



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

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

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

THURSDAY, DECEMBER 13, 2012

APPEARANCES

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

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

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

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

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

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3

4 THE CLERK: This hearing is now open.

5 THE COURT: Now, Ms. Walsh, did you get the
6 matter clarified with respect to documentation?

7 MS. WALSH: I did, Mr. Commissioner, but before I
8 speak to that, Mr. Gindin has something that he would like
9 to address.

10 THE COURT: All right.

11 MR. GINDIN: Good morning, Mr. Commissioner. My
12 client has advised me to state on the record that she meant
13 no disrespect to you, sir, for having left early or in the
14 manner in which she left. She was, for obvious reasons,
15 upset.

16 THE COURT: Oh, I took absolutely no objection or
17 offence to that and I, I quite understood.

18 MR. GINDIN: Thank you.

19 THE COMMISSIONER: No, no problem. I understand.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: All right, Ms. Walsh, what
22 about the documents?

23 MS. WALSH: So just, I just wanted to speak to
24 the issue of the scope of the order because you'll recall
25 -- of Justice Joyal's order, because you'll recall, Mr.

1 Commissioner, that at the end of the day yesterday there
2 was some discussion about what that order covered. And I
3 just want to clarify for the record and for all
4 participants that you'll recall that I identified, at the
5 standing hearings in June of 2011, that many of the
6 documents and the information that this Commission would be
7 required to review were subject to the confidentiality
8 provisions of the Child and Family Services Act relating to
9 Child and Family Services protection records in general and
10 records relating to sealed child-in-care files in
11 particular.

12 One of the first matters of business for the
13 Commission, therefore, was to seek an order from the Court
14 of Queen's Bench which would allow the Commission, in
15 particular you, Mr. Commissioner, as applicant, to receive
16 and make use of those records and the information they
17 contained. Before we could make that application, various
18 record holders, including some of the parties, identified
19 to us the relevant records which were subject to the
20 statutory confidentiality provisions. It was those records
21 which were the subject of the application and ultimately
22 the order of Justice Joyal signed December 2nd, 2011. I
23 should point out as well that the subjects of the relevant
24 records, the people about whom those records were made,
25 were all served with notice of that application.

1 Ms. Edwards' records were not part of that
2 application nor was she served with notice of any request
3 for such documents. I simply want to confirm, to preserve
4 the integrity of the Commission's work, that only the
5 records and information which were the subject of Justice
6 Joyal's order are records which the Commission is entrusted
7 with and which we are entitled to make use of.

8 THE COMMISSIONER: And the documents requested
9 by, that Mr. Saxberg says that he has in his possession are
10 not included in that order?

11 MS. WALSH: That is correct.

12 THE WITNESS: He has my records.

13 THE COURT: Any, any response you want to make to
14 that, Mr. Saxberg?

15 MR. SAXBERG: No.

16 THE COURT: Well, then I assume you'll return
17 them to the party from whom you got them.

18 MR. SAXBERG: (Inaudible).

19 THE COURT: You'd better come up to the
20 microphone so you can get on the record.

21 MR. SAXBERG: When I said "we", I was speaking of
22 the CFS in general, the CFS system. I personally had never
23 had the file and never seen it.

24 THE COURT: Oh, I thought you --

25 MR. SAXBERG: But when I said --

1 THE COURT: -- I thought you said you had them
2 and were ready to distribute them to your colleagues on my
3 direction.

4 MR. SAXBERG: Right. CFS had, has them, Winnipeg
5 CFS had the file.

6 THE COURT: Well, then it will stay there.

7 MR. SAXBERG: Right. You know, of course, the
8 overlap that I act for the general authority, which is a
9 governing body of Winnipeg CFS.

10 THE COURT: I understand.

11 MR. SAXBERG: But it was Winnipeg CFS
12 specifically that had the document.

13 THE COURT: I understand that.

14 MR. SAXBERG: And I've never seen it and --

15 THE COMMISSIONER: But I'd understood you to say
16 yesterday, CFS had physically handed you the documents.

17 MR. SAXBERG: Oh, no. Sorry, I didn't mean to
18 convey that. That's not the case.

19 THE COURT: All right. Well, then they'll stay
20 where they are. Because unless anyone takes any objection
21 to what Commission counsel has said, they are to remain
22 confidential documents unless and until a justice of the
23 Court of Queen's Bench rules otherwise. Thank you.

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

25 THE COURT: Now, just a minute, now about your

1 subpoena ...

2 MR. SAXBERG: Yes.

3 THE COURT: The reason that I thought you were
4 requesting an adjournment to cross-examine this witness,
5 because I had assumed that you were requesting those, the
6 employment and income documents for the purpose of putting
7 them to the witness. And what I hear you saying is that
8 you would be putting them in without context, and if that's
9 so, I really question the, the probative value of, of them.
10 But if you are, persist in your application, then I'll give
11 it further consideration and rule on it next week.

12 MR. SAXBERG: I thought that the appropriate
13 thing to do would be to finish the cross-examinations and
14 hear what the witness has to say about matters, and if the
15 issue is still alive, then I could make the request for,
16 for those records and, and a witness could be called to
17 speak to what the records are.

18 THE COURT: Oh, I'm not enthused by requiring
19 this witness to return to the stand. So do you want to
20 leave your application, then, till the end of the day and
21 speak to it or ...

22 MR. SAXBERG: What I'm saying is that the, the
23 witness that would speak to the EIA records would be
24 someone from EIA. I'll ask her about what she told them
25 and then we'll see where the records are at subsequent

1 point.

2 THE COURT: So then I, I take it your request for
3 the subpoena is still before me?

4 MR. SAXBERG: Yes.

5 THE COMMISSIONER: All right. I'll rule on it
6 orally next week.

7 MR. SAXBERG: Okay. Thank you, Mr. Commissioner.

8 THE COMMISSIONER: All right. Mr. McKinnon.

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

10

11 **KIMBERLY-ANN EDWARDS**, previously

12 sworn, testified as follows:

13

14 CROSS-EXAMINATION BY MR. MCKINNON:

15 Q Ms. Edwards, my name is Gordon McKinnon and I
16 believe you know I represent Winnipeg CFS and the
17 department?

18 A Yes, I do.

19 Q Let me commence by saying to you that to the best
20 of my knowledge no one here doubts your love and affection
21 for Phoenix and that's not an issue in these proceedings.

22 A I understand that.

23 Q But you are probably, with the possible
24 exceptions of Steve and your former husband, Ron, you're
25 probably the person that knew the most about what was

1 happening to Phoenix and with Phoenix in the first three or
2 four years of her life.

3 A Yes.

4 Q And because of that, I'm going to have to ask you
5 some difficult questions. You --

6 A I understand.

7 Q -- understand that?

8 A Absolutely.

9 Q Now, I want to start out by trying to clarify in
10 my own mind some basic what CFS calls demographic
11 information, okay.

12 A Okay.

13 Q Am I correct in my understanding that for most of
14 the time we're talking about from 2000 to 2004 that, not
15 including Phoenix, there were three children living with
16 you and Ron at 1331 Selkirk Avenue?

17 A There were three children living with me at 331
18 (sic) Selkirk Avenue. Ron had a different address. He
19 lived in McMunn for a while. I believe he went out of
20 province for a while as well.

21 Q Okay. Was Ron commuting in from the country to
22 do his job at Ten Ten Sinclair throughout this period of
23 time?

24 A From 2000 to 2004?

25 Q Yes.

1 A Part of that time, the latter part of that time
2 he had -- he was working, he had a job.

3 Q When approximately was that?

4 A The, the latter years. I can't give you a date.

5 Q So '03, '04, in that time period?

6 A Yeah.

7 Q '02, '03, '04?

8 A Mid-'03, '04. Not --

9 Q And --

10 A I'm sorry.

11 Q Sorry. And in terms of your three children,
12 then, there was a daughter born in 1986?

13 A Yes.

14 Q And there was a son born in 1987?

15 A '89.

16 Q '89. And there was a son born in 1991?

17 A Yes.

18 Q And were the first two of those three children
19 the children of your first husband?

20 A The first one?

21 Q I'm trying to get an understanding.

22 A Okay. My, my, my --

23 Q You had a daughter and a son?

24 A My first two children, my daughter and my son,
25 are not the biological children of Ron but he raised them

1 from a very young age. And Paul Stephenson, my son, is his
2 biological.

3 Q Okay. So you have one child together?

4 A Yes.

5 Q Okay. Thank you.

6 A You're welcome.

7 Q Now, again, my notes are confused on this so
8 please help me, but my notes say you began your
9 relationship with Ron in 1989; is that correct?

10 A I got together as a couple with Rohan in 1989. I
11 met him when I was 16, just after I had my daughter. So in
12 '86 is when we actually met and became friends.

13 Q Okay. Now, you testified that you met Steve
14 Sinclair when he was 17 or 18 years old.

15 A Yeah. I met him in late summer of, of '98.

16 Q And we know that he was born in 1980 so he would
17 have been about 18 years old?

18 A Yeah, about that, yes.

19 Q Now, again, according to my notes, you testified
20 that you were married but separated when you met Steve in
21 1998?

22 A Yes.

23 Q Who were you separated from when you, when said
24 that? Was that from your first husband or was that from
25 Ron, or both?

1 A Ron is my first husband.

2 Q Oh, I see. So were you separated from Ron when
3 you met Steve in 1998?

4 A Yes. We'd been separated, I would say about a
5 year, 11 months or so.

6 Q You have been separated for about a year?

7 A Yes. We were married in '86 and we separated --
8 late eighty, late eighty -- '96 we were married. We went
9 to Jamaica, and within months after our return we were
10 separated.

11 Q Okay.

12 A We didn't get married under the, the most wisest
13 of circumstances, Your Honour. We were together for a very
14 long time. And we broke up and we got together, and we
15 broke up and we got together. And his whole entire family
16 couldn't state this.

17 Q So you had been married to Ron for a year or two
18 when you met Steve but you were separated already; that's
19 your evidence?

20 A Yeah. I was married to Ron in November of 1996.

21 Q Right.

22 A We went to Jamaica for a month and a half. And
23 by the summer of 2007, we were separated.

24 Q Okay. So that --

25 A But we got back together about four months later,

1 and separated again.

2 Q But I guess, I guess the point I was trying to
3 clarify, just in my own mind, is when you testified
4 yesterday that when you met Steve you were separated, you
5 were talking about your separation from Ron?

6 A Yes, I was separated from Ron at that point when
7 I met Steve. We had got back together for a little while
8 and, and we have family, and I come from a very broken
9 family, a family where choices have to be made as to
10 whether you want to be, have a mom or dad because one is so
11 full of hate.

12 Q Okay. And I don't want to --

13 A No, you need to know this.

14 Q I don't want to probe.

15 A And Ron and I promised our children and promised
16 ourselves we would not do this, and that's what you have to
17 understand about the dynamics of our relationship.

18 Q And when you say, promised we would not do this,
19 I'm not sure I know what you're saying.

20 A Fight, argue, have animosity towards each other;
21 if you fall out of love with me and I fall out of love with
22 you, we walk away, and that is what we did.

23 Q Let me get back to your meeting with Steve. He
24 would have been about 18 and you would have been about 10
25 years older?

1 A Yes.

2 Q And your children, at that time when you met
3 Steve and you started to socialize and play guitar, as you
4 describe, would have been pre-teens?

5 A Yes. And actually, if I'm, if I'm -- if, if I --
6 in 1998/99 I believe my two boys were living in McMunn with
7 their, with their dad, and I wasn't on welfare at that
8 time.

9 Q Okay.

10 A Not with them but with my daughter.

11 Q Okay. So you --

12 A So there wasn't -- I, I have to, I have to re-
13 answer that question, Your Honour, because this is
14 something that I'm just recalling, and it -- my, my, my two
15 boys lived with their dad in McMunn. I, I went through --
16 I won't get into it, I just went through an experience and
17 I needed to have some solitude and be by myself, and in
18 those years my children were with their dad in McMunn.

19 Q All right.

20 A But my daughter was with me.

21 Q And I think Ron spoke about that when he gave
22 evidence. He said, his recollection was that when the kids
23 were with him in McMunn it was before Phoenix was born, so
24 that's consistent with what you're saying.

25 A That is consistent.

1 Q Now, there was -- and I, and I think you'll agree
2 with me, there's confusion in your mind about some of the
3 key dates of things that happened in the, in your, in your
4 dealings with Phoenix Sinclair and CFS, there's some
5 confusion in your mind about dates?

6 A The only thing that brought the confusion is the
7 investigation into her death because there is no confusion
8 in regards to myself and having Phoenix with me and whether
9 I -- I, I know.

10 Q Okay.

11 A And I stood firm for six years, and then I was
12 presented with certain facts, and I still recalled, and so
13 I, I may be mistaken, Your Honour, but I do not believe so.
14 So I'm not agreeing to anything.

15 Q Let me, let me just -- because you expressed
16 yesterday, and these are my words, but you expressed some
17 reluctance to accept the dates reflected in the CFS
18 documents because they don't conform with your recollection
19 of dates. Is, is that fair for me to say that?

20 A That is absolutely fair that it doesn't form with
21 my recollection or anyone who knew when I left in December,
22 like my daughter.

23 Q So your evidence -- and I could have gotten this
24 wrong, but you said you would resolve to the fact that the
25 documents are correct. That, that was -- did I get that

1 right?

2 A No. I said, what I said, sir, was that I would
3 resolve to the fact that the Commission is using the
4 documents in which CFS provided them. That is what I am
5 resolving to. So I just want to get this over and done
6 with, so if they want to just go with these numbers and
7 these, these dates, then that's fine. Because what really
8 matters is the children, not dates, not times, not
9 splitting hairs.

10 Q And I'm, I'm trying not to do that. In fact, I'm
11 hoping to give you an opportunity to tell us what you
12 believe. That's what I would like to do today.

13 And let me, let me take you back again to your
14 evidence yesterday. There were some things that you said
15 you clearly recalled, and you mentioned your daughter's
16 sweet 16.

17 A Yes.

18 Q And that is a date you can't be wrong about?
19 You --

20 A That's right. Yeah, no, I can't be wrong about
21 the date.

22 Q And you have clear recollections of that sweet
23 16?

24 A No, I don't. I have clear recollection of her
25 sweet 16.

1 Q You do or you don't?

2 A No, I remember her sixteenth birthday and leaving
3 two days before it.

4 Q Okay. And you're --

5 A And I don't remember anything about no sweet 16.

6 Q But your daughter was born in '86?

7 A Yes.

8 Q So her sweet 16 would have been in December of
9 '92?

10 A Yes.

11 Q And that's when your marriage -- that's when you
12 left?

13 A That's when I recall leaving.

14 Q Okay.

15 A That's what she recalls leaving, or me leaving.

16 Q Sorry, I misspoke. I said '92. I meant to say
17 two --

18 A Two --

19 Q -- thousand and two.

20 A Yes.

21 Q Yeah. So your recollection, and this one, it
22 seemed to me, you were pretty firm on, is that your
23 marriage ended in December of 2002?

24 A I could be mistaken.

25 Q But you could be mistaken?

1 A I could be mistaken. Everybody makes mistakes.

2 Q I'm looking at my notes here and it says, again,
3 you stated, and you're referring to Sherri Walsh, I think,
4 you were responding to Sherri Walsh, she said, your file
5 says 2003 but that you didn't accept that because you had a
6 clear recollection that it happened around Frankie's
7 sixteenth --

8 A Birthday.

9 Q -- birthday. Yeah.

10 A That's my recollection.

11 Q Okay. And you made reference to the fact that
12 CFS documents have been shredded, lost, and some dates have
13 -- or some details have been altered. You made reference
14 to that in your evidence yesterday?

15 A I did, because it was made reference to and
16 testified to in this Commission.

17 Q You've heard that evidence?

18 A Yes.

19 Q And is it fair to say you don't trust the CFS
20 documents as being reliable?

21 A Yes.

22 Q So you're reluctantly accepting these timelines
23 because everybody else is accepting these timelines?

24 A I'm accepting these timelines because these are
25 the timelines that we have to work with, Your Honour. And

1 I could be mistaken on my timeline.

2 Q Okay.

3 A Talk to people who would be able to clarify
4 whether I was mistaken. Refresh their memory with memories
5 of us and not those files of CFS.

6 Q Okay.

7 A To someone who has a bad memory.

8 Q And, and the someone who has a bad memory is you?

9 A Not me. My ex-husband testified right here on
10 the stand that he had a bad memory. That was the first
11 thing he wanted down on record.

12 Q Okay. But you have a good memory; is that what
13 you're saying?

14 A His police statement states this.

15 Q Yes, we heard that from your lawyer. Your lawyer
16 put that document to him. But I'm asking you if you're
17 saying you have a good memory?

18 A Yes, I do have a good memory.

19 Q Okay.

20 A I remembered six years ago.

21 Q And what --

22 A The exact person I spoke to in regards to walking
23 across the street and another thing that I testified about
24 yesterday.

25 Q Sorry, I'm not following you when you talk

1 about --

2 A You know what, I'm --

3 Q -- walking across the street.

4 A -- (inaudible) when, when we were talking about
5 the Children's Advocate and taking that meeting with me.
6 And I left that meeting and I walked across the street.
7 I'm not in contact with reporters every day. I remember
8 things.

9 Q Oh, okay. You remember going across the street
10 to the CBC?

11 A I remember going across the street to the CBC.

12 Q Okay.

13 A I remember going into the premier's office. I
14 remember going into the family services minister's office
15 and handing them all these documents with the dates that I
16 believe are correct within the first six months of the
17 discovery of Phoenix death.

18 Q Okay. And, and let me take you to a letter that
19 you wrote in December of 2006, and it's a letter to the
20 premier of Manitoba. It's part of our Commission
21 disclosure 244, and it's at pages 1240 to 12408.

22 Now, perhaps the monitor --

23 THE COURT: Just a minute, Mr. McKinnon. I just
24 want to see. I think I have it. Yes, I have it.

25

1 BY MR. MCKINNON:

2 Q First of all, just for the record, let's
3 establish what this is. If I could get the monitor just to
4 show you the first two pages.

5 A The letter that I wrote, I can see it.

6 Q Can we scroll through the first two pages. All
7 right. Stop at the bottom of that page. All right.

8 That's -- first of all, this is a two-page
9 handwritten letter from you to the premier of Manitoba?

10 A Yes, it is. It ...

11 Q And it's signed by you at the bottom of the
12 second page?

13 A Absolutely.

14 Q And then it's followed by a seven-page document,
15 pages numbered from 1 to 7 at the top. I can show you the
16 next page. You see that? That's ...

17 A Yeah. I, I know this document, yes.

18 Q Yes. But the Commissioner may not, so I'm just
19 going to --

20 A Oh.

21 Q -- get you to identify --

22 THE COURT: No, I don't.

23

24 BY MR. MCKINNON:

25 Q -- it for the Commissioner.

1 A Oh, absolute -- I'm, I'm -- yes.

2 THE COURT: It's, it's new to me.

3 THE WITNESS: Oh, I'm, I'm sorry, Your Honour.

4 THE COURT: That's fine.

5 THE WITNESS: I thought he was (inaudible).

6 THE COMMISSIONER: That's fine. I, I only deal
7 with what I hear in this courtroom. When I write a report,
8 it will be based upon what I've heard here, not what I've
9 read or heard prior to coming in the room. It's what I
10 hear in. So that's why I don't know anything about this
11 document, but it's in front of me now and we'll listen to
12 what Mr. McKinnon questions you on it and gives you the
13 opportunity of responding to his questions.

14 THE WITNESS: Yes, Your Honour.

15

16 BY MR. MCKINNON:

17 Q And, and that's all I was doing, Ms. Edwards, I
18 wasn't --

19 A I, I, I understand.

20 Q I wasn't trying to ask you a rhetorical question.
21 I wanted to make sure the Commissioner understood what this
22 document is.

23 A I understand.

24 Q So, and each document is initialled by you at the
25 bottom of the page, all seven pages.

1 THE COMMISSIONER: But, but I don't think I
2 understand yet what the seven-page document is.

3 MR. MCKINNON: Well, it's entitled Timeline of
4 Phoenix Sinclair's life spent in the care of Kim Edwards.

5

6 BY MR. MCKINNON:

7 Q So you've written a very detailed timeline
8 document --

9 A It was -- at one point it was much more detailed.
10 I, I had it on my computer. And the night before I was --
11 I had told them I'd bring it in to them the next day. I
12 worked a shift and I spilt a cup of coffee on my, on my
13 laptop and it (non-verbal sound). And so this document was
14 written after coming off a 16-hour shift to have it to the
15 premier's office when I said that I would have it to them,
16 by 4:30 that day, so please take that into consideration,
17 where you're ...

18 Q We will. And I'm not trying to trick you
19 because --

20 A No, I understand that. I just -- and this --
21 what I just told you is a fact that you would not know or,
22 or Ms. Walsh would not know or the Commission would not
23 know, or my lawyer would not know.

24 Q And when I refer you to this document, if it's
25 inaccurate, I'm going to encourage you to tell the

1 Commissioner where it's inaccurate, okay?

2 A All right.

3 Q Okay. But the, the point I was making is this
4 timeline document is seven pages, it's printed in your own
5 handwriting and you've initialled every page?

6 A Yes.

7 Q And you sent it to the premier of Manitoba on
8 December 15th, 2006?

9 A Okay, yes.

10 Q And --

11 A Yes, that's correct.

12 Q -- and I heard what you just said about spilling
13 coffee and having to do this in -- quickly, but you were
14 relying upon your other notes from your computer when you
15 prepared this; is that what you're saying?

16 A Yes. And I didn't take side notes and put it on
17 my computer. I'm sure that everybody in this room does. I
18 wrote it on my computer. And so when my computer crashed
19 and would never turn on again, I was relying on my memory,
20 like I did the first time, that it took me a week to put it
21 together in a format in which the premier would accept it.

22 Q Okay. And the point is, at, at this time in
23 December of '06, everyone in Manitoba is aware that --

24 A Yeah. That every --

25 Q -- tragically, Phoenix has been murdered.

1 A Every, every, everybody was tragically aware that
2 nobody missed that slain little child, yes.

3 Q And you're writing to the premier of Manitoba and
4 you were intending to be as accurate as possible when you
5 wrote to the premier, fair?

6 A My intentions were to be as accurate as possible,
7 yes. To my recollection.

8 Q So I'm going to take you to the timeline
9 document, 12402, right at the top. So the first entry we
10 see there is the summer of '98 and you're describing your,
11 first met Steve Sinclair, and that's, that's what you told
12 me a minute ago today?

13 A Yes.

14 Q You also reference you were -- it says:

15

16 "As well as Mickey Kematch."

17

18 You were a friend of Mickey's?

19 A Yes, I was.

20 Q Okay. And, and Mickey, I understand, was a
21 friend of Steve's?

22 A Yes.

23 Q Okay.

24 A I met Steve -- I'm sorry, I met Mickey through
25 Steve.

1 Q Now, the second entry is April of 2000, which is
2 the birth of Phoenix, and that seems to be a date that
3 we're all agreed upon. April of 2000 was the --

4 A We have to be. There's a birth certificate.

5 Q Yes. But it also -- you remember it?

6 A Yes. I remember it. Actually, no, I don't
7 remember it because I wasn't around at her birth. I didn't
8 know Steve at her birth so I don't remember her birth.

9 Q Okay. Well, let's, let's go to the next entry.
10 You say:

11

12 "July [of] 2000 - Phoenix is
13 returned to Samantha Kematch and
14 Steve Sinclair residing together
15 on Magnus [Avenue]."

16

17 Now, we've heard evidence in this proceeding that
18 that date was September 1st, 2000. What's your view on
19 that today?

20 A My view on that today is my date could have been
21 wrong. It's two months, what's two months?

22 Q Okay. And the next entry is August 2000, you say
23 you met Phoenix. You're putting that the month after the
24 return home. If, if she returned home in September, then
25 that was probably in October that you first met Phoenix?

1 A Or she was on one of the visits in which Steve
2 had no visit -- no supervision.

3 Q So you --

4 A At an outing. I don't -- this is something that
5 you would have to clarify with Steve: was he, in, in, in
6 July of 2002, was he on a, on a, on a unsupervised visit
7 with his child in the community, which he was given?
8 Because I'm pretty sure that it was August in which I met
9 Phoenix.

10 Q Okay. So --

11 A Or July, late August, July. Summer, hot summer
12 month.

13 Q Your recollection is you met Phoenix as a baby,
14 and if it was in August --

15 A Yes, but with --

16 Q -- it would have had to have been before she was
17 returned permanently to her parents?

18 A I hadn't seen Steven in, in quite some time. I
19 testified to that yesterday. He showed up on my door with,
20 with a woman and a baby. And I assumed and didn't actually
21 -- he didn't make me aware that Phoenix was a ward of Child
22 and Family Services or that he was just on a visit, he came
23 for a visit. It's not something that you draw, you know.
24 In this visit, we played guitar. So as far as whether I
25 knew whether Phoenix was in care or not in July of 2000, I

1 don't know because I wasn't told. I wasn't told this until
2 after Steve came to me and bringing me his child and
3 saying, could you help us here. But I am almost certain
4 that I met Phoenix in August, late July, August. It was,
5 it was the, the hot summer months.

6 Q Let's go to October. You say:

7

8 "Phoenix begins to spend more &
9 more time in my [house] until I
10 would have her on the [weekends]
11 ... she would go home ..."

12

13 Sorry:

14

15 "... on the week days & she would
16 go home for [the] weekend[s] ..."

17

18 A That's pretty --

19 Q So you're putting that in October of 2000.

20 Yesterday you told Ms. Walsh more or less the same thing,

21 that it was in October/November/December/January when --

22 A Yes.

23 Q -- that occurred, right? That sounds, still
24 sounds right to you?

25 A It sounds right to me.

1 Q Now, we've heard evidence from a family support
2 worker that she was in the home at about approximately 40
3 occasions in the fall of 2000, after Phoenix --

4 A See, I --

5 Q -- was returned, until mid-December. And I can
6 see you're, you're, you're scornful or, or not accepting of
7 that?

8 A I'm, I'm not accepting this. Because if she had
9 been in Steve Sinclair's home 40 times in October, she
10 wouldn't have seen Phoenix all 40 times. Does she claim to
11 have seen and worked with the child 40 times? Because by
12 this point Phoenix was with me the majority of the time.
13 And usually, when her mom and dad came to pick her up it
14 wasn't first thing in -- I'm sorry not her mom and dad --
15 her dad came to pick her up, it usually wasn't first thing
16 in the morning. It was more along the lines two, three,
17 sometimes four o'clock in the afternoon. And so they don't
18 do these kind of visits at like 4:30 in the afternoon, now
19 do they.

20 Q So you dispute the evidence of this witness that
21 she was there?

22 A Yes, I do. I dispute the evidence of this
23 witness.

24 THE COURT: That she was there at all or that she
25 was there as often as she says?

1 THE WITNESS: That she was there as often as she
2 says. I can't testify as to all the time.

3

4 BY MR. MCKINNON:

5 Q Is it possible that Phoenix wasn't in your home
6 as much as you recall in the fall of 2000?

7 A No.

8 Q And just so that I'm clear, I think I've got this
9 clear, at this time in the fall of 2000, where was Ron
10 living?

11 A McMunn.

12 Q Now, the last entry on this page on the letter to
13 the premier is May of 2001 and you're referring to the
14 -- it's been redacted but the name has become referenced
15 many times. That's, that's the birth of Echo?

16 A Yes.

17 Q And we've heard evidence that, in fact, that
18 birth was in April --

19 A April.

20 Q -- will you accept that date?

21 A I 100 percent accept that date and the date of
22 May was wrong. Although she was born April 29th.

23 Q And then June 2001 you reference Samantha
24 abandoning the family. We've heard other evidence that
25 would conform with that date.

1 A Yes.

2 Q Now, we've also heard evidence at this inquiry
3 that in July of 2001, Steven reached out to his former
4 social worker at CFS, a woman named Kathy Epps at that
5 time. He told her that he'd been caring for the children
6 alone since June 14th and that Samantha had, had been
7 drinking and moved out. Were you aware of that event at
8 the time?

9 A No.

10 Q Would you have been concerned about him reaching
11 out to CFS?

12 A I don't understand what you mean. Like, why
13 would I be concerned if he reached out to CFS?

14 Q That his children might be apprehended?

15 A I wasn't at all really concerned that if he
16 reached out to CFS, because if he reached out to CFS and
17 they went to apprehend his children then I would say,
18 Steve, there's no reason why I can't do it, because I did
19 it in whenever, September of 2003. I would have helped
20 Steve because Steve was my friend. Phoenix was my friend
21 moreover than Steve. My relationship started out about
22 rock and roll and playing music. But when that man
23 entrusted me with the life of his daughter it became all
24 about Phoenix for everybody. I made it that way. And so
25 you've never dealt with me, so when I say I made it that

1 way, I made people do the best thing for Phoenix. If
2 you're going to go drinking, and I'm not saying that my
3 friend was a drunk or he drank too much or anything, but if
4 you're going to go get drunk and, and, and be unruly or
5 anything like that -- not saying that my friend is unruly,
6 but if you're going to do any of that, don't come around.
7 If you're going to come around and you want to argue and
8 fight and do all that kind of bickering, not saying that he
9 did -- that was more along the lines of for Samantha, that
10 rule -- don't come around.

11 Q Okay. So you're saying that these behaviours
12 that you just told us about weren't being exhibited by
13 Steve?

14 A Not as extreme as in which your files make them,
15 no. And I'm not denying -- I'm not saying that he didn't
16 drink. I drank. I wasn't a drunk.

17 Q Okay.

18 A I drank the way I'm sure everybody in this room
19 drinks --

20 Q I understand what you're saying --

21 A -- glass of wine or a couple beers.

22 Q -- you're saying you're a responsible drinker?

23 A Right. But I didn't get a babysitter to do it.
24 I didn't take my children out of my presence, I sent them
25 upstairs, go play in your room while, you know, I have a

1 few drinks with my friends. In my household, children
2 stayed at one part of the house and were super -- like they
3 were watched and they were directed, and adults in the
4 other, because that's the way a Jamaican household runs.

5 Q Okay.

6 A Pickings (phonetic) don't come around the adults
7 because pickings business is pickings business and adult
8 business is no business of a picking.

9 Q And when you say a few drinks, what, what does
10 that mean to you?

11 A A few drinks? Me personally?

12 Q Yeah.

13 A Till my fingers are feeling tingly. I like to
14 stay in control.

15 Q Okay. Now, you, you gave some evidence yesterday
16 about your perception, and I'm going by my memory here, but
17 your perception that CFS treats drinking parties
18 differently, depending upon what neighbourhood you live in.
19 Those are my words but ...

20 A No. I think society in general, mainly the
21 media. But it gets overblown by general society: where
22 you're from; if, if, if you have a barbecue and there's a
23 bar laid out, in say, a neighbourhood like Charleswood and
24 you have a barbecue and there's, and there's alcohol or, or
25 bottles of alcohol laid out on the back yard of, say,

1 somewhere on Pritchard Avenue, you best believe that the
2 police, even the police treat it in a different manner.
3 The police are stopping you, telling you you have to --
4 even though you're on your own property, you have to move
5 it indoors, you're being too loud, you're being too rowdy.
6 And yes, I am not the only person with this opinion, pretty
7 much the main -- every, everyone in the North End has of
8 this opinion.

9 Q Okay. We'll come back to that in a minute
10 because that comes up later. But in your letter to the
11 premier, when we get to the bottom of the page 2 -- sorry,
12 12403, it's dated August of '01 to July of '02:

13

14 "Phoenix is living with me.
15 Samantha in all this time visits
16 Phoenix a total of 3 times at 1331
17 Selkirk."

18

19 First of all, the three times, my recollection of
20 your evidence yesterday --

21 A Is seven. And that -- when this document was
22 wrote -- written, it was written in 2006, and six years is
23 a long time to recall different times that a mother only
24 showed up seven times in four years.

25 Q Okay.

1 A So I was mistaken at the time I wrote this. I
2 was actually not mistaken; I was incorrect, as a matter of
3 fact. But over six years and investigating, trying to get
4 the truth of Phoenix's life out to the entire child
5 protection system, I remembered a few more times.

6 Q Okay. So your evidence is it was seven times?

7 A That's being generous, and I keep saying that:
8 being generous.

9 Q In your evidence yesterday, and now we're talking
10 about the period after the death of Echo, you commented
11 about the lack of supports to Steven after the death of
12 Echo. Do you recall your concerns about that, expressing
13 concerns?

14 A Yeah, I recall expressing these concerns, yes,
15 because it was relied -- I was the one that was relied upon
16 to -- Kim, do some -- talk to Steve; I think he's going to
17 fall into, into drinking --

18 Q And when you --

19 A -- by the family.

20 Q When you say "relied upon" and these comments
21 were made to you, those were made to you by Steve's family?

22 A Yes.

23 Q And we've heard evidence in these proceedings
24 that Steve was offered support by Delores Chief-Abigosis.

25 A I don't know anything about that.

1 Q Okay. So he didn't tell you that he'd been
2 offered support and declined?

3 A He may not have told me. It may not have
4 happened.

5 Q You're saying Delores Chief-Abigosis may have
6 fabricated that?

7 THE COURT: No, I think she said --

8 UNIDENTIFIED PERSON: (Inaudible) said, no.

9 UNIDENTIFIED PERSON: No.

10 THE COURT: -- that Steve didn't tell her about
11 that. Isn't that what you said?

12 THE WITNESS: Yes. And then I said, or it may
13 not have happened. Like, I don't know. This is a question
14 you'd have to tell Steve. Like, I never knew of, of any
15 social worker, Steve never told me of any social worker
16 ever approaching him in regards to helping him or give him
17 relief of his daughter, because I was giving him that
18 relief by taking Phoenix to stay with me without any CFS
19 knowledge whatsoever. You think that if the social worker
20 was talking to Steve she would have come at least to see me
21 and say, well, hey, is your home acceptable? Are you
22 acceptable? And that never happened, so ...

23

24 BY MR. MCKINNON:

25 Q Well, how, how would that social worker know

1 about your involvement?

2 A The family. I, at, at funeral time I took
3 Phoenix to my ex, my ex's new wife's mother's. I took
4 Phoenix.

5 Q But when you say --

6 A So if the social worker was involved at funeral
7 time, they would know what they would say? Well, Steve,
8 where's Phoenix?

9 THE COURT: Okay. Now, just, just wait for the
10 next question.

11 THE WITNESS: I will, Your Honour.

12 THE COURT: You're doing fine, but just, just
13 listen to the question and answer it as best you can.

14 THE WITNESS: I will.

15

16 BY MR. MCKINNON:

17 Q And my understanding as well is that Kathy Epps
18 offered supports to Steven and they were declined. Would
19 you know about that?

20 A No.

21 Q Would you agree with me that at this point, 2001,
22 that there were no child protection concerns regarding
23 Phoenix? You were not concerned for Phoenix's safety,
24 correct?

25 A Correct.

1 Q You were not concerned for, for Phoenix's
2 wellbeing?

3 A Correct.

4 Q And you would agree with me, because you
5 understand the CFS system now, for sure, you would agree
6 with me that CFS can't impose itself on people who don't
7 want to accept their services if there are no child
8 protection concerns. Would you agree with that statement?

9 A I guess I would have to.

10 Q Sure. I want to talk to you, then, about 2003.

11 A However -- can, can I be asked that question
12 again, because I'm not -- I, I answered it and then I
13 thought about his question again.

14 THE COURT: If you want to add something to it,
15 you go ahead. And then if that prompts another question
16 from Mr. McKinnon, he'll ask it.

17 THE WITNESS: I had no concern and Steve had no
18 concern in regards to his daughter. However, if I was a
19 social worker, and I know that this man has a history in
20 CFS. He just lost his baby daughter, was dragged down to
21 the police station until the autopsy was done and concluded
22 it wasn't his fault, just buried his daughter, I think that
23 I would do a little more than insisting, going, Steve, do
24 you need some help, and him going, no, I'm okay. Because
25 if the social worker knew Steve, Steve really -- Steve is a

1 very independent person and he doesn't reach out and he
2 doesn't ask for help; neither do I, Your Honour, unless I
3 really have to.

4 THE COURT: But, but if you said that with
5 respect to the two social workers that Mr. McKinnon has
6 identified, Chief --

7 THE WITNESS: Neither one of them.

8 THE COURT: -- Chief-Abigosis and Ms. Epps, you
9 -- Steve didn't tell you anything about that?

10 THE WITNESS: Steve didn't tell them anything
11 about that but I, I -- the record states that Steve told
12 them all about me and nobody came to see me.

13 THE COURT: No, no. But, no, no. But the point
14 is, Steve didn't tell you that they had offered services to
15 him?

16 THE WITNESS: No.

17 THE COURT: No. Okay. What's the next question?

18 MR. MCKINNON: Thank you.

19

20 BY MR. MCKINNON:

21 Q The incident involving the Styrofoam being lodged
22 in Phoenix's nose, you described that yesterday.

23 A Yes, I did.

24 Q And were you here when, when Ron gave his
25 evidence?

1 A Yes, I was.

2 Q And there was some discussion about how came to
3 be identified as the godfather in, in the hospital charts?

4 A Yes.

5 Q And, and --

6 A I also believe, hearing him testify, that he
7 doesn't believe in godparents and stuff and the religious
8 right of it.

9 Q But that's a chart that's not prepared by CFS,
10 that's prepared by the hospital?

11 A Absolutely.

12 Q And there was reference to you taking Phoenix to
13 a walk-in clinic?

14 A Yes.

15 Q And you didn't have a health card, didn't have a
16 health number for Phoenix?

17 A I didn't have a health number for Phoenix, no.

18 Q How difficult would it have been for you to get a
19 health number for Phoenix?

20 A Probably --

21 Q Why --

22 A -- quite difficult because I'm not a blood
23 relative or I, I can't just go in and get one.

24 Q Couldn't you ask Steve?

25 A I'm sure Steve could.

1 Q Yes. My suggestion to you is that when you took
2 Phoenix to a walk-in clinic and you couldn't get service
3 because of the lack of a health card, the obvious solution
4 was to contact Steve and get a health number?

5 A Steve wasn't necessarily the easiest person to
6 contact because he's always doing walkabouts in his
7 community, volunteering and helping other people in his
8 community. And at that time, when I took her to the walk-
9 in clinic and I told them to do that thing in her nose,
10 it's exactly the same thing that they would do in a
11 hospital, is they would put a little local, a local
12 anesthetic in her nose just to dull the pain, they would
13 take a long pair of, of tweezers --

14 THE COURT: Yeah, but witness --

15 THE WITNESS: -- and pull it. That's what I was
16 instructed to do, that's what I did.

17 MR. MCKINNON: I'm not criticizing that.

18 THE COURT: The questions relate to the existence
19 of a health card.

20 THE WITNESS: Absolutely.

21

22 BY MR. MCKINNON:

23 Q The other --

24 A I'm sure Steve had his health card because he
25 took Phoenix to the doctor. He took his daughter Echo to

1 the daughter, so I'm sure he had their health cards.

2 Q But the evidence we've heard is that the
3 Styrofoam had been in the nose since November and this was
4 February.

5 A I don't think it was November. I dispute on
6 that.

7 Q Well, that's, that's what's on the health chart.
8 And my suggestion to you is that to wait four months --

9 A I didn't wait four months.

10 Q Well, Phoenix was with you, I thought, during
11 this time, most of the time.

12 A You have kids; kids have runny nose. It started
13 off as a runny nose. That's how it started off, was a
14 runny nose. Wiped her nose.

15 Q We've heard a lot of evidence in this proceeding
16 as to whether or not this was a medical emergency requiring
17 a 48-hour response time or a five-day response time, but my
18 suggestion to you is that you knew about it for months and
19 you didn't consider it a medical emergency, you didn't, you
20 didn't pick up the phone, you didn't call Steve and you
21 didn't get his health -- her health card number.

22 A I took her to the doctor. The doctor told me to
23 take her home because I didn't have a health card for her,
24 a medical number for her. Take a piece of -- take a set of
25 tweezers, put it up her nose, grab it and pull. Then when

1 that didn't work and she was in excruciating pain, my ex-
2 husband took her down to the hospital where he knew that he
3 would get treatment for her.

4 Q My suggestion to you is this --

5 A We did something about it and, you know what, it
6 obviously wasn't a medical emergency because even after
7 that we didn't hear anything from the social workers.

8 THE COURT: All right. Now, Mr. McKinnon has
9 another question.

10

11 BY MR. MCKINNON:

12 Q Was the reason you didn't request a medical card
13 for Phoenix and attend with a medical card is that you were
14 trying to stay under the radar to be --

15 A Could be. We -- you know what, that could be.
16 That's the answer you're looking for, I'll give it to you.
17 But you know what, the reason I didn't apply for a medical
18 card is because my name is Kimberly Edwards and my children
19 are Frankie, Andrew and Paul, no Phoenix. I can't go apply
20 for a medical card. Were we trying to keep Phoenix out of
21 CFS? Yes. Why? There -- I think there's, there's,
22 there's people sitting in the, in the, in the gallery that
23 can answer that question way better than I can because all
24 I -- my only, only beef with Child and Family Services is
25 the fact that they never listened to the truth on Phoenix.

1 I'm not bitter because of my experience, because I got my
2 daughter back, Your Honour, within a year, after being beat
3 down by a man. And I have never been bothered by CFS
4 again.

5 THE COURT: All right. So your next question,
6 Mr. McKinnon?

7

8 BY MR. MCKINNON:

9 Q We heard Steve testify that in around this time,
10 this was after the attendance at the hospital when the
11 foreign body was removed from the nose, we've heard a
12 witness testify that she tried to contact Steve every
13 month, March, April, May, June. I think there were five or
14 six calls in that period of time. She couldn't find Steve
15 and she couldn't find Phoenix.

16 A Why not? It was in her file?

17 Q Steve -- let me ask the question.

18 A I'm, I'm, I'm sorry. I --

19 Q Steve told us --

20 A (Inaudible).

21 Q -- that he knew that Laura Forrest was trying to
22 reach him. She knew that he was -- he knew that she was
23 leaving her card in the mailbox, he knew that she was
24 writing, he knew that she was looking for Phoenix. Did
25 Steve tell you that?

1 A No.

2 Q According to my notes, he said he wouldn't let
3 Laura Forrest past the door. He didn't want to tell Laura
4 Forrest where Phoenix was. He didn't want Laura Forrest to
5 get up in Kim Edwards' face and he knew Phoenix was safe.
6 He thought she would be apprehended. Did he share that
7 with you?

8 A No. He didn't. But there's so, there's so much
9 wrong with that, in knowing Steve.

10 Q This is your opportunity to say what's wrong with
11 that.

12 A First thing is, Steve wouldn't, would offer up my
13 phone number. Steve doesn't buck that authorities, he
14 doesn't say, you know, screw you or screw the white
15 establishment. In fact, it's more or less the other way
16 around, Your Honour. And if somebody would have come to
17 his door, if somebody would have come to my door, I
18 wouldn't let them past my door either.

19 Q But when you say --

20 A And -- can I finish?

21 Q Absolutely.

22 A And number two, like I said, Steve would have
23 given her my phone number to contact me if there was a
24 concern in regards to Phoenix. Now, if Steve was not doing
25 this, then I can't testify as to whether Steve let her in

1 the door, whether Steve didn't want her to contact me or
2 whatever, but the word, get up in my face, Steve Sinclair
3 would never use.

4 Q These are my notes; they could be wrong. The
5 Commissioner will check the transcript.

6 A No, absolutely, I'm sure.

7 Q Because this -- what I put to you is my
8 recollection and my notes of what Steve's testimony was
9 just last week.

10 A Just last week, with the --

11 Q Yes.

12 A -- with the same kind of feeling that I have
13 watching people talk about his daughter and write reports
14 about his daughter and not be talked to in all the time
15 that it took to get us to this Commission, Your Honour.
16 The same man that knows that there is a pile of factual
17 evidence against the word of him, a man with a child-in-
18 care file.

19 Q Are you through?

20 A Yes.

21 Q Want to take you to the next incident in your
22 letter to the premier at page 12404. It's dated July 2002.

23 It says:

24

25 "Phoenix goes home for extended

1 visit as I have to go away for a
2 couple of weeks - when I returned
3 Steve told me she was apprehended
4 by CFS."

5

6 And then you put in brackets:

7

8 "(our fears)"

9

10 A "Our fears".

11 Q Right?

12 A It's my handwriting.

13 Q Okay.

14 A You're taking it out of context.

15 Q Well, I'm not taking it out of context, I'm
16 reading the whole sentence.

17 A No, you are, you're -- okay, you're not taking it
18 out of context you're just twisting it around.

19 Q Well, you, you can untwist it.

20 A But yes, I wrote this letter.

21 Q I'm here to be fair and I'm going to give you the
22 opportunity to untwist it. So, so if that's -- if I've
23 twisted it, then you untwist it.

24 A Sitting here six years later is not being fair.

25 Q Okay. Let me, just on the date --

1 A I'm sure your clients were all over the social
2 workers, giving them their opportunity to tell their side
3 of the story six years ago, not us.

4 Q Just looking at the --

5 A You take that into account, too.

6 Q Just looking at the date. The evidence we've
7 heard in this inquiry is that was in 2003, June of 2003.

8 A Yes.

9 Q Do you accept that this occurred in June of 2003?

10 A I could be wrong on the 2002 date. Everything in
11 here is in my files, or your files, except for a year
12 behind.

13 Q Just trying to get your evidence as to which date
14 you recall.

15 A I don't recall the exact day. I recall
16 birthdays.

17 THE COURT: She -- the witness has agreed that
18 she could be mistaken.

19 MR. MCKINNON: Okay.

20

21 BY MR. MCKINNON:

22 Q Yesterday Ms. Walsh asked you about this second
23 apprehension in June of 2003, whatever date it was, and
24 according to my notes you testified that you were at McMunn
25 in late June and early July.

1 A Yes.

2 Q And when you got back some time in July, within a
3 day, you learned from Steve that Phoenix was apprehended.
4 That's your recollection?

5 A That's my recollection. That's what I said
6 yesterday.

7 Q And according to my notes, and forgive me,
8 they're not verbatim --

9 A Well, maybe they should be.

10 Q Well, let me finish the question and then you can
11 make your argument.

12 A I don't have an argument. I'm just saying that,
13 you know, should be verbatim if you're quoting me.

14 THE COURT: Well, Witness, he's doing his best
15 from his ability to take down the notes when the evidence
16 is being given. None of us have got the transcript yet
17 from the, from the court reporter. So I think all anyone
18 can do is make their best effort, and he says that's what
19 he's doing. If you think he's incorrect, you certainly can
20 say so.

21 THE WITNESS: All right. Thank you. I'm sorry.

22

23 BY MR. MCKINNON:

24 Q You said something along the following lines:
25 All that time we were taking care of Phoenix, trying to

1 keep her safe was in vain, now CFS has her. Do you recall
2 saying something to that effect, Ms. Edwards?

3 A Sure, because it's a true and accurate statement.
4 So yeah, something that ...

5 Q So the you were taking care of Phoenix to, to
6 avoid CFS; that was part of why you were doing that?

7 A I was taking care of Phoenix because Steve asked
8 me to look after his little girl. I wasn't, in 2000, 2001,
9 2002, 2003 and 2004 trying to hide from CFS. We were
10 trying to keep a little girl out of a system that by me
11 taking her, this was happening. And she was safe and she
12 was happy. We giggled every day. And she loved her dad
13 and her dad loved her.

14 Q Do you want to take a break?

15 A No, I'm good. But you just keep in mind what
16 we're dealing with. We're dealing with a child. My God.
17 Everything is just cold hard facts here.

18 MS. WALSH: I think it --

19 THE WITNESS: I think it's --

20 THE COURT: I think it's time for a break.

21 THE WITNESS: -- I do need a break.

22 THE COURT: Yeah. We'll take a 15-minute break.

23 Thank you.

24

25 (BRIEF RECESS)

1 THE COURT: All right. Ready to proceed,
2 Witness?

3 THE WITNESS: Yes.

4 THE COURT: All right, Mr. McKinnon.

5

6 BY MR. MCKINNON:

7 Q Let me commence again, Ms. Edwards, by saying
8 what I said at the outset, that no one here doubts your
9 love and affection for Phoenix, and it's my suggestion to
10 you that it was your love and affection for Phoenix that
11 was motivating you throughout this whole period of time.
12 Is that fair?

13 A That is fair, but is -- my love and affection for
14 Phoenix is not what I'm trying to convey to this
15 Commission.

16 Q Okay. But when we broke, my notes of your last
17 statement was that it was your goal to keep Phoenix out of
18 the system; that was your goal?

19 A Yes.

20 Q And that was motivated by your love for Phoenix?

21 A Yes.

22 Q And it was motivated by your loyalty to Steve?

23 A More so my loyalty to Phoenix.

24 Q Your husband, Ron, or your former husband, Ron,
25 testified last week that CFS only breaks families up. Is

1 that your view?

2 A It is now, after six years of being so involved
3 in the child protection system with clients of my
4 foundation.

5 Q That is your view? I'm not sure I heard.

6 A That is my view now. It wasn't my view at the
7 time that I had Phoenix.

8 Q Prior to the second apprehension, was it your
9 fear that CFS would apprehend Phoenix because Steve was
10 unable to provide care and was relying upon you to provide
11 care and you didn't want to disclose that to CFS? Was that
12 your fear?

13 A Can you repeat that question because I don't -- I
14 never had fear back then.

15 Q Well, I'm, I'm, I'm looking at your letter to the
16 premier where you say, that was our fear.

17 A That was our fear. Well, the ...

18 Q And, and what I'm suggesting to you --

19 A Not necessarily CFS, just it doesn't take a
20 genius to, to know that a child who has a home and a loving
21 family and so forth is not going to thrive as well as one
22 that's in a, in the system.

23 Q But in answer to my --

24 A So yeah, I guess did we fear? Okay, we feared.

25 Q Okay. And is that why you didn't want to

1 disclose to CFS that you were primarily providing care for
2 Phoenix? Is that why you were afraid of apprehension?

3 A Again, calling CFS when I was looking after that
4 little girl never crossed my mind. It wasn't that I was --
5 what was the word that you used? I don't want to misquote
6 you.

7 Q Concealing.

8 A Concealing. I was not concealing anything. Had
9 CFS come to my door, I would have said, absolutely, come on
10 in, sit down, meet the girl, she's great.

11 Q Your evidence yesterday was that when you learned
12 of this apprehension, the second apprehension, that's when
13 you called Northwest Child and Family Services to tell them
14 that Phoenix had been staying with you. And again,
15 according to my notes, you said, we need to go and get her,
16 said to Steve, we need to do this and we should fess
17 everything up. That's my notes. You were going to fess
18 everything up to CFS.

19 A Yeah. That Phoenix was living with me, that he
20 hadn't been the primary caregiver of Phoenix. That's what
21 I was talking about. And I believe that my exact words,
22 when, when, when Steve told me about the apprehension, is,
23 we've got to go save her.

24 Q And the reason that you were prepared to fess up
25 at this time was you wanted to get Phoenix back?

1 A Yes.

2 Q And so when it was to your advantage, terms of
3 your love for Phoenix, you disclosed to CFS that Phoenix
4 had been spending most of the time with you?

5 A Well, sir, at the time that I fessed up to CFS --

6 Q Yes.

7 A -- CFS did have her.

8 Q Right.

9 A Right. The --

10 Q You wanted her back?

11 A -- other time -- yes. Yeah, I want her --

12 Q You wanted her back?

13 A Well, yeah, I want her back. All right. Now,
14 when I had her there was nothing to fess up and I wasn't
15 reaching out, I wasn't hiding. Phoenix was safe, in my
16 mind, in my eyes, in my view, and everybody else who knew
17 me's view, in Steve's family's view, in Steve's view,
18 Phoenix was safe with me. And everybody that I just
19 mentioned, when she was with CFS, after the apprehension,
20 she wasn't any of these things.

21 Q Okay.

22 A Because it's clear, children are not safe in this
23 Manitoba system.

24 Q Okay. And I understand that point of view, and
25 I, and I appreciate hearing it from you.

1 I want to talk now about where you were living at
2 this time. When Ron gave evidence a week ago, he said that
3 you were not living at 1331 Selkirk with him and that
4 Phoenix and the children were living with him from the
5 beginning of 2003 onward; that is, that you were out of the
6 home. Is that correct?

7 A No, it is not correct at all. It doesn't make
8 any sense logically, considering I was the place of safety.
9 There are welfare records of me having Phoenix in that
10 home, not collecting any kind of money from Phoenix, but
11 records of that, yes, there is.

12 Q Okay. So I, I just want to know what your
13 recollection is. Do you (inaudible) --

14 A My --

15 Q Do you --

16 A My recollection is leaving -- this is what my
17 recollection is, leaving December 2000 -- sorry, leaving
18 December 2002, on my daughter's sixteenth birthday.

19 Q (Inaudible).

20 A What I resolved to recollect is the 2003, so that
21 would put me there the summer of 2003 when Phoenix was
22 apprehended and Stan Williams came and sat with me in the
23 kitchen of, of -- I was living at 1331 Selkirk. What more
24 is there to clarify?

25 Q Well, I'm still confused because you're telling

1 me your recollection as it was 2002 but you've resolved to
2 recollect that it was 2003, which --

3 A Can I resolve that all the records that -- I will
4 not resolve that it wasn't 2002; I will not resolve that
5 it's 2003. What I will resolve is the records are
6 incorrect and that is why my memory is so fuzzy, let's just
7 say.

8 Q Okay. Well, let's see if we can help remind you,
9 because you were at McMunn in 2003. You went away for a
10 month. Was that an attempt to reconcile your marriage?

11 A No, it was, it was an attempt to take my children
12 out and put all my children together because one child
13 lived with me, two children lived with Ron, and it was an
14 attempt at a family gathering together for two weeks and
15 going a little bit fishing, a little bit swimming, a little
16 bit horseback riding.

17 Q Okay.

18 A That's what it was an attempt to do.

19 Q I'd like to take you to your police station. You
20 recall giving a police statement in --

21 A Yes, I do recall --

22 Q -- 2006?

23 A -- giving a police statement to the police in
24 regards to my dead daughter.

25 Q This is Commission disclosure 144 and it starts

1 at page 5644.

2 THE COURT: 5076?

3 MR. MCKINNON: Sorry, that's Steve. Sorry, I've
4 got the wrong one. No wonder I can't find it.

5 THE COURT: What's the date of it, Mr. McKinnon?

6 MR. MCKINNON: I'm just going to find it again.
7 I pulled the wrong one out; I'm sorry, Mr. Commissioner.

8 The Commission disclosure is 112. It starts at
9 page 5075.

10 THE COURT: I have it.

11

12 BY MR. MCKINNON:

13 Q And I'm going to take you to page 5079 of that
14 police statement, the bottom of the page. You're being
15 interviewed by the police officer and his name appears to
16 be Code (phonetic). He says:

17

18 Take a minute to read the previous
19 portions of it if you need to, to
20 refresh your memory.

21

22 But at the conclusion he says:

23

24 "Sorry. Left who in December?"

25

1 And you say:

2

3 "My ex-husband."

4

5 And police officer says:

6

7 "Okay."

8

9 And then you say:

10

11 "Yeah, I moved out of the home and
12 he moved into the home in
13 December. [Yeah.]"

14

15 Sorry:

16

17 "I'm sure, yeah, it was December."

18 "Of what year?"

19

20 Then you say:

21

22 "But Phoenix... Ah ... 2000...
23 [It's] 2002, just coming into
24 2003."

25

1 And he says:

2

3 "Okay."

4

5 A Okay. I, I see that.

6 Q So --

7 A And I understand that. And I am pretty sure that
8 I've been saying this all along, that I recollect
9 everything in your files to be one year off. December 2002
10 would turn into December 2003 by your records. I'm not
11 lying, I'm not changing my testimony, I'm not changing my
12 statement to the police because I'm about the only person
13 whose testimony here today and for the last six years have
14 remained consistent.

15 Q And --

16 THE COURT: Witness, are you saying what Mr.
17 McKinnon just read out to you is correct?

18 THE WITNESS: I'm saying by my recollection, Sir,
19 it is 2002. However, there are documents, one or two odd
20 documents, that have the, the date of '03. One is the
21 apprehension of -- and it's the police record -- or the
22 police report of 2003, and I believe the other one is the
23 apprehension.

24 THE COURT: So it is the existence of those
25 documents cause you to think maybe it was '03 --

1 THE WITNESS: It's the existence of only those
2 documents because, Sir, for six years I told the same
3 story.

4 THE COURT: Oh, I don't -- I'm not arguing --

5 THE WITNESS: You know, I shouldn't say told the
6 same story. I kept consistent.

7 THE COURT: But I --

8 THE WITNESS: Outside the courtroom.

9 THE COURT: Are you agreeing now that it could be
10 '03?

11 THE WITNESS: It could be.

12 THE COURT: Yes.

13 THE WITNESS: I could be wrong.

14 THE COURT: Okay.

15 THE WITNESS: There was a year where --

16 THE COURT: Well, as you said earlier this
17 morning, we all make mistakes.

18 THE WITNESS: I was very laid up and I have
19 medical records to prove this, very laid up for one year.
20 I believe that year was 2002 and it was, it was in the end
21 of that year when I left that I began getting better
22 physically.

23

24 BY MR. MCKINNON:

25 Q Just going to take you to another portion of your

1 police station, 5086. Midway in that page, the police
2 officer says:

3

4 "Okay. Ahm, and then in, you said
5 in late December of 2002/early
6 January of 2003, Phoenix went to
7 your ex-husband's place?"

8

9 And you said:

10

11 "Yeah, well it was, ... I had
12 moved out."

13

14 A I don't understand that. I never did understand
15 this police record, or this police -- when, when they do
16 that. Like, does that make any kind of sense to you
17 whatsoever, that whole sentence? Can, can I read it out
18 loud again?

19 THE COURT: Yes. Yes.

20 THE WITNESS:

21 "Okay. Ahm, and then ... you said
22 in ... December of [2000]/early
23 January ... 2003, Phoenix went to
24 your ex-husband's place?"

25

1 Question. Answer:

2

3 "Yeah, well, it was ..."

4

5 What is C-U?

6

7 "I had moved out."

8

9 I told them off earlier that I had moved out in December of
10 two thousand ...

11

12 BY MR. MCKINNON:

13 Q My question -- I'm just trying to get to what
14 your actual recollection is.

15 A My actual recollection is, is I divorced my --
16 well, divorced my husband finalized in 2009 or '10, not
17 quite sure, one of those -- whatever year he got married.
18 But at that time, I left my husband December -- told him it
19 was over, I'm gone tomorrow. I will stick around and then
20 I left. December 26th, I recollect 2002.

21 Q That's -- and that's consistent with your
22 husband's, your former husband's testimony where he says
23 you were not in the home in --

24 A Right.

25 Q -- 2003.

1 A But what isn't consistent is that Phoenix was
2 only after I left. I was only gone and Phoenix was gone in
3 April after I left Ron. There was no another year he
4 looked after for a whole other year. There wasn't another
5 year. There was a few months between 1331 and Selkirk and
6 Winnipeg Avenue where I lived with Phoenix. That's what
7 I'm saying, sir.

8 Q In your evidence yesterday you made reference to
9 a lost year. You said there's a lost year.

10 A Yeah. Yeah.

11 Q And that's what we're talking about right now,
12 which --

13 A I --

14 Q -- year was the lost year? That's what I'm
15 trying to get?

16 A Or (inaudible).

17 Q Well, depending on who's looking --

18 A Depending on your view. And I've just explained
19 that there was a year where I was laid up and there are
20 medical records to prove this, where she was with me. I
21 believe that was 2002. I was still not feeling myself when
22 Phoenix was put with me, because I remember the little -- I
23 remember all my children.

24 Q And I'm having difficulty understanding when that
25 was. When was that, that you had this health problem and

1 Phoenix was put with you?

2 A 2002.

3 Q Okay.

4 A And then I left my husband, by my recollection,
5 December of 2002. Your records say three. He recalls two.

6 Q But we --

7 A But everything in between 2002 and 2004 make no,
8 no -- to the rest of us make no sense. It only makes sense
9 to the people who have placed this investigation together
10 with bits and pieces of the truth.

11 Q Tell me this, when we talk about the lost year,
12 you make reference yesterday to what you describe as couch
13 surfing.

14 A Yeah.

15 Q Not an expression I had before but I'm told that
16 means --

17 A You've never heard that (inaudible)? Well, maybe
18 you've never been poor before, maybe you've never been
19 homeless.

20 Q That's --

21 A All right?

22 Q That's what I'm going to --

23 A Maybe that's the --

24 Q -- ask you to clarify?

25 A Couch surfing means going --

1 THE COURT: Now, Witness, just wait. He's got a
2 question. Let's have it.

3

4 BY MR. MCKINNON:

5 Q Is it possible that's the lost year?

6 A No, that is not possible the lost year. I wasn't
7 drifting around doing drugs or anything like that to lose
8 my memory.

9 Q I'm not saying you lost your memory.

10 A Well, no, but that's where you're headed, sir.

11 Q No, I'm not?

12 A Really?

13 Q No. I'm not --

14 A That lost --

15 Q -- suggesting that.

16 A -- year was the year that I could not, I couldn't
17 stand up for more than 15 minutes. I had to -- I went out
18 and I bought a, one of those disposable -- not disposable,
19 the fold-up massage tables because I couldn't sit at the
20 kitchen -- or at the dining room table and play family
21 games with my children, I had to lay there and do it. And
22 I'm sure if you put my ex-husband back on the stand, that
23 will all, all that memory will come right flooding back to
24 him. And I'm sure if you put my daughter on the stand and
25 my son on the stand, because when, when their dad wasn't

1 around in the middle of the night and I was going through
2 this, there -- I'm sure there are hospital phone records of
3 me phoning in and ask, and asking emergency what a stroke
4 is. You have to come. I don't have -- you know what, tell
5 me the symptoms of it.

6 THE COURT: All right. Now, let's, let's have
7 Mr. McKinnon's next question.

8

9 BY MR. MCKINNON:

10 Q Let's, let's get to a real fundamental question.

11 A (Inaudible).

12 Q The incident when Samantha came and picked
13 Phoenix up for the last time ...

14 A Yes.

15 Q Was Phoenix nearly three or Phoenix nearly four?

16 A By my recollection, she was nearly three.

17 Q Okay.

18 A By my dates. But they could be wrong.

19 Q And --

20 A Because everybody makes mistakes.

21 Q What I am interested in, in particular, is the
22 issue around when you went to get Phoenix back from
23 Northwest CFS and you became a place of safety, we have
24 signed documents signed by you, you've seen them yesterday,
25 saying that was --

1 A Not only signed but as well filled --

2 THE COURT: Just let him --

3 THE WITNESS: -- out by me.

4 THE COURT: Let him finish.

5

6 BY MR. MCKINNON:

7 Q Saying that occurred in July of 2003.

8 A Yes.

9 Q Are you suggesting that didn't happen in 2003?

10 A That is what I'm suggesting, yes.

11 Q Okay. And what I'm going to suggest to you is
12 that it happened in 2003 and you misled CFS as to where you
13 were living. You told CFS you were still living at 1331
14 Selkirk and, in fact, you had moved out, just as you told
15 the police in your police statement twice, just as you told
16 the premier in your letter, and, and I would venture to say
17 you've said many, many times to many people, because you
18 have been consistent on that, you moved out in December of
19 2002 --

20 A Oh, please.

21 Q -- and you weren't living there in 2003 and you
22 misled CFS when you signed that place of safety agreement.

23 A I'm suggesting that I lived and have proof that I
24 lived at 1331 Selkirk when Phoenix was taken. I'm also
25 suggesting that your client's documents, or CFS documents,

1 are cut and pasted. That is what I believe. Because you
2 know what, I am not someone who is uneducated, I am not
3 someone who doesn't know things, and if you put a screen
4 over there on that wall, give me any one of your documents,
5 I will cut and past Ms. Walsh's documents to look like your
6 documents because it can be done very easily, Your Honour.

7 THE COURT: I understand that's what you think
8 and, and you're quite entitled to express that, as you
9 have.

10 Now, what's the next question?

11

12 BY MR. MCKINNON:

13 Q If I can take the witness to page 36620. And
14 this is the place of safety form. And the note on the side
15 says that Ron Stephenson is not living in the home but is
16 co-parenting.

17 A Yes, it does.

18 Q Ron says that note was incorrect. He says it was
19 you that was not living in the home and that the two of you
20 were co-parenting. What --

21 A Ron also said a lot of things on the stand, like
22 he had a bad memory and that he was a liar and your clients
23 were incompetent.

24 Q But Ron --

25 A And yeah, no, I dispute that.

1 Q Ron's --

2 A I --

3 Q -- testimony is consistent with your statement to
4 the police and it's consistent with your recollection, and
5 I'm suggesting to you that it's true --

6 A I'm suggesting --

7 Q -- that, that the --

8 A -- you that it's not.

9 Q -- the logical conclusion --

10 THE COURT: Just a minute. Now, just let, let
11 Mr. McKinnon finish his question and you can respond.

12

13 BY MR. MCKINNON:

14 Q The logical conclusion we can reach, if your
15 marriage broke up and you left the home in 2002, is that it
16 was Ron who was living at --

17 A Okay.

18 Q -- 1331.

19 A Absolute. Why would, why would welfare
20 investigate me, a criminal --

21 Q That's --

22 A No, no. No, you --

23 Q I'm not asking you about welfare. I don't --

24 A Well, well, Ron lied, then. Shall I say Ron
25 lied? I would have prefer to say Ron was mistaken and I

1 remember making that notation. And why he would make that
2 notation, because it was an issue that we were split up.
3 We weren't trying to hide anything. I told Stan Williams,
4 and I told Stan Williams that Ron was around in that house
5 a lot. I told, well, Stan Williams that Phoenix would be
6 going out to the country a lot because that's what she had
7 been doing for the, the first two years of her life. That
8 is what I told Stan Williams and that is why it's noted
9 like that. If Ron was living in the home and filled out
10 these applications, Ron's name would be first, not me,
11 because it doesn't go on the mother, the foster mother, it
12 goes on the parent who's making the application. And I
13 made the application. Ron is the co-parent. And, and in
14 asterisks he says, not living in the, in the home. That is
15 in regards to Ron.

16 Q And Ron --

17 A Not me, Ron.

18 Q And Ron says that's false and you say --

19 A And I say Ron's a liar.

20 Q -- you say that's false because you told the
21 police that you'd left the home. I'm telling -- I'm
22 suggesting to you --

23 A It's --

24 Q -- that what you told the police was correct,
25 that your recollection that you told, testified to a moment

1 ago is correct and that this document is false.

2 A I also told this court that my recollection of
3 2002 is consistent with Phoenix being placed in my home in
4 the fall of 2002. Instead of September of 2003 she would
5 have been placed in my home in September of 2004.

6 THE COURT: No, the question --

7 THE WITNESS: Or, sorry, 2002.

8 THE COURT: The question was whether, in your
9 view, this document is false. That was the question.

10 THE WITNESS: This document?

11 THE COURT: Yes.

12 THE WITNESS: I do not believe -- or I believe
13 that this document is false because I don't recall seeing
14 my signature on this document. This is one document that
15 isn't filled out by my handwriting and everything else,
16 including the police checks, are filled out in my
17 handwriting, signed by Ron, signed by me, hand delivered by
18 me to wherever the office is.

19

20 BY MR. MCKINNON:

21 Q Well, if we look at the one that you did sign,
22 it's got the same date on it.

23 A It's got the same date on it, but was this put
24 together in front of me? I don't recall whether this was
25 put together in front of me. Do I recall signing it? If

1 my signature is on there. Do I recall being left a stack
2 of papers, including the criminal record checks? Yes, I
3 do. Do I remember filling them out and getting Ron to --
4 stopping by Ron's house to get his signature on them while
5 I went -- I, I know it was in the Exchange District or the,
6 the, the old district. I can't tell you exactly where the
7 building was, but went right past Ron's house, got him to
8 sign these documents and hand delivered them to intake --
9 the, the front counter.

10 THE COURT: All right.

11 THE WITNESS: That is how CFS got those
12 documents.

13

14 BY MR. MCKINNON:

15 Q Okay. Let me, let me just try to put to you,
16 rather than go through it in this detail, I'll put to you
17 my --

18 A Why not go through it in detail --

19 Q I --

20 A -- because when you go through it in detail you
21 get the truth.

22 THE COURT: No. No. No. Mr. McKinnon is
23 entitled to put the questions he wants and you have a
24 counsel here that will ask any questions that feels
25 necessary.

1 THE WITNESS: I understand how it works, Your
2 Honour. I just, I mean by that is it's in the details that
3 you will find the truth.

4 THE COURT: Okay.

5

6 BY MR. MCKINNON:

7 Q My suggestion to you is that in 2003 Ron was
8 living in the house and you were out of the house. Ron was
9 working evenings. Phoenix was staying in the home, being
10 cared for by your 11-year-old and your 13-year-old, and
11 that you were coming by during the day sometimes but not
12 all the time. Ron was becoming tired, Ron was worn out and
13 he wasn't getting the support from you that he needed to
14 fulfill his obligations. That's my suggestion to you.

15 A In 2003?

16 Q In 2003.

17 A Well, my suggestion to you is that if my
18 recalling leaving in 2002, my husband, you need to attach
19 the apprehension of two thousand, the summer of, of 2002.
20 Everything happened that you have down here. Move it ahead
21 one year. If I'm recalling not being in the home in 2002,
22 in the summer of 2002, then I'm telling you the
23 apprehension happened in summer of 2002. If I wasn't in
24 the home in two -- do you understand what I'm saying?

25 Q I think I have your evidence on the point. I

1 think I know what you're saying?

2 A Do you?

3 Q Yes.

4 A Because I really don't want to be misconstrued on
5 this.

6 Q I think I have your point.

7 A If I wasn't in the home in 2003 --

8 THE COURT: (Inaudible).

9 THE WITNESS: -- it was because I left December
10 of 2002.

11 THE COURT: Is there, is there --

12 THE WITNESS: If --

13 THE COURT: -- anything else you want to say, and
14 then we'll have Mr. McKinnon's next question.

15 THE WITNESS: Yeah.

16 THE COURT: Say it.

17 THE WITNESS: Well, I don't want to be done is
18 that my, my, my vague recollection that, my, my
19 recollection for six years that has become fuzzy because of
20 all these mixed-up dates and all this stuff, fuzzy, right,
21 that doesn't mean I left in 2002 and Ron was her foster,
22 foster parent for the apprehension of 2003 and all that,
23 because that all occurred with me in 2002. I could be
24 wrong on that date and it could be 2003, but I was not out
25 of the home for a year and a half before Phoenix was taken

1 from Ron's house. I was out of the house the maximum five
2 months and she was gone. So you're not going to set me up
3 by saying and have the press publish that I was collecting
4 welfare and blah-blah-blah --

5 MR. MCKINNON: (Inaudible).

6 THE WITNESS: -- by twisting it around. If it
7 was --

8 THE COURT: Well, he --

9 MR. MCKINNON: I want you --

10 THE WITNESS: -- 2002 I left --

11 THE COURT: Mr. McKinnon is not talking about
12 welfare.

13 MR. MCKINNON: Yeah.

14 THE WITNESS: I know he's not.

15

16 BY MR. MCKINNON:

17 Q It's important to me --

18 A I am tell --

19 Q -- that you understand I'm not asking you about
20 welfare.

21 A I understand that.

22 Q And I'm not accusing you of anything --

23 A I --

24 Q -- I'm just --

25 A -- don't think that --

1 Q -- trying to understand if this event in 2003 you
2 were out of the home, and you say it was in 2002, and I
3 think we have your evidence on that.

4 A Okay. If it was -- if, if you're talking about
5 the event in 2003, to sum it up, if I was out of the home,
6 no, I was not out of the home in summer of 2003.

7 Q Okay.

8 A But despite what my recollection to the police
9 was within days of the discovery of Phoenix.

10 THE COURT: All right. Now, what's your next
11 question, Mr. McKinnon?

12

13 BY MR. MCKINNON:

14 Q Want to take you, Ms. Edwards, to your
15 application for licence to operate and maintain a
16 children's foster home.

17 A All right.

18 Q These are dated September of 2003. It's
19 Commission disclosure 1780, page 36634. And if we scroll
20 down to the bottom, I believe you told Ms. Walsh yesterday
21 that that was your signature.

22 A And my handwriting, yes.

23 Q Yes. And so you were making an application to be
24 a foster parent for one child. That would be Phoenix?

25 A One child.

1 Q Right.

2 A Just for Phoenix.

3 Q And if we turn to the next page, that's your
4 handwriting?

5 A Yes.

6 Q And if we turn to the next page, that's your
7 handwriting?

8 A Yes.

9 Q And on the third question down:

10

11 "Have you or any member of your
12 immediate family received child
13 and family services from an agency
14 in Manitoba or elsewhere?"

15

16 You answered that question:

17

18 "No."

19

20 A I did answer that question no.

21 Q Okay.

22 A And the time has slipped my mind.

23 Q And I'm not going to ask you to reveal any
24 details of the, the --

25 A And --

1 Q -- the file you spoke of yesterday.

2 A I understand.

3 Q I'm not going to ask you about that. Other than
4 what you've already disclosed yesterday, and if, if my
5 notes are correct, what you disclosed yesterday was that
6 your daughter had been apprehended for one year.

7 A I was -- yes, about approximately one year.

8 Q And it's your evidence that you forgot about that
9 when you filled this application --

10 A Yes. It was 20 -- my daughter, at, at this time
11 in 2006, my daughter was 23 years old. It happened 22
12 years ago, so I think that if social workers can forget
13 very important details of their, their apprehension working
14 for the government, me living -- my, to me it was a minor
15 glitch in my life because, sir, (inaudible) didn't divulge
16 the details.

17 Q I don't --

18 A I, I want to. I was --

19 Q I'm not asking you to --

20 A -- beaten, my daughter taken from me -- not taken
21 from me, worse, we're, we were apprehended together. We
22 were split up and I was thrown out there to deal with a man
23 all by myself. I fought to get my daughter back. One
24 year. In fact, it was -- I was pregnant -- I was living
25 with my brother for a little while. They were fostering us

1 both.

2 THE COURT: I think I --

3 THE WITNESS: And I got my daughter back and I
4 have never had any other involvement, not even a check to
5 see if my daughter was all right, involvement with CFS ever
6 again. So it slipped my mind. I wasn't trying to hide an
7 in-care file, and if this Commission would like that file I
8 would be more than willing to sign it to you, sir.

9

10 BY MR. MCKINNON:

11 Q I'm not asking for it. What I'm suggesting to
12 you --

13 A Is that I lied on my application.

14 Q -- is that you -- it's not credible that you
15 could have forgotten that your daughter was apprehended --

16 A It is credible. Well, then it's not credible
17 that the, that the social workers didn't forget -- that,
18 that social workers forgot.

19 Q But, but --

20 A No.

21 Q -- Ms. Edwards, you only have one first daughter.

22 A Guess what, I know that. And you're just --

23 Q And, and social workers have thousands of cases.

24 A Yeah. You want to know something about those
25 thousands of cases? Going on your point, you only have one

1 first daughter, when a daughter is apprehended from a
2 mother, she screams and she cries and she says, no, don't
3 take my, don't take my baby, don't take my baby. And then
4 social worker, she calls the police and the police come
5 down and they call her agitated, angry, unruly, unco-
6 operative, resisting.

7 Q And, and your, your view is that, that this
8 apprehension of your --

9 A I'm --

10 Q -- daughter was --

11 THE COURT: Just a minute, Witness.

12

13 BY MR. MCKINNON:

14 Q -- unwarranted, and that is why, I'm suggesting
15 to you --

16 A Oh, no.

17 Q -- you have a distrust --

18 A No, no, no, no.

19 Q -- of CFS.

20 A Oh, no. I don't think that the apprehension of
21 my daughter was unwarranted. What I think was unwarranted,
22 I was 17 years old, I was living with a man who beat me
23 almost to death. I do not think that my, the apprehension
24 of my daughter was not unwarranted. I think that what they
25 did in regards to my daughter was the right thing to do

1 considering that I'm five foot, a hundred and twenty pounds
2 and had a man beating me, and I couldn't protect me nor my
3 daughter, but I was 17 years old. What I do know is we
4 were -- when I was put in a foster home and my daughter was
5 put in another foster home and then my brother went and
6 fostered us together. At 18 years old I was told, you have
7 to move out of your brother's home, get a job, get an
8 apartment. I did this.

9 THE COURT: All right. Now, just a minute. I'm
10 not -- have you got an answer to your question, Mr.
11 McKinnon?

12 MR. MCKINNON: I can't remember what the question
13 was, Mr. Commissioner. I, I'm going to move to another
14 area.

15 THE WITNESS: I do. I remember what the question
16 was. Can I refresh?

17 THE COURT: No. If Mr. McKinnon is satisfied
18 with what you've said, he's entitled to move on to his next
19 question.

20 MR. MCKINNON: Yeah, I'll move to the next
21 question, Mr. Commissioner.

22

23 BY MR. MCKINNON:

24 Q I want to move to another area. I'm taking you
25 back to your letter to the premier, and we're talking here,

1 it's at page four, which is 12405. And you refer to
2 November 2002, the meeting with Stan Williams. We've heard
3 other evidence this was in October 2003. I want to ignore
4 the date, okay, let's just talk about the content.

5 You say in the letter to the premier:

6

7 "Stan Williams speaks to me over
8 the phone"

9

10 It's, you say: We had not seen or heard -- sorry, we had
11 not seen her:

12

13 "(He had not seen her or myself
14 since dropping her off in July)
15 asks me my opinion as to whether
16 her father should, or is ready to
17 take care and control. Being
18 completely honest, I said 'No'"

19

20 You see that?

21 A Yes, I do see that.

22 Q And if I --

23 A But also know more documents were sent to the,
24 sent to the premier from March of 2000.

25 THE COURT: Just a minute. Let's hear the

1 question.

2

3 BY MR. MCKINNON:

4 Q When you were interviewed by the police, you made
5 reference to this as well.

6 A Absolutely.

7 Q At CD112, page 5079. And you'll see that first
8 paragraph you're talking about --

9 A Yes, I do.

10 Q -- them giving Phoenix back to the father.

11 A Yes.

12 Q And at the bottom of the page you say:

13

14 "They asked me if Steve was ready.
15 ... I [said], I said ... I wasn't
16 quite sure. I didn't wanna, I
17 didn't wanna make that decision
18 'cause, ahm, I just didn't want
19 that decision on me."

20

21 You see what you told the police?

22 A Yes.

23 Q So I'm asking you to clarify whether what you
24 told the premier is your evidence today or whether what you
25 told the police is --

1 A I'm telling --

2 Q -- your evidence?

3 A -- you that that's my answer in its entirety.
4 Did I tell Stan Williams and the police that I didn't think
5 that -- and everybody in this room that I thought Phoenix
6 should go home to Steve when she did? No, I didn't. Was
7 it because of his -- he wasn't unfit or incapable of
8 looking after her? No, it wasn't. Because Phoenix home
9 was in my home. So you wrap all that together and that's
10 my answer.

11 Q My suggestion to you is that you, when you gave
12 your testimony to the police, it would have been fresh in
13 your mind, and you did not tell Stan Williams --

14 A It would --

15 Q -- that you felt Phoenix should be returned to
16 Steve. That's my suggestion to you.

17 A You think that my mind could have been clear
18 talking to the police three days after finding out about
19 her death? Really, Mr. McKinnon?

20 Q That's what I'm suggesting to you, yes.

21 A Well, then I'm suggesting -- I can't suggest what
22 I want to suggest.

23 Q Is this a situation where your loyalty to Steve
24 is conflicting with your love of Phoenix?

25 A Did you not hear me when I said that moreover I

1 had a loyalty to lay -- that laid with Phoenix and not with
2 Steve? And that's what I said, that she wasn't -- that,
3 that he -- that she shouldn't go home in whatever year it
4 was that the apprehension happened and they come and they
5 put her in my home for a month and then took her out? My
6 loyalties laid with Phoenix. The second Steve asked me to
7 look after her, it wasn't about, okay, let's, you know,
8 come over and party and, and play some guitar the way that
9 it was before. It was about Phoenix and not Steve and I
10 anymore. And this fight has been about a promise made to
11 Phoenix and to provide justice for Phoenix. It's very --
12 there is a loyalty to Steve, don't get me wrong, but my
13 loyalty lays with a five-year-old slain tragic child.

14 Q Okay. I want to move to another issue. We heard
15 from Steve in his evidence that some time after Phoenix was
16 returned to him in October of '03, Steve agreed that
17 Samantha could parent Phoenix. According to my notes,
18 Steve testified that Samantha came by and got Phoenix and
19 that Steve gave her clothes. He testified that he thought
20 it was okay, Samantha was Phoenix's mother. Were you aware
21 of that?

22 A That he testified to that?

23 Q No. When it happened, that, that Steven had
24 given Phoenix over to Samantha in the fall of 2003?

25 A Given? I don't know what that means. Given

1 Phoenix over to Samantha?

2 Q Yes. Placed --

3 A To parent?

4 Q Yes. Were you aware?

5 A Didn't have to. He hadn't given Phoenix to
6 Samantha to have a visit and she was his -- (inaudible)
7 thought she would do this, for starters. Her, her mom, her
8 mom wasn't around for all these times, so for Steve to, to
9 do it could have happened. Was I aware that this happened?
10 No. Do I think that she was with Samantha for a long
11 period of time when he did this? No, I don't, because she
12 was back visiting with me at 1331 that Christmas.

13 Q Well, there was evidence from Steve about the two
14 times that --

15 A Um-hum.

16 Q -- Samantha came to pick up Phoenix. Once was
17 this, and the, and the second time was in April, which was
18 the final time, and I'm asking you about the first of these
19 two occasions. And my understanding is that, and I, I
20 could be wrong, that you and Steven went and picked Phoenix
21 up from Samantha's house because you learned that there
22 was, there was stuff happening in that house.

23 A Yeah. We learnt that there was crack going on in
24 the house. You can say that.

25 Q Okay.

1 A And yes, I drove Steve there. But she wasn't
2 there for that long. She was also at my house and with Ron
3 in that time that she was at Samantha's house.

4 THE COURT: Yeah, the question is whether you and
5 Steve picked her up.

6 THE WITNESS: Yes, we did.

7 THE COURT: Yes.

8

9 BY MR. MCKINNON:

10 Q So you were aware that she'd been given by Steve
11 to Samantha and you had to go and, I'm going to call it an
12 act of protection, you had to take Phoenix back. You had
13 to protect Phoenix from Samantha, correct?

14 A No, I actually believe it was her mother that was
15 smoking the crack, but yeah.

16 Q But, but, but Samantha --

17 A Yeah.

18 Q -- was exposing Phoenix --

19 A I'm not saying any -- I'm not testifying to any
20 line, any of that line. I'm not saying anything about
21 Samantha. I don't know Samantha. I don't, never saw Sam
22 -- well, I saw her like seven times. I don't have enough
23 authority on Samantha to speak for Samantha or about
24 Samantha other than the fact that she didn't have anything
25 to do with her child for the first four years of her life,

1 or three, depending on whose recollection you want to go
2 with.

3 Q Okay. Well, let, let, let me put it this way:
4 You deemed the situation was unsafe and that's why you went
5 to --

6 A I didn't --

7 Q -- get Phoenix.

8 A -- deem it nothing. Steve phoned me and said,
9 hey, I'm going to go pick up Phoenix. I didn't know
10 anything about crack until now. But knowing what I know of
11 that -- what I knew from her brother, like he -- Steve, at
12 the time we went to pick up, asked me to go and give him a
13 ride to go pick up Phoenix. That is what we did. Him and
14 another friend and I don't recall who was with us, but
15 another friend went. Steve and I went up to the apartment,
16 took her, not, not forcibly took her, she was all ready,
17 they handed the stuff and, here you go, I went and got in
18 the car and drove away.

19 Q I'm trying to understand when you knew about the
20 rock because --

21 A The rock.

22 Q -- I've got --

23 A At this Commission.

24 Q I thought you testified yesterday that you went
25 to pick Phoenix up because there was stuff happening.

1 A That's because the Commission told me there was
2 stuff happening. I knew that Samantha's mother was a crack
3 addict because I knew her brother very, very well. I knew,
4 I knew Steve and I knew about that, but the, the smoking of
5 the rock and all that I did not know until the Commission
6 disclosed it to me.

7 Q Okay.

8 A Steve didn't disclose it to me. He asked me to
9 go pick up Phoenix.

10 Q And Ron --

11 A Bottom line.

12 Q Ron testified that you picked up Phoenix in
13 January of 2004, not Christmas. What's your recollection
14 of that?

15 A No. My recollection is we picked her up in
16 January.

17 Q Okay.

18 A However, Samantha didn't have her for a few
19 months.

20 Q And it's your --

21 A She may have gone to her and come back and gone
22 back to her and come back, and that's how we get to the day
23 of us picking her up in January, but she didn't have her
24 for no two months is what I'm saying.

25 Q And it's Ron's evidence, as I've recorded it,

1 that he'd heard Samantha was doing stuff and that he
2 brought Phoenix back to 1331 Sinclair. So did Ron disclose
3 to you what he had heard about what was going on in that
4 house in 2004?

5 MR. GINDIN: Mr. Commissioner, I don't think that
6 Ron said he picked up --

7 THE WITNESS: No, he didn't. He said I did.

8 MR. GINDIN: -- the child. That wasn't his
9 evidence.

10 MR. MCKINNON: Sorry, if I said that I misspoke.

11

12 BY MR. MCKINNON:

13 Q What I meant to say is that Ron knew that, that
14 there was something happening in that house.

15 A No, Ron didn't disclose it to me because, you
16 know what, we never talked about Phoenix afterwards. It
17 was something I did not know at the time and when it came
18 to fighting this fight for Phoenix, I was on my own because
19 everybody knew it was going to happen. We all want
20 (inaudible) and I threw in (inaudible) and I want to keep
21 that wound picked. So, no, Ron and I never discussed
22 anything.

23 Q Sorry, when you say we all knew what was going to
24 happen, what are you referring to?

25 A I'm referring to this open a wound, that people

1 -- and I'm sure you're all doing your jobs, keep picking
2 at. My family has been a great support in my fight for
3 justice of Phoenix but we didn't talk about it. My God,
4 her family, the accused's family, they don't talk about it
5 either. The --

6 THE COURT: All right. Now, Witness, I think
7 it's time perhaps for another break and we, we've gone an
8 hour, I'm sure, since the last one, so let's take another
9 10 to 15 minutes, whatever seems necessary. And then about
10 how much longer will you be, Mr. McKinnon?

11 MR. MCKINNON: I may go a little bit past 12:30.

12 THE COURT: Well, all right. We'll, we'll take a
13 break now and, for 10 to 15 minutes, whatever is needed,
14 and then we'll go for a half hour will 12:30 and then we'll
15 take a break for lunch. So you, you just take --

16 THE WITNESS: I, I can't go on, Your Honour. I,
17 I, I'm very ... I'm a passion -- I don't mean to be
18 passionate but I (inaudible) and --

19 THE COURT: No, no, that --

20 THE WITNESS: -- it happens.

21 THE COURT: That comes through unquestionably,
22 but I think it's -- I think you'd, you'd benefit for a
23 break now, and so just to make it easier for everybody, I
24 think we'll just adjourn for, for, for 15 minutes and then
25 we'll carry on. Okay.

1 THE WITNESS: Thank you, Your Honour.

2

3 (BRIEF RECESS)

4

5 THE COURT: Mr. McKinnon.

6 MR. MCKINNON: We've had some discussion about
7 possibly going till 1:00 to see if we can finish for the
8 day, but we'll see where I am at 12:30.

9 THE COURT: All right. I'll accommodate whatever
10 seems sensible.

11 MR. MCKINNON: Okay.

12

13 BY MR. MCKINNON:

14 Q Ms. Edwards, we've talked about the fact that in,
15 early in the new year Phoenix came back into the care of
16 your former husband, Ron, who was still living at 1331
17 Selkirk Avenue. This was the time where, according to
18 Ron's evidence, he was parenting Phoenix alone, and
19 according to your evidence you were couch surfing.

20 A The date, please?

21 Q Early 2004, January 2004.

22 A Yes.

23 Q Subject to your --

24 A Yes.

25 Q -- concern about perhaps that was 2003.

1 A Subject to whose recollection you want to go
2 with, yes.

3 Q Now, Ron said you were not helping out, he was
4 not getting support from you, and he was having a tough
5 time caring for Phoenix. What's your evidence on that
6 point?

7 A Well, on the point that I wasn't helping out,
8 that is not a true recollection. On the point that he was
9 exhausted, he probably was. He had, for all the time that
10 we were together, didn't have to do anything. I looked
11 after my children, I looked after Phoenix, I looked after
12 him. He would pack up a bag of his dirty laundry from
13 McMunn, bring it in to me, I would wash it. And when I
14 left, I stopped doing all that stuff, so for him to be
15 exhausted and needing help, outside help, I'm sure he did.

16 Q Okay.

17 A I helped him. I went to 1331 Selkirk, and
18 Phoenix came to Winnipeg Avenue, so in him having no help,
19 I don't think that it's an accurate recollection of Rohan.

20 Q He says he was working nights and taking care of
21 Phoenix during the day.

22 A Oh, yeah. You know what, he was working
23 nights. He would, you know, like anybody else would, come
24 in and, you know, lay on the couch or lay on his bed and
25 he'd go to sleep for a little while. And Phoenix -- let me

1 finish my -- and Phoenix would lay in the bed beside him
2 watching TV being a good girl, because that is what she
3 was. So the fact that he was looking after her all day,
4 yes, he was looking after her all day, but he was still
5 getting his sleep. And as I said, I was around. And at
6 any point when Ron wanted me to take Phoenix, he could
7 phone me and say, would you come take Phoenix, and he did,
8 and I did.

9 Q Okay. And I understood your evidence yesterday,
10 you're not a morning person so you wouldn't be there until
11 about noon?

12 A Not always a morning person. I've been a morning
13 person for the last six years because I've had to be. If I
14 have something that I have to do, I'll wake up in the
15 morning. So if Ron says, hey, you know what, I'm tired --
16 and there were times when Ron was working, he's a night
17 shift, phoning me saying, can you come pick me up and drive
18 me home.

19 Q And as I recall your evidence, you said that you
20 came not every day. Sometimes it was every second day,
21 sometimes it was every third day. Was that your evidence
22 yesterday?

23 A My evidence was that, yes, in some days I went
24 more and some days, some days I, I saw them three and four
25 times in a day because, again, I have a vehicle and I could

1 drive, and even between Winnipeg Avenue and Selkirk Avenue
2 is still only like 15 blocks.

3 Q And, and we're talking about this window between
4 January and April.

5 A Yes.

6 Q And you weren't there in the evenings, that's
7 clear?

8 A I might have been in -- might have been there in
9 the evening, but that's when I usually would leave. But
10 then again, on a day that I wasn't there during the day, I
11 might be there in the evening.

12 Q But you weren't sleeping over, you weren't
13 residing. You were sleeping at friends' houses?

14 A I wasn't residing over. But you know what, one
15 day that I go, go (inaudible) over there I may have slept
16 over. Can I recall little details like that? No. But I
17 was there a lot more than which Rohan recollected. And
18 Phoenix was with me on Winnipeg Avenue on several occasions
19 between January and April when she left.

20 Q Okay. But on a regular basis, Phoenix was
21 sleeping at 1331 Selkirk and Ron was working and Phoenix
22 was in the care of a 13-year-old and an 11-year-old?

23 A Where's my 16-year-old daughter?

24 Q Well, I thought you told us she was in McMunn
25 looking after your father. Ron said there were only the

1 two children there.

2 A See, this is where it gets confusing, Your
3 Honour, on the dates. You need to decide whether this
4 happened 2002 or 2003 because this is where it gets
5 confusing.

6 Q Okay.

7 A I can't answer that.

8 Q All right. That's fair.

9 Would you agree with me that this is not an ideal
10 situation, having a three-year-old girl being cared for in
11 the evenings by an 11-year-old and a 13-year-old?

12 A Well, for starters, my, my son would have been 12
13 and as Ron stated, I've, I've hired babysitters of 12 years
14 old when I did leave my children with babysitters. And do
15 I think that it's appropriate? I don't know. Why don't
16 you ask one of your professionals who hired my daughter, at
17 13 --

18 THE COURT: No, no --

19 THE WITNESS: -- years old to babysit from
20 morning till night.

21 THE COMMISSIONER: -- Witness, Mr. McKinnon is
22 entitled to answer that -- you're entitled to give --

23 THE WITNESS: Do I think it's an ideal situation?
24 No. But there are many latch-key kids in this world.

25

1 BY MR. MCKINNON:

2 Q Would you agree with me that there's a big
3 difference between a 12-year-old babysitting and a 12-year-
4 old caring for a three-year-old every night --

5 A It didn't happen.

6 Q -- seven nights a week?

7 A Yeah, there's a big difference but that didn't
8 happen.

9 Q Well, what do you say happened in the evenings?

10 A What do I say happened in the evenings?

11 Q Yes.

12 A I say that my 16-year-old daughter was there.
13 Ron, number one, is not irresponsible to, to put the
14 children in that situation considering that we were very,
15 very, very strict parents and we wouldn't let our children
16 -- like if we went to -- out for the evening, our children
17 didn't stay alone. They either went to my father's house,
18 here in, he lived here in the city, or they went to his
19 parents', good upstanding citizens, place. And as far as
20 every night wanting to sleep at -- going, going to work and
21 leaving my children there? That wasn't happening because
22 there was a 16-year-old daughter there in 2004.

23 Q But Ron was living there and you weren't, and Ron
24 said it was just the two boys.

25 A Right. And what this Commission has done has put

1 my husband on the stand saying one thing and put me on the
2 stand saying another thing. Had my daughter on the list to
3 confirm some stuff but then took her off. So how about we
4 call my daughter? My daughter can recollect what year she
5 was at her grandfather's house and what year and whether
6 she babysat her little brothers at night, at 16 years old
7 for her dad.

8 Q All I can do is ask you questions --

9 A Well, all I can do is tell you --

10 Q You have to listen to my question. All I can do
11 is ask you questions based on what we've heard in this
12 proceeding and what documents I've read, and I'm putting to
13 you that you, you were not in the home and the person who
14 would have the reliable memory is the person who was in the
15 home, who was Ron.

16 A Ron says in his police statement on dates, you'd
17 have to ask Kim on that; she knows the dates of everything
18 regarding -- and if keep going, as all of us. She has
19 better recollection in regards to all of us, not just this
20 but all of us.

21 Q Okay. Well, we'll, we'll move on. On January --
22 we've heard evidence in this proceeding that on January
23 21st of 2000 -- sorry, 2004, two CFS workers, Lisa
24 Mirochnick and Monica Marx, attended at 1331 Selkirk
25 Avenue. We heard that Phoenix was present in the home.

1 And Ron told these workers that both you and Ron had been
2 looking after Phoenix since the beginning of January and
3 Ron testified, as I noted, that he misled CFS on this
4 point.

5 A I don't know. That's something you'd have to ask
6 Ron.

7 Q He did not tell them that you were not in the
8 picture.

9 A But I was in the picture.

10 Q He didn't tell them that he worked nights.

11 A This is again something that you would have to
12 ask Ron. I wasn't there.

13 Q He didn't tell them that the kids were looking
14 after Phoenix while he was working. Ron acknowledged that
15 if he told CFS these factors they might not have placed
16 Phoenix in your home, in your former --

17 A You mean in his home.

18 Q In his home.

19 A Yeah. You're talking about his home now because
20 you're saying that I wasn't living there. I've already
21 agreed that I was divorced, or I was separated from Ron
22 December either year, whichever recollection you want to go
23 with. And ...

24 Q He says he was --

25 A I don't know what Ron said to the worker. I

1 don't know what he misled them on because I was not there.

2 I can't answer for him and I won't.

3 Q Okay. But he says that, at this time, a private
4 arrangement was agreed to between him and Steve that
5 Phoenix would be placed in your house as a private
6 arrangement.

7 A Again, I'm not there because that would be Ron's
8 house. Stop saying my house. My house was, was on
9 Winnipeg Avenue.

10 Q I'm hearing you, and I'm not intending to mislead
11 you or trick you. My point is when -- this is a pretty
12 important thing.

13 A It is, but I can't comment on it because I wasn't
14 there.

15 Q I'm not asking if you were there. You've told us
16 you weren't there. I'm asking you whether Ron made you
17 aware of the fact that an agreement had been reached
18 between Steve and Phoenix that Ron was going to keep
19 Phoenix at the house.

20 A No.

21 Q And did he make you aware of the fact that CFS
22 had been to meet with him and that CFS had been involved in
23 this private arrangement?

24 A Well, no, he didn't, but you want to know
25 something, had he done all this he probably didn't have the

1 time. He was working all night long and looking after the
2 babies all day long with no rest, he wouldn't want to deal
3 with any kind of suit in any kind and hush them out of the
4 house as quickly as possible. That's what I would do, but
5 that's just speculation --

6 THE COURT: The, the question is whether he told
7 you.

8 THE WITNESS: No, he did not. I, I, I said that.

9

10 BY MR. MCKINNON:

11 Q Okay. So you were unaware, in 2004, that CFS was
12 relying upon you and Ron to provide shelter and, and, and
13 safety to Phoenix?

14 A I'm suggesting that CFS wasn't relying upon us,
15 that Phoenix was relying upon us and that CFS had no
16 involvement with the child despite what your records say.

17 Q In February, February 13th of 2004, CFS wrote a
18 letter addressed to you and to Ron and, and to the address
19 on 1331 Selkirk Avenue confirming that you were to care for
20 Phoenix under a private arrangement. Your evidence is you
21 never saw that letter?

22 A I never saw that letter until the, the review
23 team of Andy Koster showed --

24 Q Right.

25 A -- me that letter.

1 Q And my suggestion to you is it makes some sense
2 that you wouldn't have seen that letter because you weren't
3 living at 1331?

4 A It makes no sense to me because I still got my
5 mail. It's a federal offence to withhold someone's mail
6 from them, so when my mail came to, to the address of 1331
7 Selkirk, I got all my other mail. Why wouldn't I get this
8 letter? Why would Ron hide this particular letter from me?

9 Q Well, Ron --

10 A I got all my other mail so ...

11 Q Ron testified that he recalled this letter.

12 A Ron testified that he had a bad memory --

13 MR. GINDIN: Excuse me.

14 THE WITNESS: He was a liar and your clients were
15 incompetent.

16 MR. GINDIN: Asking, asking her what Ron said or
17 why he said it is not a proper question. She can only talk
18 about herself.

19 THE COURT: Well, I think it's -- he can ask her
20 what her reaction is to Ron's assessment of whether he got
21 the letter or not. I see nothing wrong with him asking if
22 she, if -- Ron told us, did he not, that he had no
23 recollection of receiving that letter?

24 THE WITNESS: He did.

25 THE COURT: That's the, that's the evidence, is

1 it not?

2 MR. GINDIN: Right. And this witness says she
3 hasn't seen the letter, never received it.

4 THE COURT: Right.

5 MR. GINDIN: So to ask her about what Ron's
6 thinking or things of that nature, I don't see how that's
7 appropriate.

8 THE COURT: What, what question are you going to
9 ask her, Mr. McKinnon?

10 MR. MCKINNON: My recollection of Ron's evidence
11 is different, Mr. Commissioner. My recollection is, when
12 he was shown this letter, he said it looks familiar.

13 THE COURT: Well, I -- you might be correct. I
14 thought he --

15 MR. MCKINNON: I'm looking to Mr. Olson to --
16 and, and I see he's nodding that he's agreeing that that
17 was Ron's evidence.

18 THE COURT: That it looks familiar?

19 MR. MCKINNON: It looks familiar, and the content
20 was familiar to him.

21 THE COURT: All right. I, I accept that. So
22 you --

23 MR. MCKINNON: So, so my --

24 THE COURT: You want -- that --

25 MR. MCKINNON: The reason I'm asking questions is

1 she was quite strong yesterday in suggesting that Ron never
2 opened mail and she opened all the mail and --

3 THE WITNESS: I never said that I opened all the
4 mail.

5 MR. MCKINNON: Well --

6 THE WITNESS: I said that I open all my mail.

7 THE COURT: What do you want to ask her about the
8 letter?

9 MR. MCKINNON: Well, I want to ask her whether
10 Ron disclosed to her that they'd received this letter and
11 the significance of this letter.

12 THE COURT: Well, take it in two parts: Did Ron
13 disclose to her he'd received the letter. That's the first
14 half of your question, is it not?

15 MR. MCKINNON: Right.

16 THE COURT: All right. I'll rule that that's an
17 appropriate question to ask.

18 THE WITNESS: Did Ron tell --

19 THE COURT: Tell you that he has --

20 THE WITNESS: -- he has --

21 THE COURT: -- received that letter.

22 THE WITNESS: No, he did not.

23

24 BY MR. MCKINNON:

25 Q Okay. Then I can't talk -- ask you the second

1 part of the question.

2 We're leading up to April, when Samantha came for
3 the last time. And again, I'm relying upon my notes, but
4 my -- according to my recollection and my notes, Ron
5 testified that Samantha came and she was accompanied by her
6 mother and she wanted to take Phoenix, and the mother was
7 talking about being a family, words to those effect. Were
8 you there when Ron gave that evidence?

9 A I was there when Ron gave that evidence, yes.

10 Q And my understanding is, until yesterday my
11 understanding was that you had not been there in April of
12 whatever year it was, when Samantha last picked up Phoenix.
13 Until yesterday, your evidence was that you were not there.

14 THE COURT: At the time of the pick-up?

15 MR. MCKINNON: The time that, that Samantha came
16 and took Phoenix for the last, on the last occasion.

17 THE COURT: The question is, was the witness at
18 the house?

19

20 BY MR. MCKINNON:

21 Q Were you at the house?

22 A As I said yesterday, I have a fuzzy recollection
23 of, of where she was being taken clear, but do I recall
24 being at the house specifically? No. But I, I don't
25 recall being told the story, but knowing firsthand that

1 Phoenix was -- Samantha was picking up Phoenix to take her
2 to the park and down to do some, some birthday shopping for
3 her birthday and that she would be bringing her back later.
4 And I packed up her little, she had this little backpack,
5 with just stuff that you would take on a stopping trip with
6 a kid, like you know, munchies and so forth, and that she
7 left that bag behind. It was very strong memory for six
8 years.

9 Q Okay. And my point is --

10 A Of that bag being left behind.

11 Q My point is that you and Ron have quite different
12 recollections. Ron was under the impression that Samantha
13 and her mother were taking Phoenix with the intent of
14 making a family and he just assumed she would quickly tire
15 of it and bring Phoenix back. That was Ron's evidence.

16 A Well, that is Ron's evidence.

17 Q Your evidence is that Samantha was coming for the
18 day, take her to the park, take her to Portage Place.
19 Quite a different recollection.

20 A It is quite a different recollection.

21 Q Okay.

22 A (Inaudible) Samantha's Kematch came two months
23 prior and talked to me about taking, about -- to me, the
24 same year, in February. The Crown's records have this.

25 Q Well --

1 A Talked to me in February about taking her on the
2 road.

3 Q Again, I'm not asking you what somebody --

4 A No, of course --

5 Q -- else's records --

6 A -- you're not.

7 Q -- show.

8 A Of course you're not.

9 Q Let me ... As I understand Steve's evidence, he
10 agrees that he consented to this situation, that is, that
11 Ron phoned him and Steve approved of Samantha taking
12 Phoenix in April. He -- you, you have no knowledge of
13 that?

14 A Well, I have knowledge of it because I've been
15 sitting here and I heard the testimony. But as far as it
16 happening, can I testify as to whether it happened or not?
17 No, I can't.

18 Q And Steve testified that he wanted a couple of
19 days before checking with you and Ron to see whether
20 Samantha had brought Phoenix back. Does --

21 A And that was --

22 Q -- that conform to your recollection?

23 A That's Steve, not me. I can't recollect for
24 Steve.

25 Q I'm asking you --

1 A What Steve did. Did I know he'd be ...

2 Q I'm asking you if it conforms with your
3 recollection that a couple of days later Steve called
4 you and asked whether Samantha had brought Phoenix
5 back?

6 A Well, what conforms with my recollection is after
7 a few days I -- Steve wouldn't have phoned us. He wouldn't
8 have gone to the pay phone and phoned Ron or Kim. He would
9 have walked to either my house on Selkirk or walked -- or,
10 sorry, walked to Ron's house on Selkirk or walked to my
11 house on Winnipeg.

12 THE COURT: So you don't have any --

13 THE WITNESS: I have no recollection of Steve
14 coming to us and saying, well, did Samantha come back. It
15 would be more like us going and saying, is -- did -- would
16 be more likely I would go to Ron or Steve and say, where's
17 Phoenix? And I, yeah, I want to take Phoenix for a --

18 THE COURT: But the question is, do you have a
19 recollection of Steve phoning --

20 THE WITNESS: Phoning Ron?

21 THE COURT: -- two or three --

22 THE WITNESS: No.

23 THE COURT: -- two or three days later and asking
24 if, if Phoenix had come back.

25 THE WITNESS: He didn't ask me, and I believe

1 that --

2 THE COURT: You don't recollect that phone call?

3 THE WITNESS: No. I --

4 THE COURT: Okay.

5 THE WITNESS: -- I believe Mr. McKinnon is asking
6 me to recollect a phone call Steve made to Ron.

7 MR. MCKINNON: No.

8 THE COURT: No.

9

10 BY MR. MCKINNON:

11 Q He said he phoned Ron and you.

12 THE COURT: And you don't recollect, so that's,
13 that's --

14 THE WITNESS: I don't recollect Steve phoning me.
15 I don't think Steve ever phones me unless, you know, he, he
16 -- like I mean, like I mean at home in St. Anne, then he
17 would phone me because he's not going to walk out to St.
18 Anne's. Steve is a very, very much a face-to-face kind of
19 person. He likes to talk face to face with someone.

20

21 BY MR. MCKINNON:

22 Q Okay. Steve also said that he and you phoned CFS
23 and made some inquiries.

24 A Yes.

25 Q You did that together.

1 A No. We did not do it together.

2 Q He said that he did not report that Phoenix might
3 be in danger.

4 A To the police. I guess not. I don't know --

5 Q No, I'm talking --

6 A -- what Steve --

7 Q -- about CFS. I don't -- I'm not representing
8 the police, I don't know about the police. Right now I'm
9 talking about CFS. Steve said he did not report that
10 Phoenix was a child in need of protection. Do you have any
11 information about that?

12 A You just said that we called them together. I
13 corrected you, saying that we didn't do it together. And
14 then you're telling me that Steve didn't call saying that
15 he was looking for his daughter?

16 Q No. I, I'm saying there's a difference between
17 saying I'm looking for my daughter and saying my daughter
18 is in danger. Did --

19 A Oh, okay. Yeah. Then we didn't, because you
20 know what, we didn't think she was in danger because nobody
21 knew that woman was a psychopath except for the CFS workers
22 who had her in-care file. I didn't have her in-care file
23 like all these social workers who went out and touched this
24 case.

25 Q So you testified yesterday about yourself, that

1 you phoned CFS --

2 A Yes, I did.

3 Q -- and you made some inquiries. And again, when
4 you contacted CFS you did not report that Phoenix Sinclair
5 was a child that was in danger?

6 A Again, I did not have no (inaudible) -- I didn't
7 know that Samantha would do this. Who could even imagine
8 that this could happen, one, at this time, particular time
9 that you're talking about? And two, I had no knowledge
10 that this was going to happen. Did I think that Phoenix is
11 in need of protection at this point? That's why I phoned
12 CFS and said, can you bring her back. And when I did this,
13 sir, I specifically asked for the social worker who placed
14 her in my home, Mr. Stan Williams. A woman answered the
15 phone, put me on hold, came back and said -- I'm sorry,
16 I'll be back up -- said that, that he was not available and I
17 -- and took a message. Nobody phoned back. I phoned back
18 the next day and got another woman on the phone. I don't
19 know whether it was the same woman, and in hindsight I
20 really wish I would have taken down those names, but the
21 chances of me actually getting the worker's name is slim to
22 none because apparently a worker's name is confidential
23 when you ask for one.

24 But that woman who answered the phone the second
25 time gave me a little bit of information on Phoenix, that

1 Phoenix was with her mother who they had a child-in-care
2 file that said that she was a psychopath.

3 Q You, you knew --

4 A And I did not.

5 Q You knew already that she was with her mother
6 because Ron had given her to her mother.

7 A I knew she was with her mother --

8 Q What was --

9 A -- and I was telling CFS that she was with her
10 mother and she's normally with either Steve or Ron or
11 myself, and at which point that is when the worker says to
12 me, if she is with her mother, what is the problem. You're
13 no longer her foster mother, you have no concern.

14 Q And that was correct, legally correct. You were
15 not reporting that Phoenix needed to be apprehended from
16 Samantha, were you?

17 A Is it my job to report that Phoenix needed
18 apprehension? The social worker --

19 THE COURT: Well --

20 THE WITNESS: -- got the phone call from me.

21 THE COURT: Witness, I guess the answer is no,
22 isn't it? Is, is that he answer?

23 THE WITNESS: Yes. No.

24 THE COURT: Yeah.

25

1 BY MR. MCKINNON:

2 Q Did you make attempts to find Phoenix after April
3 of 2004?

4 A Define attempts.

5 Q Sorry?

6 A Define attempts.

7 Q Did you call Mickey Kematch and say, where --

8 A Yes, I --

9 Q -- is Samantha living?

10 A -- testified that I talked to Mickey, that I, I
11 spoke with Mickey Kematch and Crystal Hill.

12 Q Okay.

13 A Two, two people that should be on, be on the
14 witness list but are not -- well, one of them is but the
15 other one isn't being compelled to tell anything.

16 Q And once you knew where, you knew where -- who
17 Phoenix was with --

18 A Um-hum.

19 Q -- you knew where Phoenix had been living in
20 January, because you had picked Phoenix up from Samantha's
21 in January, correct?

22 A Um-hum.

23 Q Did you go back to that apartment and check?

24 A Why would I go back --

25 Q I --

1 A -- to that apartment?

2 Q -- I think the answer, then, is no.

3 A Samantha wasn't living with her mother at that
4 time.

5 THE COURT: Yeah, once, once again, Witness, the
6 answer is no, I guess.

7 THE WITNESS: No.

8 THE COURT: Okay.

9

10 BY MR. MCKINNON:

11 Q So you didn't go back to that apartment and
12 check?

13 A Well, number one, for safety reasons; and number
14 two, Samantha wasn't living with her mom because I talked
15 to Mickey, Mickey didn't say Samantha's living with her
16 mom. Samantha wasn't living with her mom. She was living
17 with Karl McKay.

18 Q I want to take you back to your police statement,
19 CD0112, page 5090. And in that middle of the page,
20 starting with, well, at the time. Do you see that?

21 A Yes.

22 Q A couple of lines down you're referring to
23 Samantha. You say:

24

25 "... she was working. She was

1 involved with a man who had a good
2 job. He's a truck driver ... or
3 whatnot. And I thought that maybe
4 she wanted to be a mother. And I
5 ... really didn't have any
6 objection to that."

7

8 That was how you felt in April. You're
9 describing the situation in April; you didn't have any
10 objection to Samantha mothering Phoenix.

11 A I've just testified to that now.

12 Q Okay.

13 A That she was with her mom. I didn't have
14 objections. She didn't know Samantha was going to do this.
15 Had I, I would have eliminated Samantha.

16 Q You certainly didn't do anything to challenge
17 Samantha's custody of Phoenix; is that fair?

18 A Absolutely fair.

19 Q And in fact --

20 A Except for Samantha didn't have custody.

21 Q Well, she had physical custody.

22 A She had care and control.

23 Q In fact, your children, in the fall of 2004, or
24 whatever year this occurred in, but in the fall, after
25 Samantha had taken Phoenix from Rohan's house, your

1 children bumped into her on a couple of occasions?

2 A Well, once on a bus, my son on the bus.

3 Q Once on a bus and once at the apartment where
4 they were residing?

5 A Yes. And I did -- I was not made aware of either
6 one of those occasions until after it was disclosed by both
7 my son and my daughter in the same, the same day that the
8 police came to my house on College Avenue, where I lived,
9 to do this interview. And it was told to them. That is
10 when I became aware to -- I, I became aware that she was on
11 Mickey's street: Remember when Dad when into the hospital?
12 That's how I was told by my daughter, in 2006, after the
13 death was discovered.

14 Q Okay. So you didn't know about it in 2004. That
15 means you couldn't have had much of a -- you weren't
16 searching in 2004 or your children certainly would have
17 told you that they bumped into her?

18 A You think like that.

19 THE COURT: Well --

20

21 BY MR. MCKINNON:

22 Q I do think like that --

23 A You --

24 Q -- and I'm suggesting that to you.

25 A Well, suggest it all you want but I'm not

1 responding to that.

2 THE COURT: I don't think she knows what her
3 children might or might not have done, Mr. McKinnon.

4 MR. MCKINNON: Well, I'm asking if the --

5

6 BY MR. MCKINNON:

7 Q If you were searching for Phoenix, would you have
8 discussed that with your children?

9 A No, because I already testified that in, in, in
10 my world children do not get involved with adult business.
11 I wouldn't discuss that with my children. Would you
12 discuss something like that with your children? Would
13 you?

14 Q I'm not --

15 A A child we don't --

16 Q I --

17 A -- know -- you're asking me, why can't I ask you?
18 Would you --

19 THE COURT: Okay.

20 THE WITNESS: Because I'm just like you, sir --

21 THE COURT: We've got the answer from you,
22 Witness. That's okay. We've got the answer.

23

24 BY MR. MCKINNON:

25 Q Yesterday Ms. Walsh asked you to comment on

1 whether you had a meeting with a place of safety worker by
2 the name of Mario Rojas. Do you recall that?

3 A Yes, I recall that.

4 Q And you said it never happened?

5 A I recall doing that, too, yes.

6 Q She referred you to an internal memorandum from
7 Mr. Rojas to Stan Williams; that's at 43572. If we could
8 pull it up.

9 A Yes, I remember that document from yesterday as
10 well.

11 Q And this is an internal e-mail that Mr. Rojas is
12 sending to Mr. Williams. It's what I'm going to describe
13 as an innocuous inter-office memorandum from one worker to
14 another.

15 A I know what inter-office means.

16 Q Yes.

17 A Yes.

18 Q And you know what innocuous means?

19 A What if I said no, would that make me stupid?

20 Q No, I'm just --

21 A Well, I know --

22 Q -- wanting to make sure I'm being fair.

23 A -- what inter-office means and I told you that I
24 remember this document and I can clearly see that it was
25 written from, from Mr. Rojas to Stan Williams and it's a

1 direct letter to Stan Williams from, from Mario.

2 Q And you deny that this happened, this event
3 that's described in the memorandum?

4 A Yes, I do.

5 Q And you said yesterday that they say that they
6 did things that never happened. That was my quote.

7 A That's what I said, yes.

8 Q And you're suggesting that Winnipeg CFS workers
9 fabricate documents?

10 A That is what I'm definitely suggesting because I
11 have seen it done myself, not in regards to this case. I
12 have seen it being thrown out of court in CFS cases but not
13 in this particular case. I can give you the particulars of
14 that particular case and you can look it up in the, in the,
15 in the courts.

16 Q No, I'm not, not interested in that.

17 A I'm just saying that everything --

18 Q I just --

19 A -- I'm saying up here, I can back my words.

20 Q I just want, and I think I have your answer, that
21 you're suggesting that this worker fabricated this
22 documented, fabricated a meeting, wrote a false inter-
23 office memorandum.

24 A Cut and paste. However you want to put it, yes,
25 that is, that is my position. My position is I never met

1 with Mr. Rojas, I never met the man. I -- up until the day
2 that he took the stand and I saw him, I didn't even know
3 what he looked like. I did not sit for an hour and fifteen
4 or forty minutes, whatever he said, with this man because I
5 would remember sitting with someone for an hour and fifteen
6 minutes or an hour and forty minutes, and I would remember
7 a meeting of this magnitude, and I don't.

8 Q Okay.

9 A So yes, I'm saying that this meeting in which he
10 describes to the worker is false. Is the document false?
11 Probably not. Is the facts in the document false?
12 Probably. Well, I'm saying they are false because I never
13 met him. So if he's saying that he met me and I'm saying
14 that he didn't -- we -- I didn't meet him, one of us is
15 lying and it is not me.

16 MR. MCKINNON: Thank you. Mr. Commissioner, I'm
17 about to wrap up, if I could have just a couple minutes to
18 review my notes.

19 THE COURT: Yes. Yes.

20 MR. MCKINNON: I think -- I'm going to suggest
21 you not rise, I'll just --

22 THE COURT: Yes.

23 MR. MCKINNON: -- see if there's anything I've
24 missed.

25 THE COURT: Just take your time.

1 MR. MCKINNON: Just one minute, Mr. Commissioner.

2 Thank you for that brief moment. I have no other
3 questions.

4 THE COURT: Thank you.

5 MR. MCKINNON: Thank you, Ms. Edwards.

6 THE COURT: Thank you, Mr. McKinnon.

7 All right. Mr. Saxberg, are you going to -- now,
8 okay, will you be long? You're entitled to be, but if it's
9 going to be very short, I'll take you; if not, we'll
10 adjourn till this afternoon.

11 MR. SAXBERG: (Inaudible).

12 THE COURT: All right. Is there anybody else
13 besides Mr. Saxberg going to question? Mr. Ray?

14 MR. RAY: At this point, Mr. Commissioner, I
15 don't have questions but I'm just reviewing my notes
16 (inaudible), thank you.

17 THE COURT: You're the same, Mr. Khan, I take it?

18 MR. KHAN: No questions, Mr. Commissioner.

19 THE COURT: All right.

20 MR. KHAN: Thank you.

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

22

23 CROSS-EXAMINATION BY MR. SAXBERG:

24 Q My name's Kris Saxberg and I act for ANCR and
25 three authorities other than the Métis authority.

1 I, I want to begin by calling up document CD770
2 and it's page number 17724.

3 THE COMMISSIONER: 17724?

4 MR. SAXBERG: Yes. It's page number 17724. And
5 if you could scroll down, yes, to the -- I'm, I'm looking
6 at the paragraph that has the heading January 21, 2004.

7 THE COURT: Which document is this?

8 MR. SAXBERG: This is the closing summary on
9 February 13, 2004 written, prepared by Lisa Mirochnick, now
10 Lisa Conlin.

11 THE COURT: Well, I have one closing summary
12 here. What, what date is this?

13 MR. SAXBERG: I'm sorry?

14 THE COURT: What is the date of the closing?

15 MR. SAXBERG: February 13th.

16 THE COURT: February?

17 MR. SAXBERG: 13, 2004.

18 MS. WALSH: Mr. Commissioner, I don't know if
19 this is the same document that Mr. Saxberg is referring to,
20 but you have the hard copy of the February 13, 2004 intake.
21 It starts at page 37350.

22 THE COURT: Oh.

23 MR. SAXBERG: Yes, it's, it's -- it's precisely
24 the same document.

25 MS. WALSH: That's the one that we referred to.

1 MR. SAXBERG: Yeah. It's precisely the same
2 document. It's just that it has its own CD reference in
3 another place.

4 THE COURT: All right. You go ahead.

5

6 BY MR. SAXBERG:

7 Q I -- my questions are going to be about the
8 period between January 2004 and when Samantha picked up
9 Phoenix, okay?

10 A Okay.

11 Q And we'll just, we'll leave out whatever year
12 that is, but during that period --

13 A Well, we can say the year, right. Just because I
14 have a vague recollection that it might have been 2002
15 doesn't mean that the Commission has to not state the year,
16 so we're dealing with the year for the timeframe between
17 January 2004 and April of 2004, it can be said.

18 Q Okay. I just want to make sure we're on the same
19 page. We're --

20 A We're on the same page.

21 Q We're talking about that period where you had
22 moved out of the house. You, you had moved away from 1331
23 Selkirk Avenue, correct?

24 A Yes.

25 Q And during that entire period you were not living

1 at that residence, correct?

2 A No, I wasn't living at the residence. I had my
3 own residence on, on Winnipeg Avenue, yes.

4 Q Well, what I believe your evidence yesterday was
5 that you were couch surfing during that period and that you
6 had five or six moves --

7 A That was the place that I was couch surfing.
8 Like be -- when I left in January, I left and I stayed in,
9 with a friend in a rooming house. I slept on the, there
10 was a bed and a couch. I slept on the couch. Once I left
11 there, I was at Winnipeg Avenue and it was actually a
12 house-sitting situation, an apartment-sitting situation,
13 and that's where I was. So I did, I couch surfed for a
14 month. Stayed on someone's couch for a month until I came
15 to that situation, so I was on Winnipeg Avenue. Yes, I had
16 my own address.

17 Q Okay. So you're saying you couch surfed for a
18 month, that would be January, and then you wound up in the
19 Winnipeg Avenue around February?

20 A Yes. As I said, it was another situation where,
21 hey, I'm going away for a couple months, you want to watch
22 my apartment for me? Don't have to worry about rent.
23 Sure, absolutely. And then almost immediately after that I
24 moved into a -- I moved back to Juneau for a moment, and
25 then I was in, in a, in a permanent residence on College

1 Avenue, it's the College Avenue which Ron talks about in,
2 in, in those welfare documents.

3 Q Okay. So and College Avenue would have been
4 which month during that, that four-month period?

5 A Wouldn't be.

6 Q Okay.

7 A Winnipeg Avenue would be.

8 Q Okay. And that was also during the period that
9 you said you were, I believe one of the terms you used to
10 describe your particular situation at that point was mid-
11 life crisis?

12 A Semi mid-life crisis. I'm not that old.

13 Q But it was a difficult time for you? You had --

14 A Yes. That's, that's, that's a --

15 Q -- you expressed.

16 A -- that's a very accurate way of placing it, yes.
17 It was very difficult.

18 Q And it's fair that, of course, during that period
19 I've been calling him Rohan but you've called him Ron.
20 It's Ron?

21 A It's Ron. It's R-O-H-A-N. It's actually
22 pronounced Rowan (phonetic).

23 Q Okay. I'll go with Ron, then. Ron was the
24 primary care, caregiver for Phoenix at that point in time,
25 correct, between January and April?

1 A I will say it was her primary residence as far as
2 where does Phoenix go to bed but as I said, I, I split the
3 responsibility with him. Phoenix was sometimes on Selkirk
4 Avenue and sometimes I would go down and pick her up and
5 take her from him and spend the entire day with him at --
6 do you understand what I'm saying?

7 THE COURT: Yeah. Witness, the question was
8 whether you agreed that Ron was --

9 THE WITNESS: Was the primary caregiver.

10 THE COURT: -- the prime (inaudible) --

11 THE WITNESS: No, I do not agree that Ron was the
12 primary caregiver because I was pretty much in there, too,
13 despite Ron's recollection.

14

15 BY MR. SAXBERG:

16 Q Notwithstanding that you weren't living within
17 the home -- so I'm just getting your evidence. You're
18 saying that you were the primary caregiver. Who was --

19 A No, I'm not saying I was the primary caregiver
20 either. I'm saying that neither Ron nor I were the primary
21 caregiver. We balance the responsibility evenly is what
22 I'm saying. She might have been at Ron's a little bit more
23 one week and my house a little bit more the next week.
24 That is what I'm saying.

25 Q Okay.

1 A I've always remained that consistent.

2 Q Okay. What, what about with respect to your own
3 children? Now, you had two children at the same time and
4 they were both residing with Ron.

5 A I had three children at the same time.

6 Q Two children that were residing with Ron at that
7 period of time.

8 A In 2004?

9 Q Yes.

10 A Three children. I have no children residing with
11 me on Winnipeg Avenue. My daughter did not move back in
12 with me until after she turned 18 and I lived -- and
13 Phoenix was well gone for a year. That's why I said, where
14 was my 16-year-old in all this.

15 Q Yeah, and I'll, I'll come to that because I do
16 believe her information is she's in Mumford, but -- or
17 McMunn, sorry. But I was asking who the primary caregiver
18 of your children was during that period while you were on
19 the --

20 A I just told you. My daughter, Frankie. If we're
21 going by the years of the record, Frankie was with her dad
22 because she was there.

23 Q Who was the primary caregiver of your children
24 when you were couch surfing during that period of time?

25 A I would say Ron was the primary caregiver.

1 Q Ron was at that point? Yes?

2 A Yes.

3 Q Okay. And then with respect to your daughter --

4 A Just get this done and over with.

5 Q -- Frankie, you had said, you know, the
6 Commission should hear from what Frankie -- hear what
7 Frankie has to say about this. And her -- she did give a
8 statement to the police.

9 A She did --

10 Q And you're aware of that?

11 A -- give a statement to the police.

12 Q And if we could turn to that. It's page 5062.

13 A Um-hum.

14 Q Five -- yeah. And so I'm just showing you the
15 first page. This is a statement. That's your daughter's
16 name, her full name, I guess.

17 A That's not her -- oh, yes, that is her full name.

18 Q And the date appears to be March 16, 2006 that
19 she's giving the statement.

20 A Yes.

21 Q And if we could turn to page 5066. And would you
22 like a second just to quickly read over that, the page?

23 A You want me --

24 Q And we could scroll down perhaps a bit. Yeah,
25 that'd be fine. If you could stop there.

1 Do you see that?

2 A What am I looking for?

3 Q I just wanted you to familiarize yourself with
4 what she's told the police, then I'll put the question to
5 you.

6 A I'll -- okay. I am familiar -- I'm familiarizing
7 myself with this document and, yeah, some of the things
8 that are in here I'm sure she, sure she told the police all
9 of it, and I'm not disputing any of it other than the fact
10 that how my father could break his leg the following year.
11 He broke his leg and my, my daughter went out and stayed
12 with him.

13 Q Okay. And --

14 A Pull my dad's medical record, see when my dad
15 broke his leg and see whether it's 2003 or 2002.

16 Q But we're going to just take the year out of the
17 equation for a second.

18 A (Inaudible).

19 Q And what she's saying is, to the police, is that
20 she was not at the residence, 1331 Selkirk Avenue, when
21 Phoenix was taken by Samantha. That's what she's saying
22 here, correct?

23 A Guess she was living at Grandpa's at that time
24 because it was in April, and when she broke her -- he broke
25 his leg, if it's that year. It was the spring.

1 Q So that's what she's saying and that's the period
2 we're talking about, the period --

3 A Right. What did I just --

4 Q -- between January and April.

5 A Yeah. So --

6 Q So she was in McMunn, then, and she wasn't living
7 at the home during this period we're talking about between
8 January and April.

9 A Sure. Let's just say she wasn't living at the
10 home. What's the point?

11 Q Well ...

12 THE COURT: Would you agree she wasn't living at
13 the home?

14 THE WITNESS: No, I don't agree.

15 THE COURT: Well, then don't agree if you don't
16 agree.

17 THE WITNESS: Well, Your Honour, it's either to
18 agree or just keep having this and then get all that scab
19 picking wound again, and me get angry and you have to take
20 a break.

21 THE COURT: I understand. Do you want a break
22 now?

23 THE WITNESS: No, I can, I can keep going,
24 just ...

25 THE COURT: Okay.

1 THE WITNESS: My daughter was in the courtroom
2 yesterday when I was up here telling everything, shaking
3 her head, yes, that's how it went, because people, some
4 people don't have photographic memories and they can't
5 remember. Some people have really bad memories and all it
6 takes is a little jar. And I'm tired of being up on the
7 stand being attacked and people are telling me, you're not
8 being attacked, you're not being attacked. Well, if I'm
9 saying that these documents, that the information in this
10 documents didn't exist to them in 2003 or 2002 in these
11 documents, and, and I've given them this information after
12 the fact, like this is what I stand on.

13 THE COURT: All right. Next question.

14 MR. SAXBERG: Next question. Thank you.

15

16 BY MR. SAXBERG:

17 Q Mr. Stephenson said that, my understanding of his
18 evidence was that he was working overnight, not nights or
19 not evenings.

20 A Okay.

21 Q And that on occasion, as a result, the children
22 would have to -- or one of them would --

23 A How old were my children?

24 Q -- would have, would have to wait -- he said 11
25 and 13 at the time. That was his evidence.

1 A Well, if my daughter was 16 and I had one child
2 in '86, one child in '89 -- well, the end of '86, well,
3 let's say '87, one child in '89, how do I -- how is it that
4 I had a 16-year-old and an 11-year-old?

5 THE COURT: All right. Now, what's your
6 question?

7

8 BY MR. SAXBERG:

9 Q In fairness, I think he, he also said, or 12 and
10 14. But, but the, the question --

11 A More like 14.

12 Q Okay. The question was, he -- was it your
13 understanding, as well, that during that period he was
14 working overnights?

15 A Um-hum.

16 Q Yes?

17 A Yes, it is.

18 Q Yes. Okay. And so, because you'd been asked
19 previously in the context that he was working evenings. So
20 Phoenix was at home overnight alone with your two sons at
21 that point in time, correct?

22 A At 14 years old I would -- if I had a child
23 today, I have a, I have a 14-year-old stepdaughter. If I
24 had a child that would require overnight care and I had a
25 night job, yes, I would leave overnight. I would put into

1 place such as what Ron, what Ron doesn't mention is I was
2 very close to both of my neighbours on either side.

3 THE COURT: So, so --

4 THE WITNESS: So yeah. Fourteen years old.

5 THE COURT: The answer is yes to the question?

6 THE WITNESS: Yes.

7 THE COURT: Okay.

8

9 BY MR. SAXBERG:

10 Q Okay. And, and Ron, I believe, had agreed with
11 me in his evidence, he said that that, that was a situation
12 that CFS probably wouldn't approve of in terms of agreeing
13 to the private arrangement during that period of time.
14 Would you agree with that?

15 A That situation to private agreement. Yeah, no, I
16 wouldn't agree with that because I'm pretty sure that what
17 would have happened was CFS would have sat down with us, we
18 would have told them the situation and I would have taken
19 her with (inaudible) on Winnipeg or College, or wherever it
20 was that I was couch surfing, and I would have gotten
21 myself established in an apartment with furniture and all
22 the things that Phoenix needed, and she would be placed in
23 my care. That would be my -- I can't tell you what you're
24 looking for, sir.

25 Q If we could then turn back to that page that we

1 started on. It's from CD770. It's the February 13th, 2004
2 transfer summary.

3 THE COURT: What page is it?

4 MR. SAXBERG: And it's page 17724.

5 THE COMMISSIONER: Yeah, I don't think I have it.
6 Anyway, go ahead.

7

8 BY MR. SAXBERG:

9 Q The, the page that you have is from Mr.
10 Sinclair's CD1796 but I don't have the exact page number
11 handy in that.

12 MS. WALSH: 37352.

13 THE COURT: What is it?

14 MS. WALSH: 37352.

15 THE COURT: Let me find -- I'll have that.
16 37350. You want to go to five two.

17 MR. SAXBERG: Yeah. I want to turn to the part
18 of the report, it's on the third page of the report, where
19 there's a note about a January 21st, 2004 --

20 THE COURT: Yes.

21 MR. SAXBERG: -- meeting between --

22 THE COURT: Yes.

23 MR. SAXBERG: -- two social workers and Mr. --
24 and Ron Stephenson.

25

1 BY MR. SAXBERG:

2 Q And Mr. Stephenson's evidence, you'll recall, was
3 he agreed that the recording that we're looking at now is
4 likely accurate in terms of what was discussed. And you
5 have testified that you weren't there so you don't know
6 what was discussed, correct?

7 A Yes, but I do know because I know him and I've
8 known him since I was 15 years old. Ron would not speak
9 for me one -- I react not well when people put words in my
10 mouth let alone speak for me when I'm not even present.

11 Q And Ron said --

12 A I also know that Steve's name isn't Steven, but
13 that's also in your report. They should -- it's social
14 workers. It's the agency, it's the government, and they
15 should have his proper name of Nelson Draper Steve
16 Sinclair. Steve doesn't let anybody call him Steven. So
17 for him to allow a worker to call him Steven just to have a
18 typo wouldn't happen.

19 THE COURT: All right. What's your question?

20

21 BY MR. SAXBERG:

22 Q Yes. And I'm looking at five lines up, where the
23 report indicates:

24

25 "They do not care about the money

1 from CFS in terms of being a
2 [place of safety] again. They are
3 happy to look after her."

4

5 And I'll just stop there. That's true, though,
6 right? You would have been happy --

7 A I would have been --

8 Q -- when you weren't (inaudible) --

9 A -- ecstatic.

10 Q Right. And you would be --

11 A In being -- no, I'm answering your question. I
12 would have been ecstatic, being on welfare, below the
13 poverty line, had somebody said, hey do you need any, do
14 you need extra funding for -- I guess Phoenix didn't need
15 diapers at that time, but do you need extra funding for
16 clothes for Phoenix or toys or electric guitars or
17 something for Phoenix. Nobody offered no money. Would we
18 have said, oh, we don't need the money? Highly doubtful.
19 Did we say that we would do it? We would be glad to take
20 her and the responsibility that comes with a child,
21 financial and/or otherwise, you bet you, sir.

22 Q Okay. So then, so what you're saying is you
23 would have appreciated the money; you don't agree with that
24 statement. But you do agree with the statement that you'd
25 be happy to enter into that private arrangement and look

1 after Phoenix, and that's what he's been -- he's indicating
2 here.

3 A Absolutely.

4 Q Okay. And then the next line says that he, that:

5

6 "Rohan states he doesn't actually
7 live here but [he] stays here
8 sometimes."

9

10 Do you see that line?

11 A I do.

12 Q And you know that line is a lie?

13 A No. That line is true. Do -- did that -- do you
14 not hear? I've been saying, he, he's telling the worker,
15 in 2004, that he doesn't actually live there. I have
16 records that I tried to bring forth to everyone since 2006
17 in regards to where Ron Stephenson was living and who lived
18 in that house, but nobody took it. No, I'm not saying
19 that's incorrect or that he lied in regards to that. I'm
20 telling you that is the truth.

21 Q Maybe we're flying at different altitudes. We're
22 still in that period of January through April when you say
23 you were living --

24 A January '04.

25 Q -- in Winnipeg Avenue.

1 A Right?

2 Q Yeah.

3 A I'm reading it along with you.

4

5 "He would not elaborate. He said
6 [he was] willing to take Phoenix
7 as long as ..."

8

9 No, he said, he said:

10

11 "... they were willing to take
12 Phoenix as long as necessary.
13 They do not care about the money
14 from CFS in [the in] terms of
15 being a POS again. They are happy
16 to look after her. Rohan states
17 [that] he doesn't actually live
18 [there] but [sometimes stays
19 there]."

20

21 Q Right.

22 A That is true. A lie for him? No. That is
23 truth.

24 Q Okay, good.

25 A That's, that's your question, did he lie?

1 Q I, no, I --

2 A No, he didn't.

3 Q I want to be, I want to make sure we're on the
4 same plain here, because you've been --

5 A We are --

6 Q -- testifying --

7 A -- not, sir.

8 Q You've been testifying quite consistently over
9 the last -- all day today that you were not in the home
10 between January and April of that period of time where, at
11 the end of it, Samantha picks up Phoenix.

12 A Oh, just in those last two months? Yeah.

13 Q That you were not there, and that in fact Ron was
14 living there with --

15 A I still have, I still -- the address still
16 belonged to me. That address in McMunn, he was still
17 receiving mail out in McMunn. So it wasn't my home and I
18 didn't really live there that he was, whatever, he had
19 stayed there for two months.

20 Q But --

21 THE COURT: Now, look, it's --

22 THE WITNESS: From December.

23 THE COURT: -- it's --

24 THE WITNESS: Do you want to split hair, sir, is
25 because I can give you a run for you money.

1 THE COURT: It's five past one, and I think in
2 fairness to this witness we should have a lunch break. I
3 don't think it's going to be as short as you thought it
4 was, Mr. Saxberg.

5 THE WITNESS: And I'm, I, I apologize for that --

6 THE COURT: Eh?

7 THE WITNESS: -- Your Honour, my lengthy answers.

8 THE COURT: You -- it's time for lunch, isn't it,
9 or do you want to get this finished?

10 THE WITNESS: I would like to leave but, but --

11 THE COURT: You'd like to leave.

12 THE WITNESS: -- but I know that it's me that's
13 causing the delay.

14 THE COURT: Well, let's, let's, let's adjourn
15 now, then, until, what, 2:30 this afternoon? Does that
16 sound all right to you?

17 THE WITNESS: That -- oh, it's not up to me, Your
18 Honour, it's up to you.

19 THE COURT: No, I know it isn't, but you're the
20 witness.

21 THE WITNESS: I need long enough to get lunch, so
22 I -- the normal lunch hour is fine.

23 THE COURT: All right. Well, we'll adjourn till
24 2:30.

25 MR. SAXBERG: Thank you.

1 THE WITNESS: Thank you, Your Honour.

2 THE COURT: You can leave. I'm going to sort my
3 papers.

4

5 (LUNCHEON RECESS)

6

7 THE COURT: All right.

8 MR. PAUL: Mr. Commissioner ...

9 THE COURT: Yes, Mr. Paul.

10 MR. PAUL: I'm not sure if you can hear me.

11 MR. SAXBERG: Oh, sorry (inaudible).

12 MR. PAUL: Mr. Commissioner, I'm just here simply
13 to inform that unfortunately Mr. McKinnon would like me to
14 inform you that a personal matter has arisen so he can't
15 attend this afternoon, so I'll be attending in his stead.

16 THE COURT: For Mr. McKinnon.

17 MR. PAUL: Yes.

18 THE COURT: Fine.

19 MR. PAUL: Thank you.

20 THE COURT: Yes. All right, Mr. Saxberg.

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

22

23 BY MR. SAXBERG:

24 Q Want to return to the timeframe that we were
25 talking about before and, and make sure that we're, we're

1 on the same page there. So if we can just do it by virtue
2 of events and you've testified very consistently that your
3 final breakup, your final separation from Ron was right
4 around Boxing Day, Christmas, correct?

5 A Yes.

6 Q Is that right?

7 A Yes.

8 Q And that it was the next April that you believe
9 that Samantha came and picked up Phoenix from Ron, correct?

10 A Yes.

11 Q So I'm looking at -- forget the year, but those
12 events.

13 A Okay. Okay.

14 Q And we agreed that during that period of time you
15 weren't living at the home, correct?

16 A No. No, I was not.

17 Q And you've testified that you were living in a
18 rooming house in January of that period, correct?

19 A Yes, I was staying with a, a friend in a room. I
20 wasn't, I was not renting the rooming house but, yes, I was
21 staying at a rooming house with a friend who was renting
22 that rooming house.

23 Q Right. So the friend was renting the rooming
24 house and you were using her couch?

25 A I was using his couch.

1 Q His couch. So if we could turn, then, to
2 page ...

3 THE COURT: Now, I want -- can you give me the
4 same number as --

5 MR. SAXBERG: Yes.

6 THE COURT: -- Commission counsel was using?

7 MR. SAXBERG: I took the, took the time at lunch
8 hour to find that --

9 THE COURT: Good.

10 MR. SAXBERG: -- that number. So it's page
11 37352.

12 THE COURT: Three fifty-six. Three fifty-eight.
13 Yes, I have it.

14

15 BY MR. SAXBERG:

16 Q So we're looking again at that note of the
17 meeting between the two social workers and Ron on January
18 21st, 2004. And when -- in the third line from the bottom
19 of that paragraph it indicates that Ron says:

20

21 "He works in the country."

22

23 That statement wasn't true, correct?

24 A Well, I don't think that Ron made that statement,
25 moreover that someone made an error in hearing him talk

1 because I don't think Ron would say that he worked in the
2 country when there is really no work out there.

3 Q Okay. Well, and in fairness, Mr. Olson had, had
4 read this paragraph to Ron --

5 A To Ron.

6 Q -- and he --

7 A But I don't --

8 Q -- indicated --

9 A -- I don't --

10 Q -- it was accurate.

11 A Yeah. Well, okay, well yeah. Ron lied to them
12 and there's no possibility that someone may have misheard
13 him say he lived in the country and worked in the city,
14 because he worked for Ten Ten Sinclair. There's employment
15 records, and that's in the city. And he has got mailing
16 records, like in, in, in that where his address is McMunn.
17 I can't recall the exact box number in which it was, but
18 there are neighbours that seen Ron out in McMunn.

19 Q And, and the statement, then, that I've taken you
20 to before that says that:

21

22 "[Ron] states he doesn't actually
23 live here but stays here
24 sometimes."

25

1 A Yes.

2 Q That statement was not true, correct?

3 A No. At that time, I guess it was, it was sort of
4 a half truth.

5 Q A half --

6 A If -- well, yeah. A half truth.

7 Q And you were living in the rooming house, you've
8 just confirmed?

9 A In January, yes.

10 Q Yeah. And, well --

11 A No, not at all.

12 Q -- this is January 21st.

13 A I was not living. I was staying there. I did
14 not reside there, sir. What -- I'm, I hear the questions
15 that you're asking me and I understand them, and I'm trying
16 to explain what I mean by I guess a half truth. Can I do
17 that, Your Honour?

18 THE COURT: Yes.

19 THE WITNESS: No, what I mean by a half truth is,
20 as you've already heard me testify to, is that Ron and I
21 spent a lot of time together both in the country and in
22 Winnipeg. He did not live in my home. I have records on
23 that point. He has records on that one. And at this time
24 in January of 2004, when and if this meeting ever occurred,
25 Ron was talking to them, he would maybe possibly, I'm just

1 speculating, tell them that he doesn't reside there,
2 because I was still collecting welfare.

3

4 BY MR. SAXBERG:

5 Q Yeah. Okay. And that's because --

6 A Until May --

7 Q Right.

8 A -- of the same year that we're dealing with, in
9 which a welfare investigation was done on me, these welfare
10 records show Phoenix was living with me, residing with me,
11 a reason why I had to give up one child I was babysitting
12 -- was providing daycare. All the -- it's all there and it
13 was all presented in 2006, to the premier.

14 Q Yeah. Okay.

15 A So maybe that's what -- why it says that he, he
16 -- that's why he said he wasn't living there all the time.

17 Q I see. The reason --

18 A I don't know why Ron said --

19 THE COURT: Well, well --

20 THE WITNESS: -- what he said, sir. I've said
21 this before.

22 THE COURT: You've just agreed, it's speculation
23 that you're dealing with now.

24 THE WITNESS: Yes.

25 THE COURT: Yes. Well, I don't think there's

1 much point in --

2 MR. SAXBERG: And --

3 THE COURT: -- having her speculate further.

4

5 BY MR. SAXBERG:

6 Q As to the reason why he said something that was a
7 half truth. You, your answer was that it had -- might have
8 had something to do with welfare?

9 A No. I'm telling you, it had something to do with
10 welfare. Because you want to know something? I had not
11 collected -- I hadn't done my income tax for a few years,
12 or one year I think it was. And (inaudible) when you don't
13 collect your -- when you don't do your income tax you don't
14 get to collect your, collect your child tax benefit or your
15 GST or anything like that. And in January of '04 or --
16 yeah, in January of '04 a huge back payment from the
17 Government of Canada came to me. Now, this was deducted
18 from my welfare, but it's with that money that I used to
19 move out of the residence permanently at 1331 Selkirk.
20 Does that answer your question as to why he said it was a
21 half truth? Because I was still on welfare, I lived below
22 the poverty line. At the time he had maybe just started
23 working shortly there before because he did not do
24 anything, really. He lived out in the country, he lived
25 off what he lived off of with the chickens and the farm

1 animals in which he killed and, and fed himself with and
2 the vegetables in which he grew on the garden.

3 THE COURT: Okay. I --

4 THE WITNESS: He wasn't the upstanding one. I
5 may have been on welfare but I was the toiler, sir.

6 THE COURT: Next question, Mr. Saxberg.

7

8 BY MR. SAXBERG:

9 Q Okay. Would you agree with me that the rooming
10 house of your friend at which you were staying, that
11 wouldn't have been a good place for Phoenix at that time?

12 A I actually -- it wasn't a bad rooming house. It
13 was just a bunch of people who couldn't afford an
14 apartment, living in a rooming house because a room only
15 cost \$200. And for the record, I brought Phoenix to the
16 rooming house on several occasion. He himself brought his
17 daughter and stayed with his daughter on occasions he
18 visited in that rooming house. No, so I would not agree
19 that it wasn't a safe place to bring Phoenix.

20 Q You'd agree that it was no substitute for what
21 you -- how you had described your home before, which --

22 A I wouldn't (inaudible) --

23 Q -- with your children and your family and your --

24 A Yeah.

25 Q -- all your kids there, that it wasn't, wouldn't

1 have been the same for Phoenix in terms of the loving home
2 that you described.

3 A It wasn't the same for me either, as long as the
4 love is there and the nurturing is there, and where doesn't
5 matter as long as there's not, for instance, crack cocaine
6 pipes being smoked in front of her. Doesn't matter whether
7 it's a room or not. And to be honest with you, yes, it
8 does, because there are a lot of single mothers, Your
9 Honour, that don't have their children because all they can
10 afford is a rooming house. And the system's mandated to
11 help them provide so that you give back their children and
12 be reunified. But that never happens. I have 13 cases,
13 Your Honour -- I know this is not the point -- but in all
14 13 cases nobody has been reunified except for one case
15 where criminal activity of the agency's foster mother.

16 THE COURT: All right. Now --

17 MR. SAXBERG: Now --

18 THE WITNESS: Next question.

19

20 BY MR. SAXBERG:

21 Q I'm going to move on to the next question.

22 Now, in this document that we're looking at on
23 January 21st, 2004, in this description of what Ron is
24 telling CFS, he's not telling CFS that Phoenix would be
25 visiting or staying with you at another residence, in a

1 rooming house; he was not telling that to CFS, was he?

2 A Was CFS asking him? I don't know. I cannot
3 speculate on what he did. I don't understand.

4 Q Well, and you'd agree with me that if CFS was
5 aware of the reality of the facts at the time, they
6 wouldn't have give, given their blessing to the private
7 arrangement --

8 A They didn't -- weren't involved. How can they
9 give their blessing to anything? I'm telling you, I, I,
10 I'm very questionable whether this interview even happened,
11 whether Ron got up on the stand and said it happened or
12 not, because the only person, or the only people that got
13 to him to recall his memory are the people with the cold
14 hard CFS facts in which he says there are, are incompetent.
15 So I won't, I don't -- I challenge the integrity of this
16 document.

17 THE COURT: Mr., Mr. Saxberg --

18 THE WITNESS: Can you move -- (inaudible), Your
19 Honour.

20 THE COURT: There's no point in posing questions
21 that are mere -- dealing with matters that are mere
22 speculation. This person, this witness doesn't even
23 acknowledge that that meeting ever took place. So I think
24 you should move on to some substance.

25 MR. SAXBERG: Could we turn up page 37449.

1 THE COURT: Oh, that's -- it's that letter.
2 Okay, go ahead. I'm familiar with that.

3

4 BY MR. SAXBERG:

5 Q I just want to make sure that I understand your
6 evidence that this document here is a document that Mr.,
7 that Ron Stephenson said that was familiar to him, appeared
8 familiar to him. And it speaks of a private arrangement
9 wherein Phoenix is going to be placed at 1331 Selkirk. And
10 my question to you is I just want to --

11 THE COURT: Just a minute. Mr. Gindin has
12 something to say.

13 MR. GINDIN: Mr. Commissioner, this question has
14 been asked about as many times as it can be asked. She
15 says she never got that letter.

16 MR. SAXBERG: I'm not asking about whether she
17 got the letter.

18 MR. GINDIN: The contents of the letter have been
19 explored by previous counsel.

20 MR. SAXBERG: Not asking about the content of the
21 letter.

22 THE COURT: I, I agree with you --

23 MR. SAXBERG: That's not the question.

24 THE COURT: -- Mr. Gindin, but I will hear what
25 Mr. Saxberg's question is.

1 BY MR. SAXBERG:

2 Q I just wanted to make sure that I understood the
3 evidence that you were never aware, at the time, until
4 these proceedings, that there was even a private
5 arrangement; is that what you're saying?

6 A No. I was very well aware of a private
7 arrangement made privately between me and Ron and Steve and
8 me giving the Manitoba government, before this letter was
9 even produced to me I had to fight for six weeks and
10 telling them about the EIA records that I just spoke about,
11 I won't go into that, stating that we had private
12 arrangement to look after Steve -- Phoenix, and that Steve
13 put her in our home and not CFS.

14 Q Okay.

15 A That is what I'm saying.

16 Q Okay.

17 A I never received this document before -- I never
18 seen this document, I never heard about this document. I
19 was never made aware of this document until 2006 when Andy
20 Koster took me into a room, threw the paper at me so
21 disrespectfully and said, this is why CFS left --

22 THE COURT: All right. Mr. --

23 THE WITNESS: (Inaudible) lost her.

24 THE COURT: Mr. Gindin is quite correct that
25 that, we've heard all that before a number of times. Are

1 you -- have you got some --

2 MR. SAXBERG: Well, the question wasn't -- she's,
3 with respect, I think that she's equating the private
4 arrangement being the arrangement that we've heard of all
5 the way from 2000 throughout where privately she's looking
6 after Phoenix. I was referring to the private arrangement
7 in more specific terms, the actual arrangement between CFS
8 through --

9 THE COURT: Well, she --

10 THE WITNESS: Sir --

11 MR. SAXBERG: -- that November 21st meeting.

12 THE COURT: -- says, she says she knows nothing
13 about it.

14 MR. SAXBERG: Okay. If that's --

15 THE WITNESS: No, sir, I'm -- that's not what I'm
16 saying.

17 MR. SAXBERG: That's --

18 THE WITNESS: I'm saying that there was no
19 private arrangement made with CFS on behalf of me, on
20 behalf of Ron, on behalf of anyone. There was -- the
21 arrangement in which he was talking about was disclosure
22 information in which I gave (inaudible) after the fact.
23 Nobody knew Phoenix was in my home until 2002. I'm saying
24 2002 going by my recollection because I thought we were
25 going on what a witness recalls. Now, your, your records

1 that are in front of you, Mr. Commissioner --

2 THE COURT: Pardon?

3 THE WITNESS: -- they -- the records that are in
4 front of you, Mr. Commissioner, they say 2003, so we'll go
5 with 2003 because I may be wrong. And I'm saying that CFS
6 didn't know about Phoenix being with me until the second
7 apprehension.

8 THE COURT: Well, Mr., Mr. Saxberg's questions
9 revolve around --

10 THE WITNESS: This matter.

11 THE COURT: -- the, the content of this letter
12 that was sent in February 2004 and an arrangement that
13 allegedly was put in place on or around about that time.

14 THE WITNESS: Exactly. Allegedly. And I'm
15 saying that, that the -- they asked me about the accuracy
16 of this letter, what would be --

17 THE COURT: And the first time you saw that was
18 at the time of your interview with Koster?

19 THE WITNESS: Yes. And at that time I stated all
20 this, the things that I'm stating today here.

21 MR. SAXBERG: Those are all my questions. Thank
22 you.

23 THE COURT: Thank you, Mr. Saxberg.

24 All right. I think from having canvassed the
25 group this morning, Mr. Gindin, there's nobody else

1 stepping forward.

2 MR. GINDIN: I have nothing further, Mr.
3 Commissioner.

4 THE COURT: Thank you, Mr. Gindin.

5 MS. WALSH: Neither do I, Mr. Commissioner.

6 THE COURT: All right. Witness, you are
7 completed your examination. I thank you very much for the
8 time you've given to us.

9 THE WITNESS: And thank you very much for
10 allowing us to testify.

11 THE COURT: You can leave your chair.

12

13 (WITNESS EXCUSED)

14

15 THE COURT: So with that, we're adjourning till
16 9:30 Monday morning?

17 MS. WALSH: We are.

18 THE COURT: And does it look as though we'll have
19 a full four days?

20 MS. WALSH: I think so. There's still some
21 uncertainty about the exact schedule.

22 THE COURT: Have we got Ms. Verrier back to
23 complete --

24 MS. WALSH: I'm not aware of her having confirmed
25 anything yet, so that's part of the uncertainty, whether

1 she will be free.

2 THE COURT: You're in negotiations about that,
3 are you?

4 MS. WALSH: Correct.

5 THE COURT: It would be nice if we could get that
6 dealt with next week.

7 All right. We'll stand adjourned, then, until
8 9:30 on Monday morning.

9 MS. WALSH: Thank you.

10 THE COURT: Thank you.

11

12 (PROCEEDINGS ADJOURNED TO DECEMBER 17, 2012)