Samantha?

7 A No.

8 Q No. Okay.

9 A No.

10 Q It just sort of happened that Phoenix ended up  
11 spending time at your place?

12 A Yeah.

13 Q Okay. Was there a reason why, other than the  
14 birth of Echo?

15 A No, not really.

16 Q Okay.

17 A I guess -- I know Kim wanted to have her around  
18 so she came around.

19 Q Kim, Kim like having the baby around?

20 A Yeah, yeah, exactly.

21 Q Samantha and Steve separated shortly after Echo's  
22 birth and Steve was left caring for Echo and Phoenix; were  
23 you aware of that?

24 A Yes.

25 Q Okay. Do you recall at that period of time if

1 Phoenix was spending time at your place?

2 A You know I, I think so, but I'm not sure.

3 Q Okay.

4 A I mean there was never a time when she wasn't  
5 spending any time at my place, but I don't know --

6 Q So she was always spending --

7 A -- if it would have been more or less, or ...

8 Q Right.

9 A Yeah.

10 Q So she was always spending some time at your  
11 place?

12 A Yeah, pretty much.

13 Q Okay. Echo died July 15, 2001 of natural causes  
14 while she was in Steve's care, that's something I take it  
15 you were aware of?

16 A Yeah.

17 Q Okay. And do you know where Phoenix was after  
18 Echo's death?

19 A No, I can't, I can't think of any -- I can't  
20 think of it off the top of my head, no.

21 Q You can't recall. Okay.

22 A No.

23 Q Do you remember what Steve was like at that  
24 point, did you have much contact with him?

25 A I guess I had a reasonable amount of contact with



1 him. I don't know if it was any more or less than before  
2 that, but ...

3 Q Would he still come over to 1331 on a regular  
4 basis?

5 A I think so. I'm really not sure how --

6 Q Okay.

7 A -- to answer that one accurately and honestly.

8 Q Okay. Did you notice Phoenix spending more time  
9 at 1331 after Echo's death?

10 A Yeah, I guess. It sort of -- Phoenix spending  
11 more time just sort of developed. I'm not sure if it was  
12 specifically right after Echo's death, or it's just  
13 something that kind of developed, I guess. I guess she did  
14 spend more time at that period, right, because Steve was  
15 going through a lot, and --

16 Q Okay.

17 A -- I'm not saying that I specifically recall it,  
18 but I'm just saying that it would make sense.

19 Q When you say Steve was going through a lot can  
20 you elaborate on that a bit, and tell us what you mean?

21 A Well, his daughter just died so.

22 Q Yeah. Was he -- we've heard that he had some  
23 problems with drinking --

24 A Yeah.

25 Q -- and did that increase around that, that period

1 of time?

2 A I'm not sure that it increased.

3 Q Did you, did you have a chance to see Steve  
4 parenting Phoenix?

5 A Not a lot. I mean -- I guess if he came over  
6 with Phoenix to visit then I would see him parenting there.  
7 I never, I never spent any significant amount of time at  
8 Steve's house so, like if that's what you're asking, no.

9 Q So it was always at your place then?

10 A Um-hum.

11 Q Okay. Do you recall ever seeing Samantha parent  
12 Phoenix?

13 A Again only in the context of parenting while at  
14 my place.

15 Q So it was always at your place?

16 A Yeah.

17 Q Okay. What was your opinion, if you had an  
18 opinion, at that time around Echo's death as to whether or  
19 not Steve was capable of parenting Phoenix?

20 A I don't know. Define "capable", I guess. He  
21 certainly could change her diapers, and ensure that she had  
22 food. Sure.

23 Q Okay. So he was capable then at that time?

24 A Yeah, I guess so.

25 Q Okay. Did you notice any changes in Mr. Sinclair

1 after Echo's death?

2 A I mean obviously he was sad, his daughter just  
3 died.

4 Q We anticipate that Ms. Edwards will say that  
5 after Echo's death Phoenix started spending a significant  
6 amount of time at your place, more than 50 percent of the  
7 time.

8 A That's probably accurate, at, at some point she  
9 definitely started spending more than 50 percent of the  
10 time, yeah.

11 Q Okay. You don't have necessarily a firm  
12 recollection as to how much time she was spending?

13 A I don't think that anyone ever particularly  
14 marked it down on the calendar. It was lots of time, more  
15 time than not.

16 Q Okay. While Phoenix was staying at your place do  
17 you recall if Samantha would come and visit?

18 A I think she came by a couple of times.

19 Q A few times?

20 A I think so.

21 Q When, when she would come over how would she act  
22 around Phoenix?

23 A Distant, not really as interested as you would --  
24 or as I would expect.

25 Q Okay.

1           A       More there for the social interaction than the  
2 visit I would say.

3           Q       So more there to see the other people in the  
4 home, rather than Phoenix?

5           A       Right.

6           Q       Did you ever see her physically punish Phoenix?

7           A       Not to my recollection, no.

8           Q       Did you ever hear her be verbally abusive towards  
9 her?

10          A       Like did I ever hear her?

11          Q       Right.

12          A       I don't think so, no.

13          Q       Okay. From July, 2001 to March, 2002 do you --  
14 can you recall if Phoenix spent a lot of time at your  
15 place?

16          A       July, 2001 ... I can't particularly recall, I'm  
17 not sure.

18          Q       Okay. How about between March, 2002 and  
19 February, 2003, do you recall if Phoenix was spending time  
20 at your place in that period?

21          A       Yeah, it would, it would help if I had something  
22 else, like to, to anchor what those years are exactly. I  
23 don't know, those are just numbers to me. I don't know  
24 what -- in 2002 was.

25          Q       We've, we've heard about an object in Phoenix's

1 nose, some foam.

2 A Yeah, I remember that. Okay.

3 Q That's something you remember?

4 A Yeah.

5 Q We, we understand that you took Phoenix to the  
6 Children's Hospital --

7 A Yeah.

8 Q -- and that would have been in February, 2003.

9 A Okay.

10 Q So in relation to that do you recall whether you  
11 had Phoenix immediately prior to that for some time?

12 A Yes.

13 Q Okay. Was -- in that period just prior to  
14 February, 2003, had, had Phoenix been at your house more  
15 often than not?

16 A Yes.

17 Q Okay. And how, how were your kids with Phoenix?

18 A They were very good with her. I mean -- yeah,  
19 she was part of the family.

20 Q Were they close to her?

21 A Yeah.

22 Q You said she was part of the family?

23 A Yeah.

24 Q We've heard that you became really fond of  
25 Phoenix.

1 A Yes, I did.

2 Q And I, I think Ms. Edwards will say you treated  
3 her like a little princess; is that an accurate statement?

4 A I'm not sure, I'm not familiar with the treatment  
5 of princesses, but I loved her and treated her well.

6 Q You treated her very well?

7 A Yes.

8 Q Okay. At that time -- so this is February, 2003,  
9 were you and Kim still together?

10 A February of 2003? No.

11 Q So you had -- you were already separated by then?

12 A Yes.

13 Q Okay. And Phoenix was still spending a lot of  
14 time at your house?

15 A Yes.

16 Q And were you primarily watching her, taking care  
17 of her?

18 A Yeah. Me and my boys, yeah.

19 Q You and your boys. You have a daughter as well;  
20 right?

21 A Yes, I do.

22 Q And what was her relationship with Phoenix like?

23 A She was also very close to Phoenix.

24 Q She was close. Did, did Phoenix seem to like her  
25 a lot?

1 A Yeah.

2 Q Just with respect to that hospital visit there's  
3 a document from the hospital that I want you to take a look  
4 at. It'll come up on the screen in front of you. It's  
5 page 36743. It's Commission disclosure 1789.

6 THE CLERK: 437 ...

7 MR. OLSON: It's 36743.

8

9 BY MR. OLSON:

10 Q If you look at the top under "Entrance Complaint"  
11 it says "Foreign body in nose". And in the area where,  
12 where the information is about Steve it says, "Steve  
13 Sinclair", and there doesn't seem to be any known address  
14 or telephone number.

15 Did you know where Steve was at the time?

16 A I'm not really sure. I knew where he was when he  
17 lived a couple doors over from his sister. I think that  
18 was on Magnus.

19 Q Okay.

20 A After he moved from there I, I had never been to  
21 his house after that, so I wasn't exactly sure where he  
22 lived.

23 Q And do you know when that was, approximately?

24 A No.

25 Q Okay. Would he, would he drop Phoenix off at

1 your place?

2 A Yeah.

3 Q And would he leave her there for days at a time,  
4 or weeks at a time?

5 A Yes.

6 Q On the, on the record in front of you it says  
7 "Here with godfather, dad dropped child off Friday," they  
8 noted -- basically it says a "foul smell in the nose had  
9 been noted in November, godfather advised dad he had her up  
10 at a walk-in, and to take her to ER for removal."

11 That information there is that accurate that,  
12 that Steve dropped Phoenix off at your place on Friday, the  
13 previous Friday?

14 A I'm not really sure.

15 Q I think February 25, 2003, was a, was a Tuesday,  
16 so if that was right Phoenix would have been there for a  
17 few days.

18 A Yeah, she -- and being there from Friday to  
19 Tuesday isn't really a stretch. I mean maybe it was the  
20 Friday before, I don't know.

21 Q Okay. So that could have been accurate?

22 A Yeah, for sure.

23 Q And --

24 A I'm not sure about the "godfather" part, but ...

25 Q Yeah, I was going to ask you. Did you tell them



1 you were the godfather of Phoenix?

2 A No, I don't think that I did.

3 Q Did you tell --

4 A I didn't really tell them much.

5 Q Is there a reason that you didn't give them more  
6 information?

7 A Yeah, I guess just trying to stay under the  
8 radar, I guess, just -- it's hard to trust the -- like if  
9 you understand where I was coming from at that time then  
10 it's difficult to trust CFS or the hospital, or whoever,  
11 the establishment in general.

12 Q Right. It's a different time in your life?

13 A Right.

14 Q And you didn't want to give out personal  
15 information to the hospital so that they would come and  
16 bother you, I guess?

17 A Yeah, and they could find me or something. I  
18 don't know, I don't know what I was worried about, but at  
19 the time I just didn't really see a need to give them all  
20 my personal business just so that we could take care of the  
21 problem with her nose.

22 Q Right. Your, your main goal then was getting  
23 treatment for Phoenix?

24 A That's right.

25 Q Okay. And do you recall how -- when you started

1 to notice it being a problem, this foam stuck in Phoenix's  
2 nose?

3 A No, I can't recall when. Quite some time before  
4 that.

5 Q Okay. And it sounds like it was pretty, pretty  
6 noticeable at that point?

7 A Yes, it was.

8 Q Okay. Is there a reason you didn't take her in  
9 sooner?

10 A Well actually I had talked to Steve about it, and  
11 when she, when she was with him, and I don't know, I guess  
12 there was some sort of miscommunication. It was my  
13 understanding that it had been removed already.

14 Q Right.

15 A Before she came back so.

16 Q You thought it had been dealt with?

17 A I thought, I thought it had been dealt with until  
18 -- then there was like an aroma --

19 Q Right.

20 A -- that we couldn't get rid of, and so just  
21 checking it out a little closer you could see that it was  
22 still in there.

23 Q Steve told us yesterday that he did bring her at  
24 one point to a walk-in clinic, and he was told that the  
25 foam would come out on its own. Does that help you, does

1 that help your recollection at all?

2 A No, like I say -- I guess that's probably what he  
3 must have said to me, I must have misunderstood and thought  
4 that what he was telling was that it had already been  
5 removed.

6 Q Okay. You seem pretty certain that Kim Edwards  
7 was not with you at that period of time?

8 A Yes.

9 Q How is it you're able to say that now?

10 A Because I recall fairly specifically our final  
11 break-up.

12 Q And when was that?

13 A That was Christmas of 2001.

14 Q Of two thousand ...

15 A Two thousand and one.

16 Q Two thousand and one?

17 A Correct.

18 Q But you said it was in 2003 that she stopped  
19 living with you?

20 A Or wait a minute, 2002?

21 Q You said earlier --

22 A I recall it so specifically, and now I don't know  
23 what year it was. Yeah, 2002, Christmas.

24 Q Christmas, 2002.

25 A Correct.

1 Q And was it something about it being at  
2 Christmastime that it stands out in your mind?

3 A That's right.

4 Q Okay. Was, was Kim involved at all in, in  
5 getting medical treatment for Phoenix when it came to this  
6 foam in her nose?

7 A No.

8 Q No. Now, I'm not sure if you're aware, but as,  
9 as a result of the hospital visit CFS was contacted, and  
10 they opened a file, they re-opened Steve's file. Did you  
11 know up to that point that Steve had any involvement with  
12 Child and Family Services?

13 A Yeah.

14 Q Okay. Did, did you ever have up to that point in  
15 time any contact with CFS with respect to Phoenix or Steve?

16 A I can't recall.

17 Q Phoenix was apprehended by CFS on June 23, 2003,  
18 and apparently it was due to his drinking problem, and  
19 leaving Phoenix with, with inappropriate caregivers.

20 A Okay.

21 Q Is that something you were aware of?

22 A I believe so, yes.

23 Q Okay. And how is it you became aware of that?

24 A Steve came and told me that.

25 Q Steve told you that, that they took Phoenix?

1 A Yeah.

2 Q Okay. And do you recall any specific  
3 conversation with him?

4 A I recall Kim coming over and saying that they  
5 took Phoenix.

6 Q Okay. Did he ask you if you could care for her?

7 A At that time, no, I don't believe so.

8 Q Okay. And I take it Kim wasn't involved in that  
9 at that point, to your recollection?

10 A I'm not sure, to tell you the truth.

11 Q Okay.

12 A She might have been there. Like there's a  
13 difference between residing and -- right, and --

14 Q Right.

15 A -- being around.

16 Q Being around.

17 A I don't know.

18 Q And when you say she wasn't -- she was no longer  
19 with you she's no longer residing with you at that point  
20 after --

21 A That's right.

22 Q -- January of 2003?

23 A That's right.

24 THE COMMISSIONER: Didn't she come back to the  
25 house on occasions?

1 THE WITNESS: Yeah, like she was there, she was  
2 around sometimes, yeah.

3 THE COMMISSIONER: After the separation?

4 THE WITNESS: Right.

5

6 BY MR. OLSON:

7 Q Did she still have involvement with Phoenix?

8 A Yes.

9 Q Okay. So you guys sort of were taking turns  
10 taking care of her around that time?

11 A Around the time of 2003 --

12 Q Yeah.

13 A -- with the foam in the nose time?

14 Q Around the nose time.

15 A Not much, I don't think. Again it's hard for me  
16 to place exactly like what year or what month. There came  
17 a time when there was less help from outside for our care  
18 of Phoenix, including from Kim.

19 Q Okay. Where it was mostly just you and your, and  
20 your kids?

21 A That's right.

22 Q Okay. And I'll, I'll ask you more about that in  
23 a, in a bit.

24 I just wanted to take a look -- there's a  
25 document prepared by the CFS worker that was involved in

1 Phoenix's apprehension, it's at page 37363.

2 Looking at the second paragraph on this page this  
3 is by the worker Laura Forrest. Do you, do you recall  
4 meeting Laura Forrest?

5 A Not specifically.

6 Q Okay. Here's what it says:

7  
8 "This worker attended court on  
9 July 2, 2003. Also in attendance  
10 was Samantha Kematch, Phoenix's  
11 mother and a family friend by the  
12 name of Ron Stephenson. Ron  
13 informed me that he and his wife  
14 Kim have provided care to Phoenix  
15 for 30 to 50 percent of the time  
16 that Steven has had her in his  
17 care. Ron was there because he  
18 wanted to know if there was  
19 anything that he could do to help  
20 and also expressed an interest in  
21 being a placement for her if that  
22 was needed. Samantha stated that  
23 she would prefer the child stay  
24 with Ron than anyone. Steven did  
25 not appear at court. Ron stated

1           that he talked to him the night  
2           before and was expecting him to  
3           show up. Ron stated that Steven  
4           does binge drink, and that he  
5           apparently said he would go to AA.  
6           Worker requested a three month  
7           temporary order of Phoenix with  
8           the agency's plan to work with  
9           mom, possibly with dad to resolve  
10          the issues of concern so that  
11          Phoenix could be reunited with a  
12          parent and to explore a friend of  
13          family as a possible placement."

14

15           And then Samantha consented to that plan.

16           Do you remember being in court?

17          A     Yeah, vaguely.

18          Q     How, how is it you knew to attend court that day?

19          A     I think Sam actually asked me to come.

20          Q     Sam asked you to come?

21          A     I think so. I'm not a hundred percent sure on  
22          that, but ...

23          Q     Okay. Just to the best of your recollection Sam  
24          is the one who said --

25          A     Yeah.



1 Q -- there's a court date and I'd like you to come?

2 Why is it you were interested in providing care  
3 for Phoenix at that point?

4 A Just to keep her out of the system, I guess.

5 Q Keep her out of the system?

6 A Yeah.

7 Q By that time you were already close to Phoenix?

8 A Yeah.

9 Q And when it says here that you and Kim have  
10 provided care to Phoenix for 50 to 30 percent of the time  
11 -- 30 to 50 percent of the time; is that accurate?

12 A Yeah, probably, probably more accurate at the 50  
13 per cent end, but, yeah.

14 Q Probably more towards the 50 per cent?

15 A Yeah.

16 Q The document goes on and if you go to the next  
17 paragraph it says:

18

19 "Worker learned that Samantha has  
20 been in a relationship with  
21 another person."

22

23 Did you know anything about Samantha's other  
24 relationships at that point?

25 A No.

1 Q Okay. So you didn't know her -- who her  
2 boyfriend was or any of that information?

3 A No, I did not.

4 Q Okay. And it goes on:

5  
6 "After court worker obtained  
7 particulars from Ron about his  
8 family for the purposes of  
9 assessing their suitability for a  
10 place of safety. Ron and Kim  
11 Stephenson reside at 1331 Selkirk  
12 Avenue."

13  
14 Ron's date of birth, et cetera.

15  
16 "They have three children, (16  
17 years), (14 years), and (12  
18 years). Ron is currently employed  
19 as a support worker to  
20 quadriplegic persons residing at  
21 1010 Sinclair and Kim is  
22 unemployed. Ron and Kim have  
23 provided a lot of care to Phoenix  
24 and would be very interested in  
25 being a placement resource for

1                   her.     I advised Ron that this  
2                   information would be forwarded to  
3                   the assigned worker for further  
4                   assessment."

5

6                   Do you remember that conversation?

7           A        Again vaguely.

8           Q        Vaguely.    Did you ever talk to the master or  
9           judge, or was it just to the social worker?

10          A        I don't recall talking to the judge, I think it  
11          was the social worker.

12          Q        Just the social worker.   And do you recall if she  
13          explained to you what a place of safety was?

14          A        I don't really recall.

15          Q        It says here that Ron and Kim Stephenson reside  
16          at 1331 Selkirk.   Did you tell the social worker that Kim  
17          was residing with you at the time?

18          A        Probably.   I don't specifically recall it, but I  
19          probably did, yeah.

20          Q        Okay.   And you've told us already that she wasn't  
21          actually residing there at the time; right?

22          A        That's correct.

23          Q        So why, why would you tell the worker that?

24          A        To increase the chances of Phoenix being placed  
25          there.

1 Q The place of safety document is at page 36620,  
2 which we'll put on the screen now. You'll see -- if you  
3 look at -- in the middle of the page, right now it's  
4 towards the bottom of the screen and it says, "Date and  
5 place". It says "July 31, 2003."

6 A Um-hum.

7 Q And what I understand is that Phoenix after she  
8 was apprehended she would have spent some time in foster  
9 care, and on this date, the date that this document was  
10 prepared, she would have been placed at your place. Does  
11 that sound right?

12 A Sure. I don't specifically remember, but, yeah,  
13 it sounds --

14 Q Okay.

15 A -- right.

16 Q Do you remember meeting with a social worker by  
17 the name of Stan Williams?

18 A Not specifically, no.

19 Q No, okay. Do you recognize this form that's on  
20 the screen? Maybe if we could just go to the, the top.

21 A I can't say that I do.

22 Q The writing on it it has -- it says surname  
23 Stephenson, first name Kimberley, maiden name Edwards, and  
24 then it has your name Stephen (sic) Rohan. Is that  
25 information that you would have filled out?

1           A        I'm not sure.  I don't, I don't think I filled it  
2 out.

3           Q        It doesn't appear that your, your signature  
4 appears anywhere on this, this page.

5           A        No, I don't see it.  I don't see any signature on  
6 it actually.

7           Q        The part where it says "not living in the home  
8 but --" it's "co-parenting" and there's an asterisk beside  
9 your name.

10          A        Um-hum.

11          Q        Do you have any idea why, why it would say that?

12          A        Yeah, I have some idea why it might say that.

13          Q        Can you -- are you able to explain that?

14          A        I don't know.  Well, Kim was receiving welfare  
15 payments at the home.

16          Q        At the home.  But the, the facts were that you  
17 were actually living there and she was not?

18          A        Correct.

19          Q        Okay.  And really the plan was for you to take  
20 care of Phoenix primarily at that point, or was it still  
21 sort of a co-parenting?

22          A        When you say "the plan" that makes it seem like  
23 as though somebody had a plan.  I don't know --

24          Q        It wasn't --

25          A        -- we just didn't want her to go to some foster

1 home, or something, we just wanted to keep her.

2 Q So you cared about her and you wanted to keep her  
3 out of the system?

4 A That's right, that's right. It's pretty simple,  
5 as complicated as it is.

6 Q I understand that. Was -- in your view was  
7 Phoenix better off at your place than, for example, at  
8 Steve's place?

9 A Ideally, no, but because of the circumstances,  
10 yes.

11 Q And when you say "because of the circumstances"  
12 what do you mean by that?

13 A Just the party atmosphere at Steve's place was  
14 more extreme.

15 Q Okay. So you're saying your place wasn't  
16 necessarily the ideal place for Phoenix, but it was better  
17 than what the atmosphere was like at Steve's?

18 I don't want to put words into your mouth, but  
19 I'm just --

20 A No, I'm saying that my place was definitely the  
21 ideal place for Phoenix.

22 Q Definitely an ideal place for Phoenix?

23 A Yes.

24 Q And you had your kids there, and it was more of a  
25 family type atmosphere?

1 A That's right.

2 Q Okay. Did, did Kim Edwards have access to the  
3 home when you weren't there, that is 1331 Selkirk?

4 A I can't specifically recall. I would say  
5 probably, she probably had freedom to come and go as she  
6 pleased.

7 Q Okay. Was she still getting her mail and, and  
8 that there?

9 A Yeah.

10 Q Okay. According to Child and Family Services  
11 documents the worker Stan Williams did a walk through of  
12 the home. Do you recall that, do you recall the worker  
13 coming through the house and --

14 A No, I don't.

15 Q No. Is it possible that Kim met with CFS workers  
16 at the home when you weren't there?

17 A It's possible. It's unlikely, but possible.

18 Q Possible. When, when Phoenix was placed in your  
19 home on July 31 do you remember how she got there?

20 A No.

21 Q No. Okay.

22 A Can't say that I do.

23 Q Okay. After Phoenix was dropped off at your  
24 house according to the documents she was to be there for  
25 three months plus; does that sound about right? Do, do you

1 know, was a term -- a length discussed with you?

2 A I don't recall.

3 Q Okay. After Phoenix was dropped off do you  
4 remember having any contact from Child and Family Services?

5 A No, I don't.

6 Q Go to the, the closing summary prepared by Stan  
7 Williams, page 37352. I just want to take you to one of  
8 his notes. You see the big paragraph on the top of the  
9 screen. At the bottom it says, the last four lines there:

10

11 "The file was re-opened on  
12 February 28, 2003 due to medical  
13 concerns about Phoenix having a  
14 foreign object in her nose and was  
15 infected."

16

17 We just talked about that, and it says:

18

19 "The file was subsequently  
20 transferred for ongoing service on  
21 June 27, 2003, after Phoenix was  
22 apprehended on June 23, 2003.  
23 Steven's ability to parent his  
24 daughter had deteriorated to the  
25 point of him being under the



1                   influence most of the time and  
2                   subjecting his daughter to  
3                   inappropriate caregivers."

4

5                   The assessment there, or what's recorded about  
6 Steve's parenting at the time, are you able to say in your  
7 view whether that's fairly accurate or not?

8           A        I have no idea about the caregivers. I would say  
9 that he was definitely drinking a lot at the time.

10          Q        Okay. But you didn't actually go to his house  
11 and spend time at his place?

12          A        No, I was -- like I had been to his house, but I  
13 didn't spend time there --

14          Q        Okay.

15          A        -- like I didn't go there and drink there, or  
16 anything like that, if that's what you're asking me.

17          Q        Did you know the group of people he was hanging  
18 around with at the time?

19          A        Yeah, some of them, I guess. I don't -- I can't  
20 speak to all of his friends or relationships, but I knew a  
21 lot of the same people that we hung out with, yeah.

22          Q        We've heard in the CFS documents that there may  
23 have been some gang connections, or gang members around;  
24 was that something you were aware of?

25          A        No.

1 Q No. Okay. And as far as you knew Steve wasn't  
2 involved with gangs?

3 A No.

4 Q No.

5 A Not to my knowledge.

6 Q The document goes on to say:

7

8 "Mr. Sinclair requested his child  
9 stay in care until he felt strong  
10 enough to care for her once again.  
11 He has had his time out and will  
12 parent Phoenix starting October 2,  
13 2003. He has done no programming  
14 and as such is prone to returning  
15 to an unhealthy way of managing  
16 stresses in his life. He is aware  
17 of the need to arrange for  
18 appropriate alternative caregivers  
19 when he feels the need for a break  
20 or time out for respite."

21

22 And we've heard that Phoenix actually went back  
23 to Steve at that time, February, 2003 -- sorry, October 2,  
24 2003. Is that something you can recall, that after you  
25 were the place of safety Phoenix went back to Steve?

1 A Not specifically, no.

2 Q Do you think at that time Steve was ready to  
3 parent Phoenix again?

4 A I don't know.

5 Q As far as you know did he still have problems  
6 with drinking and ...

7 A As far as I know, yes.

8 Q Okay. Was that ever not a problem with Steve as  
9 far as you know?

10 A As far as I know it has never not been a problem  
11 with Steve.

12 Q It's always been a problem. Okay.

13 If we continue down on this page underneath  
14 "Data", you see that heading "Data", it says:

15 "File received by Northeast Intake  
16 worker January 20/04."

17

18 And the recording is January 21, 2004.

19

20 "Workers Lisa and Monica Marx  
21 attended to 1331 Selkirk Ave.  
22 Rohan and Kim are Phoenix'  
23 godparents and were a Place of  
24 Safety for her in 2003. Phoenix  
25 was present in the home. Rohan

1           stated that they have been looking  
2           after her since beginning of  
3           January. I asked him where Steven  
4           was or what he was up to? He said  
5           he didn't know and that there's  
6           lots of rumors and everyone is  
7           saying different things. He would  
8           not elaborate. He said they are  
9           willing to take Phoenix as long as  
10          necessary. They do not care about  
11          the money from CFS in terms of  
12          being a POS again. They are happy  
13          to look after her. Rohan states he  
14          doesn't actually live here but  
15          stays here sometimes. He works in  
16          the country. Kim has other  
17          children and is on Social  
18          Assistance. I advised him I would  
19          be looking for Steven to talk to  
20          him and would get back to Rohan.  
21          They don't have a phone any more."

22

23                   Do you remember having this conversation with the  
24 workers?

25           A       Not specifically, no.

1 Q Okay. We've heard evidence that it was just you  
2 that would have been present in the house at the time.

3 A That's correct.

4 Q That's correct. And that's because I take it you  
5 were actually living there?

6 A That is correct.

7 Q And when you say you were looking after Phoenix  
8 since the beginning of January is that accurate?

9 A I think so, yeah.

10 Q You think so. Okay. The information about Steve  
11 where, where the worker of course actually asked what Steve  
12 was up to, or where he was, and you said you didn't know,  
13 but there were lots of rumors. What were you referring to  
14 there?

15 A I have no idea. Again I don't specifically  
16 remember the conversation so -- actually what I was  
17 referring to is (inaudible), I don't really remember the  
18 conversation.

19 Q Okay. Was it true you didn't know where Steve  
20 was at the time?

21 A Yeah, that I'm pretty sure was true.

22 Q That period after February and up to January 21,  
23 2004, the periods of time where you had Phoenix at your  
24 house, were you mostly caring for her?

25 A Yeah.

1 Q Were you ever living in McMunn?

2 A Yes, yes, I was.

3 Q Okay. When was that?

4 A Ninety-nine.

5 Q Ninety-nine?

6 A Yeah. The same year that I met Steve.

7 Q The same year you met Steve?

8 A Right, so before Phoenix's birth.

9 Q Were you ever living in McMunn in the summer of  
10 2003?

11 A No.

12 Q No. What's the connection to McMunn?

13 A I lived there.

14 Q You used to there?

15 A Yeah.

16 Q Okay. Did -- do you recall if Samantha would  
17 come and visit Phoenix around this period of time, early  
18 2004?

19 A No.

20 Q No. Did she have much to do with Phoenix?

21 A No.

22 Q And by that time did you have any knowledge of  
23 her in terms of posing a safety risk to Phoenix?

24 A No.

25 Q No. Did you know much about her or her

1 background?

2 A At that time, no.

3 Q Okay. How about Steve in that time period, did  
4 he visit, come to visit Phoenix?

5 A I'm sure he came around.

6 Q Do you actually have a recollection of him coming  
7 around from time to time?

8 A Not specifically. I remember him coming by once  
9 and taking her out shopping, he bought her some stuff, and  
10 he brought her home, I remember that, but aside from that  
11 not specifically, no.

12 Q Okay. And were you supporting Phoenix  
13 financially --

14 A Yeah.

15 Q -- in terms of providing for her needs?

16 A Yeah.

17 Q And did you get any compensation from anyone for  
18 that?

19 A No.

20 Q Okay. You did it because you cared for Phoenix?

21 A Yes.

22 Q If we can put page 36634 on the screen. This is  
23 an application for a licence to operate and maintain a  
24 children's foster home. On the document if you look at the  
25 bottom -- if we can scroll down to the bottom, a little bit

1 further.

2           The signature there is that -- there, there are  
3 two signatures, and the one on the right side of the page,  
4 it looks like it's your signature; is that right?

5       A       Yeah, that looks like my signature.

6       Q       And it says it was dated and signed September 23,  
7 2003.

8       A       Okay.

9       Q       Do you remember signing this form?

10      A       No, I don't, but, but that does look like my  
11 signature though so clearly --

12      Q       Okay. So you must, you must have signed it?

13      A       -- clearly I did sign it, yes.

14      Q       We've heard from what they call a place of safety  
15 worker, Mario Rojas, that he would have attended your house  
16 the morning that this was signed, and reviewed it with you  
17 and had it signed; does that, does that sound right to you,  
18 do you remember that?

19      A       I can't say that I do, no.

20      Q       Okay. And when you say you don't remember are  
21 you saying it didn't happen, or you just don't have a  
22 recollection?

23      A       I'm saying I just don't have a recollection. I  
24 can clearly see that that looks like my signature. It  
25 would, it would have to be a really good forgery for it to



1 not be me so I, I signed it.

2 Q Okay. So you don't doubt the --

3 A I don't doubt that I've signed that, yes.

4 Q Okay. Do you remember --

5 THE COMMISSIONER: Do, do you recall making an  
6 application for a licence to operate and maintain a foster  
7 home?

8 THE WITNESS: No. Like I can also see that all  
9 of the rest of it is filled out in not my handwriting so --  
10

11 BY MR. OLSON:

12 Q Yeah, I was going to ask you. Do you recognize  
13 whose writing that is?

14 A That looks like Kim's.

15 Q Okay.

16 A It's very neat.

17 Q Do you recall anyone explaining to you what this  
18 application was for?

19 A Again I don't recall signing it or anything else  
20 so.

21 Q Okay. Do you recall ever talking with Kim about  
22 applying to be a foster home for Phoenix?

23 A Not specifically. I mean in general, yeah, sure.

24 Q Just generally. Was it the idea that you would  
25 -- at that point that you'd still primarily be caring for

1 Phoenix?

2 A Like me, myself, or ...

3 Q Yeah. You and your kids.

4 A No, I think the idea all the time was just -- you  
5 see if I could just speak frankly. A lot of these  
6 questions are based on the assumption that all of this  
7 stuff meant anything to any of us, and it didn't.

8 Q Right. It didn't.

9 A Like to say it was a place of safety and we were  
10 going to keep her for three months, and Steve wasn't  
11 allowed to have her, or whatever, that, that made no  
12 difference. If Steve came and said, oh hey, can I take  
13 Phoenix to -- he could take her. Like all this stuff  
14 assumes that we respected the system, and the rules, and we  
15 didn't, so when you say do you remember when she was there  
16 for three months specifically it's like what three months,  
17 like this three months, that three months? Did he come by?  
18 He came by lots of times. Did he take her? He took her  
19 lots of times. When? I don't know because it's all -- it  
20 was all the same. It didn't matter what paper was signed,  
21 or what order was given, it was all just the same.

22 Q So it wasn't really a plan?

23 A No, there was no plan.

24 THE COMMISSIONER: You provided a home for  
25 Phoenix?

1 THE WITNESS: Yes, that's what I did.

2

3 BY MR. OLSON:

4 Q And you said you, you did that because you cared  
5 about Phoenix and you wanted her to have a safe place to  
6 be?

7 A Correct.

8 Q Yeah. And as long as she was with you in the  
9 home, with your kids, she was safe?

10 A Correct.

11 Q Do you remember if CFS or, or anyone ever offered  
12 to help support you in caring for Phoenix in terms of  
13 providing a clothing allowance, or respite, or day care, or  
14 anything like that?

15 A No, I don't recall that.

16 Q Would that have been helpful?

17 A Possibly.

18 Q If you didn't, if you didn't like the system,  
19 and, and CFS, would you have accepted that sort of support  
20 if you knew it was available?

21 A I think initially, no. Towards the latter part  
22 of 2003 and the first couple month of 2004 definitely, yes.

23 Q Definitely, yes, you would have --

24 A Yes.

25 Q -- welcomed that? Because by that time I

1 understand you were working nights?

2 A Correct.

3 Q And you were -- you, you and your children were  
4 parenting Phoenix?

5 A Correct.

6 Q And your children went to school?

7 A Yes, they did.

8 Q Okay. And how did that work with having --  
9 Phoenix would have been three and a half, four years old at  
10 the time.

11 A Well, they would take turns going to school late  
12 so that I could get home to be there.

13 Q Okay. Because Phoenix would have stayed home all  
14 day?

15 A Correct.

16 Q And so you'd work a night shift and after working  
17 you would come home, and then you would take care of  
18 Phoenix?

19 A That's right.

20 Q And how did that affect you in terms of, you  
21 know, sleep?

22 A Clearly I was exhausted.

23 Q You were exhausted.

24 A She was pretty good for going for a nap though  
25 so.

1 Q Yeah. Did you -- was Phoenix -- do you remember  
2 if she was potty trained?

3 A Yes, she was.

4 Q And did you have anything to do with that?

5 A Yes, I did.

6 Q And did you potty train her?

7 A Yes, I did.

8 Q Can you just give a bit of a description what  
9 Phoenix was like.

10 A About yay high, dark hair, yeah no she was great.

11 Q She was a good kid?

12 A Yeah, she was wonderful. She was fun.

13 THE COMMISSIIONER: You loved her?

14 THE WITNESS: And beautiful. She was incredible.

15

16 BY MR. OLSON:

17 Q I just wanted to ask you about something else  
18 written in a CFS document. It's at page 37351.

19 Take, take your time. If you, if you want a  
20 break or anything just let us know.

21 A I'm good.

22 THE COMMISSIONER: Yeah, ordinarily we'll break  
23 in about 15 or 20 minutes, but if you'd like a break now  
24 we'll certainly --

25 THE WITNESS: No, no, that's all right. None of

1 this is fresh news to me so.

2

3 BY MR. OLSON:

4 Q You've been dealing with it for a long time, I  
5 know it's hard. 37351 is on the screen now. I just want  
6 to see if you're able to shed any light on, on what's  
7 explained here, and you may not be able to.

8 It says:

9

10 "A call was then made to SOR to  
11 obtain further information. From  
12 our conversation, it was found  
13 that she (SOR), was living with  
14 Samantha on Balmoral St. from  
15 sometime in Aug/03 until they both  
16 moved in with (someone on) Furby  
17 St. address."

18

19 It goes on to say:

20

21 "At the end of October."

22

23 And then it says:

24

25 "At some point in mid November,

1 Samantha got a telephone call from  
2 Steven Sinclair's sister, Jen,  
3 saying that Steven had gone out  
4 and left Phoenix alone in the  
5 apartment. Samantha then went to  
6 Steven's place, picked up Phoenix  
7 and kept her with the other adults  
8 at the Furby St. address. As we  
9 continued to talk and I asked  
10 questions, SOR told me that she  
11 discovered that some people came  
12 to pick up Phoenix around Jan.  
13 2/04 and took her to their place  
14 in Selkirk. SOR further said that  
15 there has been much arguing going  
16 on among all the adults, but  
17 couldn't or wouldn't elaborate on  
18 exactly who was doing the arguing  
19 and what it was they were actually  
20 arguing about. In reading the  
21 closing dictation in the Sinclair  
22 file which is the most recent, it  
23 was found that Phoenix was in a  
24 POS with a family named Stephenson  
25 who lived on Selkirk Ave. It is

1                   believed that this may be the  
2                   family who picked up Phoenix as in  
3                   the last file recording closing  
4                   summary in the Sinclair file. It  
5                   is recommended that Phoenix be  
6                   placed with the Stephensons should  
7                   she return to care. An attempt to  
8                   speak with the Stephenson family  
9                   was unsuccessful as both the home  
10                  telephone number along with Mr.  
11                  Stephenson's work phone number are  
12                  'out of service' at this time."

13

14                  Do you have any recollection at all about, about  
15                  attending this -- Samantha's home on Furby to pick Phoenix  
16                  up?

17                  A           No, I, I don't.

18                  Q           When --

19                  A           I have some sort of like vague impression in the  
20                  back of my mind that maybe that happened. I mean I know  
21                  she was definitely with me in January of 2004 --

22                  Q           She did end up with you.

23                  A           -- and somehow she got there, but I don't  
24                  specifically remember being the one who picked her up.

25                  Q           Okay. The comment about your home phone and your



1 work phone being out of service was that, was that the  
2 case?

3 A The home phone couldn't really say, the work  
4 phone definitely not.

5 Q Okay, the work phone was in service?

6 A Yeah, it's probably still the same number, those  
7 kinds of, you know --

8 Q Didn't --

9 A -- care facilities don't usually change their  
10 number.

11 Q Right. So Phoenix was at your place in January,  
12 2004?

13 A Yes.

14 Q And at some point Samantha came and picked her  
15 up?

16 A Yes.

17 Q I want to talk to you about that. Just, just  
18 before we get there I want you to take a look at a letter.  
19 It's on page 37449. This was signed by Lisa Mirochnick, a  
20 social worker. It's dated February 13, 2004, and it's  
21 addressed to you and Kim -- well, Rohan, Rohan and Kim  
22 Stephenson at 1331 Selkirk, and it says:

23

24 "I am writing to follow up with  
25 our conversation on January 21,

1                   2004. At that time you indicated  
2                   that you would be willing to care  
3                   for Phoenix under a private  
4                   arrangement for as long as is  
5                   necessary. I have now spoken with  
6                   Steven who has agreed that you can  
7                   care for Phoenix. I have told  
8                   Steven that the agency has serious  
9                   concerns about his current  
10                  lifestyle, as well as Samantha's.  
11                  He has been advised that he is not  
12                  to take Phoenix back into his care  
13                  without contacting this agency and  
14                  having a risk assessment done. So  
15                  please be advised that the agency  
16                  hopes you will continue to care  
17                  for Phoenix and will contact us  
18                  should this situation change."

19

20                  And then there's a phone number under that. Do  
21 you, do you recall if you got this letter?

22                  A            I think, I think I might have.

23                  Q            You think you might have?

24                  A            Yeah. It seems familiar.

25                  Q            The -- what's being said in here what did you

1 understand this to mean? When you read it what, what --  
2 how did you take it?

3 A Yeah, it seems that Steve has agreed to leave  
4 Phoenix and that he is not to take Phoenix back into his  
5 care without contacting the agency.

6 Q Okay.

7 A Yeah, it seems pretty straightforward.

8 Q Okay. And so based on that if, if Steve came to  
9 pick up Phoenix would you contact CFS?

10 A No.

11 Q Okay. Why not?

12 A I think we went through that already. Because --

13 Q Say --

14 A -- they're over here, and we're marginal --

15 Q Right.

16 A -- right?

17 Q So the less contact with CFS the better?

18 A That's right. Exactly.

19 Q And so the letter wouldn't have meant that much  
20 to you at the time?

21 A No.

22 Q And what about Samantha, did you understand this  
23 to mean that you shouldn't leave Phoenix with Samantha  
24 either?

25 A Well like I said I don't like really remember the

1 letter. It seems familiar, but looking at it I would say  
2 it doesn't seem to say that, so I probably wouldn't have  
3 taken it to mean that.

4 Q Okay.

5 A Although even if I had it wouldn't have made much  
6 difference at the time.

7 Q Even if it said at the time, don't let her go  
8 back with Samantha, that wouldn't have made a difference  
9 either?

10 A Probably not, right.

11 Q If you thought that Samantha was a danger to  
12 Phoenix, or posed a risk to Phoenix, a serious risk, would  
13 you let Phoenix go back with her?

14 A Obviously not.

15 Q And you -- did you have any reason at that time  
16 to believe that she did pose that kind of risk to Phoenix?

17 A No.

18 Q There's another document I want you to take a  
19 look at, and it's at page 37444. This one is dated May 13,  
20 2004, and it's, it's a memo from a worker by the name of  
21 Andy Orobko to Carolyn Parsons, another worker. Do any of  
22 those names mean anything to you?

23 A No.

24 Q It says:

25

1 "I've spoken to the godparents and  
2 the EIA worker - here is the chain  
3 of events.

4 Nov. 2003 - Mom gets Phoenix from  
5 dad - she cares for her for 2  
6 months

7 Jan. 2004 - Mom takes Phoenix to  
8 godparents - needs time to set up  
9 home. She visits occasionally.  
10 Dad doesn't visit.

11 Apr. 2004 - Mom retrieves Phoenix  
12 about 3 month ago. Goes to Legal  
13 Aid to start custody application.

14 No one knows where dad is.

15 - EIA is cutting off his benefits.

16 - EIA would like assessment from  
17 CFS prior to giving mom benefits.

18 - No formal custody papers in  
19 place."  
20

21 Do you remember talking to a social worker and  
22 telling him this information?

23 A No.

24 Q No?

25 A No.

1 Q The, the timeframe that, that -- the events he  
2 has here, and you may not have a recollection of the  
3 timing, but if you do does, does that -- is it accurate?

4 A Yeah, the timeframe seems like it could be  
5 accurate. I'm not sure the -- about the November thing, I  
6 don't really have any knowledge about that, but, yeah.

7 Q Okay.

8 A January, 2004 seems like about the time that she  
9 came back.

10 Q So it seems, seems reasonably accurate. Then  
11 April, April, 2004, mom retrieves Phoenix about a month  
12 ago?

13 A Well, I don't know if it would have been a month  
14 before April, it was just before her birthday so it --

15 Q Probably --

16 A -- was more like in the middle of April or  
17 something.

18 Q Mid-April, okay. And when you say you don't  
19 recall the conversation with the worker are you saying you  
20 didn't have one with Mr. Orobko or just you don't have a  
21 recollection?

22 A Yeah, see I don't want to be unfair to the Orobko  
23 guy here.

24 Q Yeah.

25 A Because as I've demonstrated my memory isn't the

1 greatest.

2 Q I appreciate that.

3 A But I'm reasonably certain that I didn't have any  
4 contact with any workers, or anything, after Sam came and  
5 picked up Phoenix.

6 Q Okay. Do you remember the last time you saw  
7 Phoenix?

8 A Yes, I do.

9 Q Can you -- are you able to tell us what happened  
10 that day?

11 A Yeah. Sam showed up with Bertha --

12 Q Bertha being her mother?

13 A Bertha being her mother, and wanted to take  
14 Phoenix. Sam actually didn't seem that enthusiastic about  
15 the whole thing, but it was Bertha that was saying, you  
16 know, we'd like to -- want to raise our own kids, and, you  
17 know, all this, this stuff. I assumed that they would take  
18 her and then Sam would get sick of her in two days, and  
19 bring her back. I was reluctant to let her go. Had I  
20 known Bertha was a crack head, and I certainly wouldn't  
21 have.

22 Q You didn't know that at the time; did you?

23 A No, I didn't know that at the time. Yeah, I --  
24 like I said I was reluctant, but I was also exhausted, and  
25 Phoenix wanted to go, and, yeah, so, so I let her go.

1 Q So Phoenix was excited that mom and grandma were  
2 picking her up?

3 A Yeah, she was, and like I said I thought it would  
4 be a short lived thing because Sam didn't really seem  
5 enthusiastic about it at all.

6 Q Did you, did you have any knowledge of what was  
7 going on with Sam at that time in her life?

8 A No.

9 Q Nothing.

10 A None whatsoever.

11 Q Okay. We heard from Steve yesterday that he  
12 recalls you phoning him to ask if it was okay if Sam took  
13 Phoenix.

14 A Right.

15 Q Is that, is that accurate?

16 A No, that is not accurate.

17 Q And you sound fairly certain of that. How, how  
18 is it you can say that?

19 A Because I had no idea where Steve was at that  
20 time, and I'm pretty sure he didn't have a phone number.

21 Q What about Kim, did, did she call you and, and  
22 ask about Phoenix after that?

23 A Probably.

24 Q And I take it you didn't call Child and Family  
25 Services when this happened?



1           A       No. Like I said I, I thought she'd be back the  
2 next day.

3           Q       And you aren't -- I mean at that time you didn't  
4 have a concern that she was in any danger?

5           A       No.

6           Q       Did, did CFS ever get in touch with you to talk  
7 to you about where Phoenix might be, or anything like that?

8           A       I don't think so, no. Like I said I don't think  
9 I had any further contact with them at all.

10          Q       Okay. After, after Samantha picked up Phoenix we  
11 know she went with her and we know what ultimately  
12 happened. Did you have -- did you try to look for Phoenix  
13 after that, or have any other contact with her?

14          A       No, I didn't. I mean I asked people. You know,  
15 you see people, you know, hey, what happened to Sam, have  
16 you seen Phoenix around, and stuff, but, no.

17          Q       I know there was one incident where you recall  
18 that your son had maybe seen Phoenix at the hospital.

19          A       Oh, yeah, that's right.

20          Q       Do you remember that?

21          A       Yeah, I was, I was in the hospital at the time  
22 and, yeah, he said that -- I'm not sure if it was -- it  
23 could have been my daughter, but one of them told me that  
24 they had seen Sam and Phoenix in an apartment building or  
25 by an apartment building, and the window -- I don't know, I

1 can't remember specifically, I was --

2 Q So Phoenix was --

3 A -- I just had had surgery so, you know, but,  
4 yeah.

5 Q Yeah, yeah. So saw Phoenix in the window in an  
6 apartment --

7 A Yeah, saw her there, Sam and Phoenix at an  
8 apartment building by the parking lot where my mother  
9 parked when she brought the kids to visit me.

10 Q Right. You were in the hospital still at the  
11 time?

12 A Yes.

13 Q And do you recall when you were in the hospital?

14 A September, 2004.

15 Q Okay. And you're pretty certain about that?

16 A Yeah.

17 Q Okay.

18 A It was a big deal, I almost died so.

19 Q You remember something like that.

20 A There's a date I kind of remember.

21 Q Right. Did you stay in touch with Kim Edwards  
22 after Phoenix left, and was gone?

23 A Yeah, we talked and stuff, and we have kids  
24 together and -- didn't hang out together or anything,  
25 but ...

1 Q Is there anything -- I know you said it was tough  
2 when you were caring for Phoenix because you were  
3 exhausted, and it was impacting your kids going to school;  
4 is there anything that would have helped in terms of  
5 services at that point? You said maybe if CFS offered  
6 something then it would have been helpful.

7 A Yeah, I guess so, I don't know. A, a chance to  
8 sleep would have been great.

9 Q Right.

10 A I don't know, I don't know what specific service  
11 they could have offered, but something I guess.

12 Q If, if --

13 A Respite or something, I guess, I don't know.

14 Q -- if Samantha hadn't come to pick up Phoenix  
15 that day would you have been prepared to care for her  
16 indefinitely?

17 A Yes.

18 MR. OLSON: Mr. Commissioner, I'm nearly done,  
19 but I'd, I'd like to maybe take a short break at this  
20 point.

21 THE COMMISSIONER: All right. All right. We'll  
22 take a 15 minute break now.

23

24

(BRIEF RECESS)

25

1 THE COMMISSIONER: All right, Mr. Olson.

2

3 BY MR. OLSON:

4 Q I just have a few more questions for you. Can we  
5 put page 36625 on the screen. This is a notice of  
6 agreement to provide placement, and go to the bottom.

7 Did you sign anywhere on this document, are any  
8 of those your signature?

9 A Yeah, that looks, that looks like my signature,  
10 yes.

11 Q The one above the date there, the --

12 A Yes, that's right.

13 Q -- July 29, 2003?

14 A That's right.

15 Q Do you recall signing it? Go to the -- if you  
16 can go to the top, please. Just take, just take a minute  
17 to take a look at it, and let me know if it seems familiar.

18 A It doesn't seem familiar.

19 Q Okay. I just want to ask you --

20 A But I probably signed it though.

21 Q -- a couple of -- you're not saying that you  
22 didn't sign it, just --

23 A No, I'm not saying I didn't sign it at all.

24 Q -- don't -- you don't remember it at all?

25 A No.

1 Q Okay. It says:

2

3 "I, Kimberly Stephenson --"

4

5 And we know that should be Kimberly Edwards.

6

7 "-- agree to provide care for the  
8 child(ren) named below, according  
9 to the following conditions."

10

11 And I think the date -- if, if we go down to the  
12 bottom for a minute the date on this is July 29, 2003. So  
13 you would have been -- Kim would have -- from what you  
14 remember she already would have been moved out of the home;  
15 right?

16 A Yes.

17 Q Okay. Go back -- back up, please, sorry.

18 So this is an agreement to care for Phoenix as a  
19 place of safety. If you see number 5 it says:

20

21 "I realize that I am being trusted  
22 with the care of these child(ren)  
23 until further notice, and I will  
24 not let these child(ren) leave my  
25 care without the approval of Child

1                   and Family Services."

2

3                   First I wanted to ask you when, when you became a  
4 place of safety did anyone explain to you what that meant  
5 in terms of guardianship of Phoenix or what your rights  
6 might be?

7           A       Not to my recollection, no.

8           Q       Okay. Did you know --

9           A       I think Kim -- oh, sorry.

10          Q       No.

11          A       I think Kim probably would have like handled  
12 that.

13          Q       She would have dealt with that?

14          A       Right.

15          Q       Okay. Would she -- would this have been signed  
16 at a formal appointment or a drop by, you know the worker  
17 just drops by the house, or do you know?

18          A       I don't know. I don't really know. I assume --  
19 it's got both of our signatures on it, so it was probably a  
20 set appointment.

21          Q       Okay. Otherwise would, would you expect him to  
22 be at your house?

23          A       Probably not. I mean possibly, but probably not,  
24 no.

25          Q       Okay. If, if CFS were to explain to you that as

1 a place of safety Phoenix would be in custody or care of,  
2 whatever, of, of the agency, the guardianship of the  
3 agency, and that you had an obligation to phone them if  
4 someone took Phoenix out of your care or tried to pick her  
5 up, would that have made a difference to you?

6 A No.

7 Q No. Okay. When Samantha picked up Phoenix did  
8 you -- were you aware that she had a new boyfriend?

9 A No.

10 Q So you didn't know anything about him, his name  
11 was Wes McKay?

12 A No.

13 Q Nothing, okay. Finally I just want to -- there  
14 were several reports that came out following Phoenix's  
15 death. One of them is called a section 4 report, and if we  
16 could put it on the screen, page 39.

17 Do you remember if anyone interviewed you -- I  
18 know the, I know the police did after, but did anyone else  
19 interview you about Phoenix, any report writers or anything  
20 like that?

21 A Any what, sorry?

22 Q Report writers.

23 A After Phoenix's death?

24 Q Andy Koster?

25 A I remember the police coming by and that's all I

1 can recall.

2 Q Okay. So the police took a statement, but --

3 A Correct.

4 Q Okay. In this report -- can you move the page  
5 down.

6 The finding 24, it says:

7

8 "This worker was right to believe  
9 given Stephenson's previous  
10 concern that Phoenix would be safe  
11 there and they would tell the  
12 agency if an attempt was made to  
13 pick her up."

14

15 It says:

16

17 "The letter was clear in respect  
18 to Steve Sinclair not being able  
19 to pick up Phoenix without the  
20 agency's involvement."

21

22 That's referring to the letter we looked at a few  
23 minutes ago. It says:

24

25 "The Stephensons had been foster



1                   parents of the agency, and had  
2                   shown considerable caring for  
3                   Phoenix in the past and had  
4                   recently removed her from what  
5                   appeared to be a crack house."

6

7                   And you didn't -- is that accurate, the part  
8                   about moving her from a crack house?

9           A        I don't have a specific recollection of that, no.

10          Q        Like you said before you didn't know if it was a  
11          crack house?

12          A        No.

13          Q

14                   "Concerns about Samantha would  
15                   have already been known by the  
16                   Stephensons since they picked her  
17                   up from the mother's care  
18                   already."

19

20                   And you told us before you don't recall picking  
21          her up?

22          A        I don't, no.

23          Q        And in terms of having any concerns about  
24          Samantha, other than what you've described for us already,  
25          you didn't have any other concerns?

1 A No.

2 Q Okay. You knew that Samantha wasn't caring for  
3 Phoenix, that Phoenix was being cared for by Steve; right?

4 A At what point?

5 Q I'm sorry, I should put that a different way.

6 Samantha wasn't really involved too much with  
7 Phoenix as an, as an infant?

8 A Right.

9 Q Okay. And did you know -- do you know why that  
10 was?

11 A Lack of interest I guess.

12 Q Okay. It goes on to say:

13

14 "Unfortunately the separation of  
15 the Stephensons was not disclosed  
16 to the worker at that time and was  
17 only brought out after the death  
18 of Phoenix. Even today Kim  
19 Stephenson - Edwards indicates  
20 that she was house sitting at a  
21 friend's for three months at this  
22 time. In hindsight Rohan  
23 Stephenson had not been completely  
24 forthcoming on the situation. The  
25 worker would have had no reason to

1                   disbelieve him since after all he  
2                   had picked up Phoenix when he  
3                   thought she was in danger at the  
4                   crack house."

5

6                   Do you, do you want to comment on anything  
7                   written there?

8                   A       Well, again, I don't, I don't have a recollection  
9                   of picking Phoenix up, although clearly she was in my care  
10                  so she must have got there somehow. Yeah, and I guess he's  
11                  right. I wasn't completely forthcoming on the situation.

12                  Q       You acknowledge that?

13                  A       Yeah, for sure.

14                  MR. OLSON: Okay. Those are the only questions I  
15                  have for you. Some of the other lawyers though will have  
16                  some questions for you I'm sure --

17                  THE WITNESS: All right.

18                  MR. OLSON: -- so thank you very much.

19                  THE WITNESS: You're welcome.

20                  THE COMMISSIONER: All right. Mr. Saxberg.

21                  MR. SAXBERG: Thank you, Mr. Commissioner.

22                  My name is Kris Saxberg, and I act for ANCR which  
23                  is the intake agency in Winnipeg, and I act for three of  
24                  the authorities that oversee child welfare in Manitoba.

25                  THE WITNESS: Okay.

1 CROSS-EXAMINATION BY MR. SAXBERG:

2 Q If I could ask that we turn to page 5666. That's  
3 from Commission disclosure 146. 5666, page 5666.

4 Now, you, you just testified, Mr. Stephenson,  
5 that you recall being interviewed by the police; that's  
6 right?

7 A Yeah, that's right.

8 Q And it was in March of 2006.

9 A Okay.

10 Q And at the time when the police were asking you  
11 questions you would have been answering to the best of your  
12 ability; right?

13 A Correct.

14 Q And to the best of your recollection at that  
15 point in time, it's about six years -- more than six years  
16 ago now, but at that point in time you were answering to  
17 the best of your recollection; correct?

18 A Yes, probably.

19 Q And you would, and you would have on that  
20 occasion, with the police, you'd be answering truthfully?

21 A Hard to say. It depends on the questions they  
22 were asking, I suppose.

23 Q Are you suggesting that you might have been  
24 untruthful to the police on that occasion?

25 A I don't know. I don't specifically remember the

1 interview. Clearly I was untruthful to some people at some  
2 times --

3 Q Right.

4 A -- due to my marginalization, society, so  
5 possibly I was untruthful with the police.

6 Q Okay. And, and I'll take you to, to some of the  
7 specific comments, and then we'll, we'll let you --

8 A That would be helpful.

9 Q -- decide. I want, I want to be very fair to you  
10 in that regard, but, but just while you're on the point you  
11 did mention before that, that you were trying to keep under  
12 the radar, as it were, because you didn't trust the  
13 establishment; that's, that's sort of what I took down as  
14 notes. Do you remember saying that?

15 A Yeah.

16 Q And --

17 A I think I said something like that.

18 Q And you were saying if you knew where I was  
19 coming from at the time you'd understand, you said  
20 something like that, do you remember that?

21 A That's right.

22 Q Can you tell us where you were coming from at the  
23 time?

24 A Well, I think have. I was coming from a  
25 marginalized group of society, low income, party lifestyle,

1 general distrust of police and the establishment. I had  
2 had no positive experience with police in my youth  
3 certainly, or with CFS. I only know CFS taking children  
4 away, not fixing families, only breaking them. Yeah, so  
5 again our -- we probably have no experiential overlap so  
6 you might not understand what I'm talking about, but I'm  
7 sure some people do.

8 Q You might be surprised. And so -- and you had  
9 explained already that's one of the reasons why you were  
10 untruthful to Winnipeg CFS?

11 A Correct.

12 Q And -- now in terms of this, this interview in  
13 March of 2006 I want to refer you to some comments that you  
14 made at the time. Now, on this first page if we can scroll  
15 down, the, the police have asked you:

16

17 And if you could just let us know  
18 what your relationship was with  
19 her as well as any other persons  
20 that were surrounding her."

21

22 And they're referring to Phoenix  
23 Sinclair.

24 THE COMMISSIONER: Where are you?

25 MR. SAXBERG: I'm on the last question

1 on the page.

2 THE COMMISSIONER: Oh, oh, yes, okay.

3 MR. SAXBERG: Officer Parker.

4 THE COMMISSIONER: Yeah.

5

6 BY MR. SAXBERG:

7 Q And in response to what your relation was with,  
8 with Phoenix in the second sentence you say:

9

10 "She, at first, it was sort of  
11 like a babysitting thing and  
12 slowly she started spending more  
13 and more time here."

14

15 That was an accurate statement; correct?

16 A Yes.

17 Q That's how it started with babysitting, and then  
18 it escalated throughout the period from when you first met  
19 Phoenix until she was taken by Samantha in 2004, there was  
20 an escalation of the amount of care you were providing; is  
21 that fair?

22 A Correct.

23 Q And if we could turn to the next page then. In  
24 the second paragraph you say, in the third sentence:

25

1                    "And so I guess that's probably  
2                    when Phoenix really started  
3                    spending a lot of time here."

4

5                    You're referring to post or after the death of  
6 Echo, and you go on to say:

7

8                    "And, yeah, she basically, she  
9                    basically lived here for at least,  
10                   well more than 50% of the time,  
11                   like 80% of the time for most of  
12                   her life, I guess."

13

14                   Is that ...

15                   A                   It appears that is what I said.

16                   Q                   Right. And you wouldn't have been lying about  
17 something like that to the police?

18                   A                   No, I wouldn't have been lying. I'm not sure  
19 that it's accurate, but I wouldn't have been lying. I  
20 would have just been speaking as my perception at the time.

21                   Q                   Okay. So is it fair --

22                   A                   When you say "most of her life" and that  
23 obviously that couldn't possible be true. How could she be  
24 there for 80 percent of most of her life?

25                   Q                   Right.



1           A        So, you know, my perception was that she was  
2 there for an awful lot of time, and I suppose that's what I  
3 was trying to convey.

4           Q        Right. And -- so let me ask it this way. During  
5 the period after Echo passed away and up until when  
6 Samantha took Phoenix from you in late March, 2004, would  
7 you agree that Phoenix spent about 80 percent of the time  
8 with you?

9           A        I would agree that she spent an awful lot of  
10 time, I don't know.

11          Q        Okay.

12          A        We, we could poll statistics, but a lot.

13          Q        Yeah. You know what? It doesn't -- if it's 80  
14 percent or 70 percent or 60 percent --

15          A        Okay.

16          Q        -- either of those could be accurate you're  
17 saying --

18          A        Yes.

19          Q        -- it was a lot of time?

20          A        That's right, a lot of time.

21          Q        I think one thing that you were clear about in  
22 your testimony was it was more time with you than with  
23 Steve?

24          A        Yes.

25          Q        And we know that you had contact with Winnipeg

1 CFS.

2 A Or hang on, if I could just clarify that, my  
3 answer there.

4 Q Sure.

5 A Yes, like towards the end not necessarily for her  
6 entire life.

7 Q From that period after Echo passed away so when  
8 she was about 14, 15 months old until when she was about to  
9 turn four.

10 A Yeah. Well, as we've already established it  
11 escalated so, yeah, I suppose towards the end more so than  
12 towards the beginning, but, yes.

13 Q Right, right. Well -- and as a matter of fact --  
14 I guess I just want to jump ahead to that part. When  
15 Phoenix was returned to you in January of, of 2004 to the  
16 point when Samantha picked her up in late March, 2004, at  
17 that -- for that period of time it's clear you were looking  
18 after her at least 80 percent of the time; correct?

19 A Yes.

20 Q And --

21 A And by at least 80 percent you mean a hundred  
22 percent?

23 Q Or -- well, there was -- okay, a hundred percent  
24 you're saying during that period.

25 A Right.

1 Q And, and Kim Edwards was not living with you?

2 A No.

3 Q And she, she wasn't helping out with you during  
4 that period either; was she?

5 A No.

6 Q And you just -- so you weren't getting any  
7 support from Kim Edwards during that period when you were,  
8 when you were looking after Phoenix you say a hundred  
9 percent of the time?

10 A From January, 2004 until I released her to  
11 Samantha, is that what you're asking?

12 Q Yes.

13 A Yes, that's right. I was not getting any  
14 support.

15 Q And in the next paragraph here it starts with the  
16 "Ahm, and then last year", and my understanding is in this  
17 paragraph you're describing when Samantha utilized your  
18 home to help look after Phoenix, when she picked up  
19 Samantha (sic), and when she dropped her back off, and you  
20 say in the third sentence:

21

22 "Ahm, she'd gone for a visit, ah,  
23 and then stayed with her mom for a  
24 little while."

25

1           And perhaps I'll just get you to read the entire  
2 paragraph, if you, if you don't mind, you can read it to  
3 yourself to get the context, and then I'll ask you --

4           A       No, that's all right.

5  
6           "Ahm, and then last year just  
7 right around this time, her mom  
8 came and, ah, and took her  
9 actually. She just came one day.  
10 Ahm, she'd gone for a visit, ah,  
11 and then stayed with her mom for a  
12 little while. And then her mom  
13 phoned me and asked if she could  
14 leave her here again. And, of  
15 course, I said, 'Yeah, that's  
16 great. No problem.' And she  
17 stayed for probably four or five  
18 months. I never heard from her at  
19 all. It was supposed to be for a  
20 week when she said, 'Can she  
21 stay?' I never heard from her.  
22 And then she showed up here and I  
23 really didn't know what else to do  
24 because that's her mom, so I just  
25 let her take her."

1

2 Q Okay.

3 A And clearly I started crying, or -- is that  
4 enough, right?

5 Q Right, yeah. And what that seems to suggest is  
6 firstly that, that at some point Samantha picked up Phoenix  
7 from you for a short visit and then returned her later;  
8 that's, that's what you're saying in the part of that  
9 paragraph then; that's accurate?

10 A It's accurate. That's what I'm saying, I'm not  
11 sure -- again like you said that was six years ago, so --

12 Q Right.

13 A -- that must have been my recollection at the  
14 time. I don't recall it now but.

15 Q And then you, you go on to say that Samantha  
16 returned Phoenix to you and asked if you could look after  
17 her and you said, yeah, that's great, no problem. Do you  
18 see that?

19 A Yeah, I do. So -- and that's what your  
20 recollection would have been back in 2006 that, that  
21 Samantha had dropped off Phoenix and you'd agreed to, to  
22 Samantha to look after Phoenix; correct?

23 A Yeah.

24 Q And then it was extended for a period, you say it  
25 looks like she was there for probably four or five months

1 after that before Samantha came back and took her; do you  
2 see that?

3 A Yeah, I do see that.

4 Q And there would have been no reason for you to be  
5 lying to the police about that chronology; correct?

6 A No.

7 Q And, and that would -- obviously it's an obvious  
8 statement --

9 A Well --

10 Q -- lawyers make it --

11 A -- actually I'm not sure if, if that's completely  
12 accurate. I might have been -- because again I don't  
13 really remember any of this, so I could have just been like  
14 trying to fill in details because I knew she was there, and  
15 clearly we had some documentation of how she got there, so  
16 maybe I didn't really remember how she got there so I was  
17 just filling in the details. She got here somehow, this is  
18 how she got here, does it really matter how she got here  
19 because she was here, so it's possible that that wasn't  
20 exactly accurate.

21 Q Okay. But --

22 A I may have been lying to cover my bad memory.  
23 Clearly she wasn't there for four or five months because we  
24 know she came in January and left in April so.

25 Q Yeah, yeah, it's -- what I'm trying to get to is

1 that --

2 A Well why don't you get to what you're trying to  
3 get to and then we won't have to do all this back and  
4 forth.

5 Q Well, I, I will try my best for you.

6 A Okay.

7 Q Is that it was Samantha that at some point  
8 dropped off Phoenix at your place and that you agreed to  
9 take her?

10 A Well that's what it says there. I don't have any  
11 recollection of that. The documents seem to show  
12 otherwise.

13 Q And -- but you wouldn't have been -- there was no  
14 reason for you to lie to the police that Samantha had --

15 A Again I already answered that question that maybe  
16 I would have lied to cover up gaps in my memory, because I  
17 didn't remember how she got there, just as I still don't  
18 remember how she got there so continuing to ask me how she  
19 got there is kind of pointless.

20 Q And if we continue on, if we could turn to --  
21 firstly, just, just before I go on. You, you indicated you  
22 were looking after Phoenix during that period of January  
23 until when Samantha picked her up, you said a hundred  
24 percent of the time. Did you ever contact anyone at CFS  
25 and tell them that that was the case?

1           A       No, I did not.

2           Q       And, and that was purposeful, you didn't --  
3 because, because of your, of your distrust for the  
4 establishment; fair?

5           A       Again there was no particular plan or reasoning  
6 behind it. I just didn't contact them. Yeah, I guess you  
7 could say that, or I just never thought of it. I didn't  
8 know that anyone would help, I didn't -- yeah.

9           Q       Well, no --

10          A       I was just busy doing it myself. You know, you  
11 just do stuff.

12          Q       But you did know that they were prepared to help  
13 because in January, the 21st of 2004, you had a meeting  
14 with Lisa Mirochnick, and you offered to be a place of  
15 safety for Phoenix; correct?

16          A       That's what the documentation would seem to say,  
17 yes.

18          Q       Well, the documentation says that, but I think  
19 that was your evidence as well. That you agreed --

20          A       Okay.

21          Q       -- to be a place of safety and to not accept any  
22 financial supports from CFS, and you'd look after Phoenix?

23          A       Yeah, that's right. I said that I'm not  
24 interested in the money, that's right.

25          Q       Right. And they had offered money and, and you,



1 you declined it, and said, but you'll look after her for as  
2 long as she needs looking after?

3 A That's right.

4 Q And, and I'm not in any -- that was a very good  
5 thing and that's what CFS heard from you --

6 A Okay.

7 Q -- that you were prepared to look after her, and  
8 -- but you -- and all I'm saying is you had this meeting  
9 with Lisa Mirochnick and you didn't tell her that you were  
10 looking after -- or did you tell her that you were looking  
11 after her for a hundred percent of the time at that point?

12 A I don't know.

13 Q And -- but one thing for sure you didn't tell her  
14 is that Kim Edwards was not part of the picture, and was  
15 not looking after Phoenix, you didn't --

16 A No, I wouldn't have told her that.

17 Q You wouldn't have told her, and you didn't tell  
18 her?

19 A That's right.

20 Q And you didn't tell her also that you were -- did  
21 you tell her you were working evenings and that there was  
22 no one home at night when you went to work?

23 A I don't know. Probably not.

24 Q And you wouldn't have told her that you were  
25 having your 11 year old and your 13 year old look after

1 Phoenix every night while you were working?

2 A Well, they weren't looking -- well, I mean -- I  
3 guess if she was awake they would have been looking after  
4 her, but, no, I, I obviously wouldn't have because then  
5 they wouldn't have placed her there, and then she would  
6 have went somewhere else so --

7 Q Exactly, exactly.

8 A -- so clearly -- I mean obviously not, right?

9 Q Right. I mean you, you told her that, that Kim  
10 was still there, and helping --

11 A That's right.

12 Q -- you told her -- you didn't tell her about your  
13 night job and that it was the kids that were at home with  
14 Phoenix --

15 A That's right.

16 Q -- when you were away, you didn't tell her that  
17 you'd be sleeping during the day when the kids were at  
18 school and when Phoenix was with you?

19 A Well, I, I mostly wasn't sleeping during the day.  
20 It's actually -- my, my job would suffer, not Phoenix, I  
21 slept at night.

22 Q Okay. But you didn't provide this information,  
23 and it's obvious why you didn't because CFS would never  
24 have allowed you --

25 A Correct.

1 Q -- and you knew that?

2 A That's right.

3 Q And you agree that would have made a difference  
4 in this case, wouldn't it? If CFS had known that they  
5 wouldn't have allowed her to be at your place; would they?

6 A Probably not.

7 Q And ...

8 A I can't really speak to what CFS would or  
9 wouldn't do, but I would assume that they would not --

10 Q Right. Well you were in fact assuming it at that  
11 time, that's why you were being untruthful with them.

12 A Correct. I, I will admit to having a fear while  
13 I was being untruthful that they might call my job and find  
14 out that I did work nights, or, you know, that they might  
15 investigate and find out I was lying, and that I wouldn't  
16 get to keep her, but clearly they didn't so.

17 Q Did, did employment and income assistance know  
18 about the status of your relationship with Ms. Edwards?

19 A I didn't deal with employment and income  
20 assistance. I was employed and so you'd have to ask  
21 employment and income assistance or Kim Edwards that.

22 Q But the welfare cheques were arriving at 1331?

23 A I couldn't tell you. There was definitely mail  
24 coming for Kim Edwards.

25 Q For her, and you'd give it to her?

1 A Yeah, it's her mail, right.

2 Q And, and -- but your understanding was she was on  
3 social assistance during that period of time; correct?

4 A Yes, that's my understanding.

5 Q Was she ever on social assistance during a period  
6 of time when you were working?

7 A I think we just said that.

8 Q Right. And that was another distrust the  
9 establishment thing where you, you didn't trust employment  
10 and income assistance, and wouldn't be truthful with them;  
11 correct?

12 A I never had any opportunity to be truthful or  
13 dishonest with them. I already said I didn't have any  
14 dealings with them.

15 Q But, but do you know whether or not Kim Edwards  
16 was being untruthful?

17 A Well it's my understanding she's going to  
18 testify, you can ask her if she was being untruthful.

19 Q Right. But while I've got you on the stand I'm  
20 asking if you knew about it?

21 A Yes, I knew about it.

22 Q You knew about her being untruthful to income and  
23 employment service?

24 A Yes.

25 Q Yes. And in your statement to the police one

1 thing you, you said at page 5674, the very top of the page  
2 there's a quote that says:

3

4 "I guess that's all I'm trying to  
5 say is that from what I  
6 understand, Sam was a very  
7 irresponsible parent and that's  
8 why, I guess. Well not that Steve  
9 was any better, I suppose. That's  
10 why their daughter was here all  
11 the time, right?"

12

13 Do you see that?

14 A I do see that.

15 Q And, and that's, that's an accurate statement,  
16 you weren't lying about that one; right, that that was your  
17 view?

18 A Yes, that was my view.

19 Q If they were better parents Phoenix wouldn't have  
20 been staying with you all that time, that's fair?

21 A Yes, that seems fair.

22 Q And if CFS knew that they would have reached the  
23 same conclusion about Steve and Samantha; wouldn't they?  
24 The same, the same conclusion you came to that they were  
25 bad parents?

1           A       Quite possibly.  Again I can't really speak to  
2 what CFS would or wouldn't say or do, or think.

3           Q       Now, later on on the page here you're indicating  
4 some examples of the negative parenting that you were aware  
5 of about Samantha, and you indicate -- it's the paragraph  
6 that begins with "Well I've heard --."

7           A       Um-hum.  I see that.

8           Q       Do you want to take a second to read that over?

9           A       No, that's all right.  Go ahead.  What would you  
10 like to know.

11          Q       Well it says that:

12

13                   "People that like hung out there  
14                   or partied over there with them  
15                   and stuff like that, that like Sam  
16                   would send Phoenix and lock her in  
17                   a room or she'd slap her if she  
18                   was talking when she shouldn't be.  
19                   Or she'd not feed her.  'Oh, are  
20                   you gonna give her a bottle?  Oh  
21                   no, she doesn't need one.  Let her  
22                   cry.'  And I can't say if any of  
23                   that's ... Like I never saw any of  
24                   that myself but that's just stuff  
25                   that I've heard."

1           It's true that you heard that stuff about  
2 Samantha's parenting of Phoenix?

3           A       That is correct.

4           Q       And it's true that you didn't convey that to  
5 Winnipeg CFS?

6           A       I heard that stuff after Phoenix had been gone.

7           Q       Okay. After she had -- after Samantha had picked  
8 her up from your home?

9           A       Correct.

10          Q       But before Phoenix was murdered?

11          A       I don't know.

12          Q       You don't know precisely when you heard it, it  
13 was just after --

14          A       Yeah, exactly.

15          Q       -- Phoenix was gone from your care?

16          A       That's right.

17          Q       Because it wasn't in the immediate period where  
18 you had -- where Phoenix had left your place because at  
19 that point in time isn't it fair to say you had the feeling  
20 that Samantha was cleaning herself up, and that's, that's  
21 what you say to the police here, that you had --

22          A       Yeah.

23          Q       -- info that Samantha --

24          A       That's right. That's fair to say.

25          Q       Yeah, and, and if we look down or if we look to

1 page 5673, in the middle of the paragraph in the middle of  
2 the page, in the paragraph that begins with "Well just  
3 that", it's page 5673. In the middle of that paragraph you  
4 say to the police:

5

6 "Like Sam was horrible to her from  
7 what I understand. But then she  
8 apparently stopped drinking and  
9 was cleaning up her act and I  
10 don't know, I was really ..."

11

12 And then you, you break down, you're crying, and  
13 you say:

14

15 "I feel so bad if anything  
16 happened to her. I never should  
17 have given her to Sam."

18

19 Do you see that?

20 A Yeah, I see it.

21 Q And that -- because when you're being interviewed  
22 by the police in March here of 2006 this was an  
23 investigation of a missing child; correct?

24 A Correct.

25 Q You didn't know what the outcome was going to be?



1           A       Well, they were asking me questions like, does  
2 she have all her fingers and stuff, so, you know, I was  
3 kind of shook up, yeah.

4           Q       But the information in that paragraph is  
5 accurate? That that was your belief that she had cleaned  
6 herself up at that point in time?

7           A       Yes, at that point in time I had heard that she  
8 had a boyfriend that was a trucker, and that the three of  
9 them were trucking all around the place, and just living a  
10 good life, that's what I heard.

11          Q       Do you remember who you heard that from; was it  
12 from Samantha when she talked to you when she picked up  
13 Phoenix?

14          A       No. It was just something I had heard, I don't  
15 know, from people, yeah. Like I said we sort of knew  
16 people in the same circles so.

17          Q       And I understand that Samantha was working at  
18 Club Regent during that period; was that something you were  
19 aware of in terms of her rehabilitating herself?

20          A       No, I had no idea.

21          Q       Were you aware as to whether she had a job during  
22 that period when you believed she was cleaning herself up?

23          A       I don't recall.

24          Q       But it's, it's fair to say one of the reasons --  
25 you were hesitant to let Phoenix go with Samantha, that was

1 your testimony, correct?

2 A Correct.

3 Q But one of the things that -- at that time was  
4 that you did believe she had cleaned herself up somewhat,  
5 is that true?

6 A No, I was unaware of the extent to which she  
7 needed cleaning up. I had no, I had no idea if anything  
8 was different, or any thought that anything was different  
9 with her. I simply thought that things weren't that bad,  
10 and that she'd bring her back in two days when she got  
11 bored with her. That's why I gave her to her. If I had  
12 had any idea of what was going on I wouldn't have given her  
13 to her, or if I had any idea that she wasn't going to bring  
14 her back in two days I also wouldn't have given her to her.

15 Q You never would have let Phoenix go if you had  
16 known she wasn't coming back in two days; that's what  
17 you're saying?

18 A Yeah, that's what I'm saying, or one day, or four  
19 days, I'm just using a generalized number. The point I'm  
20 trying to make is that I assumed that Sam and her  
21 grandmother would take her and then bring her back.

22 Q And you knew that if you conveyed information to  
23 Winnipeg CFS that they'd act on it with respect to Phoenix;  
24 right, and you knew that they would act on it?

25 A I'm not sure what you mean by that.

1 Q Well, you didn't tell Winnipeg CFS that Samantha  
2 had come to take Phoenix?

3 A No.

4 Q And you hadn't told them about all the other  
5 information we went over about the circumstances in which  
6 Phoenix was living at the time with you before Sam picked  
7 her up, you didn't tell them that?

8 A No.

9 Q No. And in terms of what you had heard about  
10 Samantha and her treatment of Phoenix you hadn't conveyed  
11 any of that information to Winnipeg CFS?

12 A No.

13 Q Another point is -- if you could turn to page  
14 5674, unless we're already there, and scroll to the bottom  
15 of the page. Yes. In the bottom paragraph you're  
16 mentioning that whenever Phoenix would leave your care and  
17 go elsewhere, you don't specifically state where, that she  
18 would come back often with lice.

19 A Yes.

20 Q And, and that's something that was true?

21 A Yes.

22 Q And also what's true is that you said this had to  
23 have happened on at least 10 occasions?

24 A I'm not sure if I said that it had happened on 10  
25 occasions, but it certainly happened very frequently. She

1 spent a lot of time with butter in her hair.

2 Q Butter in her hair?

3 A Yeah.

4 Q And if you --

5 A That's how to kill them.

6 Q -- if we could turn to 5675, and near the bottom  
7 of the page, I think you, you go through that, and you say  
8 in the paragraph that begins "Well she came back with  
9 lice." You say:

10

11 "Well she came back with lice,  
12 ahm, ah, I wouldn't be  
13 exaggerating if I said 10 times."

14

15 A Okay.

16 Q Does that sound right?

17 A Well clearly it's written down there so that must  
18 have been what I had said at the time. My recollection now  
19 is that maybe I was exaggerating at 10 times, but maybe I'm  
20 not.

21 Q You don't --

22 A I know several times, lots and lots of times.

23 Q And, and one thing is that Phoenix would come  
24 back into your care with her head shaved?

25 A Yeah, she did once obviously.

1 Q At least once?

2 A Well I mean how many times can you shave your  
3 head; right. When she shaved it she was bald.

4 Q And that was -- it was your understanding that  
5 that was because of the lice?

6 A Yeah. Like I don't know if it was my  
7 understanding or my assumption, but, yes.

8 Q Now, at the point in time where Samantha comes  
9 and picks up Phoenix in 2004 you've just indicated that you  
10 thought that it was going to be a temporary thing; correct?

11 A Correct.

12 Q And one of the reasons why you thought that was  
13 because that had happened previously wherein Phoenix was in  
14 your care, and Samantha had come and picked up Phoenix, and  
15 you'd allowed that, and Samantha had returned Phoenix;  
16 correct?

17 A I don't specifically recall that, but assumedly,  
18 yes, it seems to make sense.

19 Q That's why you would have assumed she was going  
20 to bring her back because I think some of your comments --

21 A Correct.

22 Q -- again that's what always happened in the past,  
23 she brought her back?

24 A Correct.

25 Q So --

1 A Those were some of my comments.

2 Q -- on those other occasions you were allowing  
3 Samantha to see Phoenix, and of course you hadn't conveyed  
4 any of that information to Winnipeg CFS; correct?

5 A Correct.

6 Q And, and that's because you knew that Winnipeg  
7 CFS had a concern about Samantha?

8 A No, that's because I didn't care to convey  
9 anything to Winnipeg CFS. If Samantha had done something  
10 super awesome for Phoenix I wouldn't have conveyed that  
11 either, I had no interest in Winnipeg CFS. My interest was  
12 in Phoenix.

13 Q You weren't going to tell CFS good news, you  
14 weren't going to tell them bad news, you weren't going to  
15 tell them anything, and you didn't want to deal with them;  
16 correct?

17 A That seems -- yeah, that, that sounds accurate.

18 Q And do you agree that in hindsight, because we  
19 all have hindsight here today --

20 A Correct.

21 Q -- knowing what happened, that that prevented CFS  
22 from taking steps; would you not agree with that?

23 A I'm not sure if I agree with that part or not. I  
24 think that it probably did hinder the flow of information.  
25 I think that -- like I said a little, a little bit of

1 interest from anyone would have uncovered most of this  
2 stuff anyways.

3 THE COMMISSIONER: A little bit of what?

4 THE WITNESS: A little bit of interest, like  
5 there's people that are supposed to be responsible for her  
6 safety. For instance -- I don't know, we keep going back  
7 to this January, 2004 thing. Somebody left her there with  
8 me or signed something with me, or something, but I never  
9 heard anything from them again, so -- yeah, I, I will admit  
10 that I was not conveying information to Child and Family  
11 Services, if that's what you're asking me, and that if I  
12 had conveyed that information they may or may not have  
13 acted in some different, or exact same way, but I will also  
14 stipulate that they could have found out most of this  
15 information if they had simply taken an interest.

16

17 BY MR. SAXBERG:

18 Q Right. You're, you're saying that in your view  
19 the agency was wrong because it didn't find it out,  
20 notwithstanding that you were hiding it and lying to them,  
21 that's what you're saying?

22 A Yeah, kind of, yeah. Although I'm not blaming  
23 the agency if that's what it's coming across as. I'm not  
24 trying to say that it's their fault that any of this  
25 happened.

1 Q Okay. And I, I understand that you -- you know,  
2 from reading your witness statement to the police that you  
3 were taking, you were taking it on yourself, were you not?  
4 You were taking --

5 A Correct.

6 Q -- you were taking the burden on yourself for  
7 this?

8 A I don't know if "burden" is the correct word,  
9 but, yeah, sure.

10 Q You, you had some -- you regretted the choice  
11 that you made in allowing Phoenix to go with Samantha, and,  
12 and then knowing what happened you felt very -- grief over  
13 that, and guilt?

14 A Absolutely.

15 Q Absolutely.

16 A Yeah.

17 Q And that's, and --

18 A Went through a period of guilt, yeah.

19 Q And, and that's because -- it's not just that you  
20 thought Phoenix was coming back in two days, you really  
21 didn't at all foresee any possibility that Samantha was  
22 going to do what she did to Phoenix, nobody did; right?

23 A Obviously not.

24 Q I mean we all know it now, and we're looking back  
25 on what happened, but at the time you had not even a



1 scintilla of concern that this child was going to be  
2 murdered by Samantha; did you?

3 A Absolutely not, and I'm sure that none of your  
4 agencies or agents did either.

5 Q If you did have that concern you would have  
6 called the police; correct?

7 A Correct.

8 Q And you didn't call the police about this at all?

9 A No.

10 Q And you didn't call CFS?

11 A No.

12 Q If we could turn to commission disclosure 2071,  
13 and page 43571, and if we could go to -- scroll down.

14 This is an e-mail from -- sorry, if we could go  
15 to the next page, if you can keep scrolling down.

16 Sorry, it's this that I wanted to look at. It's  
17 an e-mail from Mario Rojas, who's testified here  
18 previously, to you and in the e-mail he's talking about  
19 meeting with the above referenced care provider, and, and  
20 the reference is to Kimberly Stephenson, and you -- I think  
21 you testified you don't remember meeting Mario; correct?

22 A Yeah, that's correct, I --

23 Q But --

24 A -- don't remember meeting Mario.

25 Q -- but you don't -- you're not saying it didn't

1 happen, you're just saying you don't have a recollection of  
2 it; is that fair?

3 A Yeah, that's fair, yeah.

4 Q And in this e-mail it's indicating that he has  
5 offered the possibility of daycare for Phoenix, and, and  
6 other supports that CFS would be prepared to, to offer to  
7 you; do you see that?

8 It's the fourth paragraph, the third issue.

9 A I do see that.

10 Q Do you see that?

11 A Yeah.

12 Q And I think your evidence was it didn't matter  
13 what CFS was going to offer, you didn't want anything to do  
14 with it because you didn't want to be involved with CFS,  
15 you just wanted to look after Phoenix; is that fair?

16 A Correct.

17 Q So -- and it's not the case that CFS wasn't  
18 offering to you services to help you, it's that you didn't  
19 want them?

20 A Well I think it's fair to say that had they been  
21 offered I -- at, at this time anyways, it seems to be dated  
22 in September of 2003, I probably wouldn't have been  
23 interested. I am also fairly sure that no services were  
24 ever offered to me. Clearly it says they were in touch  
25 with Kim, and since Kim wasn't living in the home, which

1 they didn't know, then really that was of no use to me.

2 Q Right.

3 A But I would have rejected them anyways at this  
4 point in time.

5 Q Right, and so there's no point in debating the  
6 other part.

7 A Right.

8 Q You would have rejected them, that's, that --

9 A Well, there was a bit of a point, I think,  
10 because the point you're trying to make kind of --

11 Q Is that they were offered --

12 A -- warbles on that, but --

13 Q Once --

14 A -- they, they weren't offered to me so they were  
15 offered to someone who wasn't giving any care to Phoenix at  
16 all, so that's kind of useless.

17 Q And, and you're saying Kim --

18 A Correct?

19 Q -- Kim Edwards wouldn't have told you about the  
20 offer?

21 A I guess not because I don't know anything about  
22 the offer so.

23 Q Okay. But --

24 A Or at least -- maybe I just don't recall it,  
25 that's fair, maybe I just don't recall her telling me that

1 they told her that they would be willing to offer these  
2 services to her for Phoenix.

3 Q Okay. And that's fair.

4 A Correct.

5 Q And earlier we, we were talking about January 21,  
6 2004, and your meeting with Lisa Mirochnick and she'd  
7 offered financial help and you'd rejected that; right?

8 A That's right.

9 Q And -- but what you were saying to Mr. Olson was  
10 when -- near the -- in that March period -- in that  
11 February/March period when you were working nights, and you  
12 weren't sleeping during the day, at that point in time you,  
13 you would have loved to have had some assistance, that's  
14 what you were saying; is that what you're saying?

15 A Yeah.

16 Q Even if it came from CFS, whom you didn't trust,  
17 correct, is that what you're saying?

18 A Yeah, I think so.

19 Q But how is CFS going to know that if you weren't  
20 telling them anything and when you were telling them things  
21 you were lying?

22 A That's a very valid point. Had they have asked  
23 me I probably at that point would have been honest at least  
24 about my need for help. I mean I'd give you that I lied to  
25 them, there's no question about that, but -- and I don't

1 expect that you'll give me anything, but certainly we can  
2 all agree, if not you, everyone else, that they made no  
3 effort to follow up, so I was a liar and they were  
4 incompetent, and 15,000 other circumstances all came  
5 together and now Phoenix is dead.

6 Q And, and turning the tables a bit though, if you  
7 don't mind, in terms of your conduct, and I, I think you  
8 have been very candid with us here today, and these are --  
9 there's been some tough questions, but in terms of what you  
10 did, your treatment of Phoenix, I, I believe you that you  
11 say that you loved her, and you say that, and you, and you  
12 did love her; correct?

13 A Correct.

14 Q And you were trying your best to protect her and  
15 provide a safe home for her, there's no doubt about that,  
16 and that's your evidence; correct?

17 A Correct.

18 Q But you also left her with this object in her  
19 nose for a period of months without seeking medical  
20 treatment, and that was on you; wasn't it?

21 A I'm not sure what you mean by that.

22 Q Well, you were caring for her during that period,  
23 and you didn't get treatment for three months.

24 A I was caring for her, yeah, more than Steve was  
25 during that period, definitely.

1 Q And, and you didn't take her until three months;  
2 correct?

3 A Yes. As I've already given evidence Steve said  
4 he had taken her to a clinic. It was my understanding that  
5 it had been removed, so I didn't know that it hadn't been  
6 removed until I started to smell a smell.

7 Q That wasn't good parenting, was it, leaving that  
8 object in there and not ensuring that it had been taken  
9 out; it wasn't good parenting, was it?

10 A I'm not sure. I understand that Steve testified  
11 that he was told to -- that it would come out by itself so  
12 if he was following the doctor's instructions then I guess  
13 that's not really an impeachment of his parenting.

14 Q Well, I, I suggest to you that there was no  
15 doctor that said to leave it and it'll come out on its own,  
16 I suggest that that's the case, and that if you were  
17 looking after Phoenix --

18 A That could be very well possible, and I wouldn't  
19 know. There are some things I do know, that's one that I  
20 can't tell you for sure. What I do know is that when I  
21 realized that there was something lodged in her nose I took  
22 her to get it out.

23 Q But you'd known --

24 A Well still lodged in her nose.

25 Q Still lodged in her nose, right.

1           A       That's, that's right.  Because it started off as  
2 a, as a fairly large piece so it was fairly obvious, and  
3 then I don't know whether it worked its way up, or if it  
4 broke off, or somebody -- I don't know what happened, but  
5 it was no longer obvious.

6           Q       But is it fair to say it got in there when you  
7 were looking after her as well, maybe when you were at  
8 work?

9           A       You know you could probably say that.  I don't  
10 think that's the case at all.  I don't have anything of  
11 that particular material, it was some type of foam, but I  
12 guess I wouldn't know because I wasn't there when I was at  
13 work --

14          Q       Do you agree --

15          A       -- which is the point I'm trying to make.

16          Q       Exactly.  And you agree that without any doubt it  
17 was unsafe to leave Phoenix at home for these prolonged  
18 periods of time with an 11 year old and a 13 year old while  
19 you were at work, that that was unsafe for Phoenix?

20          A       No, that was not unsafe.

21          Q       You believe that wasn't unsafe?

22          A       That was not unsafe in any way.

23          Q       Was that good parenting?

24          A       Was I parenting her?  Are you asking if it was  
25 irresponsible?  I'm going to say, no, because if it wasn't

1 unsafe then it wasn't irresponsible. A 13 year old is  
2 certainly old enough to babysit, especially overnight when  
3 somebody's asleep. I'm not sure if you have any children,  
4 but if you do I question whether you ever used a teenage  
5 babysitter. I'm sure most people have. I believe 12 is  
6 the legal age and my children being well experienced with  
7 looking after other children, and Phoenix herself, I would  
8 say that characterizing it as unsafe is grossly inaccurate?

9 Q Grossly inaccurate, but certainly --

10 A Grossly inaccurate.

11 Q -- you knew that CFS would have a contrary view  
12 because if you told them they, they certainly wouldn't have  
13 allowed that, that's why you lied to them about it;  
14 correct?

15 A I think you're putting words in my mouth. I  
16 believe that CFS probably wouldn't have been fully  
17 comfortable with the idea of me and my little boys being  
18 the only caregivers to a little girl, that's what I  
19 believe. I don't think they would have a problem with a  
20 legal babysitter babysitting, I don't think that would be a  
21 problem. It's not the leaving her overnight with my boys  
22 that I was concerned about, it's just the -- I don't even  
23 know what I was concerned about. I was just concerned  
24 about the fact that CFS I did not view as a, a friendly  
25 entity, that's all.



1 Q And was that based on any personal experience  
2 that you had, or was that just your perception?

3 A That was just my perception based on other  
4 experiences just growing up. Not with me personally  
5 because I was never a ward of CFS, but I knew lots of  
6 people that were and, you know.

7 Q You, you weren't treated poorly by Winnipeg CFS  
8 at any point in time as a child; correct?

9 A No, I was not.

10 Q And as an adult were your kids ever taken away by  
11 Winnipeg CFS, or any CFS agency?

12 A No.

13 Q And I understand that, that during the period of  
14 time when you first were hanging out with Steve and  
15 Samantha you were -- there was a party atmosphere in your  
16 home and you were smoking marihuana and drinking; is that  
17 fair?

18 A That is fair.

19 Q And, and smoking marihuana is something that,  
20 that you do?

21 A That I did, yes.

22 Q That you did.

23 A Correct.

24 Q And, and it's something that you did during the  
25 period you were caring for Phoenix; that's fair, right?

1 A Correct.

2 MR. SAXBERG: Okay. Thank you very much. Those  
3 are my questions.

4 THE COMMISSIONER: Who's next? Are there any  
5 other, any other cross-examinations?

6 MR. MCKINNON: I just want to take one minute,  
7 Mr. Commissioner, to --

8 THE COMMISSIONER: Fine.

9 MR. MCKINNON: -- review my notes.

10 THE COMMISSIONER: Fine. If you need more time  
11 we'll adjourn for five minutes.

12 MR. MCKINNON: Mr. Commissioner, no questions.

13 THE COMMISSIONER: Thank you, Mr. McKinnon.

14 MR. RAY: If I could just have one moment.

15 THE COMMISSIONER: Mr. Ray, do you have  
16 questions.

17 MR. RAY: I believe -- just a couple, Mr.  
18 Commissioner.

19

20 CROSS-EXAMINATION BY MR. RAY:

21 Q Good morning, Mr. Stephenson. My name is Trevor  
22 Ray. I act for the MGEU, and I act for some of the social  
23 workers that you would have had interaction with, in  
24 particular Ms. Conlin, and Mr. Mario Rojas. I appreciate  
25 your spending time with us today, and I appreciate it's

1 obviously very difficult for you to answer these questions.  
2 I have just a couple quick questions for you, if you don't  
3 mind.

4 Can we bring up document 37449, please.

5 Now, you were asked questions about this letter  
6 earlier, and I think you said that you recall receiving it,  
7 or you thought you may have received it, and I just want to  
8 point out a couple of things in a letter to you, and, and  
9 ask you some questions about it.

10 Ms. Conlin states in her letter specifically that  
11 she told Steve she has concerns about his lifestyle, as  
12 well as Samantha's; correct?

13 A Yeah, that's what it says.

14 Q You'd agree with me that the letter doesn't say  
15 anywhere don't give Phoenix back to Steve, and it doesn't  
16 say don't give Phoenix back to Samantha, it simply says  
17 what the, what the writer told Steve; correct?

18 It says --

19 A Yes, that's correct.

20 Q Okay. And, and then it goes on to say:

21

22 "So please be advised that the  
23 agency hopes you will continue to  
24 care for Phoenix ..."

25

1                   And that's what you were doing at that time;  
2 correct?

3           A        Correct.

4           Q        And then the letter goes on to further say please  
5 tell us if anything changes; correct?

6           A        Correct.

7           Q        And you didn't tell anyone at the agency that  
8 things had changed; did you?

9           A        No, I didn't.

10                   MR. RAY: Thank you. Those are my questions.

11                   THE COMMISSIONER: Thank you, Mr. Ray.

12                   Mr. Gindin.

13

14           CROSS-EXAMINATION BY MR. GINDIN:

15           Q        Good afternoon. My name is Jeff Gindin. I  
16 appear for Kim Edwards and Steve Sinclair, and I have some  
17 questions for you, okay.

18           A        Okay.

19           Q        I think you've told us clearly that your  
20 recollection with respect to dates and exact periods of  
21 time is sketchy?

22           A        Correct.

23           Q        And you've, you've answered some questions based  
24 on documents that were shown to you, and made assumptions  
25 about what's in there being correct?

1           A        I'm not sure if I've answered any questions based  
2    on the content of documents.  As far as establishing a  
3    timeline the dates on documents can help, yes.

4           Q        Okay.  But without documents, and that kind of  
5    thing, pretty hard to remember time periods and exact  
6    dates, I think you've told us that pretty clearly?

7           A        Yeah, I think that's -- yeah, that's accurate?

8           Q        Yeah.  And you've also told us you have a bad  
9    memory?

10          A        Did I say that?

11          Q        Yeah, you did.  You forgot that already?

12          A        Possibly.

13          Q        I see.  You were having trouble remembering the  
14    ages of your children, and when you got divorced, and  
15    things like that; right?

16          A        Yeah, that's correct.  I don't know if I had  
17    trouble remembering my children's ages, did I?  You see I  
18    forgot that already, too.

19          Q        There you go.  Now, you were telling us that you  
20    had lived in McMunn at one point --

21          A        Correct.

22          Q        -- do you recall that?

23          A        I do.

24          Q        McMunn, McMunn is out in the country; right?  How  
25    far away is that from Winnipeg?

1           A        I think it's almost exactly a hundred kilometers,  
2       it's like an hour.

3           Q        Okay.  Now, when you were in McMunn where would  
4       you live there?

5           A        I lived -- I'm not sure, like you want physical  
6       address or ...

7           Q        Was it, was it a house or an apartment --

8           A        It was a house.

9           Q        -- or a farm?

10          A        Yes, it was a house.  It belonged to my former  
11       father-in-law.

12          Q        It belonged to Kim's --

13          A        Kim's father.

14          Q        -- Kim's dad; right?

15          A        Correct.

16          Q        And that's where you would stay when you were in  
17       McMunn; right?

18          A        Yes, that's where I was living in McMunn.

19          Q        I think you said you were there in 1999 only, is  
20       that what you said?

21          A        Yes.

22          Q        I'm suggesting to you that you were also in  
23       McMunn a few years later when your kids were with you and  
24       they went to school there, Reynolds school; does that, does  
25       that ring a bell?

1 A They did go Reynolds school there.

2 Q Yeah. And so --

3 A That wasn't in 1999?

4 Q I'm suggesting it was a few later years later.

5 A I'm thinking that it wasn't.

6 Q But you --

7 A I suppose we could pull the school records and  
8 then we'll know for sure.

9 Q We could do that.

10 A Have we done that because if we have then --

11 Q I don't have, I don't have them, but Kim will  
12 give evidence, and that's her recollection.

13 A Okay. Well, maybe we could just pull the records  
14 and then we'll know for sure because I'm reasonably certain  
15 that that one I've got correct, 1999.

16 Q Okay. And you were only there you say for that  
17 one year?

18 A For one year, yeah.

19 Q And now in 1999 how old would your kids have  
20 been?

21 A Well, eight and ten, I suppose.

22 Q Are we talking about Paul?

23 A That's right.

24 Q And Paul would have been eight; correct?

25 A Yeah.

1 Q And Kim is the mother of Paul; right?

2 A That's correct.

3 Q Right. And you had other kids with you when you  
4 were there?

5 A That's right, Andrew.

6 Q Andrew, who would be --

7 A He would have been 10.

8 Q And he would have been 10; right?

9 A Yeah.

10 Q And they would have gone to school at that --

11 A Yes, they would have.

12 Q -- age; right?

13 A That's right.

14 Q And it would have been Reynolds School?

15 A Yes, it would have been.

16 Q And if the record --

17 A It was.

18 Q Pardon me?

19 A It would have been and was, yes.

20 Q Yeah. And if the records show that it was a few  
21 years later then you'd accept that?

22 A I guess I'd have to accept it.

23 Q Okay.

24 A I'd have a difficult time accepting it.

25 Q But you've already --



1           A        Because, because I can remember them being in  
2 higher grades here in Winnipeg, so it would be difficult  
3 for me to understand how they could have also did those  
4 grades in Reynolds, but I guess.

5           Q        Okay. Well let me take you back briefly to when  
6 you took Phoenix to the hospital because of the, the nose  
7 incident. Do you recall that? You were talking about that  
8 earlier?

9           A        Yes, I recall.

10          Q        I think you said you didn't give them your name.  
11 We've heard evidence that they didn't have a name for you.  
12 Do you recall being asked your name?

13          A        I don't specifically recall being asked my name.  
14 I'm sure they probably asked for my name.

15          Q        You think they would --

16          A        It would seem like a standard procedure --

17          Q        Yeah.

18          A        -- who are you.

19          Q        And do you recall whether you simply refused to  
20 answer that, or you told them anything about who you were?

21          A        I think I might have told them that I was her  
22 Uncle Guy because she called me Big Guy, but didn't do the  
23 "Big" very good, so she called me "Guy", b-guy (phonetic),  
24 so that's what she was calling me, so I think I might have  
25 told them that.

1 Q The documents --

2 A I have kind of an impression of that, but for  
3 some reason it says "godfather" which is really strange to  
4 me because I mean it's not like I've got some kind of --  
5 it's like a specific religious officer or something, right,  
6 christening and all that kind of stuff. Definitely not her  
7 godfather.

8 Q Okay. The documents have that term, you've,  
9 you've been shown the documents and they put down godfather  
10 or godparent.

11 A Yeah. Maybe they just needed to fill in the  
12 blank.

13 Q Okay. But you don't think you told them that?

14 A I'm reasonably positive I didn't tell them that.

15 Q Do you recall --

16 A I don't believe in godparents.

17 Q Okay.

18 A Just to go on the record.

19 Q Do you recall whether they insisted on your name  
20 or pressed it, anything?

21 A I don't know, I guess they didn't press it too  
22 hard because I didn't give them a false one so.

23 Q Okay.

24 A I mean if they absolutely had to have a name, and  
25 I actually refused to give them my real name then I would

1 have just given them a false name, so I guess we just let  
2 the issue go and treated the medical problem.

3 Q Okay. If we could have page 36634, please, on  
4 the screen.

5 Now, you recall being shown this document  
6 earlier, and this is the application for license to operate  
7 and maintain a children's foster home.

8 A Correct.

9 Q And if we can scroll up a little bit to the  
10 bottom where the signatures are I think you indicated that  
11 -- some of the writing there appears to be Kim's writing;  
12 right?

13 A I think I may have indicated that all of it  
14 appears to be Kim's writing, but, yes.

15 Q Yeah, or all of it, okay. And you see the date  
16 at the bottom is September 23, '03?

17 A Yes, I do see that.

18 Q That appears to be the date when the document is  
19 signed?

20 A Correct.

21 Q And so it's pretty clear that Kim was likely  
22 there?

23 A It appears her signature is on it, yes.

24 Q Yeah. And in fact helped prepare it, you  
25 recognize her writing --

1           A       Yeah, she, she wrote it all out so.

2           Q       Okay. I guess during the time between Phoenix's  
3 -- or Phoenix coming home to Steve and Samantha's place in  
4 September, 2000, and the years that followed, you've told  
5 us about your involvement in raising her, correct, but am I  
6 correct that you're a little unclear about different time  
7 periods along the way?

8           A       Yeah, some, some time periods are a little  
9 sketchy I think is the word you used. Are we, are we  
10 positive on Phoenix's birth date being in 2000 --

11          Q       Yes.

12          A       -- because if we are then I'm reasonably positive  
13 on the McMunn thing being in '99 --

14          Q       All right.

15          A       -- just to go back to that.

16          Q       Okay. The evidence is that she was born in April  
17 of 2000.

18          A       Okay.

19          Q       That's, that's the evidence.

20          A       Well then using that evidence as her birthday,  
21 which we all know, then definitely the McMunn thing I'd  
22 like to rephrase my answer from possibly I could be wrong,  
23 if you can show me documents -- if you show me documents to  
24 say differently they're incorrect because it was definitely  
25 before she was born.

1 Q That's your recollection, you were in --

2 A Yeah, that's my recollection as the facts.

3 Q That you were in, that you were in McMunn before  
4 Phoenix was born?

5 A Yes, that's correct.

6 Q Okay. During that period of time, that is  
7 September of 2000 and the few years that follow --

8 A Okay.

9 Q -- you, you obviously spoke to Steve on occasion;  
10 right?

11 A Yes, many occasions.

12 Q It would be hard to tell us now when you spoke to  
13 him, which dates you saw him, that would be --

14 A That, that might be relatively impossible, yes.

15 Q Okay. And were there times when he had a phone  
16 as far as you were aware, and times that he didn't?

17 A That Steve had a phone?

18 Q Yeah.

19 A I think Steve had a phone for a short period, I  
20 can't do the exact dates on it, but he had a phone for a  
21 little while. A friend's mother put it in actually because  
22 she was staying there.

23 Q Are you saying that because you saw him with a  
24 phone at one point?

25 A No, just because I remember it.

1 Q Would you phone Steve on occasion?

2 A No, I don't think I had the number.

3 Q So you wouldn't have had his number?

4 A I don't think so.

5 Q Now, if we could have a look at page 37444, and  
6 here's a document you were shown earlier. Now this is when  
7 we were discussing the social worker Andy Orobko, and you  
8 said you were pretty certain you had never spoken to him;  
9 do you recall that?

10 A Yeah, I think I said that in fairness to him I  
11 could just not recollect it, but I don't recollect it.

12 Q Yeah. And looking at the information in that  
13 particular memo that is set out there. For example, you've  
14 told us already that beside the date April, 2004 you don't  
15 agree with the time period there, that it should be --

16 A Well --

17 Q -- closer to late April; right?

18 A Well -- yeah, it says that she was -- it says  
19 that in April she would have been gone for a month, so,  
20 yeah.

21 Q Now these dates that you see in that memo is that  
22 something that you would have kept track of, or likely  
23 implied to a social worker if they phoned you?

24 A No, but once again by relating it to other things  
25 I can be fairly certain.

1 Q In terms of --

2 A -- I can be fairly certain or positive -- let's  
3 say -- I don't like to say that I'm positive because, you  
4 know, but if that's what it --

5 Q Yeah.

6 A -- requires to say that I know then, yes, I'm  
7 positive that it wasn't a full month because she came very  
8 shortly before Phoenix's birthday, which we know is at the  
9 end of April.

10 Q Right. Okay.

11 A So by relating it to Phoenix's birthday I can  
12 know that she didn't come in the beginning of March.

13 Q But you have no recollection of speaking to this  
14 particular social worker?

15 A No recollection at all.

16 Q Okay. If we can have page 5672, please. Scroll  
17 up a little bit. Now earlier I had suggested to you that  
18 your recollection of dates might be a little bit off,  
19 remember that? In the statement that you referred to  
20 earlier obviously you were being asked some questions then,  
21 and towards the bottom of that page it says -- the very  
22 last answer, you were being asked about a worker's name,  
23 the worker's name:

24

25

1                   No, no, I don't -- that was really  
2                   -- really that would be my ex-  
3                   wife. If you talk to her she  
4                   would probably be able to give you  
5                   dates, and all that kind of thing  
6                   a lot better than me.

7

8                   Do you recall saying that, that's in your  
9                   statement?

10                  A        I don't particularly recall saying it, but it's  
11                  there in my statement.

12                  Q        Okay.

13                  A        I can see that I probably did.

14                  Q        Okay. And you were telling the truth at the  
15                  time?

16                  A        Yeah.

17                  Q        Yeah.

18                  A        I guess so, that she would probably be able to  
19                  give them the dates better than I could.

20                  Q        And also with respect to certain documentation  
21                  you earlier said that that was kind of her department, and  
22                  she might know a lot more about that?

23                  A        Correct. Well, I didn't say that she'd know a  
24                  lot more about it, just simply that she filled it out, just  
25                  to clarify.



1 Q Now with respect to the incident with the object  
2 up Phoenix's nose do you recall talking to Kim about that,  
3 and, and there was an effort made by her to use tweezers at  
4 one point to see what she could do, does that ring a bell?

5 A Yeah, now that you mention it I think I have some  
6 kind of vague recollection about that, I think.

7 Q And if I suggested to you that she had indicated  
8 that she had actually tried to get some assistance through  
9 a doctor earlier do you recall a conversation like that?

10 A No, I can't say that I do.

11 Q It might have happened?

12 A The, the tweezer thing for some reason, now that  
13 you say it, kind of -- that might have happened, but the  
14 doctor thing doesn't ring a bell.

15 Q You're not saying it didn't happen, you just  
16 don't remember it now?

17 A Yeah, okay, that's fair.

18 Q And I think you said you also recall discussing  
19 it somewhat with Steve and you were a little confused as to  
20 whether maybe he checked it out or not; right?

21 A Well, in hindsight I was obviously confused  
22 because it was still in there, and I had thought that he  
23 said it was removed.

24 Q So you recall talking to Steve about it?

25 A Yeah.

1 Q Thinking maybe it was taken care of and then --

2 A Correct.

3 Q -- seeing that it wasn't; right?

4 A Correct.

5 Q Okay. And you were asked some questions by Mr.  
6 Saxberg with respect to what might have happened if you  
7 would have contacted CFS, or if they had contacted you, but  
8 really as far as you're concerned what ended up happening  
9 wasn't, wasn't even imaginable; right?

10 A Clearly not.

11 MR. GINDIN: Those are my questions. Thank you.

12 THE COMMISSIONER: Any other cross?

13 If not, Mr. Olson, have you any re-examination?

14 MR. OLSON: I just have three, three more  
15 questions, I think.

16 THE COMMISSIONER: All right.

17 MR. OLSON: Just to clarify.

18

19 RE-EXAMINATION BY MR. OLSON:

20 Q At the time -- and I wasn't sure what your  
21 evidence was on this, so I just want to make sure it's --  
22 that we have it correct.

23 At the time when Samantha came and picked up  
24 Phoenix did you have any concerns about her parenting? We  
25 saw the statement you gave to the police. Did you have any

1 -- did you have those concerns at the time she picked  
2 Phoenix up?

3 A No.

4 Q Okay. And then with respect to Phoenix's --  
5 sorry, Samantha's mother did you have any concerns about  
6 her being -- you know, using crack or anything like that?

7 A No.

8 Q And then, finally, did you know -- I mean I, I  
9 know you suspected Phoenix would come back shortly after,  
10 did you know whether or not Samantha intended to have her  
11 mother care for Phoenix, or someone else?

12 A No.

13 MR. OLSON: Those are my only questions. Thank  
14 you very much.

15 THE COMMISSIONER: All right, witness, your --  
16 you have completed your tour. You can leave and thank you  
17 very much for coming and contributing to the inquiry.

18

19 (WITNESS EXCUSED)

20

21 MR. OLSON: We had Mr. Stephenson scheduled for  
22 the entire day so --

23 THE COMMISSIONER: So --

24 MR. OLSON: -- we don't have any other witnesses  
25 planned for this afternoon.

1           THE COMMISSIONER:    So we stand -- we would be  
2 adjourning until tomorrow morning then, will we?

3           MR. OLSON:   Monday morning actually.

4           THE COMMISSIONER:   Oh, of course.

5           MR. OLSON:   Yeah.

6           THE COMMISSIONER:   Of course.

7           MR. OLSON:   That's right.

8           THE COMMISSIONER:   Yeah, yeah, we're not sitting  
9 Friday.   All right.   In that there's no other witnesses  
10 apparently for the afternoon, and that this witness went  
11 faster than expected, we adjourn now to nine-thirty Monday  
12 morning.

13           MR. OLSON:   Thank you.

14

15           (PROCEEDINGS ADJOURNED TO DECEMBER 10, 2012)