

**Commission of Inquiry into the Circumstances
Surrounding the Death of Phoenix Sinclair**

APPLICATION FOR STANDING

TAKE NOTICE THAT:

**NELSON DRAPER STEVE SINCLAIR
(STEVE SINCLAIR)**

(APPLICANT)

HEREBY APPLIES FOR STANDING at the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair ("the Inquiry"), as follows:

The Applicant applies for full standing on the following grounds:

- (i) the applicant is directly and substantially affected by the Inquiry;
- (ii) the applicant represents interests and perspectives essential to the successful conduct of the Inquiry; or
- (iii) the applicant has special experiences or expertise with respect to matters within the Commission's Terms of Reference.

Steve Sinclair requests he be given an opportunity to participate in the evidentiary hearings, in order to take part in all phases of the Commission's evidentiary hearings, including:

- a. Access to documents collected by the Commission subject to the Rules of Procedure;
- b. Advance notice of documents that are proposed to be introduced into evidence;
- c. Advance provision of statements of anticipated evidence;
- d. A seat at counsel table;
- e. The opportunity to suggest witnesses to be called by Commission counsel, failing which an opportunity to apply to me to lead the evidence of a particular witness;
- f. The opportunity to cross-examine witnesses on relevant matters; and
- g. The opportunity to make closing submissions.

The Applicant, Steve Sinclair, has many important questions that he wishes to have answered, and he seeks changes to the child protection system of Manitoba so that other similar deaths do not occur again.


Steve Sinclair makes this application for grant of full standing on the following grounds:

1. Steve Sinclair, born May 15, 1980, holds a Certificate of Indian Status under the Indian Act of Canada. He is a member of Lake St. Martin.
2. Nelson Draper Steve Sinclair and Samantha Dawn Kematch are the biological parents of Phoenix Victoria Hope Sinclair, born April 23, 2000 and were living together as a family at the time of Phoenix Sinclair's birth.
3. On or about April 25, 2000, Phoenix Sinclair was removed from the home of Steve Sinclair and Samantha Kematch by Child and Family Services, and Phoenix Sinclair was returned to their home in July 2000.
4. In August 2000, Steve Sinclair started bringing Phoenix Sinclair to the residence of a friend, Kim-Ann Edwards. Phoenix Sinclair developed a close bond with Kim Edwards. Steve Sinclair was pleased with the nurturing environment provided by Kim Edwards and he took steps to foster the quality time that Phoenix Sinclair was enjoying with Kim Edwards. Phoenix Sinclair's stays with Kim Edwards eventually developed into overnight stays. By October 2000, Phoenix Sinclair was staying at Kim Edwards' house every weekend, from Friday until Sunday or Monday.

5. On April 29, 2001, Steve Sinclair and Samantha Kematch had a second child, Echo Sinclair.
6. In June 2001, Steve Sinclair and Samantha Kematch permanently separated. Steve Sinclair took custody of both Phoenix and Echo Sinclair.
7. On or about July 21, 2001, Echo Sinclair died of a bronchial infection.
8. Steve Sinclair had difficulties coping with the death of Echo Sinclair and he became quite depressed. As a result, Phoenix Sinclair spent the majority of time at Kim Edwards' house.
9. Phoenix Sinclair remained at Kim Edwards' home from early 2001 until July 2002. During this time, Steve Sinclair visited Phoenix Sinclair every day. Kim Edwards treated Phoenix Sinclair as her own child. Phoenix Sinclair called Kim Edwards "Nana Mom". Samantha Kematch visited Phoenix Sinclair at Kim Edwards' house approximately three times over the course of the year.
10. From mid-2002 to April 15, 2003, Phoenix Sinclair enjoyed a good life, moving freely between the residences of Steve Sinclair and Kim Edwards.
11. On or about April 15, 2003, Samantha Kematch showed up at Kim Edwards' house and requested permission to take Phoenix Sinclair to the park. Kim Edwards agreed to the request. Samantha Kematch disappeared with Phoenix Sinclair. This was the last time Steve Sinclair and Kim Edwards saw Phoenix Sinclair.
12. Steve Sinclair and Kim Edwards made attempts to locate Phoenix Sinclair, but were unsuccessful. It became evident that Samantha Kematch was deliberately hiding. Steve Sinclair and Kim Edwards called numerous government agencies and other organizations requesting help, but were told it was a family matter.
13. In June 2005, Phoenix Sinclair was killed by her mother and her boyfriend Carl Wesley McKay. As a result, Samantha Kematch and Carl Wesley McKay were convicted of first degree murder.
14. As the biological father of Phoenix Sinclair, Steve Sinclair is a victim with a direct and substantial interest in all of the subject matter of the Inquiry
15. Steve Sinclair seeks answers as to how and why his daughter, who was under the supervision of Child and Family Services, could have been subjected to long term, serious abusive treatment, without Child and Family Services noticing.
16. Steve Sinclair wants to ensure that Child and Family Services makes the appropriate systemic changes to prevent children from "falling between the cracks".

17. Steve Sinclair is concerned that other children may not be adequately protected by Child and Family Services. His faith in the child protection system has been severely damaged.
18. Steve Sinclair wants the public to learn about what happened to his daughter and to promote social change.
19. On August 24, 2007, Steve Sinclair and Kim Edwards founded a non-profit organization called the "Phoenix Sinclair Foundation Inc." to promote positive societal changes. The motto of the Foundation is "Building the Spirit of Renewal". The Foundation has the following mission:
 - a. To foster the healing of aboriginal families grieving the death of a child, to promote their social well-being and to build a spirit of renewal;
 - b. to ameliorate the condition of aboriginal people suffering from the violent death of a loved one;
 - c. to promote and provide a means for the educational assistance to the aboriginal community to cope with the issues arising out of the violent death of a family member;
 - d. to promote and enhance services to persons that may be of assistance to the aboriginal community in order to learn about grieving and the prevention of violence;
 - e. to facilitate volunteer educators to provide awareness of family violence in the aboriginal communities; and
 - f. to operate a non-profit learning and resource centre, providing instruction, assistance and resources aboriginal families suffering the effects of a violent death of a family member.
20. Steve Sinclair believes that it is crucial that his perspective be brought before the inquiry. He has a direct interest in the outcome of the Inquiry and has a substantial interest in ensuring the objectives of the Inquiry are met.

ALL OF WHICH IS RESPECTFULLY SUBMITTED


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Date

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