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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 Victoria/Albert Room, lower level  
Delta Winnipeg Hotel,  
350 St. Mary Avenue, Winnipeg, Manitoba

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MONDAY, APRIL 22, 2013

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**MR. W. GANGE** and **MS. K. BOMBACK**, for DOE #1, DOE #2, and DOE #3....

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1 APRIL 22, 2013

2 PROCEEDING CONTINUED FROM APRIL 18, 2013

3

4 MS. WALSH: Before we call our first witness, I  
5 wanted to tender into -- can you hear me?

6 THE COMMISSIONER: No.

7 MS. WALSH: You can't hear me? How about now?  
8 Yes?

9 MS. EWATSKI: (Inaudible).

10 MS. WALSH: Oh, Mr. Commissioner, you need to be  
11 in the other chair.

12 THE COMMISSIONER: Oh.

13 MS. WALSH: That's right.

14 THE COMMISSIONER: Oh, I'm the witness. Not  
15 good.

16 MS. WALSH: I'm happy to ask you some questions.

17 THE COMMISSIONER: Not good. Okay.

18 MS. WALSH: All this moving around from room to  
19 room is confusing.

20 The first thing I want to do, Mr. Commissioner,  
21 is put into evidence as the next exhibit the report of  
22 Bruce Foster signed April 10, 2013. All counsel have seen  
23 a copy of this report.

24 THE COMMISSIONER: And that's exhibit what?

25 UNIDENTIFIED PERSON: Thirty-three.

1 THE CLERK: Exhibit 33.

2 THE COMMISSIONER: Thirty-three.

3

4 **EXHIBIT 33: REPORT OF BRUCE**

5 **FOSTER SIGNED APRIL 10, 2013**

6

7 THE COMMISSIONER: Will that be referenced this  
8 morning?

9 MS. WALSH: It will.

10 THE COMMISSIONER: Thank you.

11 MS. WALSH: The thing I want to say before we  
12 start, Mr. Commissioner, is as the media and the public  
13 know, the witnesses for today have been provided with a  
14 form of publication ban, a slight variation on the SOR  
15 media protocol in that we do know the relationship between  
16 these witnesses and, for instance, Karl Wesley McKay.  
17 However, it may well be that during the testimony of the  
18 three witnesses we hear today they inadvertently use the  
19 actual name rather than the pseudonym, and I would just  
20 caution the media and the public to, not to report those  
21 names. It may well be that the name of a former partner of  
22 Wesley McKay might also inadvertently come out and should  
23 again -- it's not a relevant matter and it has been  
24 redacted to the extent that it was part of documentary  
25 disclosure. And again, I would ask the media to be careful

1 not to report that name.

2 THE COMMISSIONER: Well, the media has been quite  
3 cooperative in that regard up till now and I think --

4 MS. WALSH: Yes.

5 THE COMMISSIONER: -- we, we can expect  
6 continuance of that.

7 MS. WALSH: Thank you. We can call our first  
8 witness of the day, please.

9 THE COMMISSIONER: Now, I guess we'll go through  
10 the exclusion of the public from the room while the  
11 swearing takes place?

12 MS. WALSH: Yes, thank you.

13 THE COMMISSIONER: So I guess we'll do -- we  
14 won't be long. Don't go far away. You have to do it three  
15 times today.

16

17 (WITNESS AFFIRMED ON THE RECORD - REDACTED)

18

19 **DOE #3**, affirmed, testified as  
20 follows:

21

22 THE COMMISSIONER: Now, just before we begin,  
23 Commission counsel has pointed out to me the difficulty in  
24 not seeing the witness in knowing when the appropriate time  
25 is to ask the next question. If I'm able to discern, from

1 looking at the screen, that the witness is getting ready to  
2 give an answer and is thinking over the appropriate answer,  
3 I'll just hold up my finger for you not to come with the  
4 next question until that response has been forthcoming.

5 MS. WALSH: Thank you, Mr. Commissioner.

6 All right. The witness has been duly affirmed in  
7 front of you, Mr. Commissioner.

8 THE COMMISSIONER: Yes. And she will be known  
9 through the proceedings as DOE #3.

10 MS. WALSH: That's correct.

11

12 DIRECT EXAMINATION BY MS. WALSH:

13 Q Good morning, witness.

14 A Good morning, Sherri.

15 Q Can you hear me?

16 A Yes.

17 Q And can you see me?

18 A Yes.

19 Q And just so you know, everyone who's in the room  
20 except the Commissioner can only hear your voice. None of  
21 us can see you. The Commissioner has a small monitor on  
22 his desk facing him that allows him to see you. All right?

23 A Okay.

24 Q Now, you should also have in front of you a key  
25 which indicates who the DOEs are. You know that you are

1 being known in these proceedings as DOE #3, right?

2 A Yes.

3 Q And your younger son in DOE #1.

4 A Yes.

5 Q And your older son is DOE #2.

6 A Yes.

7 Q And the media have been cautioned that if you or  
8 anyone inadvertently mentions their name, the name is not  
9 to be reported. All right?

10 A Okay.

11 Q You are a former common-law partner of Karl  
12 Wesley McKay; is that right?

13 A Yes.

14 Q And how did you refer to him? Did you refer to  
15 him as Wesley?

16 A Wesley.

17 Q Now, don't tell us where, but are you currently  
18 employed?

19 A Yes.

20 Q And do you remember when you met Wesley, how old  
21 you were?

22 A I think I was 17 going on 18.

23 Q May I ask how old you are now?

24 A I'm 42.

25 Q How long were you in a relationship with Wesley?

1 A Maybe four, five years to six years.

2 Q What was your relationship with him like?

3 A Violent.

4 Q Violent?

5 A Yes.

6 Q I know this is difficult, but can you give us  
7 some examples of how he was violent towards you?

8 A He would come back from a road trip and he would  
9 be angry for little things, and he always fought me where  
10 the bruises wouldn't show. It was always under my clothes.

11 Q Were you afraid of him?

12 A Yes.

13 Q I understand that on two occasions you thought he  
14 might kill you; is that right?

15 A Yes.

16 Q Could you briefly describe what happened on those  
17 occasions?

18 A One of them was his sister gave me a machete  
19 because I was by myself all the time, and he tried to use  
20 that machete on me.

21 Q And another time?

22 A He tried to throw me and my son down the stairs.

23 Q How old was your son at the time?

24 A Was just a baby, about six months.

25 Q Was that DOE #1?

1 A DOE #1.

2 Q Was Wesley abusive throughout your entire  
3 relationship?

4 A Yes.

5 Q You have two children with Wesley, right?

6 A Yes.

7 Q The first son, who we're calling DOE #2, he was  
8 born in 1990?

9 A Yes.

10 Q And then you have a second son, DOE #1, and he  
11 was born towards the end of 1992?

12 A Yes.

13 Q Did you and Wesley live together and parent your  
14 sons together at all?

15 A Off and on.

16 Q Did you ever see Wesley be abusive to either of  
17 your sons?

18 A No.

19 Q Did you ever see --

20 A He would get angry but I never seen him get  
21 violent with them.

22 Q Did you ever see Wesley be abusive to any other  
23 children?

24 A His family members, their children. He was very  
25 strict.

1 Q Did you see him be physically abusive to any  
2 other children?

3 A Sometimes.

4 Q We heard evidence last week from Jeremy Roulette.  
5 He described himself as your foster son. Is that an  
6 accurate description?

7 A Yes.

8 Q Did he live with you when he was a child?

9 A Yes.

10 Q And how did Wes treat him?

11 A He was strict.

12 Q Do you Wesley being violent towards Jeremy?

13 A He would spank Jeremy if Jeremy ...

14 Q Jeremy testified that you would try to protect  
15 him. Do you recall that?

16 A On some occasions, yeah.

17 Q At some point you and Wesley separated?

18 A Yes.

19 Q What made you separate?

20 A When he tried to throw me and my son down the  
21 stairs, DOE #1, I just had enough and took my kids out of  
22 there and left.

23 Q So you said DOE #1 was, was a baby at that point?

24 A Yeah. Yeah.

25 Q And that DOE #2 would have been just a couple

1 years older?

2 A Yes.

3 Q Did you stay in contact with Wesley after you  
4 split up?

5 A Not for a long time.

6 Q I'd like to ask you some questions about things  
7 that took place in 2005 now.

8 A Okay.

9 Q First, I understand that at some point in 2005  
10 you were having some difficulty with your son, DOE #1.

11 A Yes.

12 Q Is that right?

13 A Yes.

14 Q At that point, what, what did you know about what  
15 was happening in Wesley's life?

16 A I heard he had a new girlfriend, they were  
17 getting married, he was a Christian, she had her own  
18 children and they were moving to Fisher River.

19 Q Did you know the name of the girlfriend?

20 A Not right away.

21 Q Ultimately, though, that girlfriend was Samantha  
22 Kematch?

23 A Yeah.

24 Q Do you remember when you met Samantha Kematch?

25 A I met her once.

1 Q Where?

2 A When I was living in West Kildonan.

3 Q Did she come to your house?

4 A Yes.

5 Q What do you remember about her?

6 A She was very quiet and shy.

7 Q Did she have her little girl with her?

8 A The one time she had her daughter there, yeah.

9 Q Now, was that Phoenix or her baby?

10 A I don't know. Don't remember. But I know that  
11 wasn't Phoenix.

12 Q Okay. In 2005, then, because you were having  
13 trouble with DOE #1, you decided to send him to live with  
14 his father in Fisher River?

15 A Yes.

16 Q How old was he?

17 A DOE #1?

18 Q Um-hum. In 2005.

19 A He was --

20 Q Was he 12?

21 A Thirteen, 12, 13.

22 Q Okay. Do you remember when in 2005 your son went  
23 to Fisher River?

24 A April.

25 Q So that's, that's before his birthday?

1 A Yes.

2 Q So he would still have been 12?

3 A Yes.

4 Q Okay. I want to review for the Commission's  
5 record some documents that we have from a Child and Family  
6 Services file that just discuss and reference the plans  
7 that you were making for DOE #1 to go to Fisher River. We  
8 can --

9 A Okay.

10 Q -- pull up, please, page 10165. You have these  
11 documents in front of you as well.

12 A Not yet. Okay.

13 Q So this document is entitled, Community Based  
14 Early Intervention Program Closing Summary. And it's got  
15 your name at the top and the address where you were living  
16 at the time, a file number. It identifies -- Mr.  
17 Commissioner, this is page 10165 from CD233.

18 THE COMMISSIONER: 10165?

19 MS. WALSH: Yes.

20 THE COMMISSIONER: Yes, I have it.

21 MS. WALSH: Okay.

22

23 BY MS. WALSH:

24 Q It identifies an intake service worker as B.  
25 Leskiw and a date of April 18, 2005.

1           If we go to the next page, please. Scroll down  
2 towards the bottom of the page. It says:

3           April 18 spoke with ...

4

5 And it's your name that has been redacted:

6

7           "Mom recently has been making  
8 plans for [DOE #1] to stay with  
9 his bio-dad at Peguis. She was  
10 apprehensive as the dad was not  
11 that reliable in ..."

12

13 Next page, please:

14

15           "... following through on some of  
16 the things he had agreed to do in  
17 the past. Mom indicated that the  
18 school thought this might be a  
19 good consideration to have him go  
20 and get more connected with him by  
21 doing some work with his dad in  
22 the community up north. They also  
23 have a good school in the area and  
24 mom was contacting relatives who  
25 would be helpful to this move for

1 [DOE #1]. Spoke about a witnessed  
2 letter of agreement outlining the  
3 terms and duration of this  
4 arrangement, any financial  
5 considerations to be given to the  
6 dad; and some prior agreed upon  
7 process should the inter-family  
8 arrangement break down. This  
9 might be put into effect next  
10 month for a two week trial basis.  
11 This worker indicated that he  
12 would recommend closing this case  
13 at this point, but that she could  
14 call should she like some informal  
15 support or suggestions."

16

17 And then the last page of this file recording says:

18

19 "Mother has recently adopted plans  
20 to have [DOE #1] stay with his  
21 birth dad, Karl McKay, for the  
22 upcoming summer.

23 Mother is aware that she may  
24 contact this agency or worker for  
25 further assistance."

1                    "It is [recommended] that the file  
2                    be closed as there are no  
3                    protection or child welfare  
4                    matters."

5

6                    And it's dated April 18th, 2005. That's simply a record  
7                    that Child and Family Services had of your plans to send  
8                    DOE #1 to Fisher River.

9                    Then another document that we have, page 5700,  
10                   please. Do you have that document in front of you?

11                   A     Yes.

12                   Q     This is dated February 22nd, 2005 and it says,  
13                   "I", and it has your name:

14

15                   "... give Karl Wes McKay  
16                   permission for my son [DOE #1] to  
17                   stay with him on a trial basis as  
18                   of April 20/05"

19

20                   It has your signature, it's witnessed by Jeremy Roulette  
21                   and it has Karl McKay's signature. What was the purpose  
22                   of, of this note, do you remember?

23                   A     The purpose of the note?

24                   Q     Yes.

25                   A     I just wanted to do it the right way. I didn't

1 want Wesley to say that I committed fraud, I committed some  
2 kind of criminal activity.

3 Q Why, why would he think that, or why would  
4 someone say that?

5 A Because Wesley was very sneaky and if things  
6 didn't go his way he would make sure that you would pay for  
7 it, so I wanted to have it in writing that my son was going  
8 to be there for two weeks, three weeks, a couple months,  
9 like on a trial basis, just to have proof that I went the  
10 proper way.

11 Q And so according to this note, DOE #1 was going  
12 up to Fisher River as of April 20th, 2005?

13 A Yes.

14 Q And does that sound right, about as to when he  
15 did, in fact, go to Fisher River?

16 A Yes.

17 Q Who was going to live with DOE #1 and Karl Wesley  
18 McKay in Fisher River?

19 A Samantha and her kids.

20 Q What kind of kids did she have? Don't -- you  
21 don't have to give me the names of, of them at this point.

22 A I don't know. I just know she had a couple of  
23 kids. I didn't know nothing about her.

24 Q Did you know how old her kids were?

25 A No.

1 Q Did you know that she had a, a toddler?

2 A I heard she had a daughter, yeah.

3 Q And was --

4 A I didn't know her age at the time.

5 Q And was that ultimately the person you know to be  
6 Phoenix?

7 A I believe so.

8 Q How was DOE #1 going to get to Fisher River?

9 A They came to pick him up.

10 Q Who's they?

11 A Wesley and Samantha.

12 Q What do you remember about the day that Wesley  
13 and Samantha came to pick your son up?

14 A They told me they were here to pick up grey  
15 paint.

16 Q Now, I'm talking about April of 2005.

17 A My foster boy went to the car.

18 Q Was that Jeremy Roulette?

19 A Yes.

20 Q So he was at your house that day?

21 A Yes.

22 Q And you recall that he went to the car?

23 A Yes

24 Q Who -- what did he see?

25 A Jeremy came back and told me that the little girl

1 had a gash on her forehead and her eyes were rolling back.

2 Q Did he say the little girl's name?

3 A I don't remember.

4 Q Did you hear Jeremy talk to Wesley about the  
5 little girl that day?

6 A Wesley was using my washroom upstairs and as he  
7 was coming down, Jeremy asked him what happened to her.

8 Q Did you hear what Wesley said?

9 A He told Jeremy that she banged her head on a  
10 corner of the table, coffee table.

11 Q Did he say whether they were taking the little  
12 girl anywhere?

13 A They said they were going to take her to  
14 emergency, Children's Emergency.

15 Q Did you hear Wesley say that?

16 A Yes.

17 Q Do you remember when you first heard Phoenix's  
18 name?

19 A I don't remember.

20 Q Was it some time after your son went up to Fisher  
21 River?

22 A I think so.

23 Q Before Wesley and Samantha and your son went to  
24 Fisher River, had you yourself ever seen Phoenix?

25 A No. I seen her in a car from a distance.

1 Q Do you remember what you saw?

2 A She was always covered up.

3 Q Covered with what?

4 A Blankets or she'd be wearing a sun hat.

5 Q Did you ever ask Wesley anything about her?

6 A I told them, how come you don't bring your little  
7 girl into the house. He always said they were in a rush.

8 Q Now, there was a point when you gave Samantha  
9 Kematch some money for looking after DOE #1; is that right?

10 A Yes.

11 MS. WALSH: I'm going to tender as the next  
12 exhibit, Mr. Commissioner, a bank record from Canada Trust.

13 THE COMMISSIONER: Yes. Exhibit 34.

14 THE CLERK: Exhibit 34.

15

16 **EXHIBIT 34: BANK RECORD FROM**  
17 **CANADA TRUST**

18

19 BY MS. WALSH:

20 Q Do you have the Canada Trust document in front of  
21 you?

22 A Yes.

23 Q We'll just put it up on our screen, please. Just  
24 waiting to get it up on our screen.

25 Now, this document is entitled TD Canada Trust

1 Transaction Record. It's dated April 28th, 2005 and it  
2 shows a hundred dollars deposited to Kematch. What can you  
3 tell us about what this record is a reference to?

4 A My sons were phoning me saying that they had  
5 nothing to eat, they had no toilet paper, they were hungry.

6 Q And your response was to deposit money into  
7 Samantha's account?

8 A Yes, so they could feed my boys.

9 Q Now, you found this record of a deposit on April  
10 28, 2005. Did you do this on more than one occasion? Did  
11 you make deposits to Samantha's account?

12 A No, this is the first deposit. The other times  
13 were cash.

14 Q How often did you give Samantha money?

15 A Oh, a couple of times. I don't remember how many  
16 times, but Wesley would come and get money.

17 Q So you would give the money to Wesley?

18 A Yeah.

19 Q Would this be when he would be transporting one  
20 or both of your boys to and from Fisher River?

21 A Sometimes, yeah. But he would also come into the  
22 city for errands, appointments.

23 Q And that would give him an occasion to come see  
24 you, for you to give him money for the boys?

25 A Yes.

1 Q Now, I understand that your other son, DOE #2,  
2 went to Fisher River at some point in 2005?

3 A Yes.

4 Q Did he live there with DOE #1 and Wesley and  
5 Samantha as well?

6 A No, he just went to visit.

7 Q How long would he stay there when he went to  
8 visit?

9 A Weekends, during school break.

10 Q These visits, then, were in the spring and summer  
11 of 2005?

12 A Yes.

13 Q While DOE #1 was in Fisher River, did you speak  
14 with him?

15 A Yes.

16 Q I understand that you would web chat with him?

17 A Yes.

18 Q Would he also call you on the phone sometimes?

19 A Sometimes, yeah.

20 Q Do you remember how often you communicated with  
21 DOE #1 when he was in Fisher River?

22 A It would be webcam once every few weeks and then  
23 phone call, but I don't recall how many times.

24 Q You think you would have spoken with him in some  
25 form once a week?

1 A Once a week maybe if we were lucky, yeah.

2 Q Could you see DOE #1 on the computer screen when  
3 you spoke with him by the webcam?

4 A Yeah.

5 Q Do you know whether Wesley was around when DOE #1  
6 contacted you?

7 A No.

8 Q No you don't know or, no, he wasn't around?

9 A He wasn't around.

10 Q Could you see anyone else in the house when you  
11 were on the webcam?

12 A No. It was dark all the time and late, very  
13 late.

14 Q How did DOE #1 seem when you spoke with him?

15 A Scared. Scared, and he looked like he was in a  
16 rush to get off the computer.

17 Q Did you ever ask him whether he was scared?

18 A I think so.

19 Q Do you remember what he told you?

20 A I know one time he told me his dad was mean, mean  
21 to him.

22 Q Did DOE #1 ever tell you anything about how  
23 Wesley and Samantha were treating the little girl?

24 A Sometimes.

25 Q What do you remember him telling you?

1           A     They would spank her, lock her in a bedroom, hit  
2 her.

3           Q     Did he tell you anything about how he was doing?

4           A     Said he was doing fine, but he wanted to come  
5 home.

6           Q     Now, we know from witnesses we heard last week,  
7 and I will come back to this with you, but we know that the  
8 boys were brought home on July the 12th, 2005. Are you  
9 with me?

10          A     Yeah.

11          Q     How -- and you told us that DOE #1 went to Fisher  
12 River around April 20th, 2005. Do you remember how soon  
13 after he got to Fisher River DOE #1 said he wanted to come  
14 home?

15          A     Maybe after a couple of weeks, a month, month and  
16 a half.

17          Q     Did he tell you why he wanted to come home?

18          A     He didn't like it there. There was nothing for  
19 them to do.

20          Q     Did you also speak with DOE #2 when he was in  
21 Fisher River?

22          A     Sometimes.

23          Q     Did he ever tell you anything about how Wesley  
24 and Samantha treated the little girl?

25          A     They -- he told me they were mean to her and they

1 would hit her with stuff.

2 Q When I say "the little girl", you understood --  
3 how old did you understand the child to be?

4 A Five.

5 Q Could you ever see this child on the webcam?

6 A No.

7 Q During the spring and summer of 2005, when DOE #2  
8 was not in Fisher River, he would come stay with you, come  
9 home and stay with you?

10 A Yes.

11 Q When he was at home with you, would he tell you  
12 anything about how Wesley and Samantha were treating the  
13 little girl?

14 A That they were mean to her.

15 Q Now, when your sons told you about how Wesley and  
16 Samantha were treating the little girl, did you believe  
17 them?

18 A I didn't know what to believe, but I knew Wesley  
19 was strict.

20 Q We'll come back to that, we'll come back to what  
21 the boys told you and what you did with that information,  
22 if anything.

23 Do you remember calling your Aunt Cecilia while  
24 the boys were in Fisher River?

25 A Yes.

1 Q Did you ask her to check up on them?

2 A Yes.

3 Q And she did?

4 A Yes, she would check on them.

5 Q Did she tell you anything about how the boys  
6 seemed?

7 A She told me DOE #2 seemed very upset, angry. He  
8 was burning garbage.

9 Q And we said that the boys started going up to  
10 Fisher River in April of 2005, and DOE #1 lived there all  
11 the time until he came home in July, right?

12 A Yes.

13 Q And #2 visited on weekends or holidays?

14 A Yes.

15 Q And as I said, ultimately we heard that they were  
16 brought home to you in July of 2005, right?

17 A Yes.

18 Q Between April of 2005, when the boys went up to  
19 Fisher River and, and when they came home in July, they  
20 would sometimes come home and visit with you in Winnipeg?

21 A Yes.

22 Q And do you remember, during those visits, the two  
23 of them telling you, together, anything about how Wesley  
24 and Samantha were treating the little girl?

25 A That they shot at her with a pellet gun.

1 Q Do you remember where you were when the boys told  
2 you this?

3 A I think we were in a restaurant.

4 Q In Winnipeg?

5 A Yes. And they told me they, they played a game  
6 called choking the chicken.

7 Q How did they describe that game?

8 A That Wesley would, would grab her and choke her  
9 on the couch and they all would laugh.

10 Q Who would laugh?

11 A Samantha and Wesley.

12 Q And was this the little girl who was being thrown  
13 on the couch?

14 A Yes.

15 Q And choked?

16 A Yes.

17 Q So I asked you whether you believed the boys when  
18 they told you about how Wesley and Samantha were treating  
19 the little girl.

20 A I didn't know what to believe.

21 Q And they gave you information about how Wesley  
22 and Samantha were treating the little girl on more than one  
23 occasion?

24 A A few times, yes.

25 Q Sometimes over the phone or webcam when they were

1 in Fisher River?

2 A Sometimes, yeah.

3 Q And then this time you remember in a restaurant  
4 in Winnipeg?

5 A In a restaurant, yes.

6 Q What, if anything, did you do with the  
7 information you received from the boys about how Wesley and  
8 Samantha were treating the little girl?

9 A At first I didn't do anything right away. And  
10 then I remembered and I called an agency.

11 Q What did you remember?

12 A That my boys and Wesley and Samantha and her kids  
13 were living there, my kids had nothing to eat.

14 Q You said, you said -- I was asking you what, if  
15 anything, you did with the information that the boys gave  
16 you.

17 A I phoned a CFS agency.

18 Q Do you know which agency you called?

19 A I believe it was Fisher River because that's  
20 where they were residing.

21 Q And how did you know what number to call?

22 A 411.

23 Q So you went through directory assistance?

24 A Directory assistance, yes.

25 Q What would you have asked for?

1           A     Child -- Fisher River Child and Family Services  
2 agency.

3           Q     And so you got the number?

4           A     Yes.

5           Q     And did you make a call?

6           A     I phoned there, yes.

7           Q     Do you remember when you made that call?

8           A     I don't remember what date.

9           Q     Okay. Was it while the boys were still in Fisher  
10 River?

11          A     I believe so.

12          Q     That is, before they were brought home in July  
13 2005?

14          A     Yes.

15          Q     Do you remember how much before they were brought  
16 home you made the call?

17          A     I don't remember.

18          Q     Did you make any notes of the call?

19          A     No.

20          Q     What phone did you use to make the call?

21          A     My house phone.

22          Q     Was that a, a land line?

23          A     Yes.

24          Q     Did you own a cell phone in the summer or spring  
25 of 2005?

1 A No.

2 Q So you made a call. Who did you speak to?

3 A I don't know who I spoke to but she told me that  
4 they were on holidays.

5 Q So it was a woman who answered the phone?

6 A Yes, a woman.

7 Q Did you give her your name?

8 A I gave her my information.

9 Q So what, what was your information, your name?

10 A My name and my phone number.

11 Q What did you tell the woman as to the reason for  
12 your call?

13 A I wanted somebody to go check on my boys because  
14 I had concerns about them.

15 Q Did you say anything else to the person who  
16 answered the phone at the agency you called?

17 A I told them Samantha had a daughter there, too,  
18 and I don't know what was happening with her because I was  
19 told she was living with her dad and they would take her on  
20 road trips.

21 Q Did you tell the person any of the things that  
22 the boys had told you about how Wesley and Samantha were  
23 treating the little girl?

24 A I don't remember if I told them. I don't know.

25 Q You didn't get the name of the person you spoke

1 with?

2 A No.

3 Q Were they a social worker, do you know?

4 A I don't know.

5 Q And what did you say they told you?

6 A That they went on holidays and somebody would get  
7 back to me, but I don't recall anybody phoning me back.

8 Q Now, as, as we said, the day the, the boys were  
9 ultimately brought home to you in July of 2005, we've  
10 heard evidence from social workers for the agency at Fisher  
11 River who arranged for that to happen. And you remember  
12 the boys being brought home to you in July of 2005?

13 A Yes.

14 Q Do you remember the day that you found out the  
15 boys were coming home? Do you remember how that day was?

16 A Yes.

17 Q What can you tell us about that day?

18 A My boys phoned me that morning. They wanted me  
19 to send for them to come back to Winnipeg. And I was  
20 trying to make arrangements. I talked to somebody in  
21 Fisher River. And then I had a three-way calling so my  
22 line was always beeping, and their grandfather was on the  
23 phone.

24 Q The boys' grandfather?

25 A Yes.

1 Q Wesley's father?

2 A Yes.

3 Q Why was he calling you? What did he say to you?

4 A He told me to take my boys home and look after  
5 them. And he said Wesley was poison.

6 Q You said your boys called you as well?

7 A Yeah.

8 Q Did they tell you there were social workers in  
9 the house?

10 A They told me social workers were coming to get  
11 them.

12 Q How did the boys --

13 A And then somebody phoned me from, from somewhere,  
14 I don't remember where, but somebody phoned me, said they  
15 were going to bring my boys home.

16 Q Do you remember calling to the agency on Fisher  
17 River yourself that day after you heard from the boys?

18 A Did I call them?

19 Q Do you remember --

20 A Yes, to find out what was, what was going on  
21 because I had no clue what was happening.

22 Q And you spoke to a social worker at the Child and  
23 Family Services agency on Fisher River that morning?

24 A Yes.

25 Q Do you remember her name?

1 A No.

2 Q Okay.

3 A Everything was happening so fast that morning.

4 Q What do you remember telling the social worker at  
5 the Fisher River agency?

6 A That I wanted my boys back home.

7 Q Did you tell them about the call from Wesley's  
8 father?

9 A Yes.

10 Q Did you say anything to them about the little  
11 girl?

12 A That there was a little girl living there but I  
13 didn't know where she was.

14 Q Do you remember what else you said to them?

15 A I don't remember.

16 Q Who else did you speak to that morning or around  
17 the time of the calls?

18 A My sons, their grandpa, then Wesley phoned me,  
19 got mad at me for phoning CFS.

20 Q What did he say to you?

21 A He told me they weren't going to do anything  
22 because his cousin worked there.

23 Q Did he give you his cousin's name?

24 A No.

25 Q Did you know who his cousin was?

1 A No.

2 Q Did you know, on this day when, when the boys  
3 were calling you and you spoke to the social worker, did  
4 you know where the little girl was?

5 A I had no idea where she was.

6 Q Did you know whether --

7 A I was told they went on a road trip.

8 Q Who told you that?

9 A My boys.

10 Q So you knew that Wesley was not at the house the  
11 day that the boys phoned you and you spoke to ICFS on July  
12 12th?

13 A I was told he went on a road trip to Alberta.

14 Q Did your boys tell you that?

15 A Yeah.

16 Q Did you know who was taking care of your boys?

17 A I had no idea who was there. I didn't even know  
18 Wesley went to Alberta.

19 Q Did the boys tell you who went with Wesley?

20 A He told me that Sam and the kids went and there  
21 was a young guy staying there with them taking care of  
22 them, and I didn't know who this guy was.

23 Q Okay. Now, when you called the agency of Fisher  
24 River on this day that the boys were coming home to you, do  
25 you remember what number you called?

1           A     What number I called when my boys were coming  
2 back?

3           Q     Yes. Let me ask you this: You told us that,  
4 that on this day, which we know was July the 12th, 2005,  
5 you had a phone call from Wesley's father, you had a phone  
6 call from your sons, and you made a call to the agency on  
7 Fisher River, right?

8           A     Yes.

9           Q     How did you know what number to call when you  
10 called the agency on Fisher River?

11          A     The first time was directory assistance.

12          Q     That's the call you were telling us --

13          A     (Inaudible).

14          Q     Sorry. That's the call you were telling us about  
15 earlier, right?

16          A     Yeah. But then the second time, I remember I  
17 wrote down a number.

18          Q     And the second time is the time we're talking  
19 about on July the 12th, 2005, when the boys phoned you and  
20 they were brought home?

21          A     Yes.

22          Q     You said you wrote down a number.

23          A     I wrote down a number.

24          Q     Do you know where --

25          A     I don't remember the number.

1 Q No. Do you know where you got the number?

2 A Directory assistance.

3 Q Do you know what phone you used to call the  
4 agency on Fisher River on July 12th, 2005?

5 A My house phone.

6 Q Was that the land line?

7 A Yes.

8 Q Was that the same phone you used to make the  
9 earlier call you told us about?

10 A I believe so. I've had a couple of different  
11 numbers when I lived on Manitoba.

12 Q And you know Mr. --

13 A (Inaudible).

14 Q Sorry, go ahead.

15 A I don't remember the exact number because I had a  
16 number of different numbers at one time.

17 Q Do you know whether between April and July of  
18 2005 you had different phone numbers?

19 A I think I had two at the time.

20 Q Okay. You know Bruce Foster?

21 A Yes.

22 Q He's an investigator and someone that has been  
23 assisting the Commission in locating people and bringing  
24 them to and from hearings; you know him?

25 A Yes.

1 Q And you gave him the phone number that you  
2 thought you used when you called to the Child and Family  
3 Services agency on Fisher River?

4 A Okay.

5 Q You remember giving him the number that, that you  
6 thought you used?

7 A I don't remember the number now.

8 Q But do you remember giving him that number?

9 A Vaguely.

10 Q Okay. And we have filed an exhibit, Mr.  
11 Commissioner, Exhibit 33, which is Mr. Foster's report of  
12 what he found. He looked through phone records, and I'm  
13 just paraphrasing, at Intertribal Child and Family Services  
14 for the period April to July of 2005 and he made inquiries  
15 to Manitoba Telephone System with respect to the landline  
16 that DOE #3 reports she used to make the call to the Fisher  
17 River office.

18 And I think, DOE #3, you know that Mr. Foster's  
19 review found that during the time period April to July 2005  
20 your landline was blocked from making long distance or toll  
21 free calls because of billing issues. Do you remember  
22 that?

23 A No. I remember I did have a restrictor but you  
24 can dial 1-800.

25 Q Mr. Foster could not find any record of the phone

1 call that we know from the social workers at ICFS who  
2 testified last week, the phone call that you made to the  
3 agency on Fisher River on July 12th, 2005. Mr. Foster  
4 could not find a record of that call. He did find a record  
5 of a call that was made from the Intertribal Fisher River  
6 agency to you on the next day, July 13. Nor did he find  
7 records of any other calls made from the number that you  
8 gave him to Intertribal Child and Family Services on Fisher  
9 River. But we heard, as I said, from the witnesses from  
10 the Fisher River Child and Family Services agency, and it's  
11 documented in their file records, that you did call the  
12 agency after the boys phoned you on July 12th, 2005. You  
13 remember making that call. That's the call you called  
14 second time?

15 A Okay.

16 Q How is it that you were able to make that call to  
17 Fisher River?

18 A I don't know. You can dial 1-800.

19 Q You were able to do that with your land line in  
20 July of 2005?

21 A Yes.

22 Q We also heard evidence from your aunt, Cecilia  
23 Stevenson, that you would call her when she lived on Peguis  
24 and you were in Winnipeg?

25 A Yes.

1 Q That would have been a long distance call?

2 A Yes.

3 Q What phone did you use to make those calls?

4 A My land line.

5 Q So again, how were you able to make a call to  
6 Cecilia Stevenson if your land line was blocked from making  
7 long distance calls?

8 A She had a toll free number.

9 Q That's what you recall you used?

10 A To talk to her, yeah.

11 Q Yes.

12 A Her toll free number.

13 Q And the boys were brought home to you on July  
14 12th, 2005, right?

15 A Yes.

16 Q Do you know who brought them home?

17 A It was an older couple, man and woman.

18 Q Did you get their names?

19 A I don't remember their names but they did mention  
20 their names.

21 Q We heard evidence from one of the social workers  
22 at the Fisher River Intertribal Child and Family Services  
23 agency that on the next day, July 13th, after the boys were  
24 brought home, she called to confirm that they had arrived  
25 safely. Do you remember her calling you?

1           A     No, I don't remember her calling me.

2           Q     As I said, Mr. Foster's report indicates that he  
3 found a record of that call that she made to your line and  
4 at page 2 of his report he said it was for a duration of 36  
5 seconds, so it was just a brief call.

6                     After the boys came home in July of 2005 --

7           THE COMMISSIONER:   Just a minute.  I think she --  
8 did you want to say something about that call, witness?

9           THE WITNESS:   No.

10          THE COMMISSIONER:   All right.

11          MS. WALSH:   And if you need a break, DOE #3, just  
12 let us know.

13          THE WITNESS:   Yeah, I need a break.

14          THE COMMISSIONER:   Fair enough.  We'll, we'll  
15 take a 15-minute break now and then return.  Yeah.

16          MS. WALSH:   Thank you.

17          THE COMMISSIONER:   Yeah.

18

19                     (BRIEF RECESS)

20

21          THE COMMISSIONER:   All right, Ms. Walsh.

22          MS. WALSH:   Thank you, Mr. Commissioner.

23

24   BY MS. WALSH:

25          Q     DOE #3 are you ready to carry on?

1 A Yes.

2 Q Okay. After your boys came home in July of 2005  
3 did they have much contact with Wesley?

4 A No.

5 Q And once they were home, did they tell you  
6 anything about where the little girl was?

7 A That she was living with her father.

8 Q Did you know where her father was living?

9 A I had no idea. Didn't know anything about him.

10 Q Did you have any concerns for the little girl at  
11 that point?

12 A No.

13 Q Why not?

14 A Because I was told she was with her father.

15 Q How did the boys seem when they came back to live  
16 with you after being in Fisher River?

17 A Scared, sad, angry.

18 Q And I understand that at some point DOE #1 had  
19 some involvement with an agency called Macdonald Youth  
20 Services. Do you remember that?

21 A Yes.

22 Q That was in the fall of 2005? Do you remember  
23 that?

24 A Yes.

25 Q Yes. Do you remember having contact with a

1 worker at Macdonald Youth Services named Grant Wiebe?

2 A I remember speaking with somebody, yes, but I  
3 don't remember his name.

4 Q And what kind of difficulties caused you and DOE  
5 #1 to be in contact with Macdonald Youth Services?

6 A I was trying to get resources for my son.

7 Q Why? What did he need?

8 A He was out of hand and I, I wanted to do it the  
9 right way, what agencies they can direct us to, to get help  
10 for him.

11 Q Mr. Wiebe testified before us last week and he  
12 said that he had a meeting with you and DOE #1 and he made  
13 notes of in November of 2005.

14 A Yes.

15 Q Do you remember meeting with Mr. Wiebe and your  
16 son in November of 2005?

17 A I remember being there briefly, yes.

18 Q Okay. Do you remember what you said to Mr.  
19 Wiebe?

20 A No, I don't remember.

21 Q Do you remember what your son, DOE #1, told him?

22 A I don't remember.

23 Q Going to, if we can put up page 37991. You have  
24 that in front of you?

25 A Yes.

1 Q This is a, an assessment and treatment plan that  
2 Mr. Wiebe testified he made notes of, or it's a document  
3 that he created. It's dated November 22nd, 2005. And much  
4 of it we've crossed off for your son's privacy.

5 MS. WALSH: Mr. Commissioner, do you have that?

6 THE COMMISSIONER: Yes, I do.

7 MS. WALSH: If we could just scroll down a little  
8 bit, please, so we can see the parts that are not redacted.

9

10 BY MS. WALSH:

11 Q Mr. Wiebe read his notes to us last week, and in  
12 particular he reported and recorded the client, who was  
13 your son, DOE #1:

14

15 "... also reports difficulty over  
16 the summer. The client reports  
17 that he resided with his  
18 biological father at Fisher River  
19 from May to July of this year.  
20 The client reports he was returned  
21 home after Child and Family  
22 Services intervened when the  
23 client was left with an  
24 inappropriate caregiver. The  
25 client also reports that while in

1           the home a four-year-old girl was  
2           being abused by the father and the  
3           stepmother. The client informed  
4           his mother secretly via the  
5           internet of the ongoings and the  
6           mother contacted Child and Family  
7           Services. The mother reports that  
8           the family was then investigated  
9           and the client and his older  
10          brother were returned home. The  
11          client reports witnessing his  
12          father being abusive towards the  
13          child. The client is also aware  
14          that the father has a history of  
15          being abusive towards the mother."

16

17                 Now, does that help your memory with respect to  
18 anything you discussed when you met with Mr. Wiebe and DOE  
19 #1?

20           A     No.

21           Q     So you have no independent recollection of that  
22 meeting or of anything --

23           A     I remember, I remember being there at Macdonald  
24 Youth Service but I don't remember what was said.

25           Q     Okay. So that meeting was documented as having

1 taken place in November of 2005. And then a few months  
2 later, your son, DOE #2, told you something very  
3 disturbing. Do you remember that?

4 A Yes.

5 THE COMMISSIONER: DOE number what?

6 MS. WALSH: Two.

7 MR. GANGE: Two.

8

9 BY MS. WALSH:

10 Q What did he tell you?

11 A That his dad killed the little girl.

12 Q Was this the little girl that you knew to have  
13 been living in Fisher River with your sons?

14 A Yes.

15 Q Where were you when DOE #2 told you this?

16 A At a walk-in clinic.

17 Q Now, we have just finally received records from  
18 Manitoba Health of a date that your son, DOE #2, attended  
19 the Point Douglas Clinic, and I'm going to file that as the  
20 next exhibit, please.

21 THE COMMISSIONER: That would be 35.

22 THE CLERK: Thirty-five.

23

24 **EXHIBIT 35: LETTER DATED APRIL**  
25 **16, 2013 FROM MANITOBA HEALTH RE**

1

**POINT DOUGLAS CLINIC VISIT**

2

3

THE COMMISSIONER: Thank you.

4

5

BY MS. WALSH:

6

Q If we can pull that up on the screen, please.

7

This is a letter that was just dated this year to your counsel, Mr. Gange, from Manitoba Health, and it's with respect to your son, DOE #2. Do you have this letter in front of you?

10

11

A Yes.

12

Q It says:

13

14

"This is in response to your letter regarding services provided to the above registrant. [who is DOE #2]. Below is a list of dates where [DOE #2] attended the Point Douglas Clinic in 2006:"

15

16

17

18

19

20

21

And it has a date of February 28th, 2006.

22

Is that the visit when DOE #2 told you about the little girl being killed?

23

24

A Yes.

25

Q What do you remember about DOE #2 telling you

1 this information? Was it before you saw the doctor?

2 A Think it was after he saw the doctor. I remember  
3 being in the waiting room.

4 Q Was this the first time that you had heard that  
5 Wesley had possibly killed this little girl?

6 A Yes.

7 Q And the little girl was Phoenix?

8 A Yes.

9 Q What did you do after DOE #2 told you this  
10 information?

11 A We went home and I phoned an agency here in the  
12 city.

13 Q Let me just ask you, how did DOE #2 seem when he  
14 told you this information?

15 A Scared.

16 Q You said you went home. Did you talk to DOE #1  
17 about this --

18 A Yes.

19 Q -- possible murder?

20 A Yes.

21 Q What did he say?

22 A He got mad.

23 Q Why was he mad?

24 A Because DOE #3 told me what happened.

25 Q You mean DOE #2, sorry.

1 A DOE #2, yes. Sorry.

2 Q Did DOE #2 say how he knew this information about  
3 the murder?

4 A I don't remember.

5 Q Do you know whether DOE #1 had told him this  
6 information?

7 A I don't know.

8 Q So then you said you called somewhere after you  
9 got home and the DOE #2 had told you about the murder?

10 A Yes.

11 Q And where did you call?

12 A I phoned ICFS.

13 Q If we can pull up on the screen, please, page  
14 34633.

15 If you can put that in front of you, DOE #3. You  
16 have that?

17 A Yes.

18 Q Now, this is a phone record that Randy Murdock  
19 made, and we heard Mr. Murdock testify about this last  
20 week. It's dated March 6, 2006. It says:

21

22 Monday at 11:50 a.m. phone call  
23 from [DOE #3]. Her two sons made  
24 a gruesome disclosure to her.

25

1 And it goes on all the way to the bottom.

2 You can scroll down, please.

3 It also says:

4

5 [DOE #3] did state she called  
6 [either] a or the agency regarding  
7 her concerns.

8

9 And that's dated March 8, 2006.

10 Now, according to, to this document -- and Mr.  
11 Murdock was in the Winnipeg ICFS office. Do you recall  
12 speaking with Mr. Murdock?

13 A Yes.

14 Q And let's just start with the day this phone call  
15 is recorded. The notes say that the phone call you made to  
16 Mr. Murdock to Intertribal Child and Family Services was  
17 March the 6th, 2006. Right? You see that?

18 A Yes.

19 Q And the date that the clinic records indicate as  
20 being the date when you and DOE #2 were at the clinic where  
21 you said he told you about the murder was February 28th,  
22 2006, so about a week before the, this call is documented  
23 by Mr. Murdock. You see --

24 A If I remember, the same day we came back from the  
25 clinic that I phoned.

1 Q Okay.

2 A It wasn't a week later, it was the same day.

3 Q Okay. Now, you said you called the Winnipeg  
4 office of Intertribal Child and Family Services?

5 A Yes.

6 Q That's not the office that you called on the day  
7 that your boys were brought home on July 12th, 2005, right?

8 A Right.

9 Q Because the agency's records show that you called  
10 them in Fisher River. Why did you call the Winnipeg office  
11 when you phoned to report the murder?

12 A Because I, I was sitting at a restaurant and I  
13 seen Wesley and one of his spouses, and I asked them what  
14 they were doing there, and she told them that they had a  
15 worker there.

16 Q When was this?

17 A Oh, this was years ago, that's how come I  
18 remembered to phone that place.

19 Q So that was a Winnipeg office?

20 A Yes.

21 Q So in July of 2005, when you spoke to social  
22 workers at Intertribal Child and Family Services, you  
23 called the office in Fisher River, right?

24 A Yes.

25 Q And in 2006 when you phoned to report the

1 possible murder of Phoenix Sinclair, you phoned the offices  
2 of Intertribal Child and Family Services in Winnipeg?

3 A Yes.

4 Q And you told us this morning about a call that  
5 you had made to Intertribal Child and Family Services to  
6 report that your boys needed food and that you may have had  
7 concerns about the little girl?

8 A Yes.

9 Q Which Intertribal office did you make that call  
10 to?

11 A I don't remember.

12 Q And how did you feel when your sons told you  
13 about the murder?

14 A I didn't know what to feel. Everything was just  
15 going so fast.

16 Q You were upset?

17 A Very upset.

18 Q Do you remember speaking with Randy Murdock when  
19 you made the call about the murder?

20 A Yes.

21 Q You remember telling him that you had called the  
22 agency earlier in the year?

23 A I don't remember what I said to him but I  
24 remember speaking to him.

25 Q And after you spoke with Mr. Murdock, what

1 happened next?

2 A All these guys showed up at my house.

3 Q You mean police officers?

4 A Police officers, guys in suits.

5 Q Was that the same day that you spoke to Mr.  
6 Murdock?

7 A Yes.

8 Q Did you speak to Mr. Murdock on more than one  
9 occasion, do you remember?

10 A I don't think so. I think it was just that one  
11 time.

12 Q So if we can pull up on the screen, please, page  
13 4085. 4085. Have you got that in front of you, DOE #3?

14 A Yes.

15 Q This is a Winnipeg Police Service occurrence  
16 summary, and it shows, if we scroll towards the bottom, it  
17 says:

18

19 "At approximately 1316 hours ..."

20

21 Which would be about quarter after one in the afternoon:

22

23 "... 06 03 06, crew was dispatched

24 to attend and speak with [DOE #3]

25 regarding a call she had made to

1           Child     and     Family     Services.  
2           Further information indicated that  
3           a     Randy     MURDOCK     of     CFS     had  
4           contacted           [Winnipeg           Police  
5           Services]     advising     that     he     had  
6           received a call from [DOE #3] with  
7           information regarding a possible  
8           homicide     at     the     Fisher     River  
9           Indian Reserve."

10

11           And then it goes on, on the next page, to  
12 describe the meeting that the police services had with you  
13 and what you told them. Do you remember meeting with the  
14 police on March 6, 2006?

15           A     Yes.

16           Q     And do you remember what you told them?

17           A     No.

18           Q     How were you feeling when you met with the  
19 police?

20           A     I didn't know what to feel, how to feel, because  
21 everything was happening fast.

22           Q     Were you upset?

23           A     Yes, I was.

24           Q     And that's certainly understandable, given the  
25 information you'd received.

1                   Do you remember what you did after speaking with  
2 the police services?

3           A     No.

4           Q     We can pull up on the screen, please, page 37983.  
5 Do you have that?

6           A     Yes.

7           Q     This is an intake form that was filled out by Mr.  
8 Wiebe, the worker at Macdonald Youth Services, and it's  
9 dated at the top, March 6, 2006 and the time is 1430 or  
10 2:30, duration of 30 minutes. And it evidences a call that  
11 you had with Mr. Wiebe at 2:30 on March 6, 2006, which  
12 would have been after you met with the police. Do you  
13 remember contacting Mr. Wiebe that day?

14          A     No.

15          Q     Mr. Wiebe recorded that, that you did speak with  
16 him, but you don't have a memory of, of the specific  
17 conversation that you had?

18          A     No.

19          Q     And how were you feeling, other than being upset,  
20 how were you feeling on the day that you were talking about  
21 what had been disclosed to you about the murder?

22          A     I don't remember how I was feeling that day.  
23 Just like I was in a dream.

24          Q     Like you were in a dream?

25          A     Yeah.

1           Q     Mr. Wiebe testified that he spoke with you again  
2 on the next day by telephone. Do you remember having that  
3 conversation?

4           A     No.

5           Q     Now, as a result of the public and the government  
6 learning about Phoenix's death, there were a number of  
7 reports that were written about the services, the Child and  
8 Family services, that Phoenix received about the  
9 circumstances surrounding her death. One of them was  
10 prepared by a man named Andrew Koster and a woman named  
11 Billie Schibler. Do those names mean anything to you?

12          A     No.

13          Q     Do you recall speaking with Mr. Koster?

14          A     No.

15          Q     If we can pull up a portion of his report,  
16 please, page 62. And it really -- if we -- it starts at  
17 page 61, his reference to speaking with ICFS, and then goes  
18 on to page 62. He says:

19

20                         "With this as a beginning, ..."

21

22 This is the first full paragraph not in italics:

23

24                         "With this as a beginning, I  
25 contacted the client ..."

1 That would be you:

2

3 "... and after several attempts  
4 interviewed her in her home in  
5 Winnipeg."

6

7 Do you remember being interviewed by Mr. Koster?

8 A I remember speaking to somebody but I don't  
9 remember his name.

10 Q

11 "She said that she had concerns  
12 for her son who was staying with  
13 Karl Wesley McKay and Samantha  
14 Kematch. She knew that he was  
15 unhappy about something and she  
16 understood that perhaps it could  
17 be that a young girl in the home,  
18 Phoenix, was being mistreated.  
19 She indicated that she had called  
20 the after hours emergency service  
21 at Intertribal CFS and talked to a  
22 woman. The woman allegedly told  
23 her that she would not receive the  
24 referral because it was summer and  
25 they were short staffed."

1 Do you remember saying that to Mr. Koster?

2 A I don't remember.

3 Q Do you remember, is that, in fact, what the  
4 person who answered the phone at Intertribal Child and  
5 Family Services said to you when you called about, to  
6 report concerns about Phoenix?

7 A I know the Peguis office told me that they were  
8 short-staffed.

9 Q The Peguis office?

10 A Yeah.

11 Q When did you receive this office from the Peguis  
12 office?

13 A I don't remember when.

14 Q Did you ever call the Peguis office to report  
15 concerns about the little girl?

16 A Couple of times, yeah.

17 Q You told us earlier today, I thought, that you  
18 had phoned the agency, the Child and Family Services agency  
19 on Fisher River.

20 A On Fisher River, yeah.

21 Q Is that different than the office that you're  
22 referring to on Peguis?

23 A I don't know. (Inaudible) Fisher River and  
24 Peguis two different or are they all the same?

25 Q Well, the two communities are side by side, but

1 in your mind, when you said you called an agency, Child and  
2 Family Services agency on Fisher River, could it have been  
3 on Peguis?

4 A I don't know. All I know is Fisher River.

5 Q Okay. With respect to the call that you said you  
6 made to a Child and Family Services agency, remember you  
7 said before the boys came home, while [redacted], while DOE  
8 #1 was still living on Fisher River, you called an agency  
9 on Fisher River to report concerns about DOE #1 and about  
10 the little girl? Remember you told us about that this  
11 morning?

12 THE COMMISSIONER: Is that when --

13 THE WITNESS: Yes.

14 THE COMMISSIONER: -- when a shortage of food?

15 MS. WALSH: Yes.

16

17 BY MS. WALSH:

18 Q And I think you said they told you they were  
19 short-staffed?

20 A They were short-staffed, yes.

21 Q And you said you gave them your phone number and  
22 your name?

23 A Yes.

24 Q I believe you told me they never called you back?

25 A They never called me back.

1 Q Were you not worried that, about whether or not  
2 someone was going to look into the wellbeing of the little  
3 girl?

4 A I thought because they're CFS that they had to do  
5 these checks. Like, it wasn't my responsibility to make  
6 sure that they were doing their job.

7 Q Okay.

8 A And if they didn't call me back I figured there  
9 is no, there is nothing going on because nobody called me  
10 back.

11 Q When your aunt testified, Cecilia testified  
12 before us last week, she said that you told her only  
13 recently about how Wesley abused you when you were in a  
14 relationship with him. Is that --

15 A Yes.

16 Q -- is that true?

17 A Yes.

18 THE COMMISSIONER: Is that Cecilia?

19 MS. WALSH: Yes.

20

21 BY MS. WALSH:

22 Q That abuse happened a long time ago, though,  
23 right?

24 A Pardon me?

25 Q The abuse that you recently told your Aunt

1 Cecilia about, the abuse that you suffered from Wesley  
2 McKay, that actually happened a long time ago?

3 A Yes.

4 Q Why is it that you --

5 A Lot of people didn't know.

6 Q Can you tell us why it is that you only recently  
7 told your aunt about this abuse?

8 A I don't know.

9 Q Was it difficult to tell her?

10 A Yes, it was.

11 Q Why is that?

12 A I was ashamed.

13 Q And I'm sorry, I know it's hard for you to talk  
14 about, but can you tell the Commission how you and, and  
15 your boys have been affected by being involved with this  
16 life and death of Phoenix Sinclair?

17 A It's very hard.

18 Q Is there anything else you want to tell us about  
19 how the three of you have been affected?

20 A We're not close anymore. We're angry, we're  
21 hurt, we're sad.

22 Q Is there anything else you want to tell us?

23 A That I hate him for what he done to my family.  
24 He broke us.

25 MS. WALSH: Those are my questions, DOE #3.

1 Thank you for answering today.

2 THE COMMISSIONER: Witness, I know how difficult  
3 this has been for you. There's going to be some other  
4 questions that have to be answered. But I want to tell you  
5 this, that I've heard what you've just said and I don't  
6 know what I can do, but whatever I can do to help your  
7 family by speaking to people who have responsibility, I  
8 will do that because I hear you when you say your family is  
9 broken and you've had what this has done to you, and I'll  
10 tell you, whatever I can do, I'll do. And I know the  
11 people that I talk to will do their part to try to put your  
12 life and your boys' back together so that you once again  
13 are a family unit that function and get along okay with  
14 people. All right. Thank you.

15 MS. WALSH: Thank you, Mr. Commissioner.

16 THE COMMISSIONER: Now, who wish to ask  
17 questions? And notwithstanding the, the emotion of the  
18 moment, the questions must be asked that counsel want to  
19 ask and have that opportunity.

20 Mr. McKinnon.

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

22

23 CROSS-EXAMINATION BY MR. MCKINNON:

24 Q Witness, my name is Gordon McKinnon and I'm the  
25 lawyer for the Department of Family Services and Winnipeg

1 CFS. I know this is difficult for you, and I can't see you  
2 and I'm going to rely on the Commissioner. If, if these  
3 questions are difficult for you, the Commissioner will give  
4 me a signal and I'll, I'll pause.

5 Are you able to take a few questions from me now,  
6 Witness?

7 A Yes.

8 Q I just want to focus in on a few areas that are  
9 of interest to my client. My understanding is that you  
10 originally thought it would be good for [redacted] to move  
11 in with his father in Fisher River to get away from bad  
12 influences in Winnipeg?

13 THE COMMISSIONER: That's DOE #1.

14 THE WITNESS: Yes.

15

16 BY MR. MCKINNON:

17 Q Sorry, DOE #1. Maybe I'll try to refer to them  
18 as your youngest son and your eldest son so that we know  
19 which ones we're talking about. Would that be helpful?

20 A Yes.

21 Q Okay. So your youngest son --

22 A (Inaudible).

23 Q Your youngest son, your, your motivation in  
24 having him move to Fisher River was to get away from gangs  
25 in Winnipeg; is that correct?

1           A     Yes.  Yes.

2           Q     Thank you.  And you made, when you made these  
3 arrangements, we've seen some evidence today, there's a CFS  
4 chart dated April 18th, 2005 where you're talking about  
5 sending your youngest son up to Fisher River to live with  
6 his father, and then there's another document which Ms.  
7 Walsh had you identify which was a bank transfer showing a  
8 hundred dollars going to Samantha Kematch's account, and  
9 that was on April 28th of '05.  So is it fair for me to  
10 conclude that your youngest son moved up to Fisher River  
11 somewhere in between those dates, that is, the 18th of  
12 April and the 28th of April, 2005?

13          A     I believe so, yeah.

14          Q     And when you made the arrangements for your  
15 youngest son to move to Fisher River and live with his  
16 father, am I correct in my understanding that Wesley, as  
17 you call him, and his common-law wife, Samantha, were  
18 already residing there for some period of time, whether it  
19 was weeks or days you don't know, but for some period of  
20 time they were already up living at Fisher River?

21          A     Yes.

22          Q     And they drove in from Fisher River to pick up  
23 your youngest son --

24          A     Yes.

25          Q     -- somewhere in that window we talked about,

1 between the 18th and the 28th of April?

2 A Yes.

3 Q And that's when we've heard from an individual  
4 named Jeremy, who was your foster son, that's when he saw  
5 the little girl in the car wrapped in the blanket with a  
6 gash on the head, it was when they were coming in from  
7 Fisher River to Winnipeg to pick up your youngest son?

8 A Yes.

9 Q Now, he told us what he saw and he described a  
10 gash that he felt was not a new gash, it had been there for  
11 at least several days because it seemed to be dried over  
12 and I think a bit, a bit scabby, is the way I recall his  
13 evidence. And he reported that to you?

14 A That he saw a gash on her forehead, that's all he  
15 said to me.

16 Q Okay. And he did not report to you that it  
17 appeared to be old?

18 A No.

19 Q Okay. And when you described, a moment ago, that  
20 Wesley told you he was going to take the little girl to the  
21 emergency, did Jeremy hear that?

22 A I don't remember.

23 Q Okay. But in any event, you did not see the  
24 little girl we, we now know to be Phoenix, you did not see  
25 the little girl on that occasion?

1           A     No.

2           Q     When Jeremy told you about the gash on the  
3 forehead, he gave us the impression that he was hoping you  
4 would call CFS. Did you understand that's what he wanted  
5 you to do?

6           A     No.

7           Q     And you didn't call CFS on that occasion?

8           A     No.

9           Q     I listened very carefully to your evidence about  
10 your call to, I believe you said it was Fisher River, when  
11 you were concerned about the lack of food for your son. Do  
12 you recall giving that evidence? Is that the same --

13          A     Yes.

14          Q     -- occasion when you raised some concerns about  
15 Phoenix?

16          A     I don't remember. I think I was mostly concerned  
17 that my kids had nothing to eat, they were taking care of  
18 an old man, and they were just children.

19          Q     It's my impression from listening to your  
20 evidence this morning that that, in fact, was your primary  
21 concern; your concern was for your own boys --

22          A     Yes.

23          Q     -- is that fair?

24          A     Yes.

25          Q     And we know from the CFS records that your

1 youngest son returned to you in Winnipeg and, in fact, he  
2 was with your eldest son at that time. They both came back  
3 to you on the same day; is that correct?

4 A Yes.

5 Q And we know from the CFS records that that was,  
6 I'm looking at my notes here, is it July 11th or July 12th?

7 MS. WALSH: 12th.

8

9 BY MR. MCKINNON:

10 Q July 12th, 2005 both boys were returned to you?

11 A Yes.

12 Q Now, you gave some evidence this morning about a,  
13 an incident when the boys told you this terrible story  
14 about, about choking the chicken, and you said that  
15 happened when the boys were with you in a restaurant?

16 A Yes.

17 Q Is it fair to say you don't recall when that  
18 happened?

19 A Yes.

20 Q Is it possible that happened after the boys had  
21 been returned to you in July?

22 A No, this was before.

23 Q Witness, I'd like to take you to your police  
24 statement at page 5717. Do you have a copy of that or can  
25 you see that in front of you?

1           A     Yes, I do.

2           Q     Okay.  And near the bottom of the page, the long  
3 paragraph, the, the largest paragraph, the first sentence  
4 or two there, the officer says to you:

5

6                     "Okay."

7

8     And then you say:

9

10                    "He was staying with his dad and  
11 they were telling me stories like  
12 way later after the fact.  And  
13 uhm, we were sitting in a  
14 restaurant and my boys told me  
15 [that] their dad ..."

16

17     Sorry:

18

19                    "... what their dad was doing to  
20 this little girl."

21

22                    Was that the same restaurant where they told you  
23 that you just described about choking the chicken?

24           A     I think so.

25           Q     And were you -- when you say it was way later

1 after the fact, weren't you saying it was after they  
2 returned to Winnipeg?

3 A No, no. No. No.

4 Q That's not --

5 A No.

6 Q -- not correct?

7 A No. They came into the city off and on. This is  
8 before.

9 Q And when you phoned CFS, do you recall  
10 specifically telling them anything of the nature that  
11 you've testified to, that is, choking the chicken?

12 A I don't recall.

13 Q Okay. When the boys did return to you on July  
14 12th, there was a -- you've described in some detail that  
15 you were concerned about the boys and you called  
16 Intertribal CFS at Fisher River and made arrangements for  
17 them to come home; is that correct?

18 A I was trying to make arrangements, yes.

19 Q And if my memory serves me, that was the day you  
20 got a call from the boys' grandfather, Wesley's father, and  
21 you got a call from Wesley, and were a lot of calls that  
22 day?

23 A Yes.

24 Q The following day, we've heard evidence that  
25 there was a phone call made to you from a social worker at

1 Intertribal CFS to see how the boys were. Do you remember  
2 that phone call?

3 A Yes.

4 Q And we have a record of that phone call at  
5 Commission disclosure 1657, page 34611. Do you have that  
6 in front of you?

7 A Yes.

8 Q Just waiting for it to be called up on our  
9 screen.

10 THE COMMISSIONER: What page are you waiting for,  
11 Mr. McKinnon?

12 MR. MCKINNON: 34611. I see it's typed in but it  
13 hasn't come up.

14 THE COMMISSIONER: Oh, I see. Yeah.

15 MR. MCKINNON: Thank you. That's, that's the  
16 page.

17

18 BY MR. MCKINNON:

19 Q Do you have it in front of you, Witness? It's a  
20 short paragraph.

21 A Yes.

22 Q My understanding is that this is the follow-up  
23 phone call that was made to you and that the social worker  
24 called you and you answered the phone, and the social  
25 worker identified herself and told you that she was calling

1 to see if the boys made it home safe, and you said that  
2 yes, they were, they were home safe. And the social worker  
3 mentioned to you that the boys seemed scared, they were  
4 happy once they knew they were going back home. Do you  
5 recall having that discussion with the social worker? This  
6 would be the day after the boys were returned home.

7 A I remember her calling to see if they made it  
8 home all right, yes.

9 Q And according to this note, you told them that  
10 they were scared when the CFS workers went there,  
11 suggesting to me, I think, that they might have been afraid  
12 of the CFS workers, that's what might have made them seem  
13 scared. Was that what you were conveying to this social  
14 worker?

15 A Yes, as I didn't know what happened out  
16 there.

17 Q And the social worker was wanting to ensure that  
18 everything was fine. And you thanked the social worker for  
19 having the boys returned home, and that was the end of the  
20 conversation?

21 A Yes, it was just a brief conversation.

22 Q And you never made any mention to the social  
23 worker at that time that you had concerns about the little  
24 five-year-old girl?

25 A Well, I, I told somebody that there was another

1 child living there. I didn't know how many children were  
2 there.

3 Q Was that on this occasion that you --

4 A I don't know --

5 Q -- said that?

6 A -- occasion it was.

7 Q Okay. Would you not agree with me that if there  
8 was a concern -- you didn't, for example, tell the social  
9 worker that the boys were afraid of their father; in  
10 fact, you said they appeared to be afraid of the social  
11 workers?

12 A Yeah, because they never dealt with social  
13 workers.

14 Q Okay. Now, in terms of you first learning about  
15 Phoenix's death, we know that from your evidence that that  
16 occurred when your eldest son went with you to a walk-in  
17 clinic, correct?

18 A I took him to a clinic.

19 Q Right. So the --

20 A I didn't see the doctor, he did.

21 Q That's -- sorry, that's what I was intending to  
22 suggest. He was seeing the doctor and you were in the  
23 waiting --

24 A Yes.

25 Q -- room, accompanying him to the doctor?

1 A Yes.

2 Q And you, you could tell something was troubling  
3 him? And you --

4 A Yes.

5 Q -- asked him what was wrong?

6 A Yes.

7 Q Now, we have the date on that from the Manitoba  
8 Health Services Commission as being February 28th, 2006.  
9 That would have been a Tuesday. Does that sound right to  
10 you?

11 A No.

12 Q No?

13 A It was during the weekend we went to the clinic.

14 Q You recall --

15 A Was on a weekend.

16 Q You recall it being a weekend visit?

17 A Yeah.

18 Q Because we know that you reported this terrible  
19 matter to Intertribal CFS and, and they promptly reported  
20 to the police on March 6th, which would be a Monday, if my  
21 memory serves me, or a Tuesday. That would have been a  
22 Monday.

23 A A Monday?

24 Q A Monday you reported it. Is it possible you  
25 waited six days before reporting this?

1 A No.

2 Q Not possible?

3 A No.

4 Q And what your eldest son told you was that  
5 something really bad had happened and that he had learned  
6 about this from your youngest son; does that ring a bell?  
7 Does that sound right to you?

8 A Yeah, I just found that out.

9 Q You just found that out when?

10 A Yesterday. I didn't know.

11 Q You went back to the house and you talked to your  
12 youngest son and he was mad, if I --

13 A Yeah.

14 Q -- if I understand your evidence.

15 Do you know why he was mad?

16 A I don't know why.

17 Q But we're fairly clear that you reported this  
18 matter to CFS on March 6th, which would be about nine  
19 months after the boys returned home in July of 2005,  
20 correct?

21 A Nine months. Can you say that again?

22 Q Just want to make sure we got our dates right.  
23 We know the boys came home in July of 2005.

24 THE COMMISSIONER: I think, Witness, he's talking  
25 about the time the boys came home in July until it was

1 reported March of the next year to the police, and that  
2 from July to March would have been a nine-month period.  
3 Does that sound about right to you?

4 THE WITNESS: No.

5

6 BY MR. MCKINNON:

7 Q Let me -- because when you gave evidence at the  
8 criminal trial, you gave different evidence, and I'm going  
9 to take it to you -- or take you to it. If we look at page  
10 1068, that's Commission disclosure 18. This is a copy of  
11 your transcript of evidence at the criminal trial. And at  
12 line 25, the Crown attorney is asking you a question. He  
13 says:

14

15 "And you know what, I've asked  
16 that very awkwardly. When you  
17 went to the, the walk-in clinic,  
18 the Point Douglas walk-in clinic,  
19 do you remember how long [your  
20 eldest son] had been back from  
21 Fisher River?"

22

23 And you answered:

24

25 "I think a week."

1           And if --

2           A     Maybe a week, yeah.

3           Q     Okay. And if we go over the next page, at page  
4 1069, line 13, he says:

5

6                     "Q All right. So just to make  
7 sure that I've got it clear, then,  
8 about a week after they came back,  
9 in July of 2005, that's when  
10 [redacted] ..."

11

12 Sorry, that's when son number ...

13

14          A     I don't want to do this anymore.

15          Q     ... your eldest son. Page 1069.

16          A     He's mentioning their names. I don't want to do  
17 this.

18                     THE COMMISSIONER: Just a moment.

19                     THE WITNESS: You're mentioning their names.

20                     MR. MCKINNON: I apologize for that.

21                     UNIDENTIFIED PERSON: Our names are mentioned.

22                     THE WITNESS: You guys should just take  
23 accountability. Social workers failed her.

24                     MS. WALSH: Now --

25                     THE WITNESS: I'm done.

1 THE COMMISSIONER: Witness, would you like a  
2 little break?

3 THE WITNESS: No, I'm done.

4 THE COMMISSIONER: No.

5 THE WITNESS: They keep using my boys' names.  
6 I'm done.

7 THE COMMISSIONER: She's -- we'll stand adjourned  
8 for a few minutes, and I think, Ms. Walsh, you better  
9 attend to see that she endeavours to stay if she possibly  
10 can. She's left, and I think --

11 MS. WALSH: I think she should have her counsel  
12 with her.

13 THE COMMISSIONER: -- should -- maybe Mr. Gange  
14 is --

15 MR. GANGE: I'm --

16 THE COMMISSIONER: I'm sorry, I guess I should --

17 MS. WALSH: She should have her counsel.

18 MR. GANGE: I will.

19 THE COMMISSIONER: I'm sorry, Mr. Gange, it's --

20 MR. GANGE: No, that's fine.

21 THE COMMISSIONER: -- your responsibility.

22 MR. GANGE: Yes. Yes.

23 THE COMMISSIONER: I hand it to you, and we stand  
24 adjourned till you tell us it's time to reconvene.

25 MR. GANGE: Yes, thank you.

1 (BRIEF RECESS)

2

3 THE COMMISSIONER: Mr. McKinnon.

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

5

6 BY MR. MCKINNON:

7 Q Witness, can you hear me?

8 A Yes.

9 Q Okay. Let me apologize for mentioning your son's  
10 name. I assure you that was a slip-up on my part. My copy  
11 of the transcript is not properly redacted so I, I was  
12 reading from my copy, and please accept my apologies.

13 The question I was asking you, though, was, what  
14 I'm trying to establish is your memory about when things  
15 happened, and the question that I was putting to you was  
16 from your transcript at the criminal trial from November of  
17 2008. So let me try and read it to you again. This time  
18 I'll read it properly.

19 A Okay.

20 Q The question is at line 13 at page 1069.

21 A Okay.

22 Q The question is being asked by the Crown attorney  
23 and it's as follows:

24

25 "Q All right. So just to make

1                   sure that I've got it clear, then,  
2                   about a week after they came back,  
3                   in July of 2005, that's when [DOE  
4                   #2] told you what happened?"

5

6   And your answer was:

7

8                   "Yeah."

9

10                   You see where you said that at the criminal trial  
11   in November of 2008?

12                   My suggestion to you, Witness, is that in 2008  
13   you were confused about dates, that you were saying  
14   something happened in July of 2005 when we are now pretty  
15   clear that it happened in March of 2006.   Do you  
16   acknowledge that, that you were just confused?

17                   A    Yes.

18                   Q    And that's one of the tricks that memory plays on  
19   us, is that we can get confused about when things happened;  
20   is that fair?

21                   A    Yes.

22                   MR. MCKINNON:   And those are all the questions I  
23   have for you, Witness.   Thank you.

24                   THE COMMISSIONER:   Thank you, Mr. McKinnon.

25                   See Mr. Khan coming forward.

1 CROSS-EXAMINATION BY MR. KHAN:

2 Q Hello, Witness, my name is Hafeez Khan, I'm  
3 counsel for Intertribal Child and Family Services. I don't  
4 have many questions at all for you, just a couple,  
5 actually, and they just follow up on some of the questions  
6 and answers that we've already heard.

7 When Mr. McKinnon was asking you some questions  
8 you had mentioned that you just found out yesterday. Are  
9 you referring to finding out that DOE #2 had told DOE #1  
10 about the murder?

11 UNIDENTIFIED PERSON: Other way round. It's  
12 (inaudible).

13

14 BY MR. KHAN:

15 Q I'm sorry about --

16 A Yes.

17 Q Yes. Sorry, that's about DOE #1 having told DOE  
18 #2?

19 A Yes.

20 Q And so you're saying that before yesterday you  
21 weren't aware of that?

22 A I wasn't aware.

23 Q You weren't aware of that fact, that DOE #1 --

24 A Yes.

25 Q Okay. Do you have a personal recollection of

1 when the boys were returned to you in the summer of 2005?

2 A I just remember it was summertime.

3 Q Do you have -- so you don't remember personally  
4 what month it was?

5 A No.

6 Q I have a few phone -- a few questions about your,  
7 your phone calls to Peguis. Now, I'm a little confused as  
8 to when you may have called Peguis CFS or when you called  
9 Fisher River. Now, on the day the boys were returning  
10 home, had you made calls on your own to try to bring the  
11 boys home?

12 A Yes.

13 Q And the boys had told you for -- that day, that  
14 they wanted to come home?

15 A Yes.

16 Q And they -- had they been telling you for a few  
17 days prior to that that they wanted to come home?

18 A They would mention it, but it wasn't, you know,  
19 it didn't seem like a big deal then.

20 Q Right. And you had testified earlier that a  
21 worker had called you on that day and told you that she was  
22 bringing the boys home?

23 A Yes.

24 Q Do you know what agency that worker called you  
25 from?

1           A       I assume Fisher River.

2           MR. KHAN:       Mr. Commissioner, I'd like to  
3 introduce a document. Unfortunately, I have a feeling that  
4 this document hasn't been redacted. Ms. Walsh, it's  
5 Commission disclosure number 891. And I could advise, Mr.  
6 Commissioner, that late last week I was -- did receive an  
7 e-mail from the Commission's office asking to advise which  
8 documents that we would be referring to. And I apologize,  
9 I wasn't expecting to refer to this document and, and so I  
10 hadn't e-mailed it in advance. And I'm not too sure what  
11 would be the best process to deal with it.

12           THE COMMISSIONER: Well, can you, can you --

13           MR. KHAN: I can --

14           THE COMMISSIONER: You want to ask her some  
15 questions about the document?

16           MR. KHAN: Yes. It's, it's a, it's a very short  
17 brief contact note.

18           THE COMMISSIONER: And is your concern about  
19 putting it on the screen?

20           MR. KHAN: It is.

21           THE COMMISSIONER: Well ...

22           MR. KHAN: I can read it in.

23           THE COMMISSIONER: Ms. Walsh, what is your  
24 suggestion?

25           MS. WALSH: Well, first, for fairness for the

1 witness, I believe that the staff member from our office  
2 who's sitting with the witness could pull the document up  
3 for her to see. Then if Mr. Khan wants to refer to the  
4 document, if he would read it into the record in a redacted  
5 format and then after this session we will redact the  
6 document and put it onto the website.

7 THE COMMISSIONER: But at the moment it doesn't  
8 have to go on our screen.

9 MS. WALSH: It does not. It -- Mr. Khan can read  
10 it into the record and the page number and it simply won't  
11 be made available to the public until it's been redacted.

12 THE COMMISSIONER: Will that suffice to your  
13 purposes?

14 MR. KHAN: It does, thank you.

15 THE COMMISSIONER: All right. Now, I see Ms.  
16 Pearson has left her chair. Whether she's gone to get it,  
17 I -- we'll just see.

18 MR. KHAN: And again, it's document --

19 THE COMMISSIONER: She's back. Ms. Pearson, are  
20 you able to find that document?

21 MS. PEARSON: Yes.

22 THE COMMISSIONER: And can you show it to the  
23 witness?

24 MS. PEARSON: Yes, she can see it.

25 THE COMMISSIONER: All right. She's -- the

1 witness is looking at it on the screen.

2 MR. KHAN: Thank you.

3

4 BY MR. KHAN:

5 Q The document is titled, Brief Services Contact  
6 Notes, and it says, name, DOE #3, the date is July 14th,  
7 2005. Case worker, Olive Favel. Entered by Elsie Flett.  
8 And then it says, reviewed by O.F.:

9

10 "Time, 11:55 a.m. Writer received  
11 verbal referral from team leader  
12 Olive to go to Fisher River ICFS  
13 and pick-up two boys who are  
14 apparently at home alone. The two  
15 boys are Peguis band members and  
16 the father is Fisher River band  
17 member. Writer went to meet with  
18 the workers from ICFS. Violet and  
19 Madeline met ... writer [and] who  
20 informed writer that the father of  
21 the two boys was a big rig driver  
22 and was at this time somewhere in  
23 Ontario. The father apparently  
24 phoned the ICFS office and told  
25 the workers that there was a baby-

1                   sitter with the boys.       ICFS  
2                   workers were informed by their  
3                   probation officer that the sitter  
4                   (CJ McKay) was the sitter but, was  
5                   apparently wanted by the law and  
6                   that there was a warrant for his  
7                   arrest.    This is the reason why  
8                   PCFS was involved to make sure  
9                   that the children were safe and  
10                  returned to their biological  
11                  mother [DOE #3] who resides in  
12                  Winnipeg.    Writer contacted [DOE  
13                  #3] to inform her that [the]  
14                  writer will be transporting her  
15                  two boys [DOES #2 and #1] to her  
16                  home address in the city right  
17                  away.        Before the actual  
18                  transportation could take place  
19                  writer and ICFS workers along with  
20                  two RCMP officer[s] (Constable  
21                  King and Munro) were the  
22                  accompanying (sic) officers that  
23                  helped workers locate [DOE #2] who  
24                  had gone with [redacted] to a  
25                  friend's place for a visit.

1                   Workers found [DOE #2] after a  
2                   long search and then writer  
3                   transported them to Pcfs office  
4                   and then to the mom in Winnipeg.  
5                   The ride was uneventful the boys  
6                   slept all the way to Winnipeg.  
7                   Writer met with the mom [DOE #3]  
8                   briefly and was told by [DOE #3]  
9                   that [DOE #3] will not be sending  
10                  her boys back to the Reserve for  
11                  awhile now, and [DOE #3] thanked  
12                  [her, sorry, thanked] writer for  
13                  the safe return of her boys.  
14                  Writer will continue to work with  
15                  this family as needed."

16

17                  DOE #3, does that help jog your memory as to  
18                  whether it was a Peguis worker or a Fisher River worker who  
19                  transported the boys -- or called you, sorry, on July 12th?

20                  A     I don't know where they called from but I know  
21                  somebody called.

22                  Q     And you had, you had testified earlier that it  
23                  was a man and a woman who had brought the boys home?

24                  A     An older man and woman.

25                  Q     Did they identify themselves as workers, CFS

1 workers?

2 A No.

3 Q And you're sure it was not just one woman, it was  
4 a man and a woman?

5 A A man and a woman.

6 Q Witness, do you recall whether you had told that  
7 worker anything about a little girl in the home?

8 A I don't recall.

9 Q But you do recall having called Peguis CFS at  
10 some point?

11 A Yeah.

12 Q Do you recall whether or not you had told them  
13 anything about a little girl in the home?

14 A I don't recall.

15 Q You had mentioned earlier that you obtained the  
16 number for, for the agency by dialing 411. Do you recall  
17 that?

18 A Yes.

19 Q Do you recall if that was the number for Peguis  
20 CFS or, or Intertribal CFS?

21 A I don't know.

22 Q You said during that phone call that you had  
23 talked about the boys taking care of an old man. Did I,  
24 did I get that correct?

25 A Yes.

1 Q Did you also talk about the boys being left  
2 alone?

3 A I don't recall what I said to them. I was just  
4 worried about my boys because I didn't know who the  
5 caregiver was.

6 Q So on that phone call you had mentioned that you  
7 were concerned about the babysitter?

8 A I was concerned my kids had no food to eat, no  
9 toilet paper, they were looking after an old man, I didn't  
10 know who the caregiver was. Just a number of things.

11 Q Do you recall telling the worker that you had  
12 legal guardianship of DOE #1?

13 A I don't remember what I said.

14 MR. KHAN: Thank you, Mr. Commissioner, those are  
15 my questions. Thank you, Witness.

16 THE COMMISSIONER: Thank you, Mr. Khan. Now,  
17 before Mr. Gange, are there others that wish to question?  
18 It would appear not, Mr. Gange.

19 MR. GANGE: Thank you.

20

21 RE-EXAMINATION BY MR. GANGE:

22 Q We're almost done here, Witness. So couple of  
23 things that I think that we need to go over.

24 It's, it's fair to say that your memory of a  
25 number of these things is, gets a little jumbled; is that

1 correct?

2 A Yes.

3 Q And one of the things that you just said to Mr.  
4 Khan was that you only learned yesterday that DOE #1 had  
5 told DOE #2 about the fact that their dad had killed  
6 Phoenix. Is that what you meant to say when you were  
7 talking to Mr. Khan?

8 A Yes.

9 Q But -- and, and Witness, I need you to think  
10 about that. When you came back from the walk-in clinic in  
11 March of 2006, you confronted your younger son with this  
12 information; isn't that correct?

13 A Yes.

14 Q And your younger son responded and was angry  
15 at the older son for having told you this information;  
16 isn't --

17 A Yes.

18 Q -- that correct?

19 A Yes.

20 Q And, and your younger son said, why did you tell  
21 her, she's going to be a rat. Isn't that what your younger  
22 son said?

23 A Yes.

24 Q So weren't you aware at that time that it was  
25 only your younger son that had been present when Phoenix

1 was killed?

2 A I don't know.

3 Q Did you think that they were both there?

4 A I thought they were both there.

5 Q Oh, I see. Okay. And that's -- okay, fine.

6 I'll, I'll move on from there.

7 The question -- Mr. McKinnon asked you some  
8 questions about when it was that you learned about the  
9 death and the visit to the walk-in clinic. You recall  
10 those questions that, that Mr. McKinnon just asked you 10  
11 minutes ago?

12 A Yes.

13 Q Okay. And Mr. McKinnon pointed out that at the  
14 criminal trial, the Crown attorney had asked you when the  
15 visit to the walk-in clinic had been, and you had responded  
16 it was about a week or two after the boys got back from  
17 Fisher River. Do you recall that that's what the  
18 transcript of --

19 A Yes.

20 Q -- of your testimony had said? If we could pull  
21 up page 5717 and, and keep scrolling down. And I just, I  
22 just want to go over, you see there's the last full  
23 paragraph, and I'm going to read something to you. About  
24 in the middle of that paragraph it says:

25

1                    "And they brought back my kids in  
2                    August ..."

3

4   Are you with me, DOE #3?

5           A     Yes.

6           Q     And apparently you cleared your throat:

7

8                   "... over the weekend I took [DOE  
9                    #2] to a walk-in clinic and [DOE  
10                   #2] told me that he had something  
11                   really bad to tell me."

12

13                   Do you see that section?

14          A     Yes.

15          Q     The phrase and "over the weekend" was that -- and  
16   if you could scroll up to the top of that page, do you see  
17   it's, it's dated March the 7th, 2006. Do you see that  
18   date?

19          A     Yes.

20          Q     When you were referring to "over the weekend"  
21   when you were discussing this with Constable Baker, were  
22   you referring to over the weekend in March 2006 or were you  
23   referring to over the weekend in August 2005?

24          A     I'm not sure.

25          Q     Okay. Your recollection is how long after the

1 disclosure by DOE #2 was it that you called the police and  
2 gave the police your statement? How long was it?

3 A I don't remember.

4 Q Any, any kind of an idea?

5 A Everything just, just seem like happened boom,  
6 boom, boom.

7 Q Okay. You don't recall knowing this -- or do you  
8 recall knowing this information for a long time or a short  
9 time?

10 A A short time.

11 Q Okay. Thank you. When you called the agency to  
12 talk about the fact that your boys did not have enough food  
13 and, and to talk about the concerns that had been raised  
14 about Phoenix, what was the response of the agency to that  
15 call?

16 A That they were short-staffed.

17 Q Okay.

18 A They always seemed to be short-staffed.

19 Q So they were short-staffed. And what was to  
20 happen?

21 A Nobody got back to me.

22 Q No, but you're -- we're missing one step. They  
23 were short-staffed so then what was supposed to happen?  
24 What did they say you should do?

25 A They didn't say anything that I should do that I

1 remember.

2 THE COMMISSIONER: Did they say what they were  
3 going to do?

4

5 BY MR. GANGE:

6 Q What, what were they going to do?

7 A I don't know.

8 Q Okay. You said -- your answer to me was that,  
9 that nobody got back to you. Did you expect somebody to  
10 get back to you?

11 A I thought somebody would get back to me.

12 Q And why, did they tell you that somebody would  
13 get back to you?

14 A That's what she said, somebody would get back to  
15 me, and nobody ever got back to me.

16 Q Thank you. And, and then this is my last area.  
17 At some point Wes McKay called you to -- and, and told you  
18 that he knew that you had called the agency. Is that  
19 correct?

20 A Yes.

21 Q Okay. Do you recall in relation to which phone  
22 call Wes McKay called you?

23 A I don't know.

24 Q What did he say to you?

25 A He just swearing at me, threatening me, that

1 nothing was going to be done because his cousin worked  
2 there.

3 Q Did he tell you that he knew that you had made a  
4 call to the agency?

5 A He tried to blame me, and I didn't know what was  
6 going on at the time. All I knew is my boys wanted to come  
7 home. I was trying to make the arrangements. And that's  
8 when the other line, the line beeped and it was him, and he  
9 was swearing at me, threatening me. So my phone was going  
10 crazy that morning.

11 MR. GANGE: Okay. Those are my questions. Thank  
12 you, Mr. Commissioner.

13 THE COMMISSIONER: Thank you, Mr. Gange.

14 Any questions, Commission --

15 MS. WALSH: I have no questions, Mr.  
16 Commissioner.

17 THE COMMISSIONER: Well, Witness, you're through  
18 now all the -- answering all of the questions that have  
19 been put to you. I want to tell you that I will keep my  
20 word, what I said earlier today. The state, the government  
21 has provided you with Mr. Gange to assist you. I think Mr.  
22 Bruce Foster has been help to you and the boys, who's  
23 member of the Commission staff. And I'll be speaking to  
24 Mr. Foster and to other senior people and, and something  
25 will happen that we'll -- the state has a responsibility

1 here and I'll see that, and I'm sure they'll respond  
2 willingly and, and without any difficulty, and we'll get  
3 your family that has gone through this as innocent people,  
4 a trauma of this kind, you deserve the support and help and  
5 you'll get it. And with that we'll --

6 THE WITNESS: Thank you.

7 THE COMMISSIONER: -- thank you again for  
8 appearing and giving your evidence.

9 THE WITNESS: Thank you.

10 THE COMMISSIONER: Thank you.

11 THE WITNESS: Sorry for my outburst.

12 THE COMMISSIONER: No, no, no. Quite  
13 understandable with what you've been through, Witness.  
14 Quite understandable.

15

16 (WITNESS EXCUSED)

17

18 THE COMMISSIONER: All right. Now, what time are  
19 we adjourned to, 2:15 or did you want ...

20 MS. WALSH: That would be fine.

21 THE COMMISSIONER: All right. We'll stand  
22 adjourned until 2:15 and I'm going to re-arrange my papers.

23 Mr. Gange, anything else now?

24 MR. GANGE: No.

25 THE COMMISSIONER: No. Okay. Thank you. Just

1 take your leave. I'm going to re-arrange these papers.

2 MR. GANGE: Thank you.

3

4 (LUNCHEON RECESS)

5

6 THE COMMISSIONER: I guess we have to go through  
7 the clearing of the room process.

8 MS. WALSH: We do, Mr. Commissioner. If we would  
9 now. Our witness is ready to be either sworn or affirmed.

10

11 (WITNESS SWORN ON THE RECORD - REDACTED)

12

13 **DOE #1**, sworn, testified as  
14 follows:

15

16 THE COMMISSIONER: All right. We can --

17 MR. GANGE: Yes, I'll take care of that.

18 THE COMMISSIONER: -- invite our friends back in.

19 MS. WALSH: Thank you. We're just going to wait  
20 now to let everyone back into the room.

21 THE COMMISSIONER: We just cleared the room  
22 [redacted] so nobody will know you -- who was being sworn  
23 in.

24 All right, I think we're ready, Ms. Walsh.

25 MS. WALSH: Thank you, Mr. Commissioner.

1 DIRECT EXAMINATION BY MS. WALSH:

2 Q Witness, can you see me?

3 A Yeah.

4 Q And you can hear me?

5 A Yeah.

6 Q We can hear you but we can't see you. The only  
7 person in the room who can see you is the Commissioner, who  
8 has a small monitor on his desk facing him and so he's the  
9 only person in the room who can see you. Okay?

10 A Yeah. Yeah.

11 Q Now, you know that for the purposes of this  
12 proceeding, we are calling you DOE #1, right?

13 A Yeah.

14 Q And your brother is DOE #2.

15 A Just call me DOE 1 or something, then.

16 Q I'll call you DOE 1 and when I say DOE 2, that  
17 means your brother.

18 A Yeah.

19 Q And when I say DOE 3, that means your mother.

20 A Yeah.

21 Q Okay. And we'll try to stick to those names.  
22 But the, the media and the public know that if through, by  
23 accident, one of us lets the real name slip out, they're  
24 not to report it or make it public. So we'll just do our  
25 best, okay?

1 A Yeah.

2 Q All right. How old are you?

3 A Twenty.

4 Q Your father is Karl Wesley McKay?

5 A Yeah.

6 Q And I think you've told me that you'd rather that  
7 I call him, refer to him as, as Karl or Wesley rather than  
8 your dad; is that right?

9 A Yeah, just call him Wesley.

10 Q Wesley. Okay.

11 A Or Karl. Doesn't matter.

12 Q All right. Now, don't tell us where, but you  
13 have a job right now?

14 A Yeah.

15 Q And I understand that your parents split up when  
16 you were still a baby?

17 A I believe so. I don't know, you know, I was a  
18 baby.

19 Q That's true.

20 A I was a baby so I only know by belief (inaudible)  
21 told.

22 Q That's what you've been told. And did --

23 A Yeah.

24 Q -- you spend much time with, with Wesley when you  
25 were small?

1 A On occasion.

2 Q Was he ever physically abusive to you?

3 A Some occasion, you know, spanks, little spank  
4 here and there.

5 Q And as you were growing up, did you know that  
6 Wesley had been violent to your mother?

7 A Yeah.

8 Q And to other people?

9 A Yeah.

10 Q Who else did you know he had been violent  
11 towards?

12 A Just hear stories from my cousins (inaudible)  
13 like that.

14 Q Now, in the spring and summer of 2005 you would  
15 have been 12 years old; is that right?

16 A I believe so, yeah.

17 Q At some point in 2005 you went to live with Karl  
18 and Samantha in Fisher River?

19 A Yeah.

20 Q And was Phoenix there as well?

21 A Like when I moved there?

22 Q Yes.

23 A Yeah.

24 Q Did Karl and Samantha have a baby living with  
25 them as well?

1 A Yeah.

2 Q That was the baby they had had together, right?

3 A Yeah.

4 Q Had you met Phoenix before you moved to Fisher  
5 River?

6 A Yeah.

7 Q When did you meet her?

8 A Think it was like a year ago, a year before I  
9 moved, roughly around a year.

10 Q Did you see her on more than one occasion or just  
11 once?

12 A Saw her one time.

13 Q How did she look?

14 A She looked like a toddler, you know, healthy  
15 and, you know, long hair, long shiny hair. You know, just  
16 a typical, typical kid, typical little toddler.

17 Q The evidence that we've heard is that Karl and  
18 Samantha moved to Fisher River some time around April of  
19 2005, March or April of 2005. You went to Fisher River  
20 after they first moved up there?

21 A Yeah. Pretty sure they lived there for a bit and  
22 then they came and got me after that.

23 Q And we, we heard from your mother that you went  
24 up there towards the end of April 2005. Does that seem  
25 right?

1 A Yeah. Roughly around there.

2 Q Do you remember how you got to Fisher River?

3 A They came and picked me up.

4 Q Who's "they"?

5 A Wesley and Samantha.

6 Q In a car?

7 A Yeah.

8 Q Who else was in the car with Wesley and Samantha?

9 A There's my little sister and Phoenix.

10 Q When you say your little sister, that's the baby  
11 that Karl and Samantha had together?

12 A Yeah.

13 Q What did Phoenix look like when you saw her in  
14 the car?

15 A She looked like, she looked rough, man. She  
16 looked all beat up and shit, like she didn't look like she  
17 did when I first met her. Now, I mean, she's just like all  
18 skinny and whatever. She just didn't look the same.

19 Q She didn't look the same as when you first met  
20 her?

21 A Yeah. I only met her once before that.

22 Q Right.

23 A Was just a transformation in that one year.

24 Q Do you remember what she was wearing?

25 A When I saw her?

1 Q Yes, in the car on the day that --

2 A On the way, oh, in the car.

3 Q -- that you went up to Fisher River.

4 A She's wearing a black hat and sun glasses with a  
5 black shirt and there was blue jeans.

6 Q When you first went to Fisher River, you stayed  
7 at a house that belonged to an uncle?

8 A Yeah.

9 Q You stayed there for a week?

10 A Yeah. Roughly like a week or two, I think.

11 Q And then at some point you and your family were  
12 asked to leave and you moved to another house?

13 A Yeah.

14 Q The next house was the house you stayed in until  
15 you left Fisher River for the last time; is that right?

16 A Yeah.

17 Q Maybe we'll take a look at a photograph of the  
18 house. If we can pull up page 1346, please. How about  
19 3056. Yeah.

20 DOE #1, do you see that picture?

21 A Yeah.

22 Q That the house that you lived in with Wesley and  
23 Samantha and Phoenix and the baby?

24 A Yeah.

25 Q When you first moved into this house, this is the

1 second house, right?

2 A Yeah.

3 Q Where did Phoenix sleep?

4 A Are you guys looking at that picture, too?

5 Q We are.

6 A Well, see where that door is, right.

7 MS. WALSH: Mr. Commissioner, do you have the --  
8 the picture's up on the screen.

9 THE COMMISSIONER: Yes, I have it.

10 THE WITNESS: And you see that door.

11 MS. WALSH: The door --

12 THE COMMISSIONER: Oh, I see.

13

14 BY MS. WALSH:

15 Q The front door?

16 THE COMMISSIONER: I see.

17 THE WITNESS: Yeah, the window, the window on the  
18 left of it, that first window.

19

20 BY MS. WALSH:

21 Q That's where Phoenix slept?

22 A Yeah, for a little bit.

23 Q To the left of the door.

24 A Yeah.

25 Q Okay. You said "for a little bit". And then ...

1 A Couple weeks.

2 Q And then where did she sleep?

3 A And then they put her in the basement after that.

4 Q They put her in the basement?

5 A Yeah.

6 Q Who's they?

7 A Oh, shit. Ah, fuck, Wesley and Samantha.

8 Q Okay. Would Phoenix play around the house or did  
9 she stay in her room most of the time when you were there?

10 A She mostly stayed inside room. She was let out  
11 on occasion to come watch TV or something for a little bit,  
12 eat, whatever, just on occasion couple times. Most of the  
13 time she was in her room, though.

14 Q When you lived in Fisher River, did you attend  
15 school?

16 A Yeah, couple months.

17 Q And did you start to make friends there?

18 A Not really. I made some. I met people but I  
19 didn't really like, you know, didn't really much put effort  
20 into having friends. I just met people.

21 Q Okay. Did you spend much time out in the  
22 community when you lived there?

23 A Just -- not really. Just mostly stayed inside  
24 all the time, went to school and that's it.

25 Q Okay.

1           A     Went to my grandpa's.

2           Q     What about Phoenix, do you remember her being out  
3 in the community?

4           A     Couple times. Went to my grandpa's like once or  
5 twice. And then pretty sure went to a fair. There was a  
6 fair that was going on there. She went there and, yeah,  
7 and then that's pretty much it. That's the only time she  
8 was out.

9           Q     Do you ever remember her being outside the house  
10 in the yard?

11          A     Outside the house, just like to do like yard  
12 work, like my dad -- or fuck, fucking Wesley would make her  
13 pull out weeds and stuff, so he'd make her, like, oh, pick  
14 up the garbage and pull weeds and stuff like that.

15          Q     Can you remember if, if anyone came by the house  
16 when Phoenix was there?

17          A     Just a couple people. But they, they didn't  
18 really like get past the door. They just like stayed  
19 outside.

20          Q     So do you remember if they saw Phoenix?

21          A     I wouldn't know. Because like I just say, you  
22 know, they're mostly at the door. Don't let (inaudible)  
23 don't see like at the door, so they wouldn't get past it.

24          Q     Okay. And from time to time your brother, DOE  
25 #2, would come to stay at this house in Fisher River?

1 A Yeah.

2 Q You said your grandfather lived in Fisher River.

3 That's Wes' dad?

4 A Yeah.

5 Q Did you visit with him sometimes?

6 A Yeah, often.

7 Q Did you have to take care of him?

8 A There was a time there when we had to, like me  
9 and my brother.

10 Q Yes.

11 A There's a time, there's a time when me and my  
12 brother had to take care of him, just like go check up on  
13 him, what not, see how he's doing.

14 Q Okay. And your brother is, what, couple of years  
15 older than you?

16 A Yeah.

17 Q So you were 12 in the summer of 2005, your  
18 brother was 14?

19 A Roughly, yeah, 13, 14, 15, I don't know.

20 Q Do you remember if Phoenix ever went over to your  
21 grandfather's house?

22 A Yeah, just said earlier there's a couple times  
23 there.

24 Q Okay. You're right, you did say that.

25 Do you remember what she looked like when she

1 visited your grandfather?

2 A She looked the same as when he -- when my dad --  
3 or when Wesley picked me up, just like with a black hat and  
4 the glasses and the black shirt and the pants.

5 Q Did your grandfather ever comment on her  
6 appearance?

7 A There's one time when, I guess, she had like a  
8 scratch on her face or something, her face is all bruised  
9 up, and Grandpa asked what happened, what happened to her,  
10 to my -- to Wesley. Asked him what happened and, yeah,  
11 just told her that she fell in the bathroom, hit her face  
12 on the bathroom counter or some shit.

13 Q That's what Wesley told your grandfather?

14 A Yeah.

15 Q Okay.

16 A I really don't know how that happened. That's,  
17 that's what he -- that's what I heard him tell him.

18 Q That's not what happened, that's just what he  
19 told him?

20 A It's like I just said, I wouldn't know what had  
21 happened.

22 Q Oh, you didn't know. Okay.

23 A I wouldn't have, I wouldn't have known that, what  
24 really happened, how she got that mark, you know.

25 Q Right.

1 A That's what I just heard.

2 Q Now, while you were staying in Fisher River, you  
3 stayed in touch with your mom?

4 A Yeah.

5 Q How did you communicate with her?

6 A Phone or computer.

7 Q So sometimes you'd speak to her on the phone and  
8 sometimes on the computer?

9 A Yeah.

10 Q And when you talk about the computer, is that  
11 like with a webcam or something?

12 A Yeah. Sometimes a webcam or chat.

13 Q How often do you think you spoke to your mom for  
14 the time that you were living in Fisher River?

15 A Couple times a week. Wasn't every day. Wasn't  
16 every day, just like couple times a week.

17 Q Right.

18 A Yeah.

19 Q Now, when you were in this second house in Fisher  
20 River, you saw some things that Karl and Samantha did to  
21 Phoenix, right?

22 A Yeah.

23 Q And you testified about those things at the  
24 criminal trial?

25 A Yeah.

1 Q So I just want to ask you very briefly about what  
2 you saw without going into great detail, okay?

3 You saw Karl and Samantha yell at Phoenix?

4 A Yeah, they used to just like yell at her, call  
5 her names, whatever, degrading names.

6 Q Did Karl and Samantha regularly feed Phoenix?

7 A Just like a meal or two a day. Wasn't getting  
8 the right nutrition she, a regular kid should be getting.

9 Q Did you --

10 A Couple times a day she got fed.

11 Q Sorry?

12 A Said, couple times a day she got fed.

13 Q Did you give Phoenix food sometimes?

14 A Yeah, on occasion.

15 Q Where would Wesley and Samantha be when you did  
16 that?

17 A They'd probably be sleeping or away, gone out  
18 somewhere.

19 Q So you wouldn't do it in front of them?

20 A No.

21 Q Did Phoenix wear the same outfit most of the  
22 time?

23 A Yeah, most of the time she did.

24 Q And you told us earlier that after a certain time  
25 Phoenix was made to sleep in the basement of the house?

1 A Yeah.

2 Q What was the basement like?

3 A It was pretty dark, cold. You know, was like  
4 garbage, a little bit of garbage here and there. Just like  
5 how a typical basement would look, stark.

6 Q Was Phoenix allowed to come upstairs?

7 A On occasion, yeah.

8 Q Did she have to wait for someone to ask her to  
9 come upstairs?

10 A Yeah. Usually just told her to come upstairs and  
11 eat or, or you know, do dishes or whatever, you know, watch  
12 some TV.

13 Q Understand that you used to go downstairs to  
14 check on her; is that right?

15 A Yeah.

16 Q During the time that you lived in Fisher River,  
17 you saw Wesley hit Phoenix with a pole --

18 A Yeah.

19 Q -- a broomstick, and a fridge handle?

20 A Yeah.

21 Q You also saw Samantha hit Phoenix with her fists?

22 A Yeah.

23 Q You saw Wesley stomp on Phoenix with his feet?

24 A Yeah.

25 Q And you saw him shoot her with a BB gun?

1 A Yeah.

2 Q You also saw Wesley choke Phoenix until she  
3 passed out?

4 A Yeah.

5 Q That was something that Wesley called choking the  
6 chicken?

7 A Yeah.

8 Q And you saw Karl and Samantha force Phoenix to  
9 eat her own vomit?

10 A Yeah.

11 Q Did you ever see Karl or Samantha take Phoenix to  
12 the doctor or the medical centre in Fisher River?

13 A No, not once.

14 Q You were in the house in Fisher River on the day  
15 that Phoenix died?

16 A Yeah.

17 Q And in the days leading up to Phoenix's death,  
18 you saw Karl and Samantha beat Phoenix?

19 A Yeah.

20 Q The day that Phoenix died, you saw Karl beat her  
21 for about 15 or 20 minutes in the basement?

22 A Yeah.

23 Q And while he did that, where was Samantha?

24 A She's sitting on the stairs watching him.

25 Q And where were you?

1 A I was peeking around the corner.

2 Q You must have been very scared?

3 A Yeah. I'm just a little kid, you know.

4 Q Right.

5 A And I didn't even know what the fuck's going on.

6 Q And then after you saw this beating, Wesley and  
7 Samantha left the house and you stayed behind?

8 A Yeah. They told me they were going to go to my  
9 grandpa's, go get some pie and go check up on him, and then  
10 they left with my little sister, told me to watch her.

11 Q That was the baby?

12 A Yeah.

13 Q And Samantha and Wesley went to your  
14 grandfather's to get some pie?

15 A Yeah, and go check up on him.

16 Q And check up on him. So did you go to check up,  
17 to check on Phoenix?

18 A Yeah.

19 Q And she wasn't breathing?

20 A No (inaudible). Went downstairs, checked it out,  
21 thought she was laying there. And then, and when I just  
22 checked it out, touched her, she's all cold and shit. Was  
23 all cold. And put my hand by her mouth. She wasn't even  
24 breathing.

25 Q Then did you phone your grandfather's house?

1 A Yeah.

2 Q Did you tell your grandfather what had happened?

3 A No.

4 Q Were you looking for Wesley?

5 A Yeah.

6 Q And shortly after you made that call, Wesley came  
7 back to the house where you were, right?

8 A Yeah.

9 Q And what did Wesley and Samantha do with Phoenix  
10 when they got home?

11 A They just looked at her and they brought her  
12 upstairs, put her in the bathtub, tried running water on  
13 her, tried to do CPR. And then, I don't know, I guess they  
14 took her downstairs, wrapped her up, took her out.

15 Q They put her in the trunk of Wes' car?

16 A Yeah.

17 Q You --

18 A Put her in trunk.

19 Q You saw this happen?

20 A And -- what?

21 Q You saw all this happen?

22 A Yeah, saw most of it happen.

23 Q Did anyone else --

24 A And --

25 Q -- see this happen?

1           A     No.  I guess not.  Like what, see him, see him  
2 bring her to the car?

3           Q     Right.

4           A     Is that what you're asking, if I saw anybody --  
5 if I know that anybody saw her -- saw him bring her to the  
6 car?  Is that what you're asking?

7           Q     That or any of the other things that you've just  
8 told us Wesley and Samantha did?

9           A     No (inaudible) nobody saw that, just me most of  
10 the time.

11          Q     You and the baby girl?

12          A     Yeah.

13          Q     So Wesley and Samantha wrapped Phoenix up and put  
14 her in the trunk of Wes' car.  And then you never saw  
15 Phoenix again?

16          A     No.  They just told me, they're just telling me,  
17 watch my little sister, going to take her to the dump and  
18 bury her.

19          Q     During the time that you were in Fisher River,  
20 did anyone see Karl or Samantha treat Phoenix badly?

21          A     No.  Not that I know of.

22          Q     What about your brother?

23          A     Like did he see?

24          Q     Yes.

25          A     Yeah, on occasion he saw, he saw it, too.

1 Q Okay. But he wasn't there the day she died?

2 A No. There's mostly (inaudible), is just me most  
3 of the time there. Like my brother and shit, he'd just  
4 come visit once in a while, but it wasn't frequent, wasn't  
5 all the time, was just like once in a while. So is mostly  
6 just me, just me most of the time alone.

7 Q Now, did Wesley and Samantha tell you what to say  
8 if anyone asked about Phoenix?

9 A Yeah. They told me that if anybody asks, that  
10 she went to go live with her dad in Winnipeg.

11 Q Did you know who her dad was?

12 A No. Had no idea.

13 Q Do you know if Wesley and Samantha cleaned up the  
14 basement after Phoenix died?

15 A I'm pretty sure they dropped me off at Winnipeg  
16 at my mom's, and then, and then, whatever, did that over  
17 the weekend and cleaned up the basement. They painted over  
18 and shit. Then they came back and picked me up, and picked  
19 me and my brother up after that weekend, brought us back  
20 there, and everything was all painted and cleaned up.

21 Q Now, you told us that you knew that Wes had been  
22 violent towards your mom?

23 A Yeah. Heard stories over the years.

24 Q What about to Jeremy Roulette; did you know that  
25 he'd been violent to him?

1           A     Well, I wouldn't have known that that -- that,  
2     because I was just a little baby. But I hear stories, like  
3     he's -- like my other cousins, and all my cousins, I heard  
4     stories of them, all of them, like getting something from,  
5     from Wesley.

6           Q     Something like violence?

7           A     Yeah.

8           Q     Okay. Did Wesley ever --

9           A     Pretty sure (inaudible), pretty sure I heard of a  
10    rape at (inaudible).

11          Q     You heard about rape?

12          A     Yeah, sexual assault, one of my cousins. I just  
13    didn't find that out till recently.

14          Q     But when you were living in Fisher River, you  
15    had, by that time, heard stories that Wesley had been  
16    violent towards your mom and other family members?

17          A     Yeah.

18          Q     Now, did Wesley ever threaten you while you were  
19    in Fisher River?

20          A     There's one time there with a BB gun.

21          Q     With a BB gun?

22          A     Yeah.

23          Q     Tell us what happened?

24          A     Well, I'm pretty sure you guys recorded this, but  
25    remember when I was, when I told you I was -- about that

1 time we had a dog and that dog was chained up in the front,  
2 and that dog was chained up in the front and I was in the  
3 front yard with my BB gun shooting at like (inaudible),  
4 shooting at like cans and bottles and shit, so I guess  
5 there's that dog, that dog's chained up outside on the  
6 stairs, and that dog runs down the stairs a couple times  
7 and he gets like caught on the chain or whatever, so starts  
8 crying. And I guess my dad -- or Wesley heard that dog  
9 crying, heard that dog crying, and then he opens his window  
10 and he starts yelling at me, why the fuck did you shoot my  
11 dog, blah-blah-blah, you know, shit like that, why the fuck  
12 you shoot my dog, come inside, bring that fucking gun here,  
13 that BB gun. Say, yeah, I'm just a little kid so I  
14 obviously I'm going to listen to him and bring his, bring  
15 my, my BB gun to him and shit, right, go see what he  
16 wanted. So I go in there, I give him by BB gun and he  
17 turns around, he points it at me. (Inaudible) me so I was  
18 like obviously I'm going to be a little bit scared --

19 Q Sure.

20 A -- about that you know. Like that's, that's like  
21 one time he threatened me. And over the years of growing  
22 up, you know, seeing him on occasion, you know what I mean,  
23 there's the, the occasional spanking, you know, where I'll  
24 give you a licking, stuff like that, you know, just to  
25 scare me.

1 Q Wesley was a scary guy.

2 A Pretty much, yeah.

3 Q Now, we discussed earlier about how when you were  
4 in Fisher River you stayed in touch with your mom?

5 A Yeah.

6 Q Did you tell her how Wes and Samantha were  
7 treating Phoenix?

8 A On occasion.

9 Q Do you remember what you told her?

10 A Well, it all started out just like spankings, you  
11 know, like I'd call her, whatever, we'd be talking. You  
12 know, I mean, I was just a little kid so I didn't really  
13 much think of what was going on, like, the spankings and  
14 the lickings, you know. I just thought of this as like any  
15 other fucking, any other parent giving their kids licking.  
16 But it all started from just like spankings and, you know,  
17 slaps on the bum. And then it just started escalating to  
18 more and more. That's about it. Just like (inaudible)  
19 tell Mom. It all started with like, like occasional  
20 lickings, you know.

21 Q You told your mom about the lickings?

22 A Yeah. And just like occasional and that and then  
23 just started escalating from time -- like later on.

24 Q Did you --

25 A Like more and more, as more time went on it got

1 more like serious lickings and shit.

2 Q Did you tell your mom about what was happening  
3 when it escalated?

4 A Like I said, on occasion, you know. I didn't  
5 tell her like every time I picked up the phone to call her.  
6 I wasn't like telling like every single little thing, but I  
7 said (inaudible) lickings about, you know, like occasional  
8 (inaudible) here and there and shit, then they started  
9 going more and more.

10 Q Did you tell her that you were scared?

11 A I, I was scared but I just didn't want to tell  
12 her that.

13 Q Did you tell her that you didn't always have food  
14 in the house?

15 A I didn't really tell her much of that. I told  
16 her, I told her there was no food but wasn't like every  
17 single time that we talked.

18 Q Did you ever ask your mom to do something about  
19 how Samantha and Wesley were treating Phoenix?

20 A Like, what? Call CFS or something?

21 Q I guess.

22 A No. And I didn't think of that because like I  
23 say, you know, I was just a little kid, you know what I  
24 mean. Like I -- my mind wasn't fully developed and I  
25 haven't got the right mindset I do now, and now I see like

1 all the child abuse and like, you know what I mean, hitting  
2 kids and shit, all that's wrong, right.

3 Q Right.

4 A I can see that now, but if I was like littler and  
5 like, you know, if I was like (inaudible) right now, if I'd  
6 go back to then and I just -- I would have told my mom  
7 something, I would have told her to report them or  
8 something, but you know, I was just a little kid so  
9 obviously I thought it was just like little spankings and  
10 shit, little lickings, you know. I thought is just like  
11 typical shit.

12 Q Did you think your mom was going to do with the  
13 information you gave her about how Phoenix was being  
14 treated?

15 A Honestly, it wasn't that -- it didn't come to  
16 mind at the time.

17 Q Okay. You were just a kid?

18 A Yeah. Just a little kid, you know, I haven't  
19 the, I haven't got the, whatever, intelligence I got now.  
20 Now that I'm older and I know stuff, I can see shit clear,  
21 right.

22 Q Sure.

23 A And now I know that, like, all the child abuse  
24 and all this CFS and all this shit, like it's all, it's all  
25 wrong, it's all bad, you know what I mean, but if I could

1 go back then, I would have said something, I would have  
2 told her to report it or something. I would have reported  
3 myself. But from what I was seeing, you know, I just  
4 thought it was just normal.

5 Q You didn't --

6 A Now I see, I see kids, like I seen, I seen  
7 friends and, you know, other kids get spanked with like  
8 belts and extension cords and sticks, you know, so I just  
9 thought oh, that was just like a typical thing, just a  
10 typical licking from a parent.

11 Q You didn't tell your mom when Phoenix was  
12 murdered, did you?

13 A No.

14 Q Why not?

15 A Because I was scared and I just, I don't know, I  
16 just didn't want to say anything because I was scared.

17 Q You were afraid of what --

18 A I didn't know what to, I didn't know what to do.

19 Q Were you afraid for your own safety?

20 A I was afraid for me and my sister's safety.

21 Q The baby?

22 A Yeah.

23 Q So did you ever think yourself to call the police  
24 or CFS?

25 A Yeah, time to time I thought about it, but we're

1 living in Fisher River still, right.

2 Q Yes.

3 A You know what I mean, so like, so what I was  
4 thinking is like if I was to call the cops or somebody, you  
5 know what I mean, the cops would come in, you know, on  
6 reserve there's like a long road, there's a big road, that  
7 take like a while for the cops or whatever to come see me,  
8 know what I mean. So what I was thinking about is like  
9 what if he just fucking whatever, what if he hurts me and  
10 my little sister. I call the cops, I call CFS or somebody,  
11 you know, and my -- Wesley sees them coming, coming down  
12 the road, you know, and fuck, you know, anything could  
13 happen, man, you know what I mean. He's a violent person  
14 to my mom, he's a violent person to all my other family  
15 members and stuff. So obviously I'm going to be thinking  
16 stuff like that, you know. Like, obviously I'm going to  
17 fear for the safety of me and my sister, which is why I, I  
18 didn't really call.

19 Q Sure. These are the things that were going  
20 through your head.

21 A Yeah, you know. Like, like, like that was like  
22 the most part, dangerous to my little sister. I could  
23 really care less about me but I just didn't want to see it  
24 happen to my little sister.

25 Q Do you remember visiting with your mom's Aunt

1 Cecilia while you lived in Fisher River?

2 A Yeah.

3 Q Did you ever tell her anything about how Phoenix  
4 was being treated?

5 A No.

6 Q Any reason why not?

7 A I don't know. Like I say, you know, I was little  
8 kid, I was scared.

9 Q Okay. And when you were staying in Fisher River,  
10 I think you've explained that from time to time you'd go  
11 back to your mom's house in Winnipeg?

12 A Yeah.

13 Q And when you spent time with your mom in  
14 Winnipeg, did you tell her this is -- before you came back  
15 for the last time from Fisher River, did you tell her what  
16 you saw happen, was happening to Phoenix?

17 A Like, what, leaving?

18 Q So this is not on the phone but when you were  
19 actually visiting with your mom in Winnipeg, did you talk  
20 to her about how Phoenix was being treated by Wesley and  
21 Samantha?

22 A Yeah.

23 Q Do you remember where you were when you talked to  
24 her about that?

25 A I remember that one time was at that restaurant,

1 was at the restaurant when I told her about that choking  
2 the chicken shit. I told her about that. That's like,  
3 that's like mainly the only time I can remember. Then off  
4 and on when I'd tell her about it is just, you know,  
5 spankings, like I said, you know.

6 Q Right.

7 A Whenever I tell her something about how they're  
8 treating her, just spankings. And then eventually, like I  
9 said, it just started escalating more and more. And then,  
10 when I got to Winnipeg I when whatever (inaudible) telling  
11 Mom that one time about that chicken game, at that  
12 restaurant.

13 Q Did you think your mom believed you?

14 A Honestly, I didn't know. I didn't know.

15 Q Okay. At some point, did you start asking your  
16 mom to have you brought back to Winnipeg permanently?

17 A Yeah.

18 Q How long after you'd moved up there did you start  
19 asking to be brought home?

20 A Couple months.

21 Q Okay. And we've heard evidence that on July  
22 12th, 2005 you and your brother were driven back to  
23 Winnipeg. Do you remember that?

24 A Yeah.

25 Q Do you remember Child and Family Service workers

1 coming to the house earlier that day before you were  
2 brought back to Winnipeg?

3 A Yeah.

4 Q Now, had Wesley left you and your brother in the  
5 house with someone named CJ?

6 A Yeah.

7 Q And where was Wesley and Samantha?

8 A They went on a road trip somewhere, Edmonton or  
9 Alberta or somewhere. I can't remember where it was, but  
10 they just left us on a road trip.

11 Q Okay. Did they take the baby with them?

12 A Yeah.

13 Q Did you tell CJ anything about what had happened  
14 to Phoenix?

15 A No.

16 Q Why not?

17 A Because I didn't know him. I'm not going to tell  
18 some fucking random stranger, like that's a criminal like  
19 that, my business.

20 Q You didn't know CJ?

21 A No.

22 Q What about when the, when the CFS workers came to  
23 the house that day, did you tell them about Phoenix?

24 A No.

25 Q Any reason why not?

1           A     Because like I say, you know, I was scared, you  
2 know.

3           Q     Right.

4           A     I just kept all that shit to myself for so long I  
5 just didn't want to tell nobody about it.

6           Q     That can't have been easy to keep that inside?

7           A     Yeah. Was pretty rough (inaudible).

8           Q     Do you remember who it was that drove you and  
9 your brother back to Winnipeg, to your mom's house?

10          A     I can't remember. I think it was two ladies or a  
11 guy and a lady. Can't remember.

12          Q     Okay. And that was in July of 2005?

13          A     Yeah.

14          Q     After that you didn't go back to Fisher River?

15          A     No.

16          Q     Now, do you remember in the fall, after you  
17 returned from Fisher River, do you remember having some  
18 involvement with a therapist at Macdonald Youth Services?

19          A     Yeah.

20          Q     Remember his name?

21          A     No. Just remember some, meeting some guy at that  
22 office on St. Mary's.

23          Q     Right. We heard evidence last week from a man  
24 named Grant Wiebe who said he was the, the therapist who  
25 met with you and worked with you. Does that name ring a

1 bell?

2 A No, I don't -- but I know I met a guy so that  
3 must have been him.

4 Q Okay.

5 A But I don't remember names.

6 Q So I'm going --

7 A That's like what (inaudible), what I did eight  
8 years ago.

9 Q Yes. Absolutely.

10 A I, no, I wouldn't honestly remember his name that  
11 point.

12 Q But you remember meeting with him?

13 A Yeah, I remember meeting with some therapist,  
14 whatever, psychiatrist, whatever he was.

15 Q So I'm going to pull up his notes from that  
16 meeting on the screen. That's page 37991.

17 A Are you okay to hear me if I sit from hearing?  
18 Because I'm like stand, like putting my, my face right up  
19 to the thing. So can I sit back?

20 Q Oh, absolutely. We can hear you just fine.

21 A Can you still hear me?

22 Q Yeah.

23 A All right. All right, cool.

24 Q Okay. You're comfortable?

25 A Yeah.

1 Q Okay. Yes, you're coming through loud and clear.  
2 Thank you.

3 These notes were dated November 22nd, 2005. Mr.  
4 Wiebe testified last week that he met with you and your  
5 mother and this is what his notes say about that meeting.  
6 A lot of it has been blocked out for your privacy. Then he  
7 says:

8

9 "The client also ..."

10

11 The client is you:

12

13 "... reports difficulty over the  
14 summer. The client reports that  
15 he resided with his biological  
16 father at Fisher River from May to  
17 July of this year. The client  
18 reports he was returned home after  
19 Child and Family Services  
20 intervened when the client was  
21 left with an inappropriate  
22 caregiver. The client also  
23 reports that while in the home a  
24 four-year-old girl was being  
25 abused by the father and the

1                   stepmother.    The client informed  
2                   his mother secretly via the  
3                   internet of the ongoings and the  
4                   mother contacted Child and Family  
5                   Services.  The mother reports that  
6                   the family was then investigated  
7                   and the client and his old brother  
8                   were returned home.  The client  
9                   reports witnessing his father  
10                  being abusive towards the child.  
11                  The client is also aware that the  
12                  father has a history of being  
13                  abusive towards the mother."

14

15                   Does that help to jar your memory in any way of  
16 the meeting that you had with this therapist?

17                  A     Yeah.

18                  Q     Do you remember why you told the therapist about  
19 what you witnessed in Fisher River?

20                  A     Because he's a therapist.  I'm pretty sure that's  
21 what their job is, to hear my problems.

22                  Q     And what you saw caused you problems, right?

23                  A     Yeah.

24                  Q     What about when you told him he's -- his notes  
25 say that you informed your mother secretly via the internet

1 of the ongoings and the mother contacted Child and Family  
2 Services. Was that something that you thought your mother  
3 had done?

4 A That's ... Well, no, what are you talking about  
5 like?

6 Q See, it says on the, on the notes --

7 A Like, I know, I know, I'm reading it, but I'm  
8 like, I'm like, shit, you know, it's like it says here that  
9 I informed her secretly. Like what did I inform her about,  
10 is that what you're asking, what I informed her about?

11 Q I'm asking --

12 A From what, from what it looks like here, it says  
13 that, that, that, that you're trying to make it seem like I  
14 told him to tell my mom to report that to CFS. Is that  
15 basically what it's, what is saying right now?

16 Q Maybe. I mean, it says what it says. So did you  
17 think that -- it says the mother contacted Child and Family  
18 Services. Was that something that you thought your mother  
19 had done?

20 A No. I thought -- I'm thinking that's what he's  
21 talking about when they picked us up. I don't think that  
22 he's talking about Phoenix and that.

23 Q Okay.

24 A I think he's talking about when he picked us up.

25 Q Was your mother in the room, in the meeting room

1 with you?

2 A She was there briefly, then she left.

3 Q Then do you know what --

4 A Was just like me, was just me and that therapist  
5 guy after, after she left the room.

6 Q Your mother spent some time with the therapist?

7 A Yeah. Not long, though.

8 Q All right. Now, this is November of 2005, when  
9 you met with this therapist you didn't tell him that  
10 Phoenix had been murdered?

11 A No.

12 Q Had you told anyone at that point that Phoenix  
13 had been murdered?

14 A No. I don't think so.

15 Q Why didn't you tell this Mr. Wiebe? You told him  
16 some things about Phoenix but you didn't say she'd been  
17 murdered. Why not?

18 A Because, I keep saying, I was scared, I just kept  
19 it inside.

20 Q Okay. You and your brother were close; is that  
21 fair?

22 A Yeah. Yeah.

23 Q You didn't tell your brother when Phoenix was  
24 murdered; you didn't tell him right away, did you?

25 A No.

1 Q So you kept that inside even from your brother?

2 A Yeah.

3 Q Eventually you did tell your brother that Phoenix  
4 had been killed?

5 A Yeah.

6 Q Do you remember when you told him?

7 A I don't remember exact day but I remember we're  
8 sitting there, it's like nighttime, probably midnight,  
9 after midnight or something, we're sitting around the  
10 computer, and then whatever, you know, sitting around the  
11 computer and I just came out with it.

12 Q Was it in the wintertime, do you think?

13 A Yeah. Yeah, is in the wintertime.

14 Q And was there something that finally prompted you  
15 to tell your brother what had happened to Phoenix?

16 A Yeah.

17 Q Tell us about that, please?

18 A Well, fucking came back to Winnipeg, whatever, I  
19 guess I heard that Wesley had moved out of Fisher River and  
20 they're back in the city. (Inaudible) went to go visit,  
21 went to get visit him and get some money off him. And then  
22 when we're visiting him, I seen him, he's like putting a  
23 table or something together. And then, yeah, seen him,  
24 seen him smash my little sister's hands with a screwdriver.

25 Q This was the, the baby?

1           A     Seen him smash -- yeah, smash my little sister's  
2 hand with a screwdriver.

3           Q     So what did you think?

4           A     Then after I see it, and then after I seen that,  
5 I was like, shit, you know, I ain't going to fucking let  
6 him do it again, and that's when I said something. And  
7 that's when I just came out with it, next day or next  
8 couple days after I seen that happen at, at that apartment,  
9 I seen what he was doing to her, and I was like, I'm not  
10 having that, I ain't going to let that shit happen again.

11          Q     So you told your brother about Phoenix.

12          A     Yeah. I just told him (inaudible) --

13          Q     Do you know how your mom found out about  
14 Phoenix's death?

15          A     From what I heard, they're at the, the clinic or  
16 something.

17          Q     They being --

18          A     (Inaudible).

19          Q     -- your brother and your mother?

20          A     Yeah.

21          Q     We --

22          A     Then my brother and mom were at the clinic.

23          Q     And your brother told your mother what you had  
24 told him?

25          A     Yeah.

1 Q And then after that, do you remember what  
2 happened?

3 A Pretty sure they came home, she made a call. She  
4 made a call or something. I don't know, can't really  
5 remember, but I just remember her making calls. And while  
6 later cops started coming and then all of a sudden there's  
7 like 10 cops in the house or some shit.

8 Q How long after your mother and your brother had  
9 gone to the, the clinic did you hear your mother making  
10 calls?

11 A Oh, she made a call right when she got back.

12 Q That same day?

13 A Yeah. And whatever, I remember we're sitting  
14 there, can't remember when it was, but I remember we're  
15 sitting there and she asked me, she's like, what really  
16 happened to that little girl? And then, then I told her  
17 what happened. And then after that, after that, I guess it  
18 was confirmed, was confirmed or whatever. And then, I  
19 don't know, guess she called the cops or she called RCMP,  
20 whoever she called, then all of a sudden there's all these  
21 cops there.

22 Q They spoke to you?

23 A Yeah.

24 Q I know you don't like --

25 A Base --

1 Q Sorry?

2 A No, no, go ahead.

3 Q I know you don't --

4 A I was going to say I was pretty -- I was going to  
5 say I was pretty sure (inaudible) just had like a brief  
6 conversation when they came to my house.

7 Q With the police?

8 A Yeah. Just like little brief conversation,  
9 because I remember sitting around the computer listening to  
10 music, and one of those cops came up to me, he was like,  
11 oh, what are you listening to, blah-blah-blah, and I don't  
12 know, was trying to make small talk, I guess, that Baker  
13 guy.

14 Q Then you gave a statement to the RCMP?

15 A Yeah. Then they, whatever, they took us, took us  
16 out to (inaudible) for statements and stuff.

17 Q Was that the next day or the same day?

18 A Honestly, I don't remember.

19 Q Okay. I know you don't like to talk about this,  
20 but can you tell us how all of this has affected your life?

21 A (Inaudible) I start. How it's all affecting me?  
22 I don't know, man, have to admit I'm a pretty fucked up  
23 person now. Shit, after all that happened, whatever, you  
24 know, I just, I don't know, just ain't been the same. I  
25 used to be a good kid, you steal all this shit and all,

1 it's just gone like that. And then whatever, you know.  
2 You know, people, like they turn to like drugs and whatever  
3 to help with stuff like that, traumatic events like that.  
4 Me, I (inaudible) one of those people that fucking turn to  
5 drugs and alcohol, I turned to the streets though, fucking  
6 did crimes. You know, I did all this shit, man, all this  
7 shit just to try block out what I seen, what I, what I saw,  
8 what I heard, you know. Like, I don't know, honestly just  
9 made me a fucked-up person. I'm trying to get my life back  
10 together now, slowly doing that, I'm slowly doing it, you  
11 know, but after all that, just, I don't know. Made me a  
12 terrible person.

13 Q No. How about your brother?

14 A I don't know. He's just, he's not the same no  
15 more. He's pretty quiet. Doesn't really talk much  
16 anymore.

17 Q And your mom?

18 A I don't know. I don't really know about her. We  
19 don't really talk much anymore. Like we talk, but we just  
20 don't talk about like our feelings and stuff. We just, you  
21 know, keep that stuff to ourself.

22 Q So you saw a terrible crime and you kept it to  
23 yourself for several months and, and then you couldn't keep  
24 the secret anymore because you were afraid for other  
25 children; is that right?

1 A Yeah. Yeah.

2 Q It was hard to talk about what you saw but you  
3 did that because of your baby sister?

4 A Yeah. And I just thought about like all the  
5 other people that this could be happening to. Like if I,  
6 if I, if I could, I would have went back and fucking  
7 (inaudible) stopped it all, I would have did something  
8 sooner. But I was just a little kid and I was scared, you  
9 know.

10 Q Absolutely.

11 A After hearing, after hearing all this shit about  
12 my -- about Wesley and what he does, what he's been doing  
13 to my family, my mom and stuff, you know, I mean, try,  
14 tried pushing me and my mom down the stairs before, you  
15 know what I mean, so I was still a scared little kid, man.  
16 You guys, like honestly, I know you're (inaudible) doing  
17 this, and all I got to say is, like, if I could, I would, I  
18 would have changed all that (inaudible). But I just didn't  
19 know any better. I was just a scared little kid.

20 Q And ultimately you can --

21 A Now that I'm older -- now that I'm older, you  
22 know, you know I'm older, shit, that's how bad that, that  
23 looks, how bad it makes me look that I didn't say anything  
24 or do anything about it.

25 Q Ultimately, you came forward with the information

1 and that was a brave thing to do.

2 A Yeah.

3 MS. WALSH: I want to thank you for talking with  
4 us today. Those are all the questions that I have of you.  
5 There will be some lawyers who have questions --

6 THE WITNESS: Yeah. Could --

7 MS. WALSH: -- for you.

8 THE WITNESS: -- like, could I make a statement?

9 THE COMMISSIONER: Yes.

10 THE WITNESS: Could I just ask like you reporters  
11 and don't try to make me sound like the baddest guy on  
12 earth. I read the paper. You guys make it sound bad, you  
13 guys make it sound horrible, you know how I mean. I, shit,  
14 I couldn't help it, man. That's like the only thing I ask,  
15 is don't make it sound really bad and terrible because I  
16 already feel bad. Now that I'm older I feel like so  
17 terrible and it's bad enough that you guys are bringing  
18 this all back to me and I got like all these little  
19 memories flashing in my head, you know, and I just want to,  
20 just want to forget all that.

21 MS. WALSH: Okay. I'm sorry for your trouble and  
22 I thank you for participating with us and all the questions  
23 that we've asked you over the last few years.

24 Those are my questions, Mr. Commissioner.

25 THE COMMISSIONER: Yes. There, there will be one

1 or two lawyers who want to ask you questions likely, we'll  
2 just see now. Are you ready, are you okay for going on for  
3 another few minutes?

4 THE WITNESS: Yeah.

5 THE COMMISSIONER: All right. Who would like to  
6 ask questions? Mr. Khan?

7 UNIDENTIFIED PERSON: I'm still thinking about  
8 it.

9 THE COMMISSIONER: One of the lawyers is going to  
10 come up to the microphone and, and ask a few questions of  
11 you.

12

13 CROSS-EXAMINATION BY MR. KHAN:

14 Q Hello, DOE #1. My name is Hafeez Khan. I'm the  
15 lawyer for Intertribal Child and Family Services. I just  
16 have a few questions for you.

17 A What's this guy's name?

18 Q My name is Hafeez Khan.

19 A Hi.

20 Q Do you still have that, the document page 37991  
21 in front of you?

22 A Yeah.

23 Q That's, that's the note taken by Mr. Grant Wiebe  
24 on November 22nd, 2005. And I didn't catch everything you  
25 said about the note, particularly the paragraph that, the

1 sentence that reads:

2

3 "The client informed his mother  
4 secretly via the internet of the  
5 ongoings and the mother contacted  
6 Child and Family Services."

7 Can you repeat what you had -- what you were  
8 saying about that part? And I'm sorry, I didn't hear you  
9 clearly.

10 A Well, yeah, I was just saying, you know, I'm  
11 fucking confused about that shit because says here:

12

13 "The client informed his mother  
14 secretly via the internet of the  
15 ongoings and the mother contacted  
16 Child and Family Services."

17

18 So then what do you, what do you mean like? I'm  
19 trying to figure out like which, which part that --

20 Q Oh.

21 A -- that you think that he thinks that, that my  
22 mom contacted Child and Family Services. Like, which part  
23 did he -- which part does he assume that she called for,  
24 for me and my brother or for Phoenix?

25 Q Oh.

1 A That's what I'm confused about.

2 Q Okay.

3 A Now, maybe you get me now.

4 Q Sorry, didn't catch that last little bit.

5 A You, you get me now? Because I'm confused like.

6 Q I, I think you -- I'm just going to ask you a  
7 couple questions on that. Of course you know when it says  
8 the client, know Mr. Wiebe's referring to you, right?

9 A Yeah.

10 Q Okay. Now, when he wrote:

11

12 "The client informed his mother  
13 secretly via the internet ..."

14

15 Are you -- do you remember what you, what you told your  
16 mother over the internet exactly?

17 A Just like I said, there was the spankings, the  
18 lickings, that's, that's the only thing I told her about on  
19 the internet or the phone.

20 Q Okay. So that's the only --

21 A Spanking (inaudible).

22 Q Okay, so you --

23 A (Inaudible).

24 Q Sorry, I keep interrupting you.

25 A Yeah, just the spankings and shit, you know,

1 wasn't like too serious.

2 Q Okay. The, the time you talked about at the  
3 restaurant where you gave more gruesome details of what was  
4 going on, was that after you returned home for good?

5 A I don't know, I'm trying to remember. I think  
6 it's before or after.

7 Q So you're not too sure if it was before or after?

8 A Well, if you give me time to think about it.

9 Q Sure.

10 A Think, I think really hard about when that was.  
11 I just got to like get a minute to think about it really  
12 clear.

13 Q Sure. I don't want to rush you. Take your time.

14 A Okay. I got that mixed up. I remember earlier I  
15 said it was before I came back but it was after I came  
16 back, was when the snow first started falling on the  
17 ground.

18 Q Okay, great. So that was after you came back?

19 A Is when the snow first started falling on the  
20 ground.

21 Q Okay. Thank you.

22 A And I, I didn't -- I returned back, when was  
23 that, July?

24 Q That's right.

25 A Came back July. So obviously, the first snow

1 first going down in like October/November, so I'm pretty  
2 sure it was after.

3 Q Okay. Thank you.

4 MR. KHAN: Madam Clerk, if you can bring up page  
5 1397, please. And right to the --

6 THE WITNESS: That's not bad memory, you know,  
7 because it's been like, what, like eight years, eight or  
8 nine years. I'm not going to, I'm not going to remember  
9 every single little detail.

10

11 BY MR. KHAN:

12 Q No, and I don't think anyone's asking you to,  
13 either.

14 A Like I got, like I got a thousand new memories  
15 and things that pop through my head since then so it's kind  
16 of hard.

17 Q No, I understand. And --

18 A Okay, well yeah, you can go on, you can go on  
19 now.

20 Q Okay. Now, at the bottom of this page, do you  
21 have in front of you page 1397?

22 A Yeah.

23 Q Okay. At line 34, this is -- just so you know  
24 what this is, this is your testimony on November 13th,  
25 2008, and that's at the criminal trial.

1 A Yeah.

2 Q And you were asked by the lawyer at the time:

3

4 "And would it be fair to say that  
5 you were threatened by your dad  
6 not to tell anybody what went on?"

7 And that's -- and the answer is:

8

9 "Yeah."

10

11 Now, are you -- is that in reference -- do you  
12 know if that's in reference to the murder itself or just to  
13 sort of what was going on in the home before the murder?  
14 Do you recall?

15 A Yeah, that was like what was going on.

16 Q Okay. And I take it from your evidence, and I  
17 think it's very understandable, you were, you know, you  
18 were scared of Wes?

19 A Yeah. And after like all the stories I heard.

20 MR. KHAN: He was a scary guy. Thank you very  
21 much, Witness. Those are my questions. Thank you.

22 THE COMMISSIONER: Thank you, Mr. Khan.

23 Anything else before Mr. -- anybody -- Mr.  
24 McKinnon?

25 MR. MCKINNON: No questions.

1 THE COMMISSIONER: Nobody else before Mr. Gange?

2 All right. I guess you're on, Mr. Gange.

3 MR. GANGE: Mr. Commissioner, I have no  
4 questions. The evidence went in so I don't have any  
5 questions, thank you.

6 THE COMMISSIONER: Thank you. Ms. Walsh?

7 MS. WALSH: I have nothing further, Mr.  
8 Commissioner.

9 THE COMMISSIONER: Well, Witness, you're  
10 completed your tour here. You've given your evidence and  
11 we thank you very much for coming. And I know it has not  
12 been easy for you, but you've done your -- you've met your  
13 responsibility and, and we're appreciative of that and  
14 hopefully that things will go better for you from here on  
15 in, in life, and we -- you can leave here knowing that you  
16 did what was expected of you, to tell this terrible story.  
17 Not easy, and we, we thank you.

18

19 (WITNESS EXCUSED)

20

21 THE COMMISSIONER: All right. With that we'll  
22 take a 15-minute break and then have the other witness.

23 MS. WALSH: Yes. Thank you, Mr. Commissioner.

24 THE COMMISSIONER: Right.

25

1 (BRIEF RECESS)

2

3 (WITNESS SWORN ON THE RECORD - REDACTED)

4

5 **DOE #2**, sworn, testified as

6 follows:

7 THE CLERK: Thank you.

8 THE COMMISSIONER: All right.

9 MR. GANGE: I'll go get ...

10 MS. WALSH: Okay.

11 THE COMMISSIONER: You'll explain the DOE to him.

12 MS. WALSH: Yes. Now we're just letting everyone  
13 back in the room.

14 THE COMMISSIONER: All right, Ms. Walsh, please.

15 MS. WALSH: Thank you, Mr. Commissioner.

16

17 DIRECT EXAMINATION BY MS. WALSH:

18 Q All right, witness, we are calling you in these  
19 proceedings DOE #2 so that we don't use your real name.  
20 You understand that?

21 A Yes.

22 Q And your brother we are calling DOE #1 and your  
23 mother is DOE #3. You understand all of that?

24 A Yes.

25 Q And everyone who's here, the media and the

1 public, know that if by accident we say someone's name,  
2 that's not to be reported or to be made public, okay.

3 A Okay.

4 Q You can see me and hear me all right?

5 A Yes.

6 Q We can hear you. The only person who can see you  
7 is the Commissioner. He has a small monitor that's on his  
8 desk facing him, and he's the only person who can see you,  
9 but we can hear you.

10 Now, how old are you?

11 A Twenty-two.

12 Q In 2005 you were, in the summer of 2005 you were  
13 14?

14 A Yes.

15 Q Without telling us where, are you attending  
16 school or taking some courses?

17 A Yes.

18 Q And your father is Karl Wesley McKay?

19 A Yes.

20 Q Your parents split up when you were small; is  
21 that right?

22 A Yes.

23 Q Do you remember much about your father growing  
24 up?

25 A No.

1 Q Did he ever physically abuse you?

2 A No.

3 Q Did you know, at some point when you were older,  
4 that Karl had been violent towards your mother?

5 A Yes.

6 Q What about to other people; did you know whether  
7 he'd been violent to other people?

8 A No.

9 Q In the spring and summer of 2005, you were living  
10 with your mother?

11 A Yes.

12 Q And your brother had been having some trouble  
13 around that time?

14 A Yes.

15 Q So your mother thought it would be a good idea to  
16 send him to live with Karl in Fisher River?

17 A Yes.

18 Q You also spent some time in Fisher River between  
19 April and July of 2005?

20 A Yes.

21 Q Do you remember how many times you went to Fisher  
22 River during that time period?

23 A Maybe four or five.

24 Q Four or five times?

25 A Yeah.

1 Q Typically, when you went there, how long did you  
2 stay?

3 A Some -- only for weekends.

4 Q Who was living in Fisher River that you stayed  
5 with?

6 A Karl McKay and Samantha Kematch and Phoenix and  
7 the baby.

8 Q The baby was your sister?

9 A Yes.

10 Q Okay. Had you met Phoenix before you went to  
11 Fisher River?

12 A Yes.

13 Q Was that when Karl lived with Samantha in an  
14 apartment on McGee?

15 A Yes.

16 Q Do you know how long before you went to Fisher  
17 River it was that you saw Phoenix in the apartment on  
18 McGee?

19 A No.

20 Q Was it months or weeks or years?

21 A It was months.

22 Q Okay. So when you saw Phoenix in the apartment  
23 on McGee, what did she look like?

24 A She looked healthy.

25 Q What was her weight like?

1 A She was chubby a little bit.

2 Q We've heard evidence that your brother went up to  
3 Fisher River towards the end of April of 2005. Do you know  
4 how soon after he went up you first visited in Fisher  
5 River?

6 A No.

7 Q Do you remember seeing Phoenix in Fisher River?

8 A Yes.

9 Q What did she look like when you saw her there?

10 A She looked abused.

11 Q Can you be more specific?

12 A She was skinny and she had bruises on her.

13 Q What did she wear?

14 A She wore a, a hat.

15 Q Do you remember what her face and head looked  
16 like?

17 A No.

18 Q Would Phoenix play around the house or did she  
19 stay mostly in her room when you were there?

20 A She stayed in her room.

21 Q You testified at the criminal trial in 2008,  
22 right?

23 A Yes.

24 Q I want to ask you briefly about some of the  
25 things that you saw happen to Phoenix when you stayed at

1 the house in Fisher River, okay?

2 A Okay.

3 Q Do you remember seeing Wes shoot Phoenix with a  
4 BB gun?

5 A I don't remember but I'm sure something like that  
6 happened.

7 Q And how, how are you able to say that if you  
8 don't remember it?

9 A Because you guys are saying it.

10 Q You don't have a memory of that, of seeing that?

11 A No.

12 Q Do you remember seeing Wes and Samantha choke  
13 Phoenix until she blacked out?

14 A No.

15 Q What do you remember about how Wes and Samantha  
16 treated Phoenix when you were in Fisher River?

17 A I remember they would yell at her.

18 Q What else?

19 A They would push her around.

20 Q Did you ever see them give Phoenix food?

21 A No.

22 Q Did you try to feed her?

23 A Yes.

24 Q That's because you like to help people; is that  
25 right?

1 A Yes.

2 Q Do you remember what happened when Samantha saw  
3 you giving Phoenix food?

4 A Yes.

5 Q What happened?

6 A She yelled at me.

7 Q She didn't want you to feed Phoenix?

8 A No.

9 Q You saw Wes and Samantha hit Phoenix with a  
10 stool?

11 A I can't remember that.

12 Q How about with a metal bar?

13 A I can't remember that.

14 Q When you testified at the criminal trial those  
15 were things you said you saw. Today you're not saying it  
16 didn't happen, you're just saying you don't remember?

17 A My memory's shot.

18 Q You tried to, to shut out a lot of memories of  
19 what happened to Phoenix?

20 A Yes.

21 Q They're painful memories, right?

22 A Yes.

23 Q When you were in Fisher River, did you spend much  
24 time out in the community?

25 A No.

1 Q Did you have any friends there?

2 A No.

3 Q Do you remember ever seeing Phoenix play outside?

4 A No.

5 THE COMMISSIONER: What part of the house did she  
6 occupy? Do you -- can you ask him that.

7

8 BY MS. WALSH:

9 Q When, when you saw Phoenix in Fisher River, where  
10 would she be?

11 A She would be in her room.

12 Q Where was her room?

13 A I can't remember.

14 Q Do you remember her spending time on the main  
15 floor of the house as compared to the basement, for  
16 instance?

17 A I can't remember.

18 Q Remember Phoenix being in the basement?

19 A No.

20 Q Do you remember if anyone came by the house when  
21 Phoenix was there?

22 A I can't, I can't remember.

23 Q Do you remember if anybody ever saw Phoenix, any  
24 visitors?

25 A Just some of Karl's relatives.

1 Q Do you know whether they saw Phoenix, whether she  
2 was out of her room when the visitors were there?

3 A Yes.

4 Q Do you remember which relatives?

5 A Yes.

6 Q Who, who was there and saw Phoenix when you were  
7 there?

8 A Matthew McKay.

9 Q That's your cousin?

10 A Yeah.

11 Q Anyone else?

12 A No.

13 Q And while you were staying in Fisher River, did  
14 you keep in touch with your mother?

15 A Yes.

16 Q How did you communicate with her?

17 A By phone or computer.

18 Q When you say "computer", was that with a webcam?

19 A A chat room or a webcam, yeah.

20 Q Did you ever talk to your mom about how Phoenix  
21 was treated by Karl and Samantha?

22 A No.

23 Q Why not?

24 A I don't know.

25 Q Were you afraid to tell them -- to tell her?

1           A     I don't know.

2           Q     You had a grandfather in Fisher River?

3           A     Yes.

4           Q     Did you see him from time to time when you were  
5 there?

6           A     Yes.

7           Q     Did you ever tell your grandfather anything about  
8 how Phoenix was being treated?

9           A     No.

10          Q     Did you have other relatives that you saw or  
11 talked to when you lived in Fisher River?

12          A     No.

13          Q     You would go back to your mom's house during the  
14 week, in Winnipeg?

15          A     Yes.

16          Q     When you spent time with your mom, did you tell  
17 her anything about how Phoenix was being treated by Karl  
18 and Samantha?

19          A     I can't remember.

20          Q     We've heard evidence from social workers, from  
21 Intertribal Child and Family Services, the Child and Family  
22 Service agency on Fisher River, that on July 12th, 2005 you  
23 and your brother were driven back to Winnipeg. Do you  
24 remember that?

25          A     I remember something like that.

1 Q Do you remember being at the house and Child and  
2 Family Service workers -- the house on Fisher River, and  
3 Child and Family Service workers came to the house to check  
4 on you and your brother?

5 A I don't remember.

6 Q Do you remember being left with a babysitter  
7 named CJ?

8 A Yes.

9 Q And that was before you and your brother were  
10 brought home to Winnipeg?

11 A Yes.

12 Q Where was Karl and where was Samantha when CJ was  
13 looking after you?

14 A They went on a road trip.

15 Q What about the baby and Phoenix, did you know  
16 where they were?

17 A They were supposedly with Karl and Samantha.

18 Q And how did you know that?

19 A Because my brother told me.

20 Q Okay. Did your brother, while you were living in  
21 Fisher River, did your brother tell you anything about what  
22 he saw in terms of how Wes and Samantha were treating  
23 Phoenix?

24 A No.

25 Q He was younger than you? He is younger than you?

1 A Yes.

2 Q How did your brother seem when you would come to  
3 visit on, in Fisher River?

4 A I don't know.

5 Q Okay. Do you remember who it was that drove you  
6 and your brother home to Winnipeg, to your mom's house, in  
7 July of 2005?

8 A No.

9 Q Do you remember was it one person, two people?

10 A I remember two people.

11 Q A man, a woman, two women?

12 A I think it was two women.

13 Q Do you remember anything else about them?

14 A No.

15 Q After you came home from Fisher River did anyone  
16 ever ask you about Phoenix?

17 A No.

18 Q Did anyone ever tell you where she was?

19 A No.

20 Q You and your brother didn't talk about her?

21 A No.

22 Q The day that Phoenix died, you weren't in Fisher  
23 River, were you?

24 A No.

25 Q By the time you were brought home to Winnipeg in

1 July of 2005 did you know that Phoenix had been murdered?

2 A No.

3 Q Eventually you did find out that Phoenix had been  
4 killed, right?

5 A Yes.

6 Q How did you find that out?

7 A My brother, my brother told me.

8 Q Where were you when he told you?

9 A I was downstairs on the computer.

10 Q In your mom's house?

11 A Yes.

12 Q Do you remember when this was?

13 A No.

14 Q Was it in the wintertime?

15 A I can't remember.

16 Q Can't remember what the weather was like?

17 A No.

18 Q When your brother told you what had happened,  
19 what did he say?

20 A He said you know that little girl we were living  
21 with, I guess they killed her.

22 Q They being Samantha and Karl?

23 A Yes.

24 Q How did you feel when he told you that?

25 A I don't know.

1 Q Did you believe him?

2 A Yeah.

3 Q Did you tell anyone else about that right away,  
4 right after he told you?

5 A No.

6 Q Were you afraid?

7 A I don't know.

8 Q Eventually, you did tell someone that you knew  
9 that Phoenix had been murdered, right?

10 A Yes.

11 Q Who did you tell?

12 A My mom.

13 Q Must have been a hard thing to tell her?

14 A Yes.

15 Q Why did you decide to tell her?

16 A I don't know.

17 Q Do you remember where you were when you told her?

18 A Yes.

19 Q Where were you?

20 A I was in a doctor's office.

21 Q Do you remember what day of the week it was?

22 A No.

23 Q Do you remember whether it was a week day or the  
24 weekend?

25 A I don't know.

1 Q What happened after you told your mother?

2 A I think she was in shock trying to find out what  
3 really happened.

4 Q Did you tell her how you knew this information?

5 A I can't remember.

6 Q You knew this information from your brother,  
7 though, right?

8 A Yes.

9 Q Did you feel better for having told her the  
10 information?

11 A Yes.

12 Q What happened then, after you told your mother  
13 than your brother said that Phoenix had been murdered? You  
14 were at the medical clinic. Did you go home?

15 A Yes.

16 Q Do you remember what happened when you got home?

17 A I think my mom asked my brother if she really did  
18 die, and she tried phoning around trying to, tried phoning  
19 around for somewhere to get the right people to look for  
20 her, I guess.

21 Q Did she make phone calls as soon as she got home  
22 from the clinic or on the same day?

23 A I can't remember.

24 Q Do you remember where she called?

25 A No.

1 Q Do you remember the police coming to your house?

2 A No.

3 Q Do you remember being interviewed by the RCMP?

4 A Yes.

5 Q And you testified at the criminal trial?

6 A Yes.

7 Q Again, I know that this isn't something you like  
8 to talk about, but can you tell us how being involved with  
9 this tragedy around Phoenix has affected your life?

10 A I think it made me more, more like my dad because  
11 I get my rage, I can do some damage.

12 Q It doesn't feel good, does it?

13 A No.

14 Q What about your brother, how has it affected him?

15 A He isn't as, as worse as I am but he got -- he's  
16 pretty messed up, too.

17 Q And your mom, what have you seen in her?

18 A Seems like -- I don't know anything what happened  
19 to my mom, and I don't know anything about what happened to  
20 my brother, but I know something happened to me.

21 Q You're not the same?

22 A No.

23 MS. WALSH: I want to say to you that you and  
24 your brother did a brave and honourable thing and your  
25 mother in coming forward with the information about

1 Phoenix. I know it hasn't been easy to talk to me and my  
2 colleagues but I want to thank you for participating with  
3 this inquiry.

4 Those are my questions, Mr. Commissioner.

5 THE COMMISSIONER: Thank you. There may be some  
6 other questions to come. We'll know that in just a very  
7 few minutes.

8 Anybody coming forward? It would appear not, Mr.  
9 Gange.

10 MR. GANGE: And, and I have no questions for DOE  
11 #2.

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

14 THE COMMISSIONER: Well, thank you, Witness. As  
15 Commission counsel has just said, we're appreciative of you  
16 coming here and telling your story. It's not easy for you,  
17 we know, but thank you very much and you're now concluded  
18 and hopefully this, having to repeat the story, is over.  
19 Thank you very much.

20

21 (WITNESS EXCUSED)

22

23 THE COMMISSIONER: So we stand adjourned till  
24 tomorrow morning?

25 MS. WALSH: Yes, Mr. Commissioner.

1 THE COMMISSIONER: Nine thirty?

2 MS. WALSH: Yes.

3 THE COMMISSIONER: All right.

4 MS. WALSH: Thank you.

5 THE COMMISSIONER: Thank you very much.

6

7 (PROCEEDINGS ADJOURNED TO APRIL 23, 2013)